

# CUNY SCHOOL OF LAW

## NEW YORK STATE RESIDENCY REQUIREMENTS AND IN-STATE TUITION UNDER NYS EDUCATION LAW

Spring 2018

NOTE: This memo provides general guidance regarding qualifying for **in-state** tuition at the CUNY School of Law. It is based on and controlled by the “Residency” section of the City University of New York Tuition and Fee Manual. **Please review Section IV “Residency” in the Tuition and Fee Manual**, particularly “*Rules Relating to Establishing Residence in New York*” in Section IV, Part I (A). The “University Tuition and Fee Manual” is available at <http://www.cuny.edu/about/administration/offices/la/tuition-fee-manual.html>

To initially qualify for New York State Resident Rate tuition, or to change from Non-Resident Rate Tuition to Resident Rate tuition, students must complete the CUNY Residency Form, which is described below. In order to have financial aid accurately computed for disbursement during the Spring 2018 Semester, the CUNY Residency Form must be submitted to the Registrar’s Office, Room 4/109, **NO LATER THAN** January 5, 2018, together with documentation described in the Tuition and Fee Manual and below. (Note that although the last day to apply for the resident tuition rate for Spring 2018 is the last day of classes, it is advisable to apply by January 5, 2018 for financial aid purposes.) Please see page 3 below for information on NY State Education Law provisions qualifying certain non-residents, including undocumented, out of status, certain non-resident students including students who received a NY State high school or GED degree, for resident rate tuition.

### Qualifying for New York State Resident 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 (12) consecutive months immediately preceding the first day of classes;
- - and have a bona fide intention of living in New York permanently.

Tuition and Fee Manual (Section IV, Part I (A)).

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) (it), (ii) or (iii), **including undocumented and out of status students, and certain non-residents**. (See Tuition and Fee Manual, Section IV – Part I (B) for further explanation.)

Registering to vote in New York a minimum of twelve (12) months prior to the first day of the semester, having a New York State Driver’s License or New York State “non-

driver license” dated a minimum of twelve (12) months prior to the first day of the semester, and filing a New York State Resident Income Tax Return covering a period a minimum of twelve (12) months prior to the first day of the semester, are among persuasive factors in a residency determination by the Law School.

### **Students Under Age 24**

Generally the state of residency of a dependent student under the age of 24 is considered the same as that of his or her custodial parent(s) or legal guardian(s). Students aged 24 and older are considered independent and are not deemed to have the same state of residency as their parent(s) or legal guardian(s). Under a policy effective beginning the Spring 2014 semester, a student under the age of 24 whose parent(s) or legal guardian(s) reside out of state, who otherwise meets CUNY’s residency requirements and is not financially independent from his/her parents, is eligible for the resident tuition rate if the student can show that he/she 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 under 24 who claim that New York is their domicile should carefully review “Rules Relating to Establishing Residence in New York” set forth in Section IV, Part I of the Tuition and Fee Manual, <http://www2.cuny.edu/about/administration/offices/legal-affairs/university-tuition-fee-manual/iv-residency/>

### **Applying for NY State Resident Rate Tuition - - The City University Residency Form**

In all cases where a determination needs to be made as to whether a student is eligible for resident tuition, the student must complete **The City University Residency Form**. Part A of the Form needs to be completed by all students; Part B of the Form needs to be completed by students who are undocumented or out-of-status immigrants who are seeking resident tuition based on high school attendance/graduation or having received a GED in New York; and Part C needs to be completed by students who are seeking to be classified as New York State Residents.

The City University Residency Form is attached to this informational memo and is also available at: <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/university-tuition-fee-manual/residency-form1.pdf>

For information on Eligibility for the Resident Tuition Rate based on each of the following, please refer to the section of the Tuition and Fee Manual identified:

- Part I (A) – Qualifying for the Resident Tuition Rate Based on Residence in the State of New York;
- Part I (A) – Rules Relating to Establishing Residence in New York;
- Part I (A) – Qualifying Immigration Statuses;

Part I (B) – Qualifying for Resident Tuition under the New York State Education Law Based on Having Attended and Graduated from a New York High School or Having Received a GED in the State of New York, **including Undocumented and Out-of-Status immigrants;**

Part I (C) – Other categories including

1. Military Personnel (and their Families) and Veterans;
2. United Nations Personnel;
3. Exchange Students.

The procedures the University follows in making determinations of eligibility for Resident Tuition status are set forth in Section IV, Part II of the Tuition and Fee Manual. **For students required to submit “Part C” of the City University Residency Form, please refer to that section for information on documentation required to be submitted with Part C.** See also Tuition and Fee Manual Part I (A) “*Rules Relating to Establishing Residence in New York*”.

