



**NOTE:** All *new* students are required to complete the online Statement of Legal Residence on Bear Facts at [bearfacts.berkeley.edu](https://bearfacts.berkeley.edu). *Continuing* nonresident students who wish to change their status must complete the online Residence Classification Petition, also via Bear Facts. All *readmitted* students are required to submit a paper copy of the Statement of Legal Residence for Readmitted Students (available at [registrar.berkeley.edu/GeneralInfo/elecforms.html](https://registrar.berkeley.edu/GeneralInfo/elecforms.html)) and attach it to the readmission application.

## CALIFORNIA RESIDENCE FOR TUITION PURPOSES

### Basic Rule

To be classified a California resident for tuition purposes, you must be a financially independent, adult resident of California for more than one year immediately prior to the residence determination date or a minor whose parents are California residents. The residence determination date is the day instruction begins at the University of California, Berkeley, for the term.

### Establishing Residence for Tuition Purposes

You may establish a residence in California for tuition purposes if you are a financially independent adult. You are not eligible to establish residence if you are an adult alien present in the U.S. with a nonimmigrant status that precludes you from establishing a domicile in the U.S. (including, but not limited to, B, F, H2, H3, J, TN, TD), or an alien without a legal immigration status. To establish residence you must be physically present in California with the intent to make California your permanent home, and you must demonstrate by your actions that you have given up your former residence to establish a residence in California. Once you have established your residence in California, you must reside in California for more than one year (366 days) before you will be eligible to be classified a resident for tuition purposes. If you are in California solely for educational purposes, you will not be considered to have established a residence for tuition purposes, regardless of the length of your stay. Your residence cannot be derived from your spouse, or from your parents unless you are a minor. Likewise, a registered domestic partner cannot derive residence from the other registered domestic partner.

### Demonstrating Intent

Your intent to be a California resident is determined and evaluated by your actions. You must show, by the actions you take after you move to California, that you are present in California because you intend to reside here indefinitely, as opposed to being in California to go to school. Acts that may indicate your intent to make California your permanent home include, but are not limited to: establishing a home in California in which your personal belongings are kept; designating California as your permanent address on all records; registering to vote and voting in California elections; registering your vehicle in California and obtaining a California driver's license; paying California income taxes on all income since the date you moved to California; remaining in California during non-instructional periods; establishing bank accounts in California; and the absence of these and any other indications of residence in other states or countries during any period for which you claim California residence.

### Financial Independence

Unless you are supported by California resident parents, you must be financially independent to be classified a resident for tuition purposes. You are, by definition, financially independent if one or more of the following applies: (1) you are at least 24 years of age by December 31 of the year you request resident classification; (2) you are a veteran of the U.S. Armed Forces; (3) you are a ward of the court or both of your parents are deceased; (4) you have legal dependents other than a spouse; (5) you are married, a registered domestic partner, or you are a graduate or professional student **and** you were not/will not be claimed as an income tax deduction by any individual other than your spouse or domestic partner for the tax year preceding the term for which you are requesting resident classification; or (6) you are a single undergraduate student who was not claimed as an income tax deduction by your parents or any other individual for the two tax years immediately preceding the term for which you are requesting resident classification, and you have been supporting yourself during those two years and the current year. Note: Graduate students who are graduate student instructors, teaching or research assistants, or teaching associates employed at 49% time or more (or awarded the equivalent in University-administered funds) in the term for which resident classification is sought, are not required to be financially independent.

### Rules Applicable to Minors

Generally, unmarried minors derive residence from their parents. If you are under age 18, your residence is the same as the residence of the parent with whom you live. Unless you are an alien who is in the U.S. on a nonimmigrant visa that precludes you from establishing a domicile in the U.S., once you become an adult (age 18), you may establish your own residence. Your residence for tuition purposes continues to be the same as that of your parents until you have been an adult resident of California for more than one year (and have fulfilled the other residency requirements). If you have a parent living, you cannot change your residence by your own act, by the appointment of a legal guardian, or by the relinquishment of your parents' right of control. If you live with neither parent, your residence is the same as the parent with whom you last lived. You can derive California residence from a parent if that parent satisfies the one-year durational requirement.

