NEW YORK STATE RESIDENCE REQUIREMENTS AND IN-STATE TUITION UNDER NYS EDUCATION LAW
Spring 2014 and Summer 2014

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 Forms, which are described below, and submit it to the Registrar’s Office, Room 4/109 NO LATER THAN January 10, 2014 for the Spring 2014 Semester, or May 26, 2014 for the Summer 2014 semester, together with documentation described in the Tuition and Fee Manual and below. Please see page 3 below for information on NY State Education Law provisions qualifying certain non-residents, including undocumented, out of status and certain non-resident students, 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)(i),(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.)
**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.

**Establishing Domicile in New York**
Students who claim that New York is their domicile are expected to have a New York State driver’s license or New York State issued identification card dated a minimum of twelve (12) months prior to the start of the semester. In addition a student is expected to submit documentary evidence indicating he/she has changed his/her domicile to New York, such as the following:

1. evidence that that student has filed a New York State resident income tax return for the previous calendar year;
2. evidence that the student resided in the State of New York for a significant period of time for other-than-educational purposes prior to attending CUNY;
3. evidence that a student resides in property owned by the student or his/her parent(s) or legal guardian(s) in the State of New York;
4. evidence that the student uses his/her New York address as his/her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases and similar kinds of documents.

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.

**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

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.

Semester: ___________
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 _____________________.

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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?

____________________________________________________________________________

____________________________________________________

____________________________________________________

5. 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 ___________________________  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  
  student’s name  
has resided with me from ___________________________  to  ___________________________  
  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