

# UC RESIDENCE POLICY AND GUIDELINES

## 2024-25 ACADEMIC YEAR



THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Office of the President  
UC Legal, Office of the General Counsel  
1111 Franklin Street  
Oakland, CA 94607-5200

[www.universityofcalifornia.edu](http://www.universityofcalifornia.edu)

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## I. TERMS and DEFINITIONS

**Academic Year** – July 1, 2024 through June 30, 2025 for purposes of admission and financial aid.

For purposes of determining a Residency Classification, Academic Year starts on the relevant Residence Determination Date (“RDD”) as set per UC policy.

**Adult** – A person who is 18 years of age or older.

**Child** – A natural or adopted son or daughter. The term “Child” does not include stepchild unless expressly noted.

A Child is considered as a Dependent Student subject to the provisions in [Sec. III.B. 1](#). The term “Child” or “dependent” for purposes of federal benefits is governed by federal law.

**Contingent Resident Classification** – A Resident Classification for purposes of UC tuition that is contingent on factors other than Residency Requirements as specified in Regents Policy 3105. Refer to [“Sec. III.D.”](#)

**Dependent Student** – an undergraduate Student under age 24 as of Dec. 31 of the 2024-25 Academic Year and who does not otherwise qualify as an Independent Student as specified in [“Sec. III.B.2”](#)

**Domicile** – a person’s permanent place of dwelling with the intent to remain, where there is a legal relationship between the person and a locality. A person can have only one “domicile” also referred to as “residence” for purposes of UC tuition. A Student and/or Parents who move to California and who fail to sever all ties to any former domicile, including the continued maintenance of the prior domicile, will not meet the University’s requirements for Residency for purposes of tuition.

**Enrollment** – The date the Student has signed up for classes or the date the Student’s fees are paid, whichever occurs first.

**Financial Independence** (UC Self-Supporting) – Dependent Students who have demonstrated they are self-supporting as defined by UC policy starting at least one year prior to the relevant RDD will qualify as Independent. Refer to [“Appendix A: Financial Independence”](#)

**Graduate Student** – Includes graduate academic Students, graduate professional degree Students, and Students enrolled in a teacher credential program regardless of age.

**Green Card** – see “Permanent Resident Card”

**Independent Student** – A Student who is eligible to demonstrate satisfaction of the Residency Requirements without regard to Parents as described in [“Sec. III.B.2.”](#)

**Institution** – Any University of California campus, any California State University campus, any California Community College, or the California Maritime Academy.

**Lawful Permanent Resident** – Lawful Permanent Resident (“LPR”), also known as a “Permanent Resident” or “Green Card” holder are noncitizens authorized to live permanently in the U.S.

**Legal Guardian** – a Legal Guardian for a minor child as appointed by a child-dependency court. A Probate guardianship, Power of Attorney, or Caregiver’s Authorization Affidavit does not confer legal guardianship for purposes of a Residency Classification.

**Mandatory Systemwide Fees** – Uniform fees assessed to all registered Students; fees under this definition include Tuition, Student Services Fee, and any other mandatory fees that may be adopted.

**Minor** – For purposes of a Residency Classification, any person who is under 18 years of age. For purposes of USCIS immigration, any dependent child under age 21.

**Nonresident Supplemental Tuition (“NRST”)** – The university-wide mandatory charge assessed across all campuses of the University against each Student who has not qualified for a Resident Classification or a NRST Exempt Classification.

**NRST Exempt Classification** – A Nonresident classification provided to Students who have demonstrated that they are not subject to payment of NRST in accordance with Regents Policy 3105. Refer to [“Sec. III. E.”](#)

**One Year** – For purposes of calculating Residency Determinations, one year equals 366 days.

**Parent** – The natural or adoptive parent. The term “parent” does not include step-parent unless expressly noted. (An adoptive Parent resulting from an adult adoption does not qualify as a Parent for purposes of UC tuition.)

**Permanent Resident Card** – USCIS Form I-551 or “Green Card” issued to noncitizens granted permanent residence. Conditional is valid for 2 years; permanent is valid for 10 years.

**Petition for Resident Classification** – A continuing Student’s request to change Residency Classification from Nonresident to Resident or NRST Exempt for tuition purposes.

**Public Post-Secondary Institution** – In California, any University of California campus, any California State University campus, any California community college, or the California Maritime Academy.

**Qualifying Individual** – An adult other than a Parent or court-appointed Legal Guardian who stands in *loco parentis*, whose presence and intent contribute to a Student’s Resident Classification. Refer to [“Sec. III.D. 5. Two-Year Care and Control”](#)

**Residence** – Refer to “Domicile.”

**Residence Determination Date (“RDD”)** – Residence determination date” is a date or day established by the governing boards or district governing boards, as appropriate, for each semester, quarter, or term to determine a student’s residence. Undergraduate and Graduate Students will be subject to differing RDD schedules. See UC specific dates under [“Residence Determination Dates”](#)

**Residency Classification** – A classification that determines whether a Student is charged Nonresident Supplemental Tuition (NRST). Residency Classifications include: Resident, NRST Exempt, and Nonresident.

**Resident Classification** – The Residency Classification associated with being a Resident for purposes of UC tuition and that results in no assessment of Nonresident Supplemental Tuition (NRST).

**Residency Requirements** – The standards of physical presence and intent needed to establish a Residency Classification pursuant to Regents Policy 3105, which includes eligible immigration status.

**Self-Supporting** (UC Self-Supporting) – The ability to support oneself financially without receipt of any support or assistance from others pursuant to UC policy requirements. Refer to [“Financial Independence”](#)

**Special Circumstances Resident Classification** - A Resident Classification granted to Students who are eligible for and who demonstrate satisfaction of all applicable requirements for the relevant Special Circumstances Resident Classification. Refer to [“Sec. III.D.”](#)

**Statement of Intent to Register (“SIR”)** – the form or online form where a Student indicates an intent to register by accepting or declining an offer of admission to a UC campus.

**Statement of Legal Residence (“SLR”)** - a form all new Students submit (usually online) to the University. Students may be asked to complete this process via a systemwide form shortly after applying to UC, or with the campus residence deputy in the Office of the Registrar after committing to a campus by filing your Statement of Intent to Register (SIR).

**Student** – A person applying for admission, admitted to, or enrolled in an institution of higher education.

**Tuition** – A university-wide mandatory charge assessed against each Student (Resident and Nonresident) uniformly across all campuses of the University.

**U.S. Armed Forces** – For purposes of California law, defined as Air Force, Army, Coast Guard, Marine Corp, Navy, Space Force, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia. (Cal. Ed. Code § 68075).  
For purposes of Federal law, defined by HEOA, 20 U.S.C. 1015d. Refer to [“Veterans - Military Provisions”](#)

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## II. PRINCIPLES GOVERNING RESIDENCY DETERMINATIONS

The Regents of the University of California confers the benefit of “resident tuition” to Students who have fulfilled the Residency Requirements established by Regents Policy 3105 as set forth in the *UC Residence Policy and Guidelines* (“Guidelines” or “RPG”) herein.

**Residency for purposes of UC tuition** is specific to the University of California and separate from the California Community Colleges and California State University systems and may be different from residency for purposes of UC admission and other state rules or regulations governing residency for other purposes.

**New Incoming and Transfer Students** (includes UC campus transfers) are Nonresident by default and must submit a Statement of Legal Residence (“SLR”) in order to be classified as Resident. Undergraduate applicants provide residency information in the SLR portion of the application for admission; students whose residency status is unclear from the responses on the application for admission will be asked additional questions on either a systemwide or campus SLR. No Residency Determinations are made outside of the SLR process. A Campus Residence Deputy evaluates the SLR and supporting documentation and issues a Residency Classification of Resident, NRST Exempt, or Nonresident. All issued Residency Classifications including Nonresident are final. Failure to submit the SLR or all requested documentation by the relevant campus deadline will result in a Residency Classification based on the information provided to-date which may include Nonresident and which is not eligible for appeal review. A student who fails to submit the SLR by the relevant deadline will not be entitled to retroactive reimbursement of NRST.

**Returning Students:** Students returning after a leave of absence of one term or more must submit an SLR as determined per campus policy. A Student who fails to submit an SLR by the relevant deadline will not be entitled to retroactive reimbursement of NRST assessments.

**Change in Residency Status:** A Student who has received a Resident or NRST Exempt Classification and loses eligibility by virtue of the Student’s acts (or a Parent’s act, when applicable) is required to notify the campus Residence Deputy within 30 days of the effective date of the change in circumstance. The campus will update the Student’s Residency Classification effective with the next academic term, which is not eligible for appeal. Failure to notify the campus timely may result in the retroactive assessment of NRST.

**Petition for Reclassification:** A Student who receives a Nonresident Classification will retain that status unless the Student files a Petition for Reclassification by the relevant campus deadline and then qualifies for a Resident or NRST Exempt Classification. A Student who fails to file a Petition for Reclassification is not entitled to retroactive reimbursement of NRST assessments.

