

RESIDENCE

Each applicant must complete the Residence Questionnaire part of the application for admission before his eligibility for admission can be determined. Students in continuous attendance during successive semesters are required to file residence questionnaires only if their residency status changes. A student who breaks his attendance by not registering for a regular semester must apply for readmission to the university by completing all application materials.

Summer session and extension students are not required to file statements of residence.

DETERMINATION OF RESIDENCE

The following statement of the rules regarding residency determination for nonresident tuition purposes is not a complete discussion of the law, but a summary of the principal rules and their exceptions. The statutes governing residence determination for tuition purposes are found in *Education Code* Sections 22800–23754.4, 23758.2, 23762, and in *Title 5* of the *California Administrative Code*, Article 4 (commencing with Section 41901) of Subchapter 5 of Chapter 1, Part V. As this is written, those regulations are in the process of amendment to implement the uniform residence determination law enacted in Statutes 1972, Chapter 1100 (AB 666), so they are not reproduced here. A copy of the revised regulations is available for inspection upon request to the Office of Admissions and Records. The determination of whether a student qualifies as a “resident” for admission and tuition purposes is made by the university or college after review of a Residence Questionnaire completed by each student upon entering the university or college. The residence questionnaire is designed to provide to the university or college information necessary for residency determination, including the applicability of any exceptions.

The general rule is that a student must have been a California resident for at least one year immediately preceding the residence determination date in order to qualify as a “resident student” for admission and tuition purposes. A residence determination date is set for each academic term and is the date from which residence is determined for that term.

Whether a student has acquired California residence usually depends on whether he has attained majority; i.e., has become an adult. Majority is attained at 18 years of age. If the student is a minor, residence is derived from (and therefore is the same as) that of his or her father. If the father is not living, the student's residence is that of the mother while she remains unmarried. A minor cannot change his residence by either his own act or that of his guardian so long as the minor's parents are living.

Upon attaining majority, the student may acquire a residence apart from his parents. The acquisition of California residence by an adult requires both physical presence in the state and, at the same time, an intent to remain in California indefinitely, an intent to regard California as one's permanent home. Although physical presence is easily proven, subject intent is more difficult, requiring the student to present evidence of various objective manifestations of such intent.

A woman may establish her own residence even though she be married. An alien is not eligible to acquire residence until admitted into the United States for permanent residence under an immigrant visa.

There are several exceptions from nonresident tuition. These rules are limited in scope, and are quite detailed. If it appears that any of them may be applicable, the student may wish to discuss the matter with the residence clerk of the campus.

Exceptions are provided for:

1. Minors whose parents were residents of California but who have left the state. When the minor reaches age 18, the exception continues for the year to enable the minor to qualify as a resident student.
2. Minors who have been present in California for more than a year before the residence determination date, and entirely self-supporting for that period are treated as adults for purposes of determining residence.
3. Dependent children and spouses of persons in active military service stationed in California on the residence determination date. This exception applies only for the minimum time required for the student to obtain California residence and maintain that residence for a year. The exception is not affected by transfer of the military person directly to a post outside the 50 states and District of Columbia.
4. Military personnel in active service stationed in California on the residence