AB 540
Requirements and Resources for Undocumented Students

Fall 2023 Counselor Conferences
Residency for Tuition Purposes

The determination of residency for tuition purposes affects whether a student pays in-state or out-of-state tuition fees.

Out-of-state tuition fees are higher than in-state tuition fees.

Just because a student is or has been a resident of the State of California does not mean that they qualify to receive the in-state tuition rate.
California Education Code

- California Education Code
  Section 68000-68134
- California Code of Regulations
  Title 5, Sections 41900-41916
Admission Application Process
Admission Application Process

- Citizenship/Residency

AB540 Applicants should select None.

Applicants that reside in CA should select Yes regardless of US Citizenship status.
Parent’s Immigration Status

The parent or legal guardian’s immigration status is not relevant unless the visa status is derived from the parent’s visa.

For example, a student with an H-4 visa is dependent of an H-1 visa holder.
CSU Residency Requirements

- Eligible Immigration Status
- Physical Presence
- Intent
- Financial Independence (ONLY for continuing students)
FIRST RESIDENCY REQUIREMENT
Eligible Immigration Status

- A student seeking to pay in-state tuition at a California State University campus as a first-time freshman, transfer or as a post-baccalaureate/graduate student must have an **eligible immigration status** to establish residency in the State of California to establish CSU residency for tuition purposes.

- Student must be a United States citizen, a permanent resident (Green Card holder), or hold a valid immigration status.

- The **Immigration and Nationality Act** allows certain immigration statuses to establish permanent residency in the United States, and therefore they are entitled to establish California residency for tuition purposes.

- Students must hold an eligible status at **least one year prior to the Residence Determination Date** in order to be considered eligible to establish California residency for tuition purposes.

- If a student does not qualify as a California resident, the student may be eligible for certain **exceptions and exemptions**.

www.Calstate.edu/residency
Exceptions and Exemptions
The CSU Nonresident Tuition Exemption is open to CSU students enrolled as undergraduate or graduate students who are:

- U.S. Citizens
- Permanent Residents
- Undocumented Students (including Temporary Protected Status, DACA, asylum, Violence Against Women Act (VAWA), Humanitarian Parole [certain countries])
- T, U, Special Immigrant Visa Holders Only

www.calstate.edu/residency
Assembly Bill 540
3 years or more years of attendance in a California high school
Graduation from a California high school or attainment of the equivalent.

Assembly Bill 2000
3 or more years of attendance in a California elementary, middle school, and/or high school.
Graduation from a California high school or attainment of the equivalent.

Senate Bill 68
Expands to include attendance at California community colleges and adult schools.
Graduation from a California high school or equivalent, attainment of an associate’s degree or fulfillment of the minimum requirements to transfer to a CSU.

SB 1141
The attendance requirement has been expanded to include 3-years of CREDIT courses at a California Community College count towards the 3-year attendance requirement or equivalency
Previously the CSU, could only accept 2 years of credit courses.
SB 1141

- Sponsored by the California Community Colleges
- Effective January 1, 2023
- Falls under the Nonresident Tuition Exception (commonly known as AB 540)
- To qualify for the exception, students can complete 3-years of credit/noncredit courses or equivalency at a California Community College to meet the attendance requirement.
- All full-time credit courses count toward the AB 540 requirement.
- *It removes the two-year cap on credit courses.*
- A total of 72 (credit and noncredit courses)
- For some noncredit courses, there is no credit is issued, but still counts towards the 3 years of attendance. Noncredit courses issue a P = Pass  S= Satisfactory
## AB540 Requirements

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Attendance at a California elementary, middle school, high school</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 years required or</td>
<td>Attendance at a California adult school</td>
</tr>
<tr>
<td>equivalency</td>
<td>Attendance at a California community college</td>
</tr>
<tr>
<td>Graduation</td>
<td>Graduation from a California high school or equivalency</td>
</tr>
<tr>
<td></td>
<td>Attainment of an associate degree at a California community college</td>
</tr>
<tr>
<td></td>
<td>Fulfillment of the minimum CSU transfer requirements at a California community college</td>
</tr>
<tr>
<td>Registration</td>
<td>Registration at a California public institution of higher education (i.e., CCC, CSU or UC)</td>
</tr>
<tr>
<td>Affidavit</td>
<td>Submission of the California Nonresident Tuition Exemption Form (Affidavit) and Transcripts</td>
</tr>
</tbody>
</table>
AB540 Requirements

Attendance Explained

Option 1
- Attended or attained noncredits/credits for the equivalent of 3 years or more at a combination of:
  - California high school
  - California adult school
  - California Community College (72 units)

Option 2
- 3 or more years of high school coursework and
- 3 years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
Forms
The CSU Residence Questionnaire is required to determine if the student is eligible for residency.

