

# **Access for All Students: Overview of AB 540 Requirements and Resources for Undocumented Students**

**Fall 2024 Counselor Conferences**





# Overview

- 🎓 Residency Overview
- 👤 Education Code §68130.5, known as AB540, Requirements & Eligibility
- ✅ Admission Application Process
- 📄 Required forms: California Nonresident Tuition Exemption Request & Affidavit
- 💰 Resources for Undocumented Students





AB 540

DACA

Residency

Lets talk terms?

Undocumented

Dreamers

Tuition



# 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.





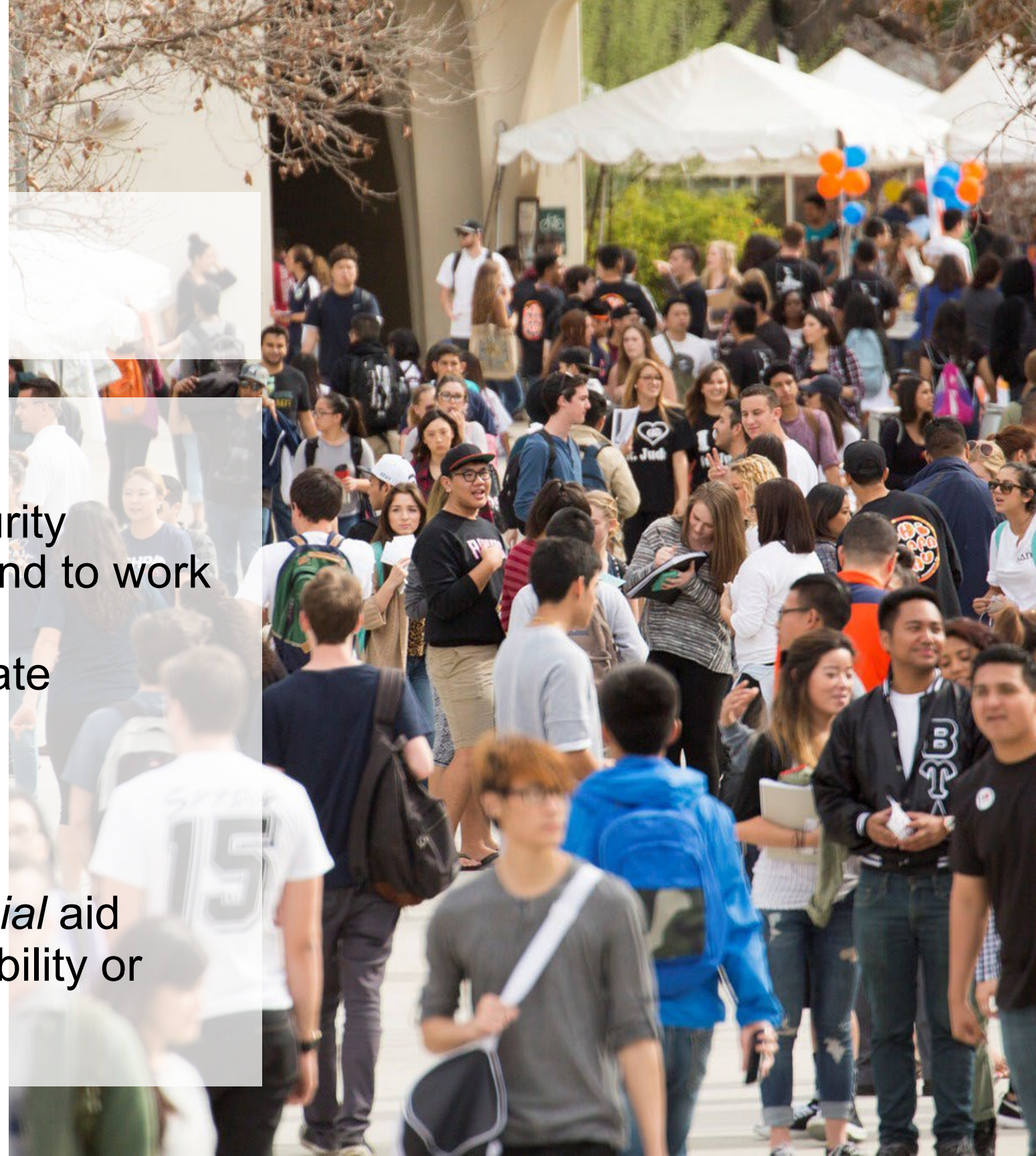
# DACA

## Does:

- Provide individuals a DACA Social Security Number (SSN) to use for employment and to work on campus
- Allow students to establish California state residency

## Does not:

- Grant lawful immigration status
- Make students eligible for *federal financial aid*
- Change any AB540/AB2000/SB 68 eligibility or requirements



# What is Residency?

Residency for tuition purposes determines whether a student pays university fees at the in-state or nonresident rate.

- The rules differ from those used by the University of California (UC) and California Community Colleges (CCC).
- California law requires the California State University (CSU) system to classify students as either residents or nonresidents for tuition purposes.
- Each CSU campus admissions office is responsible for making this determination.

# What is a Residence?

- A person can have only one official residence.
- It is the place where an individual has the most settled and permanent connection.
- Residence can only be changed through both action and intent.
- Intent must include the desire to remain in the location indefinitely.



# Who Can Establish Residency?

## Immigration and Nationality Act

- U.S. Citizens and Permanent Residents
- Applicants for permanent resident status
- Non-citizens granted conditional or temporary residence status
- Applicants for asylum
- Applicants for temporary protected status
- Humanitarian Parole



# Initial Classification

- Determined based on information provided on admission application
- Under 19 – parent’s information
- If cannot be determined students will receive a residency questionnaire
- Can work with Admission Office if not sure



# Education Code §68130.5 known as AB540

Eligibility & Requirements





# AB540 Eligibility

- Any student, except a person in non-immigrant status, who meets the specific requirements shall be exempt from paying nonresident tuition at all public colleges and universities in California
  - Any student means:  
**U.S. citizen, legal resident and undocumented person**
    - An undocumented person is a non-citizen who entered the U.S. without legal immigration status or who stayed after the period authorized to be in the U.S.