**Inquiries regarding UC residency** for purposes of tuition should be directed to a campus Residence Deputy in the campus Registrar’s Office or to a Residency Analyst in UC Legal, Office of the General Counsel. *All information provided in response to a Student’s or Parent’s inquiry is responsive to a question as-asked and is not intended to guarantee a Student will qualify for UC Residency. No other office, entity, or individual is authorized to provide Residency information on behalf of the University of California.*

**PENALTY OF PERJURY:** All statements and documents submitted to the University of California to support a Residency Classification for purposes of UC tuition are submitted under penalty of perjury under the laws of the State of California. The Student, and Parents or Qualifying Individual when applicable, are required to declare under oath, declaration, or affidavit, that all statements and supporting documents are true and correct.

Where a Residency Classification is found to be obtained based on concealed facts or untruthful statements, the University may:

- Bill the Student for all Tuition, NRST, and fees that would have been charged;
- Hold a Student’s registration until full payment of amount due is received;
- Notify appropriate regulatory agencies;
- Initiate discipline under Policy on Student Conduct and Discipline (“PACAOS 100”); and
- Pursue civil, criminal, or other remedies that may be appropriate.

The SLR must be signed, handwritten or electronically, by the Student under penalty of perjury. A Student must sign the SLR even if the Student has yet to reach the age of majority; pursuant to State of California law, a Minor may be prosecuted for perjury.

**Compliance and Delegation** - The UC Residence Policy and Guidelines (“Guidelines” or “RPG”) is established by The Regents under Regents Policy 3105. The President, or designee, in consultation with the General Counsel, or designee, is authorized to adopt and amend implementing guidelines consistent with [Regents Policy 3105](#). Changes may be made to the Guidelines at any time; accordingly, Students should review the Guidelines prior to applying for a Residency Classification to ensure compliance with the most recent requirements for the relevant academic term.

**No Right of Action** - This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employee, or agents.

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### III. RESIDENCY POLICY

#### A. RESIDENCY REQUIREMENTS AND CLASSIFICATIONS

A classification as Resident, NRST Exempt, or Nonresident for purposes of determining assessment of Tuition, NRST, and Mandatory Systemwide Fees as determined by the Student's circumstances (undergraduate, graduate, and professional).

*All Students are presumed to be Dependent Students, which requires that both Students and Parents must satisfy all applicable Residency Requirements, until the Student has been determined to qualify as an Independent Student (includes Graduate Students) as set forth below.*

**Resident Classification.** To receive a Resident Classification for purposes of UC tuition, the Student must be in an eligible immigration status, have established a primary and permanent Domicile in California for at least one year immediately prior to the Residence Determination Date (RDD), and fulfilled the physical presence and intent requirements; or demonstrate eligibility for a Special Circumstances Resident Classification which includes eligible immigration status.

**NRST Exempt .** To receive an NRST Exempt Classification, a Student must be eligible for and have fulfilled all applicable requirements for the relevant NRST Exempt Classification. As NRST Exempt, the Student is considered to be a Nonresident and exempt from the assessment of NRST.

**Nonresident Classification.** The Student has been determined to be ineligible for a Resident, NRST Exempt, or Special Circumstances Resident Classification based on the Student's circumstances.

#### B. WHO MUST SATISFY THE RESIDENCY REQUIREMENTS

##### 1. Dependent Students

Students are considered to be Dependent Students, with both Students and Parents concurrently fulfilling the Residency Requirements, or Students must qualify as Independent as described below, or qualify for a Special Circumstances, Exemption or Waiver provision.

Where a Dependent Student's Parents were never married or are divorced or legally separated, or where one Parent qualifies as inaccessible because of incapacitation, incarceration, formal removal, or circumstances involving domestic violence, only the Student and the Parent with whom the Student resides will be required to fulfill the Residency Requirements. In all other circumstances, both the Dependent Student and their Parents must fulfill the Residency Requirements.

##### 2. Independent Students

A Student deemed to be Independent based on satisfaction of one of the below listed requirements may satisfy the Residency Requirements on their own without Parents, except for (l). Additional information on some of these categories is provided in Sec. IV. B. A student who qualifies as Independent will remain classified as Independent for the duration of continuous enrollment by career, unless otherwise stipulated by the financial aid office for (i) and (k).

- a. Graduate Student, regardless of age
- b. Born on or before December 31, 2000, as of the 2024-25 Academic Year
- c. Married or Registered Domestic Partner as of the RDD, regardless of age
- d. Serving in the U.S. Armed Forces
- e. Veteran of the U.S. Armed Forces



- f. Has a *legal* dependent<sup>1</sup> other than a spouse or registered domestic partner
- g. Is or was a ward of the court, foster youth, both Parents are deceased, or has an eligible [Legal Guardian](#)
- h. Declared by a court to be an Emancipated Minor
- i. Has been determined to be an unaccompanied youth who was homeless pursuant to federal financial aid rules
- j. Has demonstrated fulfillment of the UC Self-Supporting Financial Independence criteria starting at least one-year prior to the relevant RDD and continues to meet financial independence throughout their career (see "[Financial Independence](#)")
- k. Has received an Independent Student determination by the UC campus financial aid office; including qualifying by Dependency Override.
- l. Student was a Minor who reached the age of majority while in California, while Parents were Residents for UC tuition purposes, and the Parents left the state to establish residence elsewhere, and the Student continued to reside in California after the Parents' departure. This provision requires confirmation of parents' eligible residency prior to relocating.

### 3. Graduate Students

Graduate students are considered as Independent regardless as to age and will be evaluated without regard to Parents or source of financial support. They must fulfill (1) one-year of continuous physical presence immediately before the RDD, and (2) acquire governmental evidence of intent by the relevant deadline; refer to [Sec. III. C. 3. Intent - Independent Students \(includes Graduate Students\)](#).

## C. ELEMENTS OF RESIDENCE

Residence can be established only by the union of physical presence and intent. Physical presence alone is insufficient; intent alone is insufficient.

### 1. Physical Presence – Dependent and Independent Students

All Students, and Parents of Dependent Students, must provide objective evidence of a permanent Domicile and physical presence in California on a continuous basis for a period of at least one year immediately before [the relevant RDD](#). Physical presence in California solely for educational purposes does not constitute the establishment of UC Residence, regardless of length of stay. Absences exceeding 6 weeks in total during this qualification period are presumed to be disqualifying. (refer to "[Absences](#)"); and

### 2. Intent – Dependent Students

All Dependent Students and Parents must establish required legal ties to California through acquisition of all four applicable items listed in [Required Governmental Evidence of Intent](#) by the relevant deadlines; [failure to fulfill all four requirements is disqualifying](#). Further, any and all ties to the past place of residence must have been severed at least one year prior to the Residence Determination Date (RDD) for the relevant term. Specific RDDs are listed in the [Residence Determination Deadline and Intent Deadline Chart](#).

A Dependent Student or Parent who takes steps to establish residence in California but whose activities and circumstances suggest temporary or indeterminate residence will be considered as Nonresident for purposes of UC tuition. Such activities and circumstances include, but are not limited to, maintaining ties to and the continued maintenance of the prior residence, the Student is dependent on a nonresident parent including for purposes of FAFSA applications and income tax returns, and returning to the prior residence during periods of noninstruction.

### 3. Intent - Independent Students (includes Graduate Students)

All Independent Students must establish required legal ties to California through acquisition of [one or more items](#) of Required Governmental Evidence of Intent by the relevant deadlines. Any and all ties to the past place of

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<sup>1</sup>For the purposes of this section a legal dependent is one who the student is legally required to financially support.

residence must have been severed at least one year prior to the Residence Determination Date (RDD) for the relevant term. *Specific RDDs are listed in "[Academic Year Deadlines To Acquire Governmental Intent](#)".*

An Independent Student who takes steps to establish a residence in California but whose activities and circumstances suggest temporary or indeterminate residence will be considered a Nonresident for purposes of UC tuition. Such activities and circumstances include, but are not limited to, maintaining ties to and the continued maintenance of the prior residence, and returning to the prior residence during periods of noninstruction.

Independent Students who have satisfied the one-year physical presence requirement and have acquired one or more items of required governmental evidence of intent but have not timely obtained other California legal indicia and/or continue to hold out-of-state legal indicia may be denied a Resident Classification for the term for which a Resident Classification has been requested.

#### **4. Required Governmental Evidence of Intent (includes Dependent and Independent Students)**

- State of California Driver License *or* State of California Identification Card for nondrivers *and* the relinquishment of driver licenses or ID cards issued by other states;
- Valid voter registration in California, if legally eligible to register;
- State of California car registration for all motor vehicles owned by Students and/or Parents in the case of dependent students;
- State of California tax return filed as "*resident*" status effective with date of declared California residency; state and federal tax transcripts may be requested.
  - Tax returns amended after the submission of a Statement of Legal Residence, Petition for Reclassification, or issuance of a Nonresident Classification will not be accepted for the RDD term being evaluated.

#### **Other California Evidence of Intent**

- California-based place of employment, as applicable;
- Physical residence where permanent possessions are kept;
- Presence of spouse, registered domestic partner, and children, as applicable;
- Continuous physical presence in California during academic breaks, as applicable;
- California residence as the address of record on all legal matters such as tax returns, bank accounts, employment, benefits, and insurance;
- Established eligibility for loans, scholarships, grants-in-aid, or other assistance requiring California residence as basis for eligibility, if applicable
- Established eligibility for and receipt of State of California public benefits, as applicable;
- Establishment of a State of California professional license using California domicile address, as applicable.

