



ARE YOU A CITIZEN, BUT YOUR PARENT(S) IS/ARE UNDOCUMENTED?

AB540/SB 68 FOR HOUSEHOLDS WITH MIXED IMMIGRATION STATUS IN CALIFORNIA

If you are a U.S. citizen, living in California, but your parent (s) is/are undocumented, read the following information in order to successfully:

- » Pay resident fees at a public college or university in California
- » Submit the FAFSA Application
- » Receive state financial aid in California

Mixed Immigration Status Households

A mixed immigration status household is a household in which one or more immediate family members are U.S. citizens and one or more immediate family members are undocumented (without “papers” or “legal status”). The Center for American Progress estimates that within the United States, over 16.6 million individuals currently live in mixed status households. ¹

Residency for Tuition Purposes in California

Residency for Tuition Purposes in California State Universities (CSUs), Universities of California (UCs), and California Community Colleges (CCCs) can be based on the residency of the parent when the student is under a specific age. This is also true when the college or university determines that students are financially dependent on their parent(s).

The California State University (CSU) system has developed a Memorandum of Understanding² confirming that students who are U.S. citizens, and have undocumented parent(s), should be classified as residents for tuition purposes, as long as their parents meet all other residency requirements, except lawful presence. The University of California (UC) residence policy³ indicates that any California resident who is a U.S. citizen or permanent resident of the U.S. (minor or adult), whose parent is undocumented, or out of status, but has otherwise been physically present in California with concurrent intent to remain in California for 366 days, will be eligible for a resident classification. The California Community Colleges (CCC) has a similar policy.

However, some campuses may not be implementing this rule. If you are classified as a non-resident, but believe that you meet the residency requirements, check out our Rules regarding [California Residency for Tuition Purposes flyer](#). Then contact the residency officer at your school [and/or the Chancellor’s Office or President’s Office of the CCC, CSU, or UC] to get more clarity regarding their policy on residency for students who are U.S. citizens, with undocumented parent(s).

Resident vs Non-Resident for Tuition Purposes

Public colleges and universities in California have different tuition rates based on a student’s residency status. These are resident (in-state) tuition and non-resident (out-of-state) tuition. Non-resident tuition rates tend to be 2–3 times the amount of in-state tuition. Students who are considered nonresidents for tuition purposes will be charged nonresident fees unless they meet the eligibility requirements for the AB 540/SB 68 non-resident tuition exemption.

In-State Tuition Eligibility (AB 540/SB 68)

AB 540/ SB 68 is a California law that allows students (citizens and non-citizens) who *are considered non-residents for tuition purposes*, to pay in-state resident fees at a California public college or university. Students must meet the following AB 540 eligibility:

1. Meet three year full-time attendance or attainment of equivalent units earned at a California high school, adult school or community college or a combination of these schools. In specific instances, attendance at a CA elementary school can also be counted.
2. Graduate from a CA high school, obtain a Certificate of Completion or GED OR obtain an Associates Degree from a CA Community College or the minimum transfer requirements to a CSU or UC
3. Not possess a valid non-immigrant visa (unless T or U Visa or TPS Status)

¹ [Center for American Progress Keep Families Together Brief](#)

² [Stipulated Statement of the Law \(2006\), Students Advocating for Higher Education vs. CSU Case PK-06- 506755 2](#)

³ [UC Residence Policy and Guidelines \(2016\)](#)

AB540/ SB 68 for households with mixed migration status in California

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Benefits of AB 540/ SB 68

Students who are citizens or undocumented individuals, but are determined to be non-residents at a CA public college or university, should submit the Non-Resident Tuition Exemption affidavit with their high school transcripts. Students who meet AB 540/ SB 68 eligibility will be able to pay resident fees, be considered for state financial aid, and apply for admission to the Educational Opportunity Program and Educational Opportunities Programs & Services.

Filing the AB 540/ SB 68 Affidavit to Pay Resident Fees

- » Search the school's website for a *Non-Resident Tuition Exemption Form*
- » Complete it by choosing the box that states: "I am NOT a non-immigrant alien. [US citizens, permanent residents, Deferred Action for Childhood Arrivals (DACA) grantees, or aliens without lawful immigration status, among others, should check this box]"
- » Send the completed form along with your official high school transcripts to the office indicated on the AB 540/ SB 68 form
- » Once these documents have been processed by the College or University, the student will receive notice confirming their AB 540/ SB 68 status

Applying for Federal & State Financial Aid at a CA College or University

Students who are citizens, legal permanent residents, or eligible non-citizens, but whose parent(s) is/are undocumented should apply for the FAFSA at www.fafsa.ed.gov to be considered for federal financial aid. However, pay attention to these specific details if your parents are undocumented:

- » Be sure to use 000's for the Social Security Number if parent(s) don't have a valid social security number;
- » Use the "Print signature page" option for parent(s) to sign the FAFSA, instead of using a FSA ID.
- » (Undocumented individuals cannot obtain a FSA ID because their signature needs to be validated by the Social Security Administration and Department of Homeland Security.)
- » Save one copy of the signature page and mail the other to FAFSA. It can take up to six weeks to process, so send it early! Check on www.fafsa.ed.gov to confirm that the parent signature has been received. The student's FAFSA application cannot be processed until the parent signature is successfully added.
- » Receiving State Financial Aid at a CA College or University
- » Students who are citizens, legal permanent residents, or eligible non-citizens who filled out the FAFSA and were admitted as non-residents will often find that their original financial aid package doesn't include CA state financial aid. CA State Financial Aid includes Cal Grants, Middle-Class Scholarship (CSU & UC), Board of Governors Grant (BOGG) Fee Waiver (CCC), State University Grant (CSU), and University Grants (UC). Therefore, once such students receive notice of their residency classification or AB 540 approval, they must contact the Financial Aid department and ensure that all state financial aid which they are eligible for is added to their financial aid award.

Summary

At CA public colleges and universities, students who are U.S citizens whose parents are undocumented, but meet all other residency requirements for tuition purposes should be classified as residents. Students should follow the steps outlined above to avoid being charged non-resident fees and missing out on state financial aid for which they might be eligible!

BE PROACTIVE! Students should contact their university if they have any questions about their residency status for tuition purposes and/or financial aid eligibility.