

II. Residency

	<u>Pages</u>
A. The City University of New York Residency Requirements and Guidelines	5 - 8
B. Determination of Resident Rate of Tuition for Non-Citizens (Foreign and Non-immigrant Aliens)	9
Eligible Immigration Statuses	9 - 13
Ineligible Immigration Statuses	14
C. Determination of Resident Rate of Tuition for Non-Residents of New York State including Undocumented and Out-of Status Immigrants	15
D. Military Personnel (and their families) and Veterans	16
E. United Nations Personnel	16
F. Exchange Students	16
G. Children of Staff and Employees of the City of New York	17
H. Guidelines for Completing Part C of the City University Residency Form	17 - 19

II. Residency

The intent of this section is to describe the requirements necessary for consideration as a resident student and the documentation necessary to prove residency. This section begins with an explanation of the University's residency requirements and guidelines, and proceeds to discuss the many unusual instances under which certain students may be considered a resident for tuition purposes. The section concludes with a discussion of the procedures required for the completion of the University's Residency Form. The Residency Form and any other forms referred to in this section are the only forms that have been approved for the purpose of documenting a student's residency status. No other forms may be used by the colleges without the prior approval of the Vice Chancellor for Budget and Finance. Any changes to residency requirements will be formally communicated to the colleges through memoranda issued by any of the following offices: Budget and Finance, Legal Affairs, and Enrollment Management.

Certain non-residents, including those who are undocumented or out-of-status immigrants, are also entitled to pay the resident tuition rate. See Subsection "C" below. Subsection "A" and "B" below deal only with students who are seeking to be classified as residents.

A. City University of New York Residency Requirements and Guidelines

In order to qualify for the University's resident tuition rate (refer to Section III for details regarding the community college, senior college and graduate tuition rates), a student must first meet the University's qualifications for residency. These qualifications vary from community to senior colleges, due in large part to State law and the University's funding mechanisms. In addition to the requirements and guidelines indicated below, there are other circumstances which may affect one's tuition residency status. These other circumstances are discussed in subsequent portions of this section.

In most cases, in order to qualify as a resident for tuition purposes, a student must have continuously resided in New York State for a qualifying period of 12 months. Community College students must meet additional residency requirements (see Section 1, below). In addition, a student must 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.

In any case, and regardless of any other statements contained in this manual, a student must first document legal residence prior to establishing another address (including a post office box) as a mailing address. Further details for documenting residency are included in the Subsection "H" entitled "Guidelines for Completing Part C of the City University Residency Form".

Generally, a dependent student's state of residency is considered the same as that of his or her custodial parent(s) or legal guardian(s). The legal residence of a dependent student whose parents are divorced, separated, or otherwise living apart will be considered New York State if the student resides for 12 months with the parent who is a New York State resident.

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 this State in order to be designated a New York State resident for tuition purposes. Proof of financial independence 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.

Students aged 24 and older are considered independent and do not have to document financial independence from their parents.

1. Qualifying for the Community College Resident Tuition Rate

A community college student qualifies for the resident tuition rate if he/she is a U.S. citizen, permanent resident or in a qualifying immigration status and meets both of the following two conditions:

(1) 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. A student who has attended a high school in New York City or State for the two semesters immediately prior to the first day of classes, satisfies this condition, and either (2) (a) or (2) (b)

(2)(a) continuously maintained his/her principal place of abode in the City of New York for at least the last six months immediately preceding the first day of classes. A student who has attended a high school in New York City in the semester immediately prior to the first day of classes, satisfies this condition, or

(2) (b) presents a valid certificate of residence to the CUNY community college from his/her home (New York State) county. The acceptance of this certificate pre-supposes that the student's home county has, as per Section 6305, Article 126, Title 7, of the State Education Law, "...elected to participate in and pay an appropriate share of the expenses involved in the local community college program..." A more detailed discussion of this topic is included in Section VII.E. of this Manual.

Some students may also be entitled to pay the resident rate because they attended a high school or received a GED in New York State. See Section C below.

2. Qualifying for the Senior College Resident Tuition Rate

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. Some students may also be entitled to pay

the resident rate because they attended a high school or received a GED in New York State. See Section C below.