#### **Conduct that is disqualifying for purposes of UC residency includes:**

- Leaving the state during periods of non-instruction for extended periods, presence only during periods of instruction, returning to prior residence, and out-of-state employment;
- Maintaining the prior place of residence, failing to sever all ties to the former residence;
- Dependent student in a two-parent family where one parent resides or holds ties out-of-state;
- Attending an out-of-state school as a resident of the state in which the school is located;
- Paying taxes in another state or country as a resident of that state or country, filing California state tax returns claiming Nonresident status, claiming foreign tax credits on the basis of Tax Domicile or physical presence in that state or country;
- Maintaining an out-of-state driver's license or identification card;
- Maintaining voter registration in another state;

- Obtaining a loan or financial assistance based on residence in another state or country;
- Holding a permanent resident visa for another country.

#### D. SPECIAL CIRCUMSTANCES RESIDENT CLASSIFICATION

1. **Student Member of the U.S. Armed Forces** – Student stationed in California, except if assigned for educational purposes, is eligible for a Contingent Resident Classification; *refer to “[Military Provisions](#)”*
2. **Student Dependent of a Member of the U.S. Armed Forces** – Student [Dependent](#) of a member stationed in California is eligible for a Contingent Resident Classification; *refer to “[Military Provisions](#)”*
3. **California Ward of the Court or Foster Youth** – A Dependent or Independent Student who resides in California as of the Resident Determination Date for the relevant term and who is or was a dependent or ward of the court through the California Child Welfare System is eligible for a Resident Classification. Relevant documentation is required.
4. **Non-Resident Dependent of a California Resident (Condit Bill)** – A Dependent Student who has a Parent who both satisfies the Residency Requirements and either claims the Student as a tax dependent or continually contributed court-ordered child support for the Student during the one year immediately before the Residence Determination Date shall be eligible for a limited-duration Resident Classification for one academic year. This provision applies to never married, divorced or legally separated parents as demonstrated by court documents. Students who have lived in California for more than one year after turning age 18 are not eligible for this provision. *A Parent who relocated to California must have severed any and all ties to their former residence; refer to “[Sec. III. C. 1./2](#)”* The Student may thereafter be eligible for a Resident Classification if the Parent continues to satisfy the Residency Requirements and the Student has demonstrated timely fulfillment of the Residency Requirements. This provision requires that Students submit a new SLR at the end of their Condit academic year per campus policy. Students who fail to concurrently fulfill the requirements will be reclassified as Nonresident which is not eligible for appeal review.
5. **Two-Year Care and Control** – A Dependent Student who has been under the continuous direct-care and control of a Qualifying Individual other than a Parent for at least two years prior to reaching age 19 is eligible for a Resident Classification when both the Student and Qualifying Individual fulfill the applicable [Residency Requirements](#) for at least one year immediately before the RDD. Refer to “[Sec. IV.B.8](#)” Based on the age 19 requirement, the Student must have started residing with the Qualifying Individual prior to age 17.
6. **California Public School Teacher** – A Dependent or Independent Student who is employed by a California school district in a full-time position requiring certification qualifications is eligible for a Resident Classification while enrolled in coursework to meet credential requirements.
7. **Graduate of Bureau of Indian Affairs School** – A Dependent or Independent Student who is a graduate of a California school operated by the Federal Bureau of Indian Affairs (BIA) is eligible for a Resident Classification. Contact your campus financial aid office for assistance with the Native American Opportunity Plan, effective with the 2022 fall term.
8. **Amateur Student Athlete** - A Team USA student athlete who trains in the state in an elite level program approved by the U.S. Olympic and Paralympic Committee is eligible for a Contingent Resident Classification for one year, subject to continued eligibility for this provision as defined by Cal. Ed. Code § 68083, or the Student is eligible to receive a Resident Classification based on timely satisfaction of applicable Residency Requirements. Students should contact Team USA for a letter of eligibility.
9. **Refugee, VAWA, T Visa, U Visa** – A Dependent or Independent Student with valid USCIS Refugee, VAWA, “T” visa, or “U” visa immigration status is eligible for a limited duration Resident Classification for one year and may thereafter be eligible to receive a Resident Classification based on timely satisfaction of applicable Residency Requirements.
10. **University / LLC Employees** – A full-time employee of the University or a full-time employee of an LLC holding a contract to manage a University laboratory, as well as the dependent spouse, registered domestic partner,

or Child of such an employee, assigned as a condition of employment to work outside the State of California shall be eligible for a Contingent Resident Classification. The Contingent Resident Classification shall expire at the end of any academic term in which the employee no longer has a qualifying employment relationship. (*University laboratory includes Lawrence Berkeley National Laboratory (LBNL); Lawrence Livermore National Laboratory (LLNL); Los Alamos National Laboratory (LANL)*). “Child” is defined as a Dependent Student and excludes step-child.

11. **Dependent of Member of Academic Senate** – A Student who is the spouse, registered domestic partner, or unmarried dependent Child of a member of the University faculty who is a member of the Academic Senate shall be eligible for a Resident Classification. “Child” is defined as a Dependent Student and excludes step-child.
12. **Incarcerated Students** – Students actively incarcerated in a state or federal prison located within California are considered under the care and control of the State. Therefore, incarcerated students enrolled at the UC who are U.S. citizens or permanent residents will qualify as a resident for tuition purposes and will not be required to complete the Statement of Legal Residence.

#### E. STUDENTS EXEMPT FROM PAYMENT OF NRST

1. **AB 540 Nonresident NRST Exemption** – A Dependent or Independent Student who qualifies under the provisions of Cal Ed Code § 68130.5 is eligible for an NRST Exempt Classification. This provision was amended effective January 1, 2023 (SB1141), for terms beginning after January 1, 2023. Students who were previously ineligible for AB 540 and who may be eligible effective January 1, 2023 are required to submit a new petition for reclassification to their campus. Refer to [“AB540 Requirements”](#)
2. **Former Member of the U.S. Armed Forces** – the Student is eligible for an NRST Exempt Classification when using Chapter 30/33/31/35 benefits. Please refer to the [“Military Provisions”](#)
3. **Federal HEOA and VACAA** – Please refer to the [“Military Provisions”](#) for a summary of federal benefits pursuant to the U.S. Veterans Access, Choice, and Accountability Act (VACAA) and the U.S. Higher Education Opportunity Act (HEOA). HEOA 20 U.S.C. 1015d, Sec. 135 amended 12/27/2021 defines qualifying federal service as a member of the US Armed Forces or a member of the Foreign Service, adopted by Regents Policy 3105 effective July 1, 2023.

#### F. TUITION / MANDATORY SYSTEMWIDE FEE POLICY

1. **Recipient of Congressional Medal of Honor** – an undergraduate recipient of the Congressional Medal of Honor, including the Child of a recipient of the Medal of Honor enrolled as an undergraduate and under the age of 26, is eligible for an exemption from Tuition and Mandatory Systemwide Fees. This benefit is independent of a Residency Classification.
2. **CalVet College Fee Waiver** - A Student who has separately qualified for a Resident Classification for UC tuition purposes and who has been awarded a CalVet Waiver, is exempt from paying Tuition and Mandatory Systemwide Fees when the Student’s annual income, plus the value of parental support, does not exceed the program’s annual income limit. Eligibility for the CalVet Waiver does not make a Student ineligible to meet the Financial Independence requirement. Refer to [Regents 3105, Sec. II.2.](#); see the [CalVet College Fee Waiver website for program requirements](#).
3. **Alan Pattee Scholarship** (Student Survivor of Law Enforcement or Fire Suppression Personnel) – The surviving spouse, registered domestic partner, or Child of a California resident who is an eligible survivor or was killed while on active duty shall be exempted from Tuition and Mandatory Systemwide Fees and mandatory campus-based fees. Please refer to Cal. Ed. Code § [68120](#) for information to include qualifying eligibility. Students should contact their campus Registrar’s Office for information.
4. **Qualifying Survivors COVID-19 California State of Emergency** – An undergraduate student who is an eligible surviving spouse or child of certain California resident healthcare workers and first responders who died from COVID-19 is exempt from paying Tuition and Mandatory Systemwide Fees and mandatory campus-based fees

consistent with the language in Regents 3105. Please refer to Cal. Ed. Code § [68120.3](#) for information to include qualifying eligibility. Students should contact their campus Registrar's Office for information.

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## **IV. ADDITIONAL PROVISIONS**

### **A. ABSENCES**

#### **1. Absences Prior to Fulfilling the Physical Presence Requirement**

Absences totaling more than six weeks during the one-year qualification period are presumed to be inconsistent with an intent to reside permanently in California. A Student or Parent who leaves California during non-instruction periods, including the summer months, is presumed to be in California solely for educational purposes.

A Student or Parent who comes to California, obtains governmental and other evidence of intent, then leaves California will not have fulfilled the intent/physical presence requirements.

#### **2. Temporary Absence after Fulfilling the Physical Presence Requirement**

If a Student or Parent is absent from the state during the one-year qualification period, the Residence Deputy will determine whether the absence qualifies for this provision. Qualifying temporary absences are defined as of limited duration, evidenced by a start and end date, and are purpose-based to include a temporary employment assignment, medical treatment, and qualifying educational programs, all of which require objective documentation. Students and Parents have the burden of providing objective evidence of maintaining California Domicile during all absences from the state.