- Students must submit the completed form with supporting documents to the campus Admissions Office.
- If the student wants to be considered for a NEW term, a new Residence Questionnaire must be submitted to the campus.
- Please note whether the student is OVER or UNDER the age of 19 by the Residence Determination Date
PART D: EXCEPTIONS/EXEMPTIONS  Military □  AB 540 □  *Other Exemptions/Exceptions □  ______________________________________ (choose applicable exception from www.calstate.edu/residency). If you are not eligible for resident classification, you still may be eligible for an exemption or exception from payment of nonresident tuition. *Other exceptions/exemptions are limited to those listed at www.calstate.edu/residency
PART C: IS ONLY FOR RECLASSIFICATION OF CURRENT STUDENTS WHO HAVE BEEN CLASSIFIED AS A NONRESIDENT IN A PREVIOUS TERM

Respond to all questions. If a question does not apply to you, use “n/a” to indicate that it is not applicable.

I have been classified as a nonresident in a previous term and I am requesting reclassification. Yes ☐ No ☐

Has there been a change in your citizenship, permanent residency, visa or other status? Yes ☐ No ☐ If yes, please explain in the box below and provide documentation.
Section “D” Exceptions/Exemptions continued.

• The Residency Determination Date does not impact Exemptions (military/AB540) and some Exceptions. The Residency Determination Date is not to be confused with any internal campus deadline for submitting documents

• AB 540, student must submit the California Nonresident Tuition Exemption (affidavit) and provide supporting documents.
California Nonresident Tuition Exemption

- The California Nonresident Tuition Exemption form and affidavit is required.
- Students must submit the exemption request and affidavit to the campus they will be attending.
- Students do not need to resubmit the exemption request and affidavit each year while enrolled at the same campus.
- The information on the affidavit is kept confidential, as required by law. Immigration has no access to student information.

Table:

<table>
<thead>
<tr>
<th>Column A (Attendance Requirement)</th>
<th>Column B (Graduation Requirement)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have 3 years of attendance at a California high school.</td>
<td>I have graduated or will graduate before the first term of enrollment at the CSU with a California high school diploma or the equivalent (i.e., California issued GED, OSSR).</td>
</tr>
<tr>
<td>I have 2 or more years of high school coursework and 3 years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.</td>
<td>I completed or will complete before the first term of enrollment at the CSU an associate’s degree from a California Community College.</td>
</tr>
<tr>
<td>I attended or attained credits at a combination of California high school, California adult school, and California Community College for the equivalent of 35 years or more.</td>
<td>I completed or will complete before the first term of enrollment at the CSU the minimum requirements at a California Community College for transfer to the California State University.</td>
</tr>
</tbody>
</table>

* A year’s attendance at a California community college is either minimum of 24 semester units of credit or 36 quarter units. Full-time attendance at a California adult school is a minimum of 450 hours of attendance for each school year.
Nonresident Tuition Exemption Form

• Students must submit the California Nonresident Tuition Exemption Request form with official transcripts from all institutions previously attended in California by the last day of the term (this date is published in the campus academic calendar) to the campus Admissions Office.

• Any documents received after the last day of the term will be processed for the following term.

• If a student has a break in enrollment, the student will be required to resubmit a new form.

• All 23 CSU campuses accept students on “conditional admission” based on transcripts or work-in-progress. It is the applicant’s responsibility to submit transcripts from all institutions previously attended in California. A final transcript will be requested before enrollment.
Deferred Action for Childhood Arrivals (DACA)

Federal process that defers removal action of an individual by U.S. Citizenship and Immigration Services (USCIS) for a specified number of years.