3. Circumstances Requiring Review of Residency Status

Colleges are only required to review the residencies of all students flagged by UAPC as questionable. However, a college's registrar, admissions officer or either of their designees may, upon review of a student's admissions application or other available data, determine that a student who has not been flagged does not qualify for the University's resident tuition rate. If any of the conditions below exist, the student's residency is otherwise questionable, or a student requests that the College review the residency determination, the student must complete The City University Residency Form (See the Addenda for a copy of this form) in order to qualify for the resident rate:

- a) the student's records indicate that the last high school or college attended was outside the City (community colleges only) or State of New York (except if the student's transcript from the out-of-state institution indicates a New York City/State address or the student has maintained the same address as in high school); or
- b) for dependent students, both of the student's parents, or legal guardians reside outside the City (community colleges only) or State of New York; or
- c) records relating to the student (either community or senior college) indicate that he/she has lived at a State of New York address for less than twelve months preceding the first day of classes or for community college students residing at a City of New York address for less than six months; or
- d) the last residency determination which had been made with respect to the student resulted in his/her classification as a non-resident (a non-resident student does not qualify automatically as a resident student simply because he/she has been attending a New York college for the previous twelve months); or
- e) a college official determines that there is reason to believe that the student may not be a resident of the State or City of New York; or
- f) the student is not a U.S. citizen or a permanent resident (resident alien).

Once a student has been requested to complete the City University Residency Form, residency shall be determined based upon information submitted by the student. The Residency Form must be accompanied by documentary evidence, as well as other relevant data. Included on the Residency Form is a statement from the student indicating his/her present intent to reside permanently in New York City or New York State. If the response to the statement is negative or uncertain, the student does not qualify for residency status. The requirements for indicating intent and the overall procedures required for the completion of the Residency Form are included in Subsection "H"

entitled "Guidelines for Completing Part C of the City University Residency Form". The Residency Form itself is included as part of the Addenda.

4. Time Frame for College Determination and Appeal Process

a. Time Frame for College Review

The colleges should make every effort to complete all residency determinations by the first day of classes. If a student has submitted the required documentation, and a decision has not been made by the college by the first day of classes, the college should defer the difference between in-state and out-of-state tuition until the determination is made. If resident tuition is denied, and the student subsequently files an appeal under the procedures described further below, the student is responsible for paying out-of-state tuition while the appeal is pending.

The colleges will not review any residency determination unless the request for the review is made and all required documentation is submitted on or before the last day of finals in the semester for which resident tuition is being sought. The colleges will not make residency determinations retroactively and will not issue refunds to students even in cases where they would have qualified for the resident rate if they had submitted timely documentation. The colleges should inform students of their determinations in writing.

b. Appeal Process

Any student who receives a negative residency determination must, at the same time, receive a copy of the University's appeal procedures. If the student believes that he/she meets requirements for in-state tuition, he or she may appeal by notifying the Registrar's Office (or other designated college appeal office) within ten days of notification that he/she has been determined to be a non-resident. At that time, the student must submit a statement to the Registrar (or other designated official) indicating why he/she disagrees with the college's decision (See Addenda for a sample "Appeal of Residency Determination" form.) Upon submission of an appeal, the student will be provided with a copy, stamped "received" and the date, or some other dated proof of the college's receipt of the appeal. The Registrar (or other designated official) will submit the City University Residency Form, copies of all documentation provided by the student and any statement made by the student, along with the college's determination, to the University's Office of the Vice Chancellor for Legal Affairs and General Counsel, which will make a final determination regarding the student's residency status.

The college catalog contains the administrative and fiscal requirements associated with the student's tuition billing status. Therefore, the presumption is made that students are knowledgeable or at least familiar with all tuition rates (resident and non-resident) and required due dates for adjustments in their billing status.

B. Determination of Resident Rate of Tuition for Non-Citizens (Foreign Students and Non-Immigrant Aliens)

A person who is not a citizen of the United States may qualify for the CUNY in-state (resident) tuition rate if that student is in an eligible immigration status and documents his or her status with acceptable proof. In determining whether a non-citizen qualifies, the assumption is made that the student meets the University's residency requirements as stated in Subsection "A". A student may be accorded resident status if he/she is in an eligible immigration status and submits valid evidence of his/her qualifying immigration status issued by the U.S. Department of Homeland Security - U.S. Citizenship and Immigration Services ("USCIS") to the Registrar's Office (or other appropriate college office). Undocumented and out-of-status immigrants, while not eligible to be considered "residents", may nevertheless be entitled to pay the resident tuition rate. See Subsection "C" below.

