

Instructions for the Completion of the City University Residency Form

The procedures described herein must be followed when completing the City University Residency Form. Required forms of proof and other relevant documentation must accompany this form in order that an accurate residency determination may be rendered. The “intent to remain a resident” portion of the form must be completed prior to a residency determination. Under no circumstances will this form be considered unless all applicable questions have been answered.

Qualifying For the Senior College Resident Tuition Rate.

In general, to qualify for the resident tuition rate at a senior college based on residence in the state of New York, a student must:

- Be a U.S. citizen, permanent resident or in a qualifying immigration status (see section below regarding qualifying immigration statuses); AND
- Have continuously maintained his/her principal place of abode in the State of New York for a period of at least twelve (12) consecutive months immediately preceding the first day of classes; AND
- Have a bona fide intention of living in New York permanently.

Rules Relating to Establishing Residence in New York

- Generally, a dependent student’s state of residency is considered the same as that of his or her custodial parent(s) or legal guardians.
- The legal residence of a dependent student whose parents are divorced, separated, or otherwise living apart will be considered New York State if the student resides for 12 months with the parent who is a New York State resident.
- To be considered a New York State resident, a student whose parent(s) or legal guardian(s) reside out-of-state must present evidence that he or she meets CUNY’s residency requirements set forth in above, AND EITHER

(a) that he/she is financially independent from his/her parents. Factors taken into account in determining financial independence include, but are not limited to: whether the student is taken as a dependent on parents' federal and state income tax returns; whether the student is employed and the amount the student earned relative to expenses; the extent of financial support received by the student from parents or guardians; and other sources of student income OR

(b) that he/she, despite being dependent on out-of-state parents(s) or legal guardian(s), has changed his/her domicile, i.e. the place that he/she has a bona fide intention of living permanently, to New York State. Such a showing must be made by clear and convincing evidence. Students who claim that New York is their domicile are expected to have a New York State driver’s license or New York State issued identification card dated a minimum of twelve (12) months prior to the start of the semester. In addition, a student is expected to submit documentary evidence indicating he/she has changed his/her domicile to New York, such as the following:

1. evidence that the student has filed a New York State resident income tax return for the previous calendar year;
2. evidence that the student resided in the State of New York for a significant period of time for other-than-educational purposes prior to attending CUNY;

3. evidence that the student resides in property owned by the student or his/her parent(s) or legal guardian(s) in the State of New York;
4. evidence showing that the student uses his/her New York address as his/her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases and similar kinds of documents.

Students aged 24 and older are considered independent and are not deemed to have the same state of residency as their parent(s)

Students under the Age of 18

If the student has a legal guardian other than his/her parents, or his/her parents are separated or divorced, a copy of the legal guardianship papers or court order indicating legal custodianship must be submitted.

Required Documentation which must accompany the Residency Form

The student must submit two items “a” through “n” (Note: All items must document proof of residency for the 12 month period immediately preceding the first day of classes. Documents in the same category covering the first and last months of the previous twelve month period are acceptable provided that they show the student living at the same address.)

Items “a” through “n” are as follows:

- a) Lease, deed or rent registration form (used for rent stabilized apartments) signed by the landlord, which is either a public or private agency, and the student or parent of the student with the same surname.
- b) Letter showing eligibility or disbursement of Social Security or New York City Public Assistance with the student’s New York address covering the 12-month period immediately preceding the first day of classes and including the student’s name.
- c) Copies of the most recent complete Federal and New York State tax returns and the corresponding W-2 form. Responses to Federal form 4506 and New York State form 4506 requesting federal and state tax information is acceptable if the Federal and State governments acknowledge that the party in question has in fact filed a tax return from the address noted.
- d) A valid New York State driver’s license or a “non-driver license” issued by the New York State Department of Motor Vehicles showing the date of issuance one year prior to the first day of classes.
- e) IDNYC New York City municipal identification card, showing the date of issuance at least one year prior to the first day of classes.
- f) Homeowner’s or renter’s insurance policy with the student’s name listed as insured.
- g) Automobile registration with the student’s name listed.
- h) Automobile insurance certificate with the student’s name listed as insured.
- i) Voter registration certificate or card with the student’s name.
- j) Bills for telephone, utility, cable TV or other home services, in the student’s name, or other evidence of telephone, utility, cable TV or other home services provided to the student covering a period of 12 months.
- k) Monthly bank or credit card statements, with the student’s name, covering a period of 12 months (dollar amounts may be blocked out).
- l) Attendance as a juror in New York State with the student’s name.
- m) Housing lease signed by the landlord (who is an individual and is not a public or private agency) and the student. If the student’s name does not appear on the lease, the “Alternate Lease Statement” may be substituted. The “Alternate Lease Statement” must be completed and notarized by both the person whose name appears on the lease/contract and the student. The person whose name appears on the lease/contract must also submit proof (i.e., lease, telephone, utility or similar type bills) of residency at his/her current address for the previous 12 months.
- n) Postmarked mail addressed to a student at a New York address at least 12 months immediately preceding the first day of classes (a P.O. Box is not acceptable).