• University’s enrollment and tuition policies are not based on DACA status.
• Enrollment, tuition and financial aid for students are not impacted by the ending of the program.
• State funding under the California Dream Act is not based on DACA status and will not change.
Financial Aid
Dream Act
Dream Act – State Financial Aid Programs

- Cal Grant A and B
- Cal Grant A – Tuition Fees Only
- Cal Grant B – Tuition Fees and Access award (First Time Freshmen eligible only for access award)
- Middle Class Scholarship
- Chafee Grant – Foster Youth (requires an additional application)
- Dreamers Service Incentive Grant (requires an additional application)
- Golden State Teacher Grant (requires an additional application)
Dream Act – CSU Financial Aid Programs

- State University Grant
- Educational Opportunity Program Grant (must be an EOP student)
- California Dream Loan
- Campus and Systemwide Scholarships
- CSU Future Scholars
- Grad Equity Fellowship
- Doctoral Grant
- MBA Fee Grant
Additional Resources

For information visit:

Residency: http://calstate.edu/residency

Undocumented Students: http://calstate.edu/resources-for-undocumented-students

Free Immigration Services
<table>
<thead>
<tr>
<th>Status</th>
<th>Residency</th>
<th>AB 540 Nonresident Exemption</th>
<th>California Dream Act</th>
<th>Free Application for Federal Student Aid (FAPSA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Citizen</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Lawful Permanent Residents (LPR) and Conditional Permanent Residents</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Undocumented</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Temporary Protected Status (TPS)</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>U Visa Holder (victim of certain crimes)</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>T Visa Holder (victim of human trafficking)</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Deferred Action Childhood Arrivals (DACA)</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Status</td>
<td>Description</td>
<td>More Info</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Asylum Seeker</td>
<td>Status has not been granted. Does not qualify for work authorization, but they can obtain an ITIN to file taxes</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Asylum Granted</td>
<td>1-94 stating they have granted asylum Qualifies for work authorization and Social Security Number (SB 296)</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Refugee Granted</td>
<td>1-94 stating they have granted asylum Qualifies for work authorization and Social Security Number (AB 343)</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Special Immigrant Juvenile</td>
<td>(Permanent Residency has not been granted or 1-485 has not been issued with 1-360) Qualifies for work authorization and Social Security Number</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Humanitarian Parole</td>
<td>It is a temporary resident status that is allowed under INA §212(d)(5) (A) and provides that any noncitizens be admitted lawfully to the United States for a period of 2 years and is renewable.</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Violence Against Women Act of 1994 (VAWA)</td>
<td>Qualifies to work authorization and SS</td>
<td>More Info</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Resources for Undocumented Students

As a leader in higher education, the California State University is deeply committed to ensuring academic opportunities are available to all the state's students, regardless of citizenship status.

If you are an undocumented student, there are many resources available to you -- from grants, loans and scholarships to legal and campus support services.
Dream Success Center

Mission

The mission of the CSULB Dream Success Center is to provide holistic services, resources, and support to members of the Dreamer community impacted by immigration policy. The DSC commits to supporting the diverse undocumented student community by providing programs and initiatives that focus on academic support, mental health, career and professional development, and identity exploration. We seek to empower the undocumented student experience by advocating for equity, access, and justice. Engagement partnerships and coalition building are of central issues.
Commitment to Provide
FREE Legal Services

Since 2019, the California Department of Social Services (CDSS) has allocated $7 in direct legal services to the CSU.

How It Works

- Campus Dream Centers have dedicated staff assisting students who are undocumented and students from mixed-status families. The staff assists in coordinating all legal services on the campus.
- Consultations are confidential
- Appointment offered in-person or virtual
We estimate that approximately 9,500 students are undocumented and receive AB 540 waivers across the 23 campuses.

Commitment to serving all groups.

1) Undocumented students
2) Students with other immigration statuses (mixed-status)
3) Staff and Faculty
4) Immediate family members of the current students
5) Incoming students (committed to attend)
6) Alumni (2 years)
Consult with an Immigration Attorney for Cases
Victims of Crimes/Abused/Neglected/Abandoned by One or Both Parents

<table>
<thead>
<tr>
<th>Status</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim of Criminal Activity</td>
<td>U</td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status</td>
<td>SIJS</td>
</tr>
<tr>
<td>Students under 21 years</td>
<td></td>
</tr>
<tr>
<td>Victim of Human Trafficking</td>
<td>T</td>
</tr>
</tbody>
</table>
Questions