

**NEW YORK STATE RESIDENCE REQUIREMENTS
AND IN-STATE TUITION UNDER NYS EDUCATION LAW**
Summer 2013 and Fall 2013

NOTE: This memo provides general guidance regarding qualifying for In-State tuition at CUNY School of Law. Its contents is based on and controlled by the “Residency” section of The City University of New York Tuition and Fee Manual. Please review *The City University of New York Residency Requirements and guidelines* in the Section II “Residency” portion of the Tuition and Fee Manual in addition to the material below. It is available at <http://portal.cuny.edu/cms/id/cuny/documents/informationpage/residency.pdf>

To initially qualify for New York State Resident Rate tuition, or to change from Non-Resident Rate Tuition to Resident Rate tuition, please complete the attached CUNY Residency Forms, and submit to the Registrar’s Office, Room 4/109 **NO LATER THAN** Friday June 7, 2013 for the Summer 2013 Semester, or Friday August 16, 2013 for the Fall 2013 semester, together with documentation described below. Please see page 4 of this memo for information on NY State Education Law provisions qualifying certain non-residents for resident rate tuition.

Qualifying for in-state tuition

To qualify for the senior college resident tuition rate a student must be a U.S. citizen, permanent resident or in a qualifying immigration status and must have continuously maintained his/her principal place of abode in the State of New York for a period of at least twelve consecutive months immediately preceding the first day of classes. (*See page 4 for eligible immigration status types.*) As set forth on page 5 of the Tuition and Fee Manual, a student must in addition show that he or she has established New York as his/her domicile, which means that the student has a bona fide intention of living in New York permanently.

A student may also qualify for a resident rate of tuition if she/he qualifies pursuant to New York State Education Law Section 6206(7)(a)(i),(ii) or (iii). (*See explanation below.*)

In accordance with CUNY guidelines, the following documents are required in order to prove or establish New York State residency. **All items must document proof of residency* for the 12 month period immediately preceding the first day of classes.** Documents 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. **Additional documents may be requested by the Office of the Registrar.**

***Students under the age of 24:** If you are under the age of 24, please **submit your parent’s most recent complete Federal and New York State tax returns.** Students under the age of 24 are generally considered dependent upon their custodial parent(s) or

legal guardian(s) and proof of residency is determined (in most cases) by their residency status.

A student claiming independence from his/her parent(s) or legal guardian(s) residing out-of-state must present evidence of both financial independence and a legal residence in New York State in order to be designated a New York State resident for tuition purposes. Proof of financial independency must be documented. Factors taken into account in determining financial independence include, but are not limited to: Whether the student is taken as a dependent on parents' or guardians' 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.

Required Documentation Which Must Accompany the CUNY Residency Form (Part C)

*Please submit **one** of the following items "a" through "d" or **two** from items "e" through "q":*

- 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) Budget/benefit letter from 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) Benefits letter from Social Security 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.
- d) Copies of the most recent complete Federal or New York State tax returns with the preprinted address label and the corresponding W-2 form.
- e) Copies of the most recent complete Federal or New York State tax returns without the preprinted address label 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.
- f) A valid New York State driver's license showing the date of issuance one year prior to the first day of classes.
- g) Homeowner's or renter's insurance policy.
- h) Automobile registration.

- i) Automobile insurance certificate.
- j) New York State “non-driver license” which is issued to non-drivers (for identification purposes) by the Department of Motor Vehicles or other official City, State or Federal agencies.
- k) Voter registration certificate or card.
- l) Telephone or utility bills or payments for services such as cable TV covering a period of up to 12 months.
- m) Monthly bank or credit card statements covering a period of 12 months (dollar amounts may be blocked out).
- n) Armed forces identification card DD Form 2A (green).
- o) Attendance as a juror in New York State.
- p) Apartment 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” (*see attached*) 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.
- q) Postmarked mail addressed to a student at a New York address more than 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 additional documentation. Please note that if you have filed documents with the university which designated an out-of-state address as a “permanent” address, or if you have filed resident income tax returns for the 12 month period prior to the first day of classes in a state other than New York, those documents will be considered in the university’s determination of residency.

Considerations for Demonstrating Residence and Domicile

For students planning to establish domicile in New York State, please keep in mind that registering to vote in New York, having a New York State Driver’s License or New York State “non-driver license”, and filing a New York State Resident Income Tax Return (items e, f, j and k above) are persuasive factors in the university’s residency determination.

Qualifying Immigration Statuses

You qualify for in-state tuition if you have resided in New York State for at least one year **AND** one of the following:

1. You are a U.S. citizen, permanent resident, or have a permanent resident application pending. (Note: You must have filed a Form I-485. Having a Pending or approved I-130 or I-140 petition is not sufficient; or
2. You have asylum, withholding or removal, or refugee status; you have temporary protected status (TPS); the USCIS granted you deferred action status; you are a “late amnesty” applicant; you are a NACARA applicant; or you are a Cuban or humanitarian parolee; or
3. You are in one of the following nonimmigrant statuses: A, A, G, H-1B, H-1C, H-4 (where the primary status holder is here in H-1B or H-1C status), I, K, L, N, R, S, T, U or V (*See below for status descriptions.*)

Eligible Visa Types

The following is a list of the categories of non-immigrant aliens who under Federal law have the capacity to become a State of New York domiciliary and therefore may qualify for the resident rate of tuition provided they have established intent and also satisfy the University’s residency requirements.

