

FOOTHILL COLLEGE
Office of Admission and Records
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RESIDENCE DETERMINATION AND APPEAL PROCEDURE

The following information is provided to advise students of the steps that must be taken to establish and maintain California residency. This information is taken directly from

T5 CCR 54000-54045

RESIDENCE: That location with which a person is considered to have the most settled and permanent connection; it is also that place where that person intends to remain, and during absences intends to return. Residence results from the union of physical presence with objective evidence that the intent is to remain at that place for an indefinite period of time.

BURDEN OF PROOF: The burden of proof lies with the **STUDENT** to demonstrate clearly both physical presence in California and intent to establish a California residence.

This is a list of objective manifestations of intent to establish California residence.

No one factor is controlling.

- a. Showing California as home address on federal income tax forms. **
 - b. Payment of California state income tax as a resident. **
 - c. Ownership of residential property or continuous occupancy of rented property in California. *
 - d. Registering to vote & voting in California. *
 - e. Licensing from California for professional practice. *
 - f. Possessing a California driver's license. *
 - g. Possessing California motor vehicle plates. *
 - h. Maintaining a permanent military address of home of record as California. *
 - i. Establishing and maintaining active California bank accounts. *
 - j. Continuous presence in California except for absences, which can be explained without conflicting with establishment of residence. *
- (**)-Main factors (*)-Supporting factors

(OVER)

1. **PHYSICAL PRESENCE:** A person capable of establishing residence in California must be physically present in California for one year and one day prior to the residence determination date (1st day of the term) to be classified as a resident for that quarter.
2. **INTENT:** The law and regulation require both physical presence and the intent of the student to make a home in California. Physical presence in the state solely for educational purposes does not constitute the establishment of California for residence regardless of the length of presence.
3. **FINANCIAL INDEPENDENCE:** A student who is classified as a non-resident, and has established financial independence, may be classified as a resident if the student has met the requirements of **CCR 54020** for one year and one day prior to the residence determination date.
4. **MILITARY AND DEPENDENTS:** Students who are active duty members of the Armed Forces of the United States are classified as residents while stationed in California. Military dependents are entitled to resident classification until they have resided in California the minimum time period, the student must show that their intent to become a resident is clearly established.
5. **APPEAL PROCEDURE:** Any student, following a residence determination by Admissions Office personnel, may make an appeal of that decision by writing to the registration supervisor within 14 days. The supervisor will make a decision within 14 days after its receipt. A student may appeal that decision to the Director of Admissions & Records within 14 days.
6. **NON-CITIZENS:** Aliens **precluded** by the Immigration and Nationality Act from establishing residence, no matter the length of stay in California, are those with **B, C, D, F, H2, H3, J, M, O2, P, Q1, TC, TD, TN, TWOV, U, WB** and **WT** visas.

In order to change from non-resident to resident, a student must file an affidavit, along with supporting documentation, with the Admissions Office. If you have any questions concerning your residence status please feel free to contact an Admissions Office representative. If you are unsure of your status, or feel you have been misclassified, you may bring your passport, visa, and/or related paperwork and documentation, to the Admission Office for review.