

# AB 540

## California Nonresident Tuition Exemption

### GENERAL INFORMATION

Any student, other than one with United States Citizenship and Immigration Services (USCIS) **nonimmigrant** visa status (see exception below for students who have been granted T or U visa status), who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the University of California, and the California State University (all public colleges and universities in California).<sup>1</sup>

- A student is exempt from paying nonresident tuition if the student meets *all* of the following four requirements:
  1. The student must have:
    - attended a combination of California high school, adult school, and California Community College for the equivalent of three years or more,<sup>2</sup> or
    - attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work **and** attended a combination of elementary, middle and/or high schools in California for a total of three or more years,<sup>3</sup> and
  2. The student must have:
    - graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam), or
    - completed an associate degree from a California Community College, or
    - completed the minimum requirements at a California Community College for transfer to the California State University or the University of California, and

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<sup>1</sup> This exemption to the requirement to pay the nonresident tuition fee is often referred to “AB 540” after the Assembly Bill which enacted the exemption. (Ed. Code, § 68130.5.)

<sup>2</sup> In 2018, Senate Bill 68 was enacted to further expand the AB 540 exemption to allow adult school and noncredit course work to establish eligibility.

<sup>3</sup> In 2014, Assembly Bill 2000 was enacted amending Education Code section 68130.5 to allow this additional flexibility in meeting the requirements for the exemption.

3. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and
  4. The student must file an affidavit with the college or university stating that if the student is a non-citizen without current or valid immigration status, the student has filed an application to legalize immigration status, or will file an application as soon as the student is eligible to do so.
- Students who are nonimmigrants who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8 of the United States Code, sections 1101(a)(15)(T) or (U) are eligible for this exemption.<sup>4</sup>
  - Students who are nonimmigrants, other than those with T or U visa status as noted above, [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.
  - A year's equivalence at a California Community College is a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 hours, 210 hours for a semester, and 140 hours a quarter.
  - The accumulation of credit and/or non-credit in any academic year shall be calculated in reference to a year's equivalence. Partial completion in an academic year is allowed. (Example: 12 units of credit courses in an academic year is equal to a semester for purposes of determining eligibility.)
  - Attendance in credit courses at a California Community College towards the attendance requirements shall not exceed two years of full-time attendance.
  - The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
  - Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
  - Nonresident students meeting the criteria will be exempted from the payment of

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<sup>4</sup> In 2012, Assembly Bill 1899 was enacted into law exempting holders of T and U visas from paying nonresident tuition. (Ed. Code, § 68122.)

nonresident tuition, but they will *not* be classified as California residents. They continue to be

“nonresidents”.

- The California Dream Act extends Cal Grant A and B Entitlement awards, Cal Grant C awards, the California Promise Grant (formerly known as the BOG fee waiver), Chaffee grants, and institutional financial aid to students that meet these criteria as well as the applicable criteria for eligibility for specific types of financial aid.
- AB540 does not provide federal student financial aid eligibility for undocumented students. These students remain ineligible for federal financial aid.

## **PROCEDURES FOR REQUESTING THIS EXEMPTION FROM NONRESIDENT TUITION**

**California Community Colleges:** Complete the form entitled California Nonresident Tuition Exemption Request. Submit it to the Admissions Office at the community college where you are enrolled or intend to enroll. You may be required to submit additional documentation. Call the college Admissions Office if you have questions.

**University of California:** The University of California (UC) campuses each have their own nonresident tuition exemption application and affidavit forms. Requests are not to be submitted until you have been admitted to a UC campus and have filed both a Statement of Intent to Register and also a Statement of Legal Residence. For campus-specific instructions regarding documentation and deadline dates, contact the campus personnel knowledgeable about AB 540 classifications: [campus support](#)

**California State University:** Complete the form on California Nonresident Tuition Exemption Request. Contact the Office of Admission and Records at the CSU campus where you are enrolled or intend to enroll for instructions on submission, deadline information, and additional requirements. You will be required to submit final high school transcripts and appropriate records of high school graduation or the equivalent, if you have not done so already. Call the Office of Admissions and Records at the campus if you have questions.