A Student enrolled in a University of California Education Abroad Program or an equivalent non-UC study abroad program while enrolled in the University of California may count the period of attendance toward the establishment of legal residence for purposes of a Residency Classification. Confirmation of program attendance is required.

A Student or Parent who takes steps to establish Domicile in California and then returns to the former residence or fails to sever ties to the former residence, will not meet the University's intent requirement.

Steps that Students and Parents should take to retain a California Domicile during a qualified temporary absence include, and are not limited to:

- Maintain a Domicile in California
- Continue to use the California Domicile address as the address of record on all legal matters such as tax returns, bank accounts, employment, benefits, and insurance matters
- Return to California for leaves and vacations
- Satisfy California resident income tax obligations as "resident" filing status of California. Filing California tax returns as nonresident status or claiming state and federal tax exclusions or credits on the basis of claiming foreign physical presence and/or tax Domicile is disqualifying.
- Maintain California voter registration (voting by absentee ballot)
- Maintain a California driver license and vehicle registration for all owned vehicles
- Maintain active bank accounts using California residence as address of record
- Store personal belongings in California

If a Student or Parent relinquishes California residency after moving from the state, one year of physical presence and intent must be re-established upon return.

## B. RULES RELATED TO MINORS

1. **General Rule** - A Dependent Student who is a minor will derive a UC Resident Classification from their Parents. The Student will be required to fulfill the requirements upon reaching the age of majority (age 18). Failure to do so may result in reclassification as Nonresident in the event a new SLR is required.
2. **Adoption** - A Minor Student who is adopted is a Dependent Student for purposes of qualifying for a Resident Classification. Refer to "[Dependent Students](#)". Adult adoption is not eligible for purposes of qualifying for a UC Residency Classification.
3. **Parents Moves to California While Student Is a Minor** - A Minor Student whose Parents move to California derives the Parents' California residence only if the Minor Student moves to California with the Parents.
4. **Parents of Minor Who Moves from California** - A Minor Student whose Parents moves from California to establish residence elsewhere will be entitled to a Resident Classification if the Minor Student remains in California and enrolls full time in a post-secondary institution within one year of the date that the Parents establishes a new residence. The Student's Resident Classification will continue as long as the Student maintains continuous full-time attendance at the post-secondary institution. Financial Independence will not be required. Requirements:
  - The Parents must have qualified as a California resident for tuition purposes immediately prior to departure.
  - The Parents must have established a residence elsewhere during the Student's minority and within one year immediately prior to the Student's University enrollment.
  - With the exception of short absences, the Student must have remained in California on a continuous basis prior to admission to a UC campus.
  - The Student must maintain continuous full-time enrollment at a post-secondary institution. If Student has enrolled in more than one post-secondary institution, all such attendances must amount to continuous and full-time enrollment.
5. **Self-Supporting Minor** - A Minor Student who has been self-supporting and physically present in California starting at least one year (366 days) immediately prior to the Residence Determination Date, with the intention of establishing residence, is eligible for a Resident Classification so long as the Student continues to be self-sufficient. Unless the Student qualifies as an Independent Student, satisfaction of the University's "[Financial Independence](#)" provision is required.
6. **Two-Year Care and Control** - A Student who has been under the continuous direct care and control of a Qualifying Individual(s) for a period of not less than two-years prior to reaching age 19 is eligible for a Resident Classification when the Student and the Qualifying Individual(s) meet the following requirements:
  - The Student must have lived with a Qualifying Individual for at least two years immediately prior to enrollment in a post-secondary institution.
  - The Student must have been under the continuous direct care and control of the Qualifying Individual and not received any outside financial support other than State of California or federal benefits during the two years.
  - The Qualifying Individual must have fulfilled the [Residency Requirements](#) for the one-year period ending on the RDD and the Student must fulfill all applicable Residency Requirements independently of the Qualifying Individual upon reaching the age of majority
  - The Student must be a U.S. citizen, permanent resident, or in an eligible immigration status to establish residence in the U.S. as of age 18.
  - The Student must maintain continuous enrollment at a California public post-secondary institution, to include attendance at multiple institutions.
  - The Student must live with the Qualifying Individual(s) and at no other addresses.
7. **Emancipation of Minor (Court Order)** - For Residency Classification purposes, a Minor emancipated by court order is considered an Independent Student and may satisfy the Residency Requirements without regard to

Parents. A copy of court documentation is required. An Emancipated Minor is subject to fulfillment of the Physical Presence and Intent requirements. Refer to "[Independent Students](#)"

8. **Legal Guardianship, Power of Attorney** - Eligible legal guardianships must be determined by a child dependency court, not a probate court or the child welfare delinquency system (W&I Code 300). A student who is or was in an eligible Legal Guardianship is considered as Independent and may be eligible for a Resident Classification subject to fulfillment of physical presence and intent. The campus residence deputy will review the court documents to make a determination. A power of attorney and other documents signed by a parent granting permission to an adult to act on behalf of the parent are not legal guardianships.

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## V. RESIDENCY APPEALS

*The Statement of Legal Residence (SLR) process resides at the student's campus. The Residency Appeal process is limited to a review of the campus evaluation and does not extend to waiving UC policy or granting exemptions. Failure to complete the campus SLR process, including failure to respond to campus requests for information, is disqualifying for appeal. Please refer to the Table of Contents for all approved special circumstances, exemption, and waiver provisions. Campus procedure may dictate that a nonresident status is issued prior to review for AB540 eligibility, please consult directly with your campus residency office.*

### 1. Residency Appeal Requirements

Enrolled students may appeal a campus Nonresident determination **only** if at least one of the following applies:

- 1) The Nonresident determination is based on a significant error of fact, procedure, or incorrect application of UC policy by the campus, or
- 2) Significant new information which existed but was not previously known or available to the student, became available after the campus decision and based on the new information, the Nonresident Classification is incorrect. New information resulting from actions taken after issuance of a Nonresident decision is not eligible for appeal.

### 2. Appeal Procedure

The enrolled student must file their own appeal application within 30 days of the date of the campus Nonresident Determination. The required documents are:

- A completed, signed, and dated [Application to Appeal a Nonresident Classification](#), and
- A copy of the campus Nonresident notice (the email notifying you why you are nonresident), and
- Documents supporting your basis to appeal, refer to appeal application for instructions; attachments must be in PDF format.

The student may submit their appeal by email to [residency.appeal@ucop.edu](mailto:residency.appeal@ucop.edu)

### 3. Appeal Acceptance and Confirmation

- Confirmation of Receipt of Appeal Application: An automated confirmation email will be sent in response to your email appeal submission.
- Appeals will be rejected if:
  - Not submitted within 30 days of the campus notice
  - The complete campus nonresident notice is missing
  - Used to correct student errors on the Statement of Legal Residence (SLR) or petition
  - Based solely on disagreement with the campus decision or UC policy
  - Contains attachments other than PDF format

### 4. Appeal Decision

Residency Appeal decisions are issued by the UC Legal, Office of General Counsel. The decisions are final with no right to further appeal within the University system. Students may contact their campus for instructions on filing a petition for reclassification for a subsequent term.



## APPENDICES

### APPENDIX A: Financial Independence

#### 1. Requirements

As a state supported institution, the University confers on California students the benefit of attending the University at lower cost than students who attend from outside the state. The intent of the financial independence provision is based on social policy considerations consistent with the mission of the University to accommodate undergraduate students who are not supported by their parents. Students who have completed 3 years of California high school and/or community college should refer to the AB 540 provision. Students who are classified as Independent by financial aid should contact their residence deputy for assistance.

A Dependent Student who wishes to qualify as an Independent Student on the basis of financial independence under [Sec. III.B.2.j.](#) must fulfill the following requirements to demonstrate the Student has been fully self-supporting beginning at least one-year prior to the applicable Residence Determination Date and continuing through the duration of their career.

The Student must be fully self-supporting using eligible funds sourced from their wages, savings from earnings, financial aid, college savings plans, and irrevocable trust accounts as described below, to include gifts from parents or third parties not to exceed \$2,524 per academic year<sup>2</sup>. That a student has sufficient funds to be self-supporting does not necessarily qualify for this provision.

Required Documentation includes (all funds require documentation):

- Student's state and federal tax returns, tax transcripts, supporting W-2 and 1099 forms,
- One-year income and expense budget,
- Proof of housing (rental contracts and proof of housing payments),
- 12 months of checking, savings, and credit card statements, and financial documentation for loans, trusts accounts, college accounts, and other documents as may be requested.

Examples of Funds Not Eligible to Fulfill this Provision

- Students using earnings associated with employment by a parent or relative or by a business owned by a parent or relative
- Funds used for self-support from jointly-owned bank accounts,
- Unreported Income,
- Financial assistance from any individual to pay for living expenses including tuition accrued during the one-year period being evaluated with the exception of the above allowable gifts not to exceed \$2,524 per academic year,
- Ineligible trust accounts, and, Investment income sourced from gifted principal. Earnings from gifted principal are not eligible for this provision.

