

Residency

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions: 1.) A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. 2.) Residence classification is the responsibility of the Admissions and Records Office.

The initial residency classification will be made at the time the student applies for admission.

Resident – A student who has resided within California for at least one year prior to the residence determination date and has met the residency standards stipulated in Title 5 of the California Administrative Code. The “residence determination date” is the day immediately preceding the opening day of instruction each term during which the student proposes to attend college in the Imperial Community College District.

Nonresident – A student who has not resided in the state for more than one year prior to the residence determination date or those who hold certain non-immigrant visas which preclude them from establishing residency. Foreign students admitted to the United States under student visas are classified as nonresidents.

Rules Determining Residence – The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.



Admissions & Records member - explains the difference between AB 540 vs Residency Questionnaire to the student.

- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained. The minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living can not be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status – A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- As student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- As student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets specific requirements.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.

- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees.
- A veteran who was discharged or released from at least 90 days of active duty service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he or she intends to establish residency in California as soon as possible.

Right to Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Director of Admissions & Records, may make written appeal to the Admissions and Records Office within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to the Admissions and Records Office which must forward it to the Chief Student Services Officer within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Chief Student Services Officer shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the Chief Student Services Officer shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification – A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. Petitions are to be submitted to the Admissions and Records Office. Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student has failed to petition for reclassification prior to the residency determination date. In no case, however may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification.

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements (Ed Code 68044 and Title 5, Section 54032):

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not and will not receive more than seven hundred fifty dollars (\$750) per year in financial assistance from his or her parent, in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application, and
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022 and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Admissions and Records Office will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

Non-Citizens – If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. Citizens, permanent residents of the U.S., and aliens who are not immigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet the following requirements:

- high school attendance for three or more years and graduated from a California high school or attainment of the equivalent thereof;
- registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- completion of a questionnaire form prescribed by the Chancellor and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he or she is eligible to do so.
- Reside in Yuma or San Luis, Arizona and are attending IVC (Colorado River Compact)

Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Admissions and Records Office. Students may appeal the decision.

International Students

Imperial Valley College defines an "international student" as a student attending college full time while on an F-1 visa. Applications for admission in IVC's International Student Program are available online at www.imperial.edu, on the Admissions and Records website under "Forms." Prospective students may contact the Admissions and Records Office by calling (760) 355-6101 or by visiting the college website: www.imperial.edu. All international students must maintain full-time enrollment (12 or more units each semester) and demonstrate academic progress in order to maintain their F-1 visa status. Students with other types of visas (not F-1) should check with Admissions & Records to determine eligibility for enrollment as well as establishing residency.

Other requirements for admission include the following:

1. Complete and submit the International Student Application. The International Student Application can be found by accessing the IVC website at: www.imperial.edu, click on **For Students** then select **Admissions & Records**. On the Admissions & Records website click on **Forms** toward the bottom of the page then select **Application – International Students**. Application deadlines for each primary term are noted on the application. International students are only accepted for primary terms (Fall and Spring).
2. Submit an Application for Admission to Imperial Valley College – online. Go to www.imperial.edu and click on Apply Now on the top right corner of the IVC homepage. Follow the directions to complete the Application for Admission through CCCApply.
3. An official affidavit of support and current bank certification or bank statement that proves the student has sufficient financial support to pay tuition and living expenses to study at Imperial Valley College for an academic year.
4. A local sponsor is required. This person must reside in the Imperial Valley, unless the student is a commuter student.
5. A TOEFL exam score. (iBT = 45-46, cBT = 133, pBT = 450+)
6. Health insurance coverage. Imperial Valley Community College District requires that all international students have a valid health insurance plan that provides coverage during their course of study. Students must have health insurance coverage in order to enroll in classes. Health insurance information is available in the Admissions and Records Office.
7. For transfer students a transfer clearance form completed by the institution the student presently attends that verifies his or her eligibility to transfer to IVC (when applicable).
8. Students under 18 years of age must be living with a legal guardian as stated in the admission requirements.

Upon acceptance, students will be administered assessment testing. During the assessment session, students are given tests in writing, reading, and mathematics to determine their skill levels in these areas. Based on the results of English proficiency, students will be advised as to the recommended level of enrollment in English, math, and other courses. Students will receive their results from their assessment tests on the day of testing.