

ADMISSION AND ATTENDANCE INFORMATION

RESIDENCY

Residency Requirements

To establish residency, a student needs to meet the three conditions below, subject to verification by submitting required proof as noted in the “Acceptable Proofs of California Residence” section. The burden of proof to demonstrate legal status, physical presence, and intent to establish residence in California is on the student (EC 68041).

1. Legal status that permits the establishment of domicile in the United States. Essentially, student must be a U.S. citizen, permanent resident, eligible temporary resident, hold an eligible visa, etc. Legal status must be sustained for at least one year plus one day prior to the start of the academic term for which the student was admitted. This date is known as the “Residency Determination Date” (Title 5 § 54045).
2. Physical presence is proved by being physically and continuously present in California for one year plus one day prior to the start of the academic term (the Residency Determination Date). (Title 5 § 54020 and § 54022).
3. Intent to establish residence is proven by providing evidence demonstrating intent to make California a permanent home of residence (see “Acceptable Proofs of California Residence” section below). Taking any of the following actions (not an exhaustive list) demonstrates a lack of intent to make California a permanent home of residence: filing or paying taxes in another state or country as a resident of that state or country; filing for divorce or a lawsuit in another state; paying resident tuition in another state; registering to vote or voting in another state. Moving to California for educational purposes alone does not grant residency (Education Code, § 68062(d)).

Residency Provisions

- Each person applying for admission to, or enrolled in, a California Community College is classified for tuition purposes as either a “resident” or a “nonresident” of the State of California.
- A “resident” is defined as a citizen of the United States or a person who holds a status that allows him or her to establish residency in the United States for a minimum of one year and one day, who has proof of physical presence in the State of California for one year and one day PRIOR TO the start of the semester for which California residency is being claimed, and who presents evidence of intention to make California his or her permanent home. Dates on any documentary evidence should correspond to dates of physical presence in California.
- A “nonresident” is a person who does not meet the residency requirements of the State of California or who is a citizen of a foreign country and holds only temporary status in the U.S.
- A student classified as a resident will be admitted to the College and be exempt from paying nonresident tuition. Enrollment fees still apply.
- A student classified as a nonresident is required to pay a tuition fee in addition to the enrollment fee. A student classified as a nonresident, with an out-of-status citizenship, and/or a nonresident U.S. citizen who attended three years and graduated from a California high school may apply for nonresident tuition exemption. An official, sealed transcript must be submitted with the exemption form.
- All nonresident students between the ages of 19 and 23 (inclusive) requesting reclassification to resident status must submit a petition for change of residency status (Residency Questionnaire, obtained from smc.edu/residency or from a residence specialist in the Admissions Office), show proof of financial independence, provide documents that show the students were not claimed as dependents for income tax

purposes by their parents in the past year, and present evidence of intent to establish California as their place of residence. Please visit the Residency website at smc.edu/residency for helpful tips on establishing California residency.

Residence of an Adult

A student who is 19 years of age or older and who has lived in California continuously for the last two years shall be presumed to have the intent to make California his or her home.

A student under 19 years of age shall be presumed to have the intent to make California his or her home if both the student and his or her parent(s) or legal guardian(s) have lived in California continuously for the last two years.

A student who is 19 years of age or older applying for admission who has less than two years, but more than one year, of residence in California should be prepared to show proof of residence. Examples of evidence that aid the College admissions officer in identifying intent include, but are not limited to, those noted in the “Acceptable Proofs of California Residence” section below.

Acceptable Proofs of California Residence

All students requesting reevaluation of their residency status must submit a Residency Questionnaire online at smc.edu/residency and submit as many documents as necessary to prove California residency to Admissions Office. Documents submitted for consideration must be dated at least one year and one day prior to the Residency Determination Date for the term for which resident status is sought. The Residency Determination Date is the day before the term begins. Acceptable proofs of residency are included in the Residency Questionnaire. Santa Monica College reserves the right to request additional documents when those presented do not sufficiently demonstrate legal status, physical presence, intent, and/or financial independence (as relevant).

Residence of a Minor

Unmarried minors (those younger than 18 years of age) are, by law, incapable of establishing their own residences, notwithstanding their physical presence within California. The Admissions Office will use the following guidelines for determining a minor’s residence:

- A minor’s residence is the residence of the parent or legal guardian with whom the minor is living;
- If the minor is not living with a parent or legal guardian, then the residence of the parent or legal guardian with whom the minor last lived will be the residence of the minor.

When the residence of a minor student is derived from the parent or legal guardian, the durational requirement (one year in California) must be met by the parent or guardian, but is not required of the student.

A minor whose parents are not living and who does not have a legal guardian may establish his or her own residence.

Exceptions

Exceptions to the above guidelines will be made under certain circumstances as prescribed by California law and outlined in Administrative Regulation 4110 Residency Determination. See smc.edu/AR4000StudentServices for details.

VACA Exception (VACA H.R. 3230)

Act (VACA H.R. 3230), a “covered individual” is defined as:

1. A veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of

residence) and enrolls in the school after discharge from a period of active-duty service of 90 days or more. [Effective August 1, 2021, the requirement to enroll within three years after discharge is removed, per SB 701.]

2. An individual who is entitled to rehabilitation under 38 U.S.C. 3102(a).
3. A spouse or child entitled to transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor's discharge from a period of active-duty service of 90 days or more.
4. A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the Service member's death in the line of duty following a period of active-duty service of 90 days or more.
5. After expiration of the 3-year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain "covered individual" status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the institution, even if the student enrolls in multiple programs, and shall continue to be exempt from paying nonresident tuition and other fees.

California Nonresident Tuition Exemption

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 (this exemption is often referred to "AB 540" after the Assembly Bill which enacted the exemption):

- A student is exempt from paying nonresident tuition if the student meets all of the following four requirements:
 1. a. The student must have:
 - Three (3) years of attendance at a California high school, or
 - Three (3) or more years of high school coursework and three (3) years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools, or
 - Attended or attained credits at a combination of a California high school, California adult school, and/or California Community College for the equivalent of three (3) years or more, and
 - b. 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
 - c. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and
 - d. The student must file an affidavit with the college 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 §§ 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 noncredit 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 toward 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 College Promise Grant, 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.

Selective Service Notice to Male Students

Federal law requires men age 18-25 to be registered with the Selective Service System (SSS) if they are US citizens or immigrant aliens (international students who hold valid student visas are exempt from this requirement). Men must be registered before they can receive federal or state financial aid (including loans and grants) for their education. Registration forms are available online at sss.gov and at any post office.