



Office of Admissions and Records  
21250 Stevens Creek Boulevard, CA 95014

### **RESIDENCE DETERMINATION AND APPEAL PROCEDURE -**

The following information is provided to advise students of the steps, which must be taken to establish and maintain California residency. This information is taken directly from T5 CCR 54000-54045.

**RESIDENCE:** That location with which a person is considered to have the most settled and permanent connection; it is also that place where that person intends to remain, and during absences intends to return. Residence results from the union of physical presence with objective evidence that the intent is to remain at that place for an indefinite period of time.

**BURDEN OF PROOF:** The burden of proof lies with the **STUDENT** to demonstrate clearly both physical presence in California and intent to establish a California residence.

1. **Physical Presence:** A person capable of establishing residence in California must be physically present in California for one year and one day prior to the residence determination date (1<sup>st</sup> day of the term) to be classified as a resident for that term.
2. **Intent:** The law and regulations require both physical presence and the intent of the student to make a home in California. Physical presence in the state solely for educational purposes does not constitute the establishment of California for residence regardless of the length of presence.

**This is a list of objective manifestations of Intent to establish California residence. No one factor is controlling.**

- a. Payment of California state income tax as a resident.\*\*
- b. Ownership of residential property or continuous occupancy of rented property in California.
- c. Registering to vote in California.\*
- d. Voting in California.\*
- e. Licensing from California for professional practice.\*
- f. Active membership in service or social clubs.\*
- g. Presence of spouse, children or other close relatives in California\*
- h. Possessing a California driver's license.\*
- i. Possessing California motor vehicle plates.\*
- j. Maintaining a permanent military address of home of record as California.\*
- k. Establishing and maintaining active California bank accounts.\*
- l. Being the petitioner for a divorce in California.\*

m. Continuous presence in California except for absences which can be explained without conflicting with establishment of residence.\* (\*\*main factors/  
\*supporting factors)

3. **Financial Independence:** A student who is classified as a non-resident, has established financial independence, may be classified as a resident if the student has met the requirements of CCR 54020 for one year prior to the residence determination date. In order to change from non-resident to resident, a student's circumstances, the following affidavit forms are available.
  - a. Student out of state/Parents/ legal guardian out of state
  - b. Student out of state/Parents/ legal guardian in California
  - c. Student out of state/Over 25 and/ or married
  - d. Non citizen student/Change of visa/time in California
  
4. **Military and Dependents:** Students who are active duty members of the Armed Forces of the United States are classified as residents while stationed in California. Military dependents are entitled to resident classification until they have resided in California the minimum time to become a resident (one year & one day). After the minimum time period, the student must show that their intent to become a resident is clearly established.
  
5. **Residence Determination:** The college shall notify each student of his/her residence classification not later than 14 days after the beginning of the term, or 14 days after the student's application for admission, whichever is later.
  
6. **Non-Citizens:** Aliens precluded by the Immigration and Nationality Act from establishing residence, no matter the length of stay in California, are those with B,C,D,F,H2,H3,J,M,O2,P,Q, TC, TN, and WT visas. Undocumented aliens and out of status aliens may not establish residence.

Aliens eligible to establish residence include those with A,E,G,H1,H4,I,K,L1,L2,O1,O3, and R visas. Permanent residents (green card), those granted amnesty or refugee status, those in temporary protected status, and those in the family unity program may be permitted to establish residence. Check at the Admissions Office for requirements.

B1, B2, and W-T students may attend De Anza College as long as their visa and I94 are valid the entire length for the term of attendance. Enrollment is limited to a maximum of two (2) classes, not to exceed a total of 10 units, and the courses do not lead to a program of study.

If you have any questions concerning your residence status please contact an admissions office supervisor. If you are unsure of your status or feel that you have been misclassified as a non-resident, you may bring your passport, visa and/or related paperwork to Admissions for review.