In addition to the items indicated above, the college may at its discretion consider additional documentation from a student if it believes that an accurate residency determination may be rendered through the additional documentation.

Qualifying Immigration Statuses

To be accorded resident status, a student who is not a U.S. citizen must present valid evidence, issued by the U.S. Department of Homeland Security - U.S. Citizenship and Immigration Services ("USCIS"), indicating that he/she is in a qualifying immigration status. Undocumented and out-of-status immigrants, while not eligible to be considered "residents", may nevertheless be entitled to pay the resident tuition rate if they attended and graduated from high school or received a GED or TASC in New York State. See section below.

Eligible Immigration Statuses

1. Lawful Permanent Residents (Resident Aliens)
2. Students admitted as refugees, or granted asylum or granted Withholding of Deportation or Removal
3. Students with Adjustment of Status Applications Pending
4. Students who have applied for or have been granted Temporary Protected Status (TPS)
5. Students granted Deferred Enforced Departure (DED) status or Deferred Action or Deferred Action for Childhood Arrivals (DACA)
6. Students Who Are "Late Amnesty" Applicants
7. Students Who Are NACARA Applicants
8. Students Who Are Cuban Parolees
9. Students Who Are Other Types of Parolees
10. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization

Eligible Non-Immigrant Statuses

- A Ambassadors, diplomats and certain other foreign officials and their families.
- E Treaty trader/Treaty investor, spouse, and children.
- G Certain government or international organization officials and their families.
- H-1B Temporary worker in specialty occupation.
- H-1C Temporary worker performing professional nursing services.
- H-4 Spouse or children of alien classified as H-1B or H-1C.
- I Representatives of foreign information media and their spouse and children.
- K Fiancé(e) or Spouse of a U.S. citizen and dependent children.
- L Intra-company transferee (such as managers who have worked abroad for a branch of a U.S. firm) and their spouse and children.
- N Parents and children of an alien granted permanent residency as a special immigrant.
- O Persons with extraordinary abilities
- R Religious workers and their spouse and children.
- S Crime witnesses and their spouse and children.
- T Victims of alien trafficking.
- U Crime Victims.
- V Spouse and children of a permanent resident who have a relative petition or an adjustment of status application pending for more than 3 years.

Ineligible Immigration Statuses

The following visa categories of non-immigrant aliens do not qualify for the resident rate of tuition.

- B Temporary visitors for business or pleasure
- C Visitors in transit
- D Crewmen
- F Academic students
- H-2 Temporary workers performing special services
- H-3 Trainees
- H-4 Families of H-2 and H-3 visa holders (Note: H-4 family of an H-1B or H-1C are eligible)
- J Exchange visitor (student, scholar, professor)
- M Vocational students
- P Athletes, group entertainers, reciprocal exchange programs

- Q Participant in international cultural exchange programs
- TN Temporary workers under NAFTA Trade Agreement

Qualifying for the Resident Tuition Rate Based on Having Attended and Graduated from a New York High School or Having Received a GED (or TASC) in the State of New York, including Undocumented and Out-of-State Students

Pursuant to Section 6206(7)(a) of the New York State Education Law, students who are not residents of New York, other than those in lawful non-immigration statuses, qualify for the resident tuition rate if one of the following conditions are met:

- The student has attended an approved New York high school for two or more years, graduated, and applied to attend CUNY within five years of receiving the New York State diploma.
- The student has attended an approved New York State Program for General Equivalency Diploma (GED) exam preparation, received the GED issued within New York State, and applied to attend CUNY within five years of receiving the New York State GED.
- The student was enrolled in CUNY in the Fall 2001 semester or quarter and was authorized by CUNY to pay tuition at the resident rate. Thus, a student who attended CUNY in the Fall 2001 semester and paid the resident rate does not have to satisfy either condition 1 or 2 above.

To reiterate, a student meeting one of the three conditions set forth above does not need to prove residence in New York State. The student can be a resident of another state, such as Connecticut or New Jersey, or can be an undocumented or out-of-status student. However, students who meet one of these criteria but do not have lawful immigration status must file an affidavit (i.e. notarized) with CUNY stating that they have filed an application to legalize their immigration status or will file such an application as soon as they are eligible to do so.

Any student who is eligible for resident tuition because he/she satisfies one of the three conditions above will remain eligible for that rate even if the student leaves and returns more than five years later or receives a degree and is returning for a second degree.