Please note that the agency that formerly handled immigration matters was the U.S. Department of Immigration and Naturalization Services ("INS") and that students may still have older documents issued by the INS.

ELIGIBLE IMMIGRATION STATUSES

1. Lawful Permanent Residents (Resident Aliens)

There are two acceptable methods for verifying residency status. First, a student, who has requested Federal financial aid which has been verified by the Federal Financial Aid Central Processor, has his/her status automatically matched by the USCIS. This will be evident through UAPC's coding of the student as a lawful permanent resident. Therefore, there is no need for a student to submit a Permanent Resident Card (Formerly, the Alien Registration Card or Green Card) or any other form of documentation regarding permanent residence. Second, a student whose permanent residence status is not confirmed through the above match must provide one of the following proofs to verify his/her status.

Types of Acceptable Proof

- Permanent Resident Card: Form I-151(old) and Form I-551(new). Expired cards may be accepted (Addenda I - Exhibit 1A); or
- Unexpired Conditional Permanent Resident Card: Form I-551 with a two (2) year expiration date (Addenda I - Exhibit 1B); or
- Receipt for INS or USCIS Form I-751: Petition to Remove the Conditions of Residence (No Exhibit); or
- Receipt for USCIS form I-698: Application to Adjust Status from temporary to Permanent Resident

- I-551 Stamp in Passport indicating evidence of lawful permanent residence. Expired stamps may be accepted (Addenda I - Exhibit 1C); or
- Copy of USCIS Form I-90: Application to Replace Permanent Resident Card (old: Alien Registration Card), along with a U.S. Postal Service return receipt or with a cancelled check or money order (Addenda I - Exhibit 1D); or

2. Students with Certain Non-immigrant Statuses

The United States Supreme Court held in *Toll v. Moreno* that certain non-immigrant aliens have the legal ability to permanently reside in the United States. In order that University practice may conform with this Supreme Court ruling, foreign nationals in specified immigration categories (refer to list below) should be afforded the opportunity to establish New York City and/or State residency as previously defined in this manual. It should be emphasized, however, that persons in these specified categories do not automatically qualify for the lower resident tuition rates. The Supreme Court merely established that certain categories of non-immigrant aliens could not automatically be excluded from acquiring resident status for tuition purposes. An individual must have both the legal ability to acquire New York domicile and the bona fide intent to establish such domicile. Methods of establishing and indicating intent are discussed in Subsection "H" entitled "Guidelines for Completing Part C of the City University Residency Form".

The following is a list of the categories of non-immigrant aliens who under Federal law have the capacity to become City and State of New York domiciliaries and therefore may qualify for the resident rate of tuition provided they have established intent (see Subsection "H") and also satisfy the University's residency requirements in Subsection "A" above.

Status Description

- | | |
|------|--|
| A | Ambassadors, diplomats and certain other foreign officials and their families (Addenda I – Exhibit 2A). |
| E | Treaty trader/Treaty investor, spouse, and children (No Exhibit). |
| G | Certain government or international organization officials and their families (Addenda I - Exhibit 2C). |
| H-1B | Temporary worker in specialty occupation (No Exhibit). |
| H-1C | Temporary worker performing professional nursing services (No Exhibit). |
| H-4 | Spouse or children of alien classified as H-1B or H-1C (No Exhibit). |
| I | Representatives of foreign information media and their spouse and children (No Exhibit). |
| K | Fiancé(e) or Spouse of a U.S. citizen and dependent children (No Exhibit). |
| L | Intra-company transferee (such as managers who have worked abroad for a branch of a U.S. firm) and their spouse and children (Addenda I - Exhibit 2D). |
| N | Parents and children of an alien granted permanent residency as a special immigrant (No Exhibit). |
| R | Religious workers and their spouse and children (No Exhibit). |

- S Crime witnesses and their spouse and children (No Exhibit).
- T Victims of alien trafficking (No Exhibit).
- U Crime Victims (No Exhibit).
- V Spouse and children of a permanent resident who have a relative petition or an adjustment of status application pending for more than 3 years (No Exhibit).