Please note that in accordance with University policy **documentation of proof of residency must be for the 12 month period immediately preceding the first day of classes.** In addition to the items set forth as prospective documentation in Section IV – Part II of the Tuition and Fee Manual, the Law School may at its discretion consider additional documentation from a student if the school believes that an accurate residency determination may be rendered through the additional documentation.

# CITY UNIVERSITY RESIDENCY FORM



Semester: \_\_\_\_\_

## CUNY RESIDENCY FORM: Part A

1. Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_
2. CUNYfirst ID/Student ID \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Phone No.(     ) \_\_\_\_\_ Email address: \_\_\_\_\_
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  Visa type: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
4. Did you attend a New York State high school for two or more years, and graduate from that high school?  
Yes  No  If yes, high school name and address \_\_\_\_\_  
Date of Attendance From: \_\_\_\_\_ To: \_\_\_\_\_ Graduation Date \_\_\_\_\_
5. Do you have a GED/TASC issued by NYS? Yes  No  Date Issued: \_\_\_\_\_
6. If you answered "yes" to item 4 or 5, did you apply to CUNY within 5 years of your high school graduation or receiving a GED/TASC? Yes  No  Date of first application to CUNY: \_\_\_\_\_
7. Are you a veteran or other individual eligible for educational assistance under federal GI bills?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, attach supporting documents.

**IMPORTANT:** If you answered "yes" to question 4 or 5, and to question 6, and are not lawfully present in the US, you need to complete Section B (affidavit) of this Residency Form but not Section C. If you answered "yes" to question 4 or 5, and to question 6, and are a resident of another state, you do not need to complete any other sections of this form. If you answered "yes" to question 7, you do not need to complete any other sections of this form. All other students must complete Part C of this form and submit appropriate supporting documentation.

Please note that some students who are here on visas may not be eligible for the resident tuition rate. Please refer to the CUNY Tuition and Fee Manual (see link below) 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 resident status, 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 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.*
- *Complete rules regarding eligibility for the resident tuition rate and appeals procedure are set forth in CUNY's Tuition and Fee Manual at <http://www.cuny.edu/about/administration/offices/ia/tuition-fee-manual.html>*

## CUNY RESIDENCY FORM: Part B

### Affidavit of Intent to Legalize Immigration Status

\_\_\_\_\_, being duly sworn, deposes and says that he/she does not currently  
(Student's Name)  
have 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. CUNYfirst ID/Student ID \_\_\_\_\_ Email: \_\_\_\_\_

3. Current Address \_\_\_\_\_  
STREET CITY STATE ZIP

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
		CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	STREET
		CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	STREET
		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 12 months starting with the most recent employment.

EMPLOYER	ADDRESS (CITY/STATE)	FROM	TO
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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. At the present time is it your intention to permanently live in New York City or New York State?

Yes \_\_\_\_\_ No \_\_\_\_\_ Uncertain \_\_\_\_\_ If uncertain, please explain. \_\_\_\_\_  
\_\_\_\_\_

9. Do you have any other proof other than the items indicated for completing the Residency Form that you wish to present in support of your application to be declared a resident of New York City/New York State for the City University of New York tuition purposes? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details and attach relevant documents.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Required Documentation, Which Must Accompany The Residency Form (Part C)  
The student must submit two of items “a” through “n” (Note: All items must document 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 with the student’s name, showing the date of issuance at least 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.



# ALTERNATE LEASE STATEMENT

Name of Student \_\_\_\_\_ Semester \_\_\_\_\_  
Last First

Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Phone # ( ) \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_  
No. Street Apt # State Zip

I have lived at the above address from \_\_\_\_\_ to \_\_\_\_\_  
M/Y M/Y

But the lease is **NOT** in my name.

~~~~~

### TO BE COMPLETED BY THE PERSON WHOSE NAME APPEARS ON THE LEASE/CONTRACT.

I \_\_\_\_\_ certify that I reside at the address indicated above and that  
owner/leasee's name  
\_\_\_\_\_ has resided with me from \_\_\_\_\_ to \_\_\_\_\_  
student's name M/Y M/Y

Proof that I have resided at the above address for one year is attached (e.g., lease, telephone bill, utility bill, apartment or house insurance, mortgage statement).

Signed \_\_\_\_\_ Date \_\_\_\_\_

### NOTARIZED

~~~~~

I certify that the above information is accurate and complete. I understand that this information may affect my residency status at the college.

I understand that if I provide false information or withhold relevant information in order to obtain resident status. 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.

Signed \_\_\_\_\_ Date \_\_\_\_\_

### NOTARIZED