Any student who has been admitted to and is attending CUNY, who subsequently receives his GED (or TASC), does not qualify for the resident rate under the conditions stated above. CUNY does not recognize a New York State GED (or TASC) from any student who has already received a high school diploma or its equivalent from elsewhere.

Other Categories of Students who Qualify for the Resident Tuition Rate

Veterans and their Dependents

Individuals who are eligible for educational assistance under federal GI bills will be charged the in-state rate at the CUNY colleges. This includes individuals who served in active military, naval or air service and members of the National Guard and reservists who meet the requirements for benefits under federal GI bills. A veteran who meets the above eligibility criteria is entitled to the in-state or in-city rate even if he or she is not actually receiving benefits under a federal GI bill. In order to prove veteran status, a student must provide U.S. Department of Defense Form DD214 or a Certificate of Eligibility from the U.S. Department of Defense or the Veterans Administration.

In certain cases, spouses and dependents of veterans or other uniformed service members are also entitled to educational assistance under federal GI bills. Effective Spring, 2015, spouses and dependents who are eligible for educational assistance under federal GI bills are also entitled to the in-state or in-city rate. Generally, these are the spouses or dependents of service members who died or were disabled by their service, or to whom the veteran has transferred his/her veteran's educational benefits. Note that a student who was the spouse or dependent child of a service member at the time the educational assistance was transferred would be entitled to the resident rate, even if he/she is not currently a spouse or dependent child (for example in the case of a divorce.)

Members of the armed forces of the United States on a full-time active duty station in the State of New York, and their spouses and dependent children, who enroll at a CUNY college, shall be charged the in-state tuition rate. Such students shall continue to be charged the in-state rate at CUNY even if they are subsequently discharged from military service.

United Nations Personnel

Foreign nationals employed by the United Nations, wishing to take advantage of the University's resident tuition rates, must present verification of their status as: 1) employee of the United Nations, 2) the spouse, or 3) a dependent of a United Nation employee.

Exchange Students

The University's resident tuition rate may be applicable to a student of another college or university outside of New York State, which, in exchange, grants its resident tuition rate to the CUNY student. Evidence of satisfactory educational qualifications must be presented and the approval of the CUNY College's president or designee is required.

Children of Certain CUNY and New York City Employees

The CUNY Board of Trustees passed a resolution stating that "a child of a member of the permanent staff of the Board, or a child of a deceased or retired member of such staff who had served for more than five years on an annual salary, or a child of an employee of New York City or of a City agency who is required to live outside New York City in the performance of his/her official duties shall be charged resident rates".

The definition of who is considered permanent staff of the Board is set forth in Section 6.2 of the Bylaws of the CUNY Board of Trustees. The staff consists of persons who have been granted tenure in tenure-eligible titles, including but not limited to professors, associate professors, and assistant professors (including those in medical and law professor titles), college laboratory technician titles; and teachers and other tenure-bearing titles at the Hunter College Campus Schools.

Intent to Continue Residing In the State and City of New York

Assessing one's intent to permanently reside in New York is a difficult task. In each case, the totality of circumstances will be reviewed. It must be stressed that the burden of proof as to a change of domicile rests with the student asserting it. Where the evidence is equal on both sides of the issue, the determination of domicile should be made in favor of the prior domicile, inasmuch as there is a presumption that an established (prior) domicile continues.

Appeal Process

Time Frame for College Review

The colleges should make every effort to complete all residency determinations by the first day of classes. If a student has submitted the required documentation, and a decision has not been made by the college by the first day of classes, the college should defer the difference between in-state and out-of-state tuition until the determination is made. If resident tuition is denied, and the student subsequently files an appeal under the procedures described further below, the student is responsible for paying out-of-state tuition while the appeal is pending.

The colleges will not review any residency determination unless the request for the review is made in writing and all required documentation is submitted on or before the last day of finals in the semester for which resident tuition is being sought. **The colleges will not make residency determinations retroactively and will not issue refunds to students even in cases where they would have qualified for the resident rate if they had submitted timely documentation.** The colleges should inform students of their determinations in writing.

Appeal Process

Any student who receives a negative residency determination must, at the same time, receive a copy of the University's appeal procedures. If the student believes that he/she meets the requirements for resident tuition, he/she may appeal by notifying the Office of Undergraduate Admissions within ten days of notification that he/she has been determined to be a non-resident. At that time, the student may submit a statement to the Office of Undergraduate Admissions indicating why he/she disagrees with the college's decision.

Upon the submission of an appeal, the student will be provided with a copy, stamped "received" and the date, or some other dated proof of the college's receipt of the appeal. The Office of Undergraduate Admissions will submit the City University Residency Form, copies of all documentation provided by the student and any statement made by the student, along with the college's determination, to the University's Office of the Vice Chancellor for Legal Affairs and the General Counsel, which will make a final determination regarding the student's residency status.