Note: Where a qualified non-immigrant has made a timely application for an extension of stay as evidenced by a filing receipt for USCIS Form I-129, he/she remains eligible for in-state tuition. Timely application means that the previous stay had not yet expired.

In all cases, a student who has proven a valid immigration status must also meet the residency requirements outlined in Section II.A. above. In addition, a student must intend to permanently remain in New York State and/or New York City (depending on senior or community college status) and not return to his/her prior domicile in order to qualify for the University's resident tuition rate. As previously noted, the requirements for indicating intent are included in Subsection "H" entitled "Guidelines for Completing Part C of the City University Residency Form."

Type of Acceptable Proof

- I-94 Arrival/Departure Card and either the notation Duration of Status (D/S) or an expiration date not yet reached.

3. Students Granted Asylum or Withholding of Deportation or Removal or Refugee Status

It should be noted that a person whose evidence of Refugee or Asylum status has expired is nevertheless eligible for in-state tuition.

Types of Acceptable Proof

- Decision from the INS or USCIS or the Immigration Judge granting Asylum or Withholding of Deportation or Removal (Addenda I - Exhibit 3A); or
- Refugee Travel Document (Addenda I - Exhibit 3B); or
- I-94 Arrival/Departure Card with Employment Authorization Stamp and the notation "Asylum granted" or "Refugee granted" (No Exhibit); or
- Employment Authorization Card (I-688B/I-766) with the following codes: (A)(3) for Refugee, (A)(5) for Asylee, and (A)(10) for Withholding of Deportation or Removal (Addenda I - Exhibit 3C).

4. Students with Adjustment of Status Applications Pending

Students who have filed USCIS Form I-485, Application to Register Permanent Resident or Adjust Status, qualify for in-state tuition pending a decision on their application. (the Form I-797C, Notice of Action as evidence receipt of the filing of I-485).

Types of Acceptable Proof

- An USCIS Receipt Notice for the Adjustment of Status Application: Form I-797C indicating that the receipt is for an I-485 Adjustment of Status application (Addenda I - Exhibit 4A); or
- An USCIS Receipt indicating that the fee for the adjustment application has been received. This receipt usually lists application type (in this case I-485), name of the applicant, alien number ("A" number) and the amount paid (Addenda I - Exhibit 4B); or
- Employment Authorization Card (I-688B/I-766) with the code (C)(9) or (C)(24) (Addenda I - Exhibit 4C).

Note: Students who filed or have an approved petition (Form I-130 or I-140), but have not yet applied for adjustment of status are NOT eligible for in-state or resident tuition (Addenda I - Exhibit 4D).

5. Students Who Have Applied For Or Have Been Granted Temporary Protected Status (TPS)

These individuals may live and work in the U.S. based on Executive Branch designation.

Types of Acceptable Proof

- An USCIS Receipt of Application for TPS (Form I-821) (No Exhibit); or,
- An USCIS letter granting TPS (No Exhibit); or
- Employment Authorization Card (I-688B/I-766) with the codes A(12) or C(19) (Addenda I - Exhibit 5A).

6. Students Granted Deferred Enforced Departure Status or Deferred Action Status

While these categories are rare, they allow an individual to remain in the United States indefinitely pending further review of status by USCIS. Commonly, deferred enforced action status is given to approved, self-petitioning battered spouses until such time as they become eligible for adjustment of status.

Types of Acceptable Proof

- Form I-797 granting deferred action or deferred departure status (No Exhibit); or
- Unexpired Employment Authorization Card (I-688B/I-766) with the code (C)(14) for deferred action status (Addenda I - Exhibit 6A); or
- Unexpired Employment Authorization Card (I-688B/I-766) with the code (A)(11) for deferred enforced departure/extended voluntary departure status (Addenda I - Exhibit 6B).

7. Students Who Are "Late Amnesty" Applicants

"Late Amnesty" applicants are immigrants who applied for immigration benefits under the 1986 Amnesty Laws but were not allowed to complete the process of adjusting their status. The LIFE Act signed into law by President Clinton on December 21, 2000 gave them the opportunity to adjust their immigration status.

Type of Acceptable Proof

- Unexpired Employment Authorization Card (I-688B/I-766) with the code (C)(22) (Addenda I - Exhibit 7A).