Status Description

- 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** Fiance(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
- R** Religious workers and their spouse and children
- S** Crime witnesses and their spouse and children
- T** Victims of trafficking
- U** Crime Victims
- V** Spouse and children of permanent resident who have a relative petition or an adjustment of status application pending for more than 3 years

Qualifying For Resident Rate of Tuition for Non-Residents of New York State, Including Undocumented and Out-of-Status Students

You qualify for resident rate tuition pursuant to New York State Education Law Section 6206(7)(a) if you:

1. Attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; **or**
2. Attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; **or**
3. Were enrolled in an institution or educational unit of CUNY in the Fall semester or quarter of the 2001-2002 academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of New York.

The Education Law provides that a student without lawful immigration status shall also be required to file an affidavit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

CUNY RESIDENCY FORM: Part A

1. Last Name _____ First Name _____ Middle Initial _____
2. Soc.Sec.No. _____ Date of Birth _____ Phone No.() _____
3. Are you a U.S. citizen? Yes No Are you a permanent resident alien? Yes No
Are you here on a visa? Yes No Type: _____ Expiration Date: _____
4. Did you attend a New York high school for two or more years, and graduate from that high school?
Yes No If yes, high school name and location _____
Period of Attendance _____ Graduation Date _____
5. Do you have a GED issued by NYS? Yes No Date Issued: _____

If you answered "yes" to question 4 or 5 and are a U.S. citizen or permanent resident alien, you do not need to complete any further sections of this form.

If you answered "yes" to question 4 or 5 and do not currently have lawful immigration status but have filed an application to legalize your immigration status or will file such an application as soon as you are eligible to do so, you must complete Part B of this Residency Form (affidavit) before a Notary Public.

If you answered "no" to question 4 or 5 and are a U.S. citizen, permanent resident alien, or have a visa type eligible to qualify for resident tuition, you must complete Part C of this Residency Form.

Please refer to the instructions to complete this form for a comprehensive list of eligible visa types.

To Be Completed by All Students

I certify that all information provided and all statements made in all sections of this Residency Form are true and correct to the best of my knowledge.

I understand that if I provide false information or withhold relevant information in order to obtain the resident tuition rate, The City University may revoke its determination of in-state residency, and that I will owe non-resident tuition to the University for each semester or session that I have attended under these circumstances. I also understand that I may be subject to disciplinary action.

DATE _____ STUDENT SIGNATURE _____

- ***The college will not review any residency determination unless the request for the review is made, and all the required documentation is submitted on or before the last day of finals for the semester for which resident tuition is being sought.***
- ***If the College finally determines that you are non-resident, you may appeal by notifying the Registrar's Office (or other designated college appeal office) in writing within ten days of the adverse decision. At that time you may submit a statement indicating why you disagree with the College's decision. The Registrar (or other designated official) will submit the City University Residency Form, copies of all documentation provided by you and any statement made by you, along with the College's determination, to the University's Office of the Vice Chancellor for Legal Affairs and General Counsel which will render a decision on your appeal.***

CUNY RESIDENCY FORM: Part B

Affidavit of Intent to Legalize Immigration Status

_____, being duly sworn, deposes and says that he/she does not currently have
(Student's Name)
lawful immigration status but, has filed an application to legalize his/her immigration status or will file such
an application as soon as he/she is eligible to do so.

(Student's Signature)

Sworn to me this _____ day of the month of _____, 20____
_____, State of New York, County of _____.



CUNY RESIDENCY FORM: Part C

Semester: _____

1. Last Name _____ First Name _____ Middle Initial _____

2. Soc.Sec. No. _____

3. Current Address _____

A. Live with parents _____, or other relatives _____, or other than a relative _____

1) If other relatives, describe relationship. _____

2) If other than a relative, describe situation. _____

List below all your addresses, including temporary addresses and summer addresses during the past 12 months, starting from your current address and working backwards.

<u>FROM</u>	<u>TO</u>	<u>COMPLETE ADDRESS</u>
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ STREET
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ STREET
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ STREET
Mo __ Day __ Yr __	Mo __ Day __ Yr __	_____ CITY STATE ZIP

4. A. Parents' permanent address _____
STREET
CITY STATE ZIP

B. If you are under the age of 18, does anyone other than your parents serve as your legal guardian?
Yes____ No_____

If yes, what is their name and address? _____

C. Where did you live during the last June through August period? If different from 4.A., give reason for being elsewhere during period _____

5. A. Please list below all full-time and part-time employment (including summer employment and voluntary activities) during the past twelve months starting with the most recent employment.

<u>EMPLOYER</u>	<u>ADDRESS</u>	<u>FROM</u>	<u>TO</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. B. What is the source of your support? _____

C. Did you file a New York City/State resident income tax return during the past 12 months? _____

D. Did you file a Federal income tax return during the past 12 months? _____

6. What are your purposes for residing in New York City or New York State? _____

7. Have you applied for any financial aid, scholarships, or other benefits provided under the laws of the State of New York or the United States? Yes _____ No _____
If yes, specify and indicate what benefits you are receiving. _____

8. Do you presently intend to permanently live in New York City or New York State?
Yes _____ No _____ Uncertain _____ If uncertain, please explain. _____

9. Do you have any explanation you wish to present as a reason for not submitting any of the required documents supporting residency determination? Yes _____ No _____
If yes, please provide details. _____

10. Do you have any other proof other than the items indicated on the attached instructions for completing the Residency Form you wish to present in support of your application to be declared a resident of York City/State for City University tuition purposes? Yes _____ No _____
If yes, please provide details and attach relevant documents.

