

RESIDENCY REQUIREMENTS

This section of the catalog provides a general summary of the principal rules on residency and their exceptions. For the detailed rules used by admission officers for residency determination, reference should be made to regulations of the Board of Governors of the California Community Colleges in Sub-Chapter 1 (commencing with Section 54000) of Division 6 of Chapter V, of Title 5 of the California Administrative Code, and the regulations and guidelines available at the Enrollment Services Office. These regulations are subject to change without notice by the state Legislature.

Determination of Residency

Each person enrolled or applying for admission to a California Community College is, for purposes of admission and/or tuition, classified as a "California resident" or as a "nonresident." If students are classified as California residents, they will be admitted to the college without paying non-resident tuition. Students classified as nonresidents will be required to pay nonresident tuition and capital outlay fees, in addition to the California Enrollment fee, at the Board-approved rate per semester unit determined annually. A "California resident" is a person who has resided within California for at least one (1) year and one (1) day prior to the first (1st) day of the term of enrollment and can provide documentation of their intent to make California their permanent residence.

A "nonresident" student is one who does not have residence in the state for more than one (1) year prior to the residence determination date and cannot provide documentation of intent to make California their permanent residence.

Establishing Residence

To establish residence, a person capable of establishing residence in California must couple physical presence in California with objective evidence that the physical presence is with the intent to make California the permanent home. The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence. The following explanations will assist in determining physical presence and intent.

Physical Presence

- A person capable of establishing residence in California must be physically present in California for one (1) year prior to the residence determination date to be classified as a resident student;
- A temporary absence for business, education or pleasure will not result in loss of California residence if, during the absence, the person always intended to return to California and did nothing inconsistent with that intent;
- Physical presence within the state solely for educational purposes does not constitute establishing California residence regardless of the length of that presence.

Intent

1. Intent to make California the home for other than a temporary purpose may be manifested in many ways. No one factor is controlling;
2. A student who is nineteen (19) years of age or over and who has maintained a home in California continuously for the last two years shall be presumed to have the intent to make California the home for other than a temporary purpose unless the student has evidenced

a contrary intent by having engaged in any of the activities listed in subsection (6) of this section;

3. A student who is under nineteen (19) years of age shall be presumed to have the intent to make California the home for other than a temporary purpose if both the student and their parent(s) have maintained a home in California continuously for the last two years unless the student has evidenced a contrary intent by having engaged in any of the activities listed in subsection (6) of this section;
4. A student who does not meet the requirements of subsection (2) or subsection (3) of this section shall be required to provide evidence of intent to make California the home for other than a temporary purpose as specified in subsection (5) of this section;
5. The following factors are considered in determining California residency (a minimum of 2 must be provided):
 - a. Ownership of residential property or continuous occupancy of rented or leased property in California;
 - b. Registering to vote and voting in California;
 - c. Licensing from California for professional practice;
 - d. Active membership in service or social clubs;
 - e. Presence of spouse, children or other close relatives in the state;
 - f. Showing California as home address on federal income tax form;
 - g. Payment of California state income tax as a resident;
 - h. Possessing California motor vehicle license plates;
 - i. Possessing a California driver's license;
 - j. Maintaining a permanent military address or home of record in California while in the armed forces;
 - k. Establishing and maintaining an active California bank account;
 - l. Being the petitioner for a divorce in California.
6. Conduct inconsistent with a claim of California residence includes but is not limited to:
 - a. Maintaining voter registration and voting in another state;
 - b. Being the petitioner for a divorce in another state;
 - c. Attending an out-of-state institution as a resident of that state;
 - d. Declaring non-residence for state income tax purposes.

Reclassification

Students who have been classified as non-residents are not automatically reclassified as residents. It is the responsibility of the student to request reclassification to residency status. The Residency Questionnaire (<https://www.msjc.edu/enroll/documents/Supplemental-Residency-Questionnaire.pdf>) for reclassification to residency status must be submitted to Enrollment Services no later than 75% of the term in which the student is seeking reclassification. The questionnaire must be accompanied by documentation verifying the student's intent to become a California resident, evidence of physical presence in California and/or evidence of financial independence. The law clearly states that the burden of proof of verifying residency rests with the applicant or student.

- A student seeking reclassification as a resident, who was classified a non-resident in the preceding term, shall be determined to be financially independent or dependent;
- A student who has established financial independence may be classified as a resident if the student has demonstrated clearly physical presence and intent to be a California resident for one year prior to the residence determination date;
- In determining whether the student has objectively manifested intent to establish California residence, financial independence shall weigh

in favor of finding California residence, and financial dependence shall weigh against finding California residence;

- Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than shall financial dependence in earlier calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of continuing residence in another state.

One-Year Waiting Period

The one (1) year residency period that a student must meet to be classified as a resident does not begin to run until the student both is present in California and has manifested clear intent to become a California resident.

Exceptions to Residency Rule

Exceptions to the residency determination as set forth above will be applied to certain factual situations. If the student would otherwise be classified a non-resident, but fits within one of the following exceptions, they would be granted resident classification until they obtain such classification.

Examples of some exceptions are:

- A minor whose parents moved from California prior to the residency determination date will retain resident classification if they remain in California and continues full-time attendance at Mt. San Jacinto College;
- A student who is a minor and who has been self-supporting and in California for one year preceding the day before the term will be granted resident classification;
- A child or a spouse of a member of the armed forces stationed in California will be granted resident classification. A student who is a member of the armed forces not assigned to California for purposes of education will be entitled to resident classification;
- Adult aliens lawfully admitted for permanent residence and present for one year will be given resident classification. Minor aliens may use their parent's durational presence to satisfy the one-year requirement as long as they are not precluded from establishing residence in the United States;
- A student holding a valid credential authorizing service in a public school and employed in a certificated position by a community college district will be given resident classification;
- Certain refugees may claim exception from non-resident tuition with documentation from the Immigration and Naturalization Service evidencing that the student is a refugee and establishing that they have been a California resident for one (1) year;
- A student who is a full-time employee of a California school enrolling in courses necessary for credential qualifications will be given resident classification.
- A special admit (high school) part-time student, other than a nonimmigrant alien
- Refugees with special immigrant visas (SIVs) who settled in California upon entering the United States.
- Students with T and U visas.