8. Students Who Are NACARA Applicants

These are applicants for permanent residence under the "Nicaraguan and Central American Relief Act".

Types of Acceptable Proof

- Unexpired Employment Authorization Card (I-688B/I-766) with the code (C)(10) (Addenda I - Exhibit 8A); or
- An USCIS Receipt Form I-881 (No Exhibit).

9. Students Who Are Cuban Parolees

The law provides for special procedures under which Cuban nationals or citizens and their accompanying spouses and children may obtain a haven in the United States and apply for permanent residence.

Types of Acceptable Proof

- An USCIS decision granting parole (No Exhibit); or

- Unexpired Employment Authorization Card (I-688B/I-766) with the code (C)(11) (Addenda I - Exhibit 9A); or
- Proof of an application pending for adjustment of status (See Addenda I - Exhibits 4A, B & C).

10. Students Who Are Other Types of Parolees

The USCIS sometimes admits individuals in parole status for humanitarian or other reasons. For these individuals, their parolee status must be indicated on an unexpired document, i.e., passport, I-94 card or an INS letter.

Types of Acceptable Proof

- An USCIS decision granting parole (No Exhibit); or,
- I-94 Card with stamp notation by the USCIS at entry (No Exhibit).

11. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization

The USCIS sometimes, but not always, grants employment authorization to individuals with asylum applications pending.

Type of Acceptable Proof

- An Unexpired Employment Authorization Card (I-688B/I-766) with the Code (C)(8) (No Exhibit).

INELIGIBLE IMMIGRATION STATUSES

The following is a list of visa categories for non-immigrant aliens who **do not** qualify for the in-state or resident rate of tuition.

Status Description

B	Temporary visitors for business or pleasure
C	Visitors in transit
D	Crewmen
F	Academic students
H-2	Temporary workers performing special services
H-3	Trainees

- H-4 Families of H-2 and H-3 visa holders (Note: H-4 family of an H-1B or H-1C are eligible)
- J Exchange visitor (student, scholar, professor)
- M Vocational students
- O Persons with extraordinary abilities
- P Athletes, group entertainers, reciprocal exchange programs
- Q Participant in international cultural exchange programs
- TN Temporary workers under NAFTA Trade Agreement

While this Manual does not address financial aid eligibility (See the Student Aid Manual commonly referred to as the SAM manual), it is helpful to note for tuition purposes which financial aid programs a student is eligible for based upon a student's immigration status. See the Addenda for a list of immigration statuses and the eligible programs prepared by the Office of Student Financial Assistance (OSFA).

C. Determination of Resident Rate of Tuition for Non-Residents of New York State, Including Undocumented and Out-of-Status Immigrants

Chapter 327 of the New York State Laws of 2002, codified in Section 6206(7)(a) of the New York State Education Law, mandates that the payment of tuition by any student who is not a resident of New York State, other than those in lawful non-immigration statuses, shall be at a rate no greater than that imposed for students who are residents of the state, provided that they meet one of the following conditions:

First, they have attended an approved New York high school for two or more years, graduated, and applied to attend CUNY within five years of receiving the New York State diploma.

Second, they have attended an approved New York State Program for General Equivalency Diploma (GED) exam preparation, received the GED issued within New York State, and applied to attend CUNY within five years of receiving the New York State GED.

Third, they were enrolled in CUNY in the Fall 2001 semester or quarter and were authorized by CUNY to pay tuition at the resident rate. Thus, a student who attended CUNY in the Fall 2001 semester and paid the resident rate does not have to satisfy either condition 1 or 2 above.

It should be noted that any student meeting one of the three conditions set forth in the law does not need to prove residence in New York State. In addition, students without lawful immigration status must file an affidavit (notarized) with CUNY stating that they have filed an application to legalize their immigration status or will file such an application as soon as they are eligible to do so (See Addenda W - Note: the Undocumented or Out-of-status Affidavit previously listed under Addenda I is no longer applicable).

Any student who satisfies any of the three conditions above and is entitled to the resident rate will continue at that rate even if the student leaves and returns more than five years later or receives a degree and is returning for a second degree. Any student who has been admitted to and is attending CUNY, who subsequently receives his GED, does not qualify for the resident rate under the conditions stated above. CUNY does not recognize a New York State GED from any student who has already received a high school diploma or its equivalent from elsewhere.