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<sup>2</sup> \$2,524 for the 2024-25 academic year; allowable amount adjusted annually per academic year based on Consumer Price Index (CPI)

The Student **must not** have accepted or used financial assistance from any individual to pay for living expenses including tuition accrued during the one-year period being evaluated with the exception of the above allowable gifts not to exceed \$2,524 per academic year. State of California benefits are allowable. Housing that is owned by a parent or relative, co-signed, or otherwise subsidized by another individual to include purchasing a house in the student's name is considered as financial support. The Student cannot be claimed as a dependent or tax credit by another individual on state or federal tax returns.

For purposes of this section an "eligible" source of financial support means a source that is consistent with the Student being determined to be "financially independent". The UC reserves the right to make this determination.

## **2. Sources of Financial Support**

### **UTMA, UGMA, and 529 Plans:**

Eligible UTMA, UGMA, and 529 Plans must have been established and funded naming the Student as sole beneficiary prior to the Student's 14th birthday. Account contributions made after the Student's 14th birthday are not eligible to qualify for Financial Independence. Earnings on principal funded prior to age 14 are eligible; account statements are required.

Account ownership cannot revert to the custodian/trustee and when the Student reaches the age of majority, the account must be solely-owned by the Student, naming the Student as principal and beneficiary, or the funds must have been transferred into the Student's financial account under the Student's sole ownership and control within 60 days after the Student's 18<sup>th</sup> birthday. Funds from eligible UTMA, UGMA, and 529 Plans that remain in custodial ownership more than 60 days after the Student reaches the age of majority are not eligible to qualify for Financial Independence. Account funds that can be withdrawn, controlled, or used by the custodian, trustee, parent, or individual other than the Student are not eligible for this provision.

### **Irrevocable Trust Accounts:**

Eligible Irrevocable Trust Accounts must have been established naming the Minor Student as sole beneficiary and are limited to accounts funded from the following sources and are subject to the following restrictions:

- Minor Settlements
- Special Needs Trust <sup>3</sup>
- Inheritance
- Life insurance proceeds
- Coogan Trust Account

Trust accounts funded through sources not listed are not eligible for this provision. There is no Minor Student age limitation on the establishment of eligible Irrevocable Trust Accounts, however, the Minor Student must be the sole beneficiary on the account when established, the funds cannot be used by the Custodian/Trustee other than as stipulated by court order for the sole benefit of the Minor Student, and the funds cannot revert to the Custodian/Trustee. When the Minor Student reaches the age of majority, the Student must assume sole ownership and control of the account within 60 days after the Student's 18<sup>th</sup> birthday, with the exception of Special Needs Trust. A Minor Settlement paid as an annuity is eligible so long as the payments are received under the sole control and ownership of the Student as of reaching the age of majority. That a Parent or third party owns, manages, or otherwise has access through joint ownership of accounts, distribution of funds, or other shared control of eligible funds used for self-support is considered as disqualifying for this provision. Official account documentation is required, including but not limited to court, settlement, and account documents as determined by the campus. First Party Special Needs Trust Accounts are eligible and Third Party Special Needs Trust accounts established as an irrevocable trust are eligible.

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<sup>3</sup> *Eligible Special Needs Trusts:* First party SNTs are classified as either (d)(4)(A) SNTs which are established under 42 USC 1396p(d)(4)(A) or Pooled SNTs established under 42 USC 1396p(d)(4)(C). Third party SNTs must be established as irrevocable, solely for the benefit of the person with disabilities.

The Residence Deputy will determine whether the conditions of the trust meet the University requirements for Financial Independence. Further, the Residence Deputy may request evidence to verify that the Student is using the income from the trust or account for support.

**Loans and Gifts** – Loans or gifts from parents or individuals are considered as financial assistance and are limited to \$2,524 per academic year; amounts exceeding this are not eligible when evaluating Financial Independence. This includes co-signed loans, loans made to parents or other parties where the Student receives the funds either directly or indirectly, including PLUS loans. Noninstitutional loans are ineligible, including but not limited to loans from parents, relatives, and employers of parents and relatives. Prepayments of tuition or other living expense accruals for the one-year qualification period is disqualifying for Financial Independence.

**Other Non-Institutional Support** – Receiving free or reduced (below-market) rent, room and board, or other services and necessities from any relative or individual is considered as financial assistance to include “bartering.” A Student who receives monetary payment for work performed including self-employment must provide documentation to include appropriate Form W-2, Form 1099, and federal and state tax returns, and IRS and FTB tax transcripts. A Student whose employment includes housing as a fringe benefit must provide corresponding employment and tax documentation which is subject to evaluation by the campus. Funds from life insurance proceeds, inheritance, and settlements received after reaching the age of majority (not related to minor trusts) require the relevant supporting documentation. The Residence Deputy will determine if these funds meet the University requirements for Financial Independence.

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## APPENDIX B: Veterans – Military Provisions

Tuition provisions for current and former members of the U.S. Armed Forces are governed by Regents Policy 3105, and conform to state and federal law, as applicable. Students should contact their [UC campus veterans coordinator](#) for assistance.

U.S. Armed Forces for purposes of UC Regents Policy and Cal. Ed. Code § 68074/68075 is defined as Air Force, Army, Coast Guard, Marine Corp, Navy, Space Force, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia.

U.S. Armed Forces as defined for purposes of Federal Law and HEOA, VACAA, and VR&E benefits is governed by federal law; refer to the [U.S. Department of Veterans Affairs](#). The HEOA 20 U.S.C 1015d definition of eligibility has been amended to reflect “member of a *qualifying Federal service*” which includes (1) member of the armed forces, and (2) member of the Foreign Service, effective 7/1/2024, pursuant to federal law, adopted by Regents Policy 3105 effective July 1, 2023.

VETERANS - MILITARY PROVISIONS		
CATEGORY: Student/Parent as of RDD	UC REGENTS POLICY <sup>4</sup> Cal. Ed. Code as applicable	FEDERAL LAW <sup>5</sup> HEOA, VACAA, VR&E as applicable
1. Member of the U.S. Armed Forces or Qualifying Federal Service	<p><b><u>Eligibility Requirements:</u></b> Member of the U.S. Armed Forces stationed in California (<i>Cal. Ed. Code § 68074, 68075</i>)</p> <p><b><u>Disqualification:</u></b> Assigned for educational purposes</p> <p><b><u>Status = Resident</u></b> Entitled to Resident Classification</p> <p><b><u>Duration:</u></b> As long as the Student is continuously enrolled</p> <p><b><u>Change of status:</u></b> Student retains classification as long as continuously enrolled.</p>	<p><b><u>HEOA Eligibility Requirements:</u></b> Member of the U.S. Armed Forces or qualifying Federal Service as defined by HEOA 20 U.S.C. 1015d,</p> <ul style="list-style-type: none"> <li>• who is on active duty for a period of more than 30 days,</li> <li><b><i>and</i></b></li> <li>• -whose Domicile or Permanent Duty Station (PDS) is in California (within one year period ending on the RDD)</li> </ul> <p><b><u>Status = Nonresident (NRST) Exempt</u></b> University shall not charge tuition at a rate greater than the rate charged for Resident Classification.</p> <p><b><u>Duration:</u></b> Student retains classification as long as continuously enrolled.</p>

<sup>4</sup> **Regents Policy 3105 - U.S. Armed Forces** – as defined by Cal. Ed. Code 68075, means Air Force, Army, Coast Guard, Marine Corp, Navy, Space Force, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia. Documentation includes Permanent Duty Stations (PDS) orders or letter from commanding officer.

<sup>5</sup> **Federal law - HEOA 20 U.S.C. 1015d** – Documentation includes Form DD2058, Permanent Duty Station (PDS) orders, LES wage statement, Form OF-126, federal wage statement, VACAA benefits letter, or other documents as applicable.

VETERANS - MILITARY PROVISIONS		
CATEGORY: Student/Parent as of RDD	UC REGENTS POLICY <sup>4</sup> Cal. Ed. Code as applicable	FEDERAL LAW <sup>5</sup> HEOA, VACAA, VR&E as applicable
2. Child <sup>6</sup> or Spouse of Member of the U.S. Armed Forces	<p><b><u>Eligibility Requirements:</u></b> Student who is a dependent child, or spouse of a member of the U.S. Armed Forces stationed in California <i>(Cal. Ed. Code § 68074)</i></p> <p><b><u>Status = Resident</u></b> Entitled to Resident Classification</p> <p><b><u>Duration:</u></b> As long as the Student is continuously enrolled.</p> <p><b><u>Change of status of Parent:</u></b> Student retains classification so long as continuously enrolled</p>	<p><b><u>HEOA Eligibility Requirements:</u></b></p> <ul style="list-style-type: none"> <li>Spouse or dependent child of member of U.S. Armed Forces or qualifying federal service as defined by HEOA 20 U.S. C. 1015d,</li> <li>on active duty for a period of more than 30 days, <b>and</b></li> <li>Member’s Domicile or Permanent Duty Station (PDS) is in California. (must relocate within one year period ending on the RDD).</li> </ul> <p><b><u>Status = Nonresident (NRST) Exempt</u></b> University shall not charge tuition at a rate greater than the rate charged for Resident Classification.</p> <p><b><u>Duration:</u></b></p> <ul style="list-style-type: none"> <li>As long as the Student is continuously enrolled.</li> </ul> <p><b><u>VACAA Eligibility Requirements:</u></b></p> <ul style="list-style-type: none"> <li>Spouse or dependent child of an active-duty member of the U.S. Armed Forces</li> <li>using Chapter 30, 31, 33, or 35 benefits</li> <li>lives in California <i>(38 U.S.C. § 3679(c)(2)(B)(ii)(III))</i></li> </ul> <p><b><u>Status = Nonresident Exemption</u></b> University shall not charge tuition at a rate greater than the rate charged for Resident Classification. <i>(38 U.S.C. § 3679(c)(1))</i></p> <p><b><u>Duration:</u></b> Student retains classification as long as continuously enrolled. <i>(38 U.S.C. § 3679(c)(3); Cal. Ed. Code § 68075.5(c))</i></p>

<sup>6</sup> “Child” for purposes of military benefits is governed by federal law, which includes natural, adopted, stepchild, ward, and foster children. (H.R. 7105; Sec. 1011; Sec. 3319(c).

