NEW YORK STATE RESIDENCY REQUIREMENTS AND IN-STATE TUITION UNDER NYS EDUCATION LAW
Fall 2015

NOTE: This memo provides general guidance regarding qualifying for In-State tuition at 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 Fall 2015 Semester, the CUNY Residency Form must be submitted to the Registrar’s Office, Room 4/109, NO LATER THAN August 21, 2015, together with documentation described in the Tuition and Fee Manual and below. (Note that the last day to apply for the Resident Tuition Rate for the Fall 2015 is the last day of Fall 2015 classes, but applying after Aug. 21, 2015 may result in the need to recapture fall overpayments from spring financial aid disbursements.) 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) (ii), (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.


**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://www.cuny.edu/about/administration/offices/la/tuition-fee-manual/residency-form.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

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 ☐ Visa 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. If you answered “yes” to item 4, did you apply to CUNY within 5 years of your graduation date? Yes ☐ No ☐

6. Do you have a GED issued by NYS? Yes ☐ No ☐ Date Issued: ___________

If you answered “yes” to questions 4 and 5, or to question 6, and are a U.S. citizen or permanent resident alien, you do not need to complete any further section of this form.

If you answered “yes” to questions 4 and 5, or to question 6, 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 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 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 college will not review any residency determination unless the request for the review is made, and all the required documentation is submitted, during the semester for which resident tuition is being sought.
• If the College finally determines that you are non-resident and you wish to appeal, you must notify the Registrar's Office (or other designated college appeal office) in writing within ten days of being notified that you have been determined to be a non-resident. At that time you may submit a statement to the Registrar (or other designated official) 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.

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 ____________________.
Tuition and Fee Manual

CUNY RESIDENCY FORM: Part C

Semester: __________

1. Last Name __________________________ First Name ____________________ Middle Initial __

2. Soc.Sec.No. ______________

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.

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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?

NAME:__________________________________________________________

__________________________  ____________________________  ____________________________  ____________
STREET                  CITY                       STATE        ZIP

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

__________________________  ____________________________  ____________________________  ____________
STREET                  CITY                       STATE        ZIP

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.

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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?

YES _____ NO _____

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 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.

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

Rev 1/13
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 ___________ M/Y to ___________ 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 ___________ M/Y to ___________ M/Y

student’s name ____________________________________________

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