D. Military Personnel (and their families) and Veterans

A student who does not qualify as a resident, due to recent military service, but who was domiciled in the State of New York and/or City of New York (for community college students) prior to enlistment and resumes his/her domiciling in New York upon discharge from military service will be deemed a resident. The student must, however, resume his/her domicile in the State and/or City of New York (depending on senior or community college status) within six months after release from active service and maintain said domicile until the first day of classes of the semester in question. Documentation must be maintained to support the determination of residency.

Any student who is a member of the armed forces of the United States on full-time active duty and stationed in the State of New York shall be charged the resident tuition rate. In addition, spouses and dependent children are to be considered residents of the New York State. Such students shall continue to be charged the resident rate at a college of CUNY, even if they are subsequently discharged from military service.

E. United Nations Personnel

Foreign nationals employed by the United Nations, wishing to take advantage of the University's resident tuition rates, must present verification of their status as an employee of the United Nations, the spouse or dependent of a United Nation employee. The verification required is at least an annual certification from the Office of the Assistant Secretary General for Personnel Services. It is recommended, however, that confirmation be obtained from the Personnel Officer at the United Nations each semester because employment status can change rather frequently. The employees, spouses of employees and dependent children of employees of the United Nations shall be deemed to be residents of New York City.

F. Exchange Students

The University's resident tuition rate may be applicable to a student of another college or university outside of New York State, which, in exchange, grants its resident tuition rate to the CUNY student. Evidence of satisfactory educational qualifications must be presented and the approval of the CUNY college's president or designee is required.

G. Children of Staff and Employees of the City of New York

On June 14, 1976, the Board passed a resolution stating that "a child of a member of the permanent staff of the Board, or a child of a deceased or retired member of such staff who had served for more than five years on an annual salary, or a child of an employee of New York City or of a City agency who is required to live outside New York City in the performance of his/her official duties shall be charged resident rates".

The definition of who is considered permanent staff of the Board may be found in Section 6.2 and 6.3 of the Board Bylaws (See the Addenda). In addition, although not listed in the Bylaws, the following tenure bearing titles within the CUNY School of Law are included: Law School Professor, Associate Professor and Assistant Professor, and Law School Library Professor, Library Assoc. Professor and Library Asst. Professor.

H. Guidelines for Completing Part C of the City University Residency Form

The procedures described herein must be followed when completing The City University Residency Form (Part C). Required forms of proof and other relevant documentation must accompany this form in order that an accurate residency determination may be rendered. The "intent to remain a resident" portion of the form must be completed prior to a residency determination. Under no circumstances will this form be considered unless all applicable questions have been answered.

Students requesting residency status for tuition purposes should read the requirements necessary to qualify for City residency (for community college students) and State residency (for both senior and community college students). (See Section 1: *Qualifying for the Community College Resident Tuition Rate* and Section 2 *Qualifying for the Senior College Resident Tuition Rate*). **In any case, a student must be a U.S. citizen, permanent resident or in a non-immigration status that qualifies for the resident rate.**

1. Required Documentation Which Must Accompany The Residency Form (Part C)

The student must submit required forms of proof of residency from items "a" through "q" indicated below. The college must obtain:

- "a", or "b", or "c", or "d";

or

- two of items "e" through "q" (Note: 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.)

Items "a" through "q" 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) 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" which is contained in the Addenda to this Manual, 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 the additional documentation.

2. Students Under the Age of 18

If the student has a legal guardian other than his/her parents, or his/her parents are separated or divorced, a copy of the legal guardianship papers or court order indicating legal custodianship must be submitted.

3. Intent to Continue Residing in the City, State and County

Assessing one's intent to permanently reside in New York is a difficult task. In each case, whether the student is an immigrant alien (with the exception of permanent resident or resident alien), non-immigrant alien or U.S. citizen from out-of-State, the totality of circumstances will be reviewed. The college may view intent in terms of a student's professed intention to permanently remain in New York, as well as his/her intention not to return to his/her prior domicile. It must be stressed that the burden of proof as to a change of domicile rests with the student asserting it. Where the evidence is equal on both sides of the issue, the determination of domicile should be made in favor of the formerly established domicile, inasmuch as there is a presumption that an established domicile continues.