

AB540 - CALIFORNIA NONRESIDENT TUITION EXEMPTION REQUEST

GENERAL INFORMATION

Any student, other than one with United States Citizenship and Immigration Services (USCIS) nonimmigrant visa status (see exception below for students who have been granted T or U visa status), who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the University of California, and the California State University (all public colleges and universities in California).

A student is exempt from paying nonresident tuition if the student meets all of the following four requirements:

1. The student must have:

- attended a combination of California high school, adult school, and California Community College for the equivalent of three years or more or;
- attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work and attended a combination of elementary, middle and/or high schools in California for a total of three or more years, **and**

2. The student must have:

- graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam), or
- completed an associate degree from a California Community College, or
- completed the minimum requirements at a California Community College for transfer to the California State University or the University of California, **and**;

3. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and

4. The student must file an [affidavit](#) with the college or university stating that if the student is a non-citizen without current or valid immigration status, the student has filed an application to legalize immigration status, or will file an application as soon as the student is eligible to do so.

•Students who are nonimmigrants who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8 of the United States Code, sections 1101(a)(15)(T) or (U) are eligible for this exemption.

•Students who are nonimmigrants, other than those with T or U visa status as noted above, [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.

- A year’s equivalence at a California Community College is a minimum of 24 semester units of credit or 36-quarter units of credit. For noncredit courses, a year’s attendance is a minimum of 420 hours, 210 hours for a semester, and 140 hours a quarter.
- The accumulation of credit and/or non-credit in any academic year shall be calculated in reference to a year’s equivalence. Partial completion in an academic year is allowed. (Example: 12 units of credit courses in an academic year is equal to a semester for purposes of determining eligibility.)
- Attendance in credit courses at a California Community College towards the attendance requirements shall not exceed two years of full-time attendance.
- The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
- Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
- Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will not be classified as California residents. They continue to be “nonresidents”.
- The California Dream Act extends Cal Grant A and B Entitlement awards, Cal Grant C awards, the California Promise Grant (formerly known as the BOG fee waiver), Chaffee grants, and institutional financial aid to students that meet these criteria as well as the applicable criteria for eligibility for specific types of financial aid.
- AB540 does not provide federal student financial aid eligibility for undocumented students. These students remain ineligible for federal financial aid.
- If you believe you are eligible for AB540, complete the AB540 Affidavit and submit it to the Admissions and Records Office.

NONRESIDENT TUITION EXEMPTIONS for REFUGEES and SPECIAL IMMIGRANT VISA HOLDERS

In 2017, the California Legislature also enacted Assembly Bill 343, which establishes a new exemption from nonresident tuition for refugees with special immigrant visas (SIVs) who have fled Afghanistan, Iraq, Syria or other countries.

Effective January 1, 2018, Education Code section 68075.6 grants an exemption to nonresident tuition for: (1) Iraqi citizens or nationals (and their spouses and children) who were employed by or on behalf of the United States Government in Iraq, and who meet certain criteria (Ed. Code, § 68075.6, subd. (b)(1); Public Law 110-181, § 1244); (2) translators (and their spouses and children) who worked directly with the United States Armed Forces, and who meet certain criteria (Ed. Code, § 68075.6; Public Law 109- 163, § 1059); and (3) refugees (Ed. Code, § 68075.6, subd. (b)(1), 8 U.S.C. § 1157). These exemptions only apply to those who settled in California upon entering the United States. (Ed. Code, § 68075.6, subd. (b)(1).) Students who settled elsewhere in the United States, and then moved to California would

not be eligible for this exemption and would be required to either establish residency or pay nonresident tuition. Under Education Code section 68122, T and U visa holders are also exempt from nonresident tuition by extension of Assembly Bill 343.

Assembly Bill 343 also states that the exemption for a student is only available for the maximum time it would take the student to establish residency. (Ed. Code, § 68075.6, subd. (b)(1).) That time, and therefore any nonresident tuition exemption, will expire one year from the date the student settled in California upon entering the United States. (Ed. Code, § 68017.) Upon expiration of the nonresident tuition exemption, the student either will have established residency in California, or will have an intention to reside elsewhere, and be subject to nonresident tuition.

Please contact the Admissions and Records Office for additional information.

CALIFORNIA NONRESIDENT TUITION EXEMPTION REQUEST

(AB 540 as amended by Education Code section 68130.5, Effective Jan. 1, 2018)

INSTRUCTIONS

Complete and sign this form to request exemption from nonresident tuition charged to nonresident students. Once determined to be eligible, you will continue to receive the exemption as long as you fulfill eligibility requirements or until the College or University no longer offers this exemption. Applying for this exemption does not alter your responsibility to pay, by the campus deadline, any nonresident tuition and associated fees that may be due before your eligibility is determined.

APPLICATION

I, the undersigned, am applying for the California Nonresident Tuition Exemption at _____
_____ (College or University) and declare that the following apply to me.

1.) Check one box only:

- I have a current nonimmigrant visa (not including a T and U visa) as defined by federal law.
Nonimmigrants have been admitted to the U.S. on a temporary visa and include, but are not limited to, foreign students (holding F visas) and exchange visitors (holding J visas).
- I have a current nonimmigrant visa and have been granted T or U visa status as defined by federal law.
- I do NOT have a current, nonimmigrant visa as defined by federal law.
This includes, among others, U.S. citizens, permanent residents, DACA recipients, and individuals without current or valid immigration status.

2.) Select all items that apply to you from each column:

Column A	Column B
<input type="checkbox"/> I attended a combination of California high school, adult school, and community college for the equivalent of three (3) years or more.*	<input type="checkbox"/> I have graduated or will graduate with a California high school diploma or have the equivalent (i.e. California-issued GED, CHSPE).
<input type="checkbox"/> I have three (3) or more years of California high school coursework <i>and</i> attended a combination of California elementary, secondary, and high school of three (3) years or more.†	<input type="checkbox"/> I have completed or will complete an associate's degree from a California Community College.
	<input type="checkbox"/> I have completed or will complete the minimum requirements at a California Community College for transfer to the California State University or the University of California.

Please provide information on the schools you attended and referenced above, including the dates you attended and the number of credits obtained or hours completed:

* A year's equivalence at a California community college is either a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 class hours per year (a semester is equivalent to a minimum of 210 hours and a quarter is equivalent to a minimum of 140 hours). Full-time attendance at a California adult school is a minimum of 420 hours of attendance for each school year.

† This provision addresses both a coursework and an attendance requirement, which can both be satisfied in three or more years.

Name of CA School	Type of School (high school, adult school or community college)	City	From (Month/Year)	To (Month/Year)	Number of Credits or Hours

Applicants must submit, as part of this form, official transcripts/attendance records that validate any of the information above as requested by the College, District, or University residence official.

AFFIDAVIT:

By signing this document below, I hereby state that if I am a non-citizen without a current or valid immigration status, I have filed an application to legalize my immigration status or will file an application as soon as I am eligible to do so.

DECLARATION OF TRUE AND ACCURATE INFORMATION:

I, the undersigned, declare under penalty of perjury that the information I have provided on this form is true and accurate. I understand that this information will be used to determine my eligibility for the California Nonresident Tuition Exemption. I further understand that if any of the above information is found to be false, I will be liable for payment of all nonresident tuition charges from which I was exempted and may be subject to disciplinary action by the College or University.

FULL NAME	CAMPUS ID NUMBER	EMAIL ADDRESS
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SIGNATURE	DATE
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