VETERANS - MILITARY PROVISIONS		
CATEGORY: Student/Parent as of RDD	UC REGENTS POLICY <sup>4</sup> Cal. Ed. Code as applicable	FEDERAL LAW <sup>5</sup> HEOA, VACAA, VR&E as applicable
<p><b>3. Former Member of U.S. Armed Forces, or Dependent or Spouse of Former Member</b></p>	<p><b><u>Eligibility Requirements:</u></b></p> <ul style="list-style-type: none"> <li>• Former member of U.S. Armed Forces,</li> <li>• stationed in California</li> <li>• for more than one year immediately prior to being discharged from the U.S. Armed Forces (Cal. Ed. Code § 68075.5)</li> </ul> <p><b><u>Status = Nonresident (NRST) Exempt</u></b> Eligible for NRST Exemption from paying nonresident supplemental tuition</p> <p><b><u>Duration:</u></b> An NRST Exempt classification for one academic year so long as the Student files an affidavit stating intent to fulfill the UC residency requirements. The Exemption must be used within two years of discharge.</p>	<p><b><u>VACAA Eligibility Requirements:</u></b></p> <ul style="list-style-type: none"> <li>• Dependent or spouse of member of U.S. Armed Forces</li> <li>• who died, on or after Sept. 11, 2001, in line of duty while serving on active-duty (38 U.S.C. § 3679(c)(2)(B)(i))</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• Former member of U.S. Armed Forces or the dependent or spouse of former member of U.S. Armed Forces,</li> <li>• using Chapter 30, 33, or 35 benefits</li> <li>• lives in California (as of the RDD)</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• has been discharged or released from active duty military service (of not less than 90 days) <sup>7</sup> (38 U.S.C. § 3679(c)(1)); (Cal.; Ed. Code § 68075.5(c))</li> </ul> <p><b><u>Status:</u></b> University shall not charge tuition at a rate greater than the rate charged for Resident Classification. (38 U.S.C. § 3679(c)(2)(B)(ii)(I)); (Cal. Ed. Code § 68075.5(c))</p> <p><b><u>Duration:</u></b> Student retains classification as long as continuously enrolled. (38 U.S.C. § 3679(c)(3)); (Cal. Ed. Code § 68075.5(c))</p> <p><b><u>VR&amp;E Chapter 31</u> <sup>8</sup></b></p> <ul style="list-style-type: none"> <li>• Servicemember or Veteran using Chapter 31 benefits:</li> </ul> <p>University shall not charge tuition at a rate greater than the rate charged for Resident Classification. (38 U.S.C. § 3679(c))</p>

**Leave and Earnings Statement (“LES”)** –wage statement indicates the state tax withholding based on State of Legal Residence.

**Permanent Duty Station** – The post of duty or official station to which a member of the U.S. Armed Forces is assigned or attached.

**Terminal Leave (Military):** final leave granted to member of the armed forces prior to separation or discharge from service. The period of terminal leave is not counted against the Student for purposes of qualifying for a Resident Classification or NRST Waiver.

<sup>7</sup> **VACAA - Chapter 30/33/35:** The 36-month expiration date is eliminated effective 8/1/2021 (HR 7105 – 01/05/2021).

<sup>8</sup> **VR&E – Chapter 31:** Vocational Rehabilitation and Employment <https://www.va.gov/careers-employment/vocational-rehabilitation/>

## APPENDIX C: Immigration Information

### 1. Eligible Nonimmigrant Visas

Refer to the following chart for visa eligibility for a UC Resident Classification. A person's visa status is that of their most recent I-94 entry or visa and I-94 renewal travel history. Students must provide an eligible visa and corresponding valid I-94 with the Statement of Legal Residence application, to include subsequent renewals and change of status documents as applicable. Dependent Students must provide documentation for both the principal and dependent visa holders. Married students on dependent visas must provide documentation for the principal visa holder.

A change in status from an eligible visa to an ineligible visa will result in reclassification to Nonresident effective with the next academic term. *The burden is on the student to monitor and report their immigration status and to provide all documents to their campus in a timely manner.* Failure to report a change in status may result in retroactive assessment of NRST. The below visa chart reflects all eligible visas and may not reflect all ineligible visas.

VISA TYPE	Eligible for Resident	CATEGORY OF VISA	INITIAL PERIOD OF ADMISSION
<b>A visas: 1 to 3</b>	<b>Yes</b>	Diplomatic Visa: official, dependents, eligible staff Physical presence only	Duration of assignment.
B-1 / B-2	No	Temporary visitor for business / pleasure, medical	One year – extensions granted for no more than six months' time
Visa waiver Program	No	Visitor	No visa required.
C-1, C-2, C-3 / C-4	No	Noncitizen in transit / Transit without visa	Twenty-nine days.
D-1, D-2	No	Crewmen (ship or aircraft crew)	Twenty-nine days
<b>E-1</b>	<b>Yes</b>	Principal Treaty trader, and spouse and Child	Two years w/unlimited extensions granted in increments not over two yrs.
<b>E-2</b>	<b>Yes</b>	Principal Treaty investor, spouse and Child	Two years w/unlimited extensions granted in increments not over two years
<b>E-2C</b>	<b>Yes</b>	Long-term foreign investors in the CNMI (Commonwealth of Northern Mariana Islands)	Allows foreign, long-term investors to remain lawfully present in the CNMI through December 2014
<b>E-3</b>	<b>Yes</b>	Specialty Occupation Workers, Nationals of the Commonwealth of Australia. Dependents may study in the U.S. but need work authorization for employment.	Two years maximum with unlimited extensions granted in increments not to exceed two years.
F-1	No	Academic Students, Students in language programs	Duration of status (D/S in the passport).
F-2	No	Spouse and Child of F-1 Student.	Duration of status of F-1
<b>G visas: 1-4</b>	<b>Yes</b>	Diplomatic Visas: employees of international organizations and qualified dependents, staff. Physical presence only.	3-years; two 2-year renewals
<b>H-1B</b> <b>H-4 of H-1B</b>	<b>Yes</b>	H-1B Principal H-4 spouse and H-4 Child of H-1B Principal eligible	Six-year maximum
H-2A H-4 of H2-A	No	Temporary worker performing agricultural services. H-4 spouse/Child of H2A Principal not eligible	Three-year maximum
H-2B H-4 of H-2B	No	Temporary worker, skilled and unskilled H-4 spouse/Child of H-2B Principal not eligible	One year initially, three-year maximum
H-3 H-4 of H-3	No	Noncitizen trainee H-4 spouse/Child of H-3 Principal not eligible	As authorized in petition, not to exceed two years

VISA TYPE	Eligible for Resident	CATEGORY OF VISA	INITIAL PERIOD OF ADMISSION
H-4		Refer to Principal H visa for dependent eligibility	
<b>“I” visa</b>	<b>Yes</b>	Representative of foreign media, spouse and child	Duration of authorized Employment
J-1 (Student)	No	Exchange visitor, International Student	Duration of approved program
J-2	No	Spouse and Child of J-1 exchange visitor, Student	Duration of status of J-1
<b>K visas: 1 to 2</b>	<b>Yes</b>	Noncitizen fiancée or fiancé of U.S. citizen, minor child	90 days
<b>K-3</b>	<b>Yes</b>	Spouse of U.S. citizen who is the beneficiary of I-130 petition filed in U.S. (LIFE Act)	
<b>K-4</b>	<b>Yes</b>	Child of noncitizen entitled to K-3 classification (LIFE Act)	
<b>L-1A</b> <b>L-2</b>	<b>Yes</b>	Principal: Intracompany transferee L-2 dependent spouse/child of L-1A	7-year maximum
<b>L-1B</b> <b>L-2</b>	<b>Yes</b>	Principal: Intracompany transferee L-2 dependent spouse/child of L-1B	5-year maximum
M-1	No	Student of vocational or nonacademic institution, not in language training program	Duration of studies as indicated
<b>N-8</b>	<b>Yes</b>	Parent of special immigrant Child (Classified SK-3)	
<b>N-9</b>	<b>Yes</b>	Child of special immigrant (classified N-8, SK-1, SK-2, SK-3)	
<b>NATO 1-7 visas</b>	<b>Yes</b>	Diplomatic Visas: representatives of NATO member country. Physical presence; no intent	Subject to consular approval (not USCIS) and State Dept. recognition of status.
<b>O-1</b> <b>O-3 of O-1</b>	<b>Yes</b>	O-1 Principal; Noncitizen with extraordinary ability in the sciences, arts, education, business or athletics O-3 Spouse and Child of O-1 eligible	3 years; extensions 1-year increments
O-2 O-3 of O-2	No	Individuals accompanying and assisting an O-1 O-3 Spouse and Child of Principal O-2 not eligible	Same as O-1
<b>P-1</b>	<b>Yes</b>	Individual or team athletes	5 years; one 5-year extension for P-athlete
P visas: 2 to 4	No	Artists, entertainers, dependents	
Q visas: 1 to 3	No	International programs	
<b>R-1</b> <b>R-2</b>	<b>Yes</b>	Religious occupation R-2 Spouse/child of R-1	Not to exceed 5 years
S visas: 5 to 6	No	Noncitizens supplying critical information	
<b>T visas: 1 to 6</b>	<b>Yes</b>	Victim of a severe form of trafficking in persons	4 years
TN TD	No	NAFTA Professional visa (status) for citizens of Canada and Mexico, and dependent visa (status)	Until visa (status) expires or assignment terminated
<b>U visas: 1 to 5</b>	<b>Yes</b>	Victim of Certain Criminal Activity	4 years
<b>V visas: 1 to 3</b>	<b>Yes</b>	Inactive per USCIS	



