California Residency Information

**Residence Requirements:** Establishing California residence requires both physical presence in California AND objective evidence that there is intent to make California your home for other than a temporary purpose. The one year and one day residence period does not begin until you are present in California AND have demonstrated clear intent to become a resident of California (California Administrative Code Title 5, Sections 54020 & 54028).

**Physical Presence:** You must have been physically present in California for one year and one day on the first day of the term you wish to be classified as a California Resident (California Administrative Code Title 5, Section 54022).

**Intent to Remain in California:** Intent to make California your home for other than a temporary purpose may be demonstrated in several ways. You must provide a minimum of two (2) items from different categories on the list below that are dated at least one year and one day prior to the first day of the term (California Administrative Code Title 5, Section 54024). All official documents presented must be valid, readable, dated at least one year and one day prior to the residence determination date, and be properly identified with respect to the student’s name and California address. Gavilan College reserves the right to ask for additional items of documentation.

1. A. Current California driver’s license or Department of Motor Vehicles documentation of California driver’s license. – State law requires a resident driver to obtain a California driver’s license within 10 days from the date residence is established.

   OR

1B. California Identification card.

2. California Motor Vehicle registration – California Registration Certificate.

3. Establishing and maintaining active California bank accounts – bank statement or letter of verification from bank w/California address.

4. Records of Income:

    A. Documentation of employment – check stub, letter from employer, or company identification.

    B. California Resident State Income Tax Form 540NR (required by law of any part-year, taxpaying resident of California), or 540 or 540A, from previous year. If the end of the tax year does not fall one year and one day prior to the residence determination date, one of the following documents so dated is also required: check stubs, a note from the employer, or other verification.
C. Federal Income Tax Form 1040A or 1040EZ from previous year with California address. If the end of the tax year does not fall one year and one day prior to the residence determination date, one of the following documents so dated is also required: check stubs, a note from the employer, or other verification.

5. Documentation of purchase and occupancy of residential real estate in California – loan papers, tax receipts, escrow papers. Or documentation of rental residential lease for one year.

6. Selective Service registration with California permanent address – Selective Service Registration Card.

7. Maintaining permanent military address or home of record in California while in armed forces – DD214.

8. Documentation of the student as a California resident having received rehabilitation, unemployment, welfare, or other State Services – service receipts or agreements of certification by the appropriate agency showing the student as recipient.


11. Documentation of active resident membership in California professional, service, or social organization – school organization not accepted.

California residence may be established by one of the following:
If the applicant is under the age of 18, his or her parents must have had legal residence within the State of California for 12 consecutive months preceding the day before the first day of the semester.

1. If the applicant is 18 but not yet 19 years of age, the applicant and the applicant’s parents must have had legal residence within the State of California for 12 consecutive months preceding the day before the first day of the semester.

2. If the applicant is 19 years of age or older, the applicant must have had legal residence within the State of California for 12 consecutive months preceding the day before the first day of the semester. If the applicant’s parents or legal guardian’s reside out-of-state, the student must be financially independent (see Non-California Residents #2.)

3. A non-citizen holding a visa that does not preclude the student from establishing residency in California must have legal residence in California for 12 consecutive months proceeding the day before the first day of the semester.
Non-California Residents:
Students who do not meet the California residence requirements as of the day immediately preceding the first day of the semester or summer session are required to pay the non-resident tuition fees. This includes:

1. Minors (under 18 years of age and not married) will be required to pay the non-resident tuition fee if their parents or legal guardians reside outside the state even though such minors may have lived in the State of California for one year or more.
2. Students who are financially dependent on their parents or legal guardians will be required to pay non-resident tuition if their parents or legal guardians reside outside the state even though such students may have lived in the State of California for one year or more.
3. Students holding visas that preclude them from establishing residency in California may be restricted in their enrollment and will have to pay non-resident tuition. In addition, students with visas who are citizens of another country are required to pay an additional per unit capital outlay fee. See the class schedule for the amount of the fee.

Exceptions authorized by the State of California:

- Active military personnel are exempt from non-resident tuition fees provided they are in California for a purpose other than attending a state-supported institution of higher learning.
- Dependents of military personnel stationed on active duty in California are given a waiver of non-resident fees.
- Non-resident students who have completed three years of high school in California and graduated in California (or equivalency) may qualify for a waiver of non-resident fees by filing the California Nonresident Tuition Exemption Request affidavit.

How can a non-resident student establish residency?
If you are classified as a non-resident for tuition purposes you must prove both physical presence in California for one full year immediately preceding the semester determination date, and intent to make California the permanent home for the past year (California Administrative Code Title 5, Section 54024). Presence and intent may be manifested in many ways – no one factor is controlling.

If you think you may be eligible to establish California residency per the residency requirements, you may complete the Statement of Residency form and provide the necessary documents as indicated above, for review of your residency status. Persons generally ineligible to establish California residency include: students under age 18, students dependent on out-of-state parents/guardians, students with certain visa or citizenship status, etc.