NEW YORK STATE RESIDENCY REQUIREMENTS
AND IN-STATE TUTION 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) 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://www.cuny.edu/about/administration/offices/la/tuition-fee-manual.html](http://www.cuny.edu/about/administration/offices/la/tuition-fee-manual.html)

**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](http://www.cuny.edu/about/administration/offices/la/tuition-fee-manual/residency-form.pdf). 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](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.
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 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 ________________________  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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COMPLETE ADDRESS

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4. A. Parents' permanent address ________________________  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.

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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? ______________________

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. ____________________________________________

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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