## 2. Calculating Physical Presence

*All immigration information provided herein is for informational purposes only and subject to change based on state and federal law and is not a guarantee of a Resident Classification. The campus residence deputies can assist students with identifying their circumstances and required documents, noting students and parents should seek professional guidance as needed.*

Students and Parents must demonstrate at least one-year of continuous physical presence immediately prior to the RDD while in an eligible immigration status, and which continues for duration of enrollment. Students named as Principal Applicant on their immigration documents governing entry to the U.S. are evaluated without regard to parents. ***Due to the complexity of USCIS policy and process, required documents may be subject to change as a result of updates to USCIS law.***

**Visa with Valid I-94:** Students and Parents present under an eligible visa may begin accruing physical presence as of the date of the visa and corresponding I-94 record. One year of physical presence is calculated from the date of actual arrival in California.

**Pending Immigrant Petition and I-485 Adjustment of Status:** A Student whose Parent has an Immigrant Petition (I-140, I-130, I-360, I-526, or other petition) *approval* notice and an I-485 filing *receipt* may begin accruing physical presence as of the date of the I-485 *receipt* date of the approved petition. Students and parents who were physically present under an eligible visa prior to filing the Petition and I-485 may calculate from the earlier date of the eligible visa and I-94 record. One year of continuous physical presence is calculated from the date of actual arrival in California.

**Eligible Visa with Valid I-94, Cancellation of Removal:** with an official document verifying Student has been granted cancellation of removal or withholding of removal. Acceptable documentation includes a valid EAD.

### **Miscellaneous USCIS forms:**

I-485 Application to Register Permanent Residence or Adjust Status – also known as “green card application”

I-130 Petition for Noncitizen Relative – family-based petition for immigration

I-140 Immigrant Petition for Noncitizen Workers – employment-based petition for immigration.

I-526 Immigrant Petition by Noncitizen Investor – filed by EB-5 investor for immigration.

EAD Card - a valid Employment Authorization Document (EAD) which includes immigration category code

Visa and I-94 – A valid visa grants entry; the corresponding I-94 determines the duration of stay based on type of visa; the I-94 travel record provides actual entry and exit travel history.

3. **Non-visa Immigration Status:** Refer to the provisions below for Asylum, DACA, Refugee, TPS, VAWA, and other classifications. A student who has sought to become a permanent resident (green card) and whose circumstances somehow differ from the provisions described herein may submit immigration documentation to the campus Residence Deputy for evaluation.

- b. **Asylee** - Asylum Pending status is eligible for a UC Resident Classification and may be eligible for the AB540 Nonresident Exemption. Required documents are an I-589 receipt dated at least one-year prior to the relevant Residence Determination Date and an EAD card, if issued. (Effective 2/8/2022, an Asylum applicant can apply for an EAD card 150 days after filing an I-589.)

Asylum Granted status is eligible for a UC Resident Classification and may be eligible for the AB 540 Nonresident Exemption. Required documents include a confirmatory USCIS letter and Form I-94, or a copy of the court order granting asylum; an EAD card if issued, not required. The Asylum granted documents will include spouse and dependent children as applicable.

Requirements for Asylee Resident Classification: Fulfillment of UC Physical Presence and Intent requirements are applicable. Students named as Principal applicant for asylum will be evaluated without regard to Parents. Refer to *Sec. III. E. 1.* For the AB 540 for Nonresident Exemption.

- c. **Deferred Action for Childhood Arrivals (DACA)** – DACA is eligible for a Resident Classification and may be eligible for the AB 540 Nonresident Exemption. DACA status is granted for 2-year intervals, subject to renewal.

Requirements for DACA Resident Classification: Form I-821D *approval* notice. Fulfillment of UC Physical Presence and Intent requirements are applicable. Refer to Sec. III. E. 1. For the AB 540 for Nonresident Exemption.

- d. **Refugee** - Refugee status is eligible for a Special Circumstances Resident Classification for one year and thereafter may be eligible to receive a Resident Classification subject to timely satisfaction of the UC Physical Presence and Intent requirements; *refer to Sec. III. D. 10.*

Requirements for Refugee Resident Classification: Form I-590, Registration for Classification as Refugee approval letter, or copy of Form I-730, Refugee/Asylee Relative Petition approval notice. EAD category (a)(3) or (a)(4), or a Permanent Resident (green card) indicating Refugee status.

- e. **Temporary Protected Status (TPS)** – TPS is eligible for a Resident Classification and may be eligible for the AB 540 Nonresident Exemption. Foreign countries are designated by the State Department as [TPS](#).

Requirements for TPS Resident Classification: An approved Form I-821 and EAD card if issued. Fulfillment of the UC physical presence and intent requirements are applicable. Refer to above TPS website regarding duration of TPS status and blanket extensions of EAD cards.

- f. **Violence Against Women Act (VAWA)** - VAWA immigration status is eligible for a Special Circumstances Resident Classification for one year and thereafter may be eligible to receive a Resident Classification subject to timely satisfaction of the physical presence and intent requirements; *refer to Sec. III.D. 10.*

Requirements for VAWA Resident Classification: Form I-360, receipt notice and an EAD category (c)(31) if issued.

- g. **Withholding of Removal** - Withholding of Removal has status similar to an Asylee is eligible for a UC Resident Classification and may be eligible for the AB540 Nonresident Exemption.

Requirements for Withholding of Removal: an I-94 stamped “Withholding of Removal (or Deportation), § 243 (h) or 241 (b)(3)” or a copy of a valid EAD category (a)(10).

- h. **Notice of Hearing in Removal Proceedings** - Removal proceedings are initiated with a written Notice to Appear (NTA). As the holder of an NTA may be subject to removal, s/he does not qualify for a resident classification, unless s/he holds a valid EAD category (c)(8) (pending asylum application).

- i. **Parolees** - Two categories of Parole are eligible for a UC Resident Classification subject to fulfillment of UC physical presence and Intent requirements.

Advance Parole: I-512 Advance Parole for Pending I-485 Adjust Status applicants are eligible for a Resident Classification subject to physical presence and intent (I-131 approval notice or EAD card w/ I-512 Advance Parole).

Humanitarian Parole: Eligible for a UC Resident Classification subject to physical presence and intent. Authorized at USCIS headquarters or overseas District Offices for “urgent humanitarian reasons” specified by law. Generally used in cases of medical emergency and comparable situations.

4. **Noncitizen Minor** - A Student who is a Noncitizen Minor may be considered for a resident classification for tuition purposes if the parent with whom s/he resides has established residence in California for tuition purposes immediately prior to the Residence Determination Date. The Minor Student is not eligible for residence if the parent is undocumented, out of status, or holds a nonimmigrant visa that precludes establishing residence in the United States.
5. **Citizen or Permanent Resident with Undocumented Parents** – Where one or both Parents of a U.S. citizen or Permanent Resident Dependent Student (minor or adult) are undocumented or out of status, those Parents can satisfy the Residency Requirements by being physically present in California with concurrent intent to remain in California for 366 days. Parents who begin to acquire lawful presence will not lose their eligibility for this provision, so long as they do not act inconsistently with a claim of continued California residence.

6. **CSPA and Aged-Out Visas for Continuing Students** - For purposes of this provision, a “continuing UC Student” is defined as “completed the immediately preceding term” and/or “eligible for re-enrollment”.

Continuing students who age-out of a dependent visa and change status to an ineligible visa (regardless of their eligibility for CSPA) may be eligible for exemption from NRST if they:

1. Previously classified as a UC resident; and
2. Maintain continuous enrollment within their degree program; and
3. Continue to meet all other residency requirements to include parents as applicable

(PACAOS 130)

7. **Permanent Resident**

- a. Permanent Resident Status (Green Card - Valid 10 years) - Permanent resident status does not expire when the green card expires. UC policy requires that a student or parent provide a valid green card or an I-90 renewal filing receipt, which may include extensions. In the event of USCIS document delays, the residence deputy will evaluate the available documents before issuing a determination. An LPR will not lose immigration status unless there is a final administrative order of exclusion, deportation, or removal.
- b. Conditional Permanent Resident (Green Card - Valid 2 years) - A Conditional Permanent Resident receives a 2-year green card which expires and cannot be renewed. UC policy requires a valid green card or a copy of the I-751 or I-829 filing receipt which extends status for 18 months, or as indicated.
- Marriage-based Conditional Green Card: Copy of Form I-751, Petition to Remove the Conditions of Residence.
  - Entrepreneur-based Green Card: Form I-829, Petition by Entrepreneur to Remove Conditions.

**GENERAL**

**Undocumented Noncitizen** – a person who is present in the United States without lawful *status*. An undocumented noncitizen may have lawful *presence* such as through Asylum and Refugee status.

**U.S. Citizens, U.S. Nationals, Freely Associated States**

- Citizens of the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, U.S. Virgin Islands, and the Territory of Guam (GU) are U.S. citizens and eligible for a UC Resident, Special Circumstances, Exemption, or Waiver provision.
- Citizens of American Samoa (AS) and Swains Island are U.S. nationals and should be treated the same as U.S. citizens for purposes of evaluating for a UC Resident, Special Circumstances, Exemption, or Waiver provision.
- Freely Associated States (FAS) of the Pacific: Citizens of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau (Palau) are foreign nationals who are eligible for a Nonresident NRST Exemption effective July 1, 2024<sup>9</sup>, exempt from Physical Presence and Intent. A Student who is a citizen of FSM, RMI, or Palau may also be eligible for a Resident, Special Circumstances, Exemption, or Waiver provision subject to the student’s and parents’ fulfillment of Physical Presence and Intent. Qualifying documentation may include a passport or corresponding I-94.

All noncitizens who are eligible for federal, state, and local benefits under federal immigration law (8 U.S.C. §1615 and § 1621) and who, under those laws, are eligible to establish residence in California, may establish California residence for tuition purposes, subject to fulfillment of physical presence and applicable intent requirements, and financial dependence when applicable.

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<sup>9</sup> Effective July 1, 2024, per Public Law [118-42](#), Sec. 209 (b)(1)(E).

## APPENDIX D: AB 540 Nonresident Exemption - Requirements

### California High School, Adult School, Community College (Cal. Ed. Code § 68130.5)

The AB 540 Nonresident Classification provides an Exemption from Nonresident Supplemental Tuition (NRST). Undergraduate, graduate, and professional Students are eligible.

**Cal. Ed. Code § 68130.5 was amended effective January 1, 2023 (SB 1141), effective with terms beginning after January 1, 2023. Students who did not previously qualify and who believe they are now eligible under the amended law must submit a petition for reclassification which would be effective with the next academic term.**

Students who do not qualify for a Resident Classification may be eligible for this provision; please refer to the chart on the following page for examples of qualifying California education.

Students holding a nonimmigrant visa are not eligible for this provision. A California high school diploma or GED obtained after graduating from an out-of-state high school or GED is not eligible. Students cannot concurrently fulfill these requirements while enrolled at a UC campus.

**Required documents:** Completed AB 540 Affidavit, official high school transcripts, community college transcripts, adult school transcript or letter from adult school official, as applicable.

Students must meet all 4 requirements listed below:

#### 1. Time and coursework requirements:

Total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time total attendance or attainment of credits at any of the following:

- a. California high schools
- b. California adult schools  
*(Full-time attendance is defined as a minimum of 420 hours per school year which may be completed on a part-time basis and includes non-credit courses at a California Community College.)*
- c. California Community Colleges  
For the 2022 fall term and earlier – limited to a maximum of two-years or 48 semester credits (or quarter equivalent)  
For the 2023 winter or spring term and later – no limit; community college fulfillment with no high school or adult education is 72 semester credits (or quarter equivalent)  
*(Full-time attendance is defined as a minimum of 12 credit units per semester (or quarter equivalent), which may be completed on a part-time basis.)*

**OR**

Three years of California high school *coursework* completed while in California and three years of total *attendance* in California elementary schools, California secondary schools, or any combination of the two;

**AND**

#### 2. Degree or unit requirements – Student must meet one of the following requirements from (a), (b), or (c):

- a. Graduation from a California high school (or attainment of the equivalent):
  - i. A diploma from a California high school; or
  - ii. A High School Equivalency Certificate issued by the California State GED Office; or
  - iii. A Certificate of Proficiency resulting from a California High School Proficiency Examination (CHSPE).
- b. Attainment of an associate degree from a California Community College while in California
- c. Fulfillment of minimum transfer requirements from a California community college to a UC or CSU campus while in California;

**AND**

#### 3. Student must not be a nonimmigrant noncitizen as defined by federal immigration law (all nonimmigrant visas excluded);

**AND**

#### 4. Student must complete an AB 540 affidavit; refer to [“How to apply”](#)

**Examples of Coursework and Attendance to Qualify for AB 540: *Cal. Ed. Code 68130.5 amended eff. January 1, 2023\****

<b>California School</b>	<b>Time and Coursework (Or Coursework Equivalency) Completed While in California</b>	<b>Credential: Degree or Units Attained</b>
High School	3-years coursework and attendance	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)
High school <i>and</i> Community college	2-years high school coursework and attendance, <i>and</i> 1-year community college coursework and attendance (2 semesters/ 24 units)	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)
High school <i>and</i> Community college	1-year high school coursework and attendance, <i>and</i> , 2-years community college coursework and attendance (4 semesters/ 48 units)	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE), or AA degree, or Minimum transfer requirements to CSU/UC
High school <i>and</i> adult school*	1-year high school coursework and attendance, <i>and</i> , 2-years adult school (420 hrs. per year), or  2-years high school coursework and attendance, <i>and</i> , 1-year adult school (420 hrs. per year), or  Any combination thereof to total 3 years of combined high school and adult school	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)
High school <i>and</i> adult school** <i>and</i> community college	½ year high school coursework and attendance, <i>and</i> ½ year adult school (210 hours), <i>and</i> 2-years community college coursework and attendance (4 semesters/ 48 units)	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE), or AA degree, or Minimum transfer requirements to CSU/UC
High School <i>and</i> Elementary or middle school	3-years high school <i>coursework</i> completed on an accelerated basis during less than 3-years attendance <i>and</i> Sufficient elementary or middle school attendance to equal 3 years total K-12 attendance	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)
*Community College Eff. Jan. 1, 2023	3-years Community College Coursework = 6 semesters (72 credits) completed on a full-time, part- time, or accelerated basis.	AA degree, or Minimum transfer requirements to CSU/UC
*Community College Eff. Jan. 1, 2023	2 to 3-years Community College Coursework, which combined with High School or Adult Education = 3-years total completed on a full-time, part-time, or accelerated basis.	High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE), or AA degree, or minimum transfer requirements to CSU/UC

\*\* "California Adult School" is defined as established by a county office of education, a unified school district or high school district, the Department of Corrections and Rehabilitation, or the Campuses of the California Community Colleges, and generally includes all noncredit atez

## APPENDIX E: Residence Determination Date and Intent Deadline Chart

### Academic Year Deadlines to Acquire Governmental Evidence of Intent

#### Undergrad Deadlines

2024-25 Academic Year	Establish Physical Presence	Residence Determination	Deadline to Acquire Intent
Fall Quarter	9/26/2023	9/26/2024	12/15/2023
Winter Quarter	1/6/2024	1/6/2025	3/22/2024
Spring Quarter	3/31/2024	3/31/2025	6/14/2024
<b>Semester:</b> <b>Berkeley &amp; Merced</b>			
Fall Semester	8/28/2023	8/28/2024	12/15/2023
Spring Semester	1/21/2024	1/21/2025	5/10/2024
2025-26 Academic Year	Establish Physical Presence	Residence Determination	Deadline to Acquire Intent
Fall Quarter	8/27/2024	8/27/2025	12/15/2024
Winter Quarter	1/5/2025	1/5/2026	3/31/2025
Spring Quarter	3/30/2025	3/30/2026	6/15/2025
<b>Semester:</b> <b>Berkeley &amp; Merced</b>			
Fall Semester	8/27/2024	8/27/2025	12/15/2024
Spring Semester	1/20/2025	1/20/2026	5/31/2025

#### Graduate and Professional Deadlines

2024-25 Academic Year	Establish Physical Presence	Residence Determination	Deadline to Acquire Intent
Fall Quarter	9/26/2023	9/26/2024	12/15/2023
Winter Quarter	1/6/2024	1/6/2025	3/22/2024
Spring Quarter	3/31/2024	3/31/2025	6/14/2024
<b>Semester:</b> <b>Berkeley, Merced, UCLA Law &amp; Medical</b>			
Fall Semester	8/28/2023	8/28/2024	12/15/2023
Spring Semester	1/21/2024	1/21/2025	5/10/2024
2025-26 Academic Year	Establish Physical Presence	Residence Determination	Deadline to Acquire Intent
Fall Quarter	9/25/2024	9/25/2025	12/15/2024
Winter Quarter	1/5/2025	1/5/2026	3/31/2025
Spring Quarter	3/30/2025	3/30/2026	6/15/2025
<b>Semester:</b> <b>Berkeley, Merced, UCLA Law &amp; Medical</b>			
Fall Semester	8/27/2024	8/27/2025	12/15/2024
Spring Semester	1/20/2025	1/20/2026	5/31/2025

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\*Establish Physical Presence deadlines note the final date to relocate to CA to meet physical presence for term.