## Exceptions to the Rules Applicable to Minors

There are some exceptions to the rules above related to minors. If you are a minor and any of the following circumstances apply to you, you may be eligible to be classified a resident for tuition purposes: (1) you have a California resident parent and you move to California to begin residing with that parent prior to your 18<sup>th</sup> birthday, (2) your parents were California residents who have moved to another state and you remain in California and enroll in a California public post-secondary institution within one year of your parents' departure, (3) you support yourself and you live in California for more than one year immediately prior to the term, (4) you have been living with and been supported by an adult other than your parents for more than two years immediately prior to the term. For more details about these exceptions, refer to <http://registrar.berkeley.edu/Residency/legalinfo.html>

## Exemptions from Nonresident Tuition

The following categories of students may be entitled to an exemption from nonresident tuition: (1) members of the U.S. military stationed in California on active duty and their spouses/registered domestic partners and dependent children; (2) unmarried dependent children under age 21 and spouses/registered domestic partners of members of the UC faculty who are members of the Academic Senate; (3) unmarried dependent children and spouses/registered domestic partners of full-time UC employees who are assigned to work outside of California; (4) children and spouses/registered domestic partners of deceased public law enforcement or fire suppression employees killed in the course of their official duties who were California residents at the time of their death; (5) dependent children of California residents; (6) graduates of a California high school operated by the Federal Bureau of Indian Affairs; (7) credentialed employees of a California public school; (8) amateur student athletes training at the US Olympic Training Center in Chula Vista; (9) students who attended high school in California for three years and graduated from a California high school (or attained the equivalent), except students who are nonimmigrant aliens; (10) surviving spouses, registered domestic partners, or dependents of California residents killed in the 9/11/01 terrorist attacks; (11) recipients of the Congressional Medal of Honor and their children under age 27. For more details about these exemptions see [registrar.berkeley.edu/Residency/legalinfo.html](http://registrar.berkeley.edu/Residency/legalinfo.html). Please attach an explanation to the Statement of Legal Residence indicating which exemption you believe you are eligible for (except number (9)). Proof of eligibility is required.

## Temporary Absences

**If you are in the process of establishing residence** in California for tuition purposes and you leave California (e.g., if, during the summer break, you return to your former home state or to the state in which your parents reside), you will be presumed to be in California solely to pursue your educational objectives. Only convincing evidence to the contrary will rebut this presumption. Students who are in California solely for educational purposes are not eligible to be classified as residents for tuition purposes regardless of the length of their stay in California.

**If you are have been classified as a resident** and you leave California, your absence could result in the loss of your residence status unless you can show that your absence was temporary and that while you were away you maintained your California residence and did not acquire a residence elsewhere.

## Forms and Documentation Deadline

**New students:** You are required to submit an online Statement of Legal Residence (SLR) on Bear Facts ([bearfacts.berkeley.edu](http://bearfacts.berkeley.edu)) by the 8th week of the term for which you are admitted. Failure to submit an SLR will result in your being classified as a nonresident and assessed the additional nonresident fee.

**Continuing students:** If you are a nonresident and believe you are eligible for resident status, you must submit an online Residence Classification Petition (RCP) on Bear Facts ([bearfacts.berkeley.edu](http://bearfacts.berkeley.edu)) during the filing period for the term for which resident classification is sought. Please follow the detailed PDF instructions after submission. The deadline to file the RCP is the last working day before the first day of instruction for the term for which you are seeking resident status.

**All students:** If additional documentation is required for a residence classification but is not readily accessible, you will be allowed until the end of the 8th week of the applicable semester to provide it. Failure to meet this deadline will result in your file being closed and your status remaining as a nonresident.

## Incorrect Classification

If you have been incorrectly classified as a resident, or incorrectly determined to be exempt from nonresident tuition, such errors will be corrected and you will be required to pay all nonresident tuition not paid. If you conceal information or furnish false information resulting in an incorrect determination, you may be subject to student disciplinary procedures. Resident students who have become nonresidents must immediately notify the campus Residence Deputy.

## Inquiries and Appeals

Inquiries regarding residence requirements, determination and exemptions should be sent to the Residence Deputy, or his/her duly appointed assistant(s), Office of the Registrar, 120 Sproul Hall, Berkeley, CA 94720-5404, telephone (510) 642-5990 or the Principal Legal Analyst, 1111 Franklin Street, 8<sup>th</sup> Floor, Oakland, CA 94607. NO OTHER UNIVERSITY PERSONNEL ARE AUTHORIZED TO SUPPLY INFORMATION REGARDING RESIDENCE REQUIREMENTS AND EXEMPTIONS.

**YOU ARE CAUTIONED THAT THIS IS NOT A COMPLETE EXPLANATION OF THE LAW REGARDING RESIDENCE AND THAT CHANGES MAY HAVE BEEN MADE IN THE RESIDENCE REQUIREMENTS BETWEEN THE PUBLICATION OF THIS STATEMENT AND THE RELEVANT RESIDENCE DETERMINATION DATE.** Any student may, following the final decision of the Residence Deputy, appeal a nonresident classification in writing to the Principal Legal Analyst within 45 days of notification of the Residence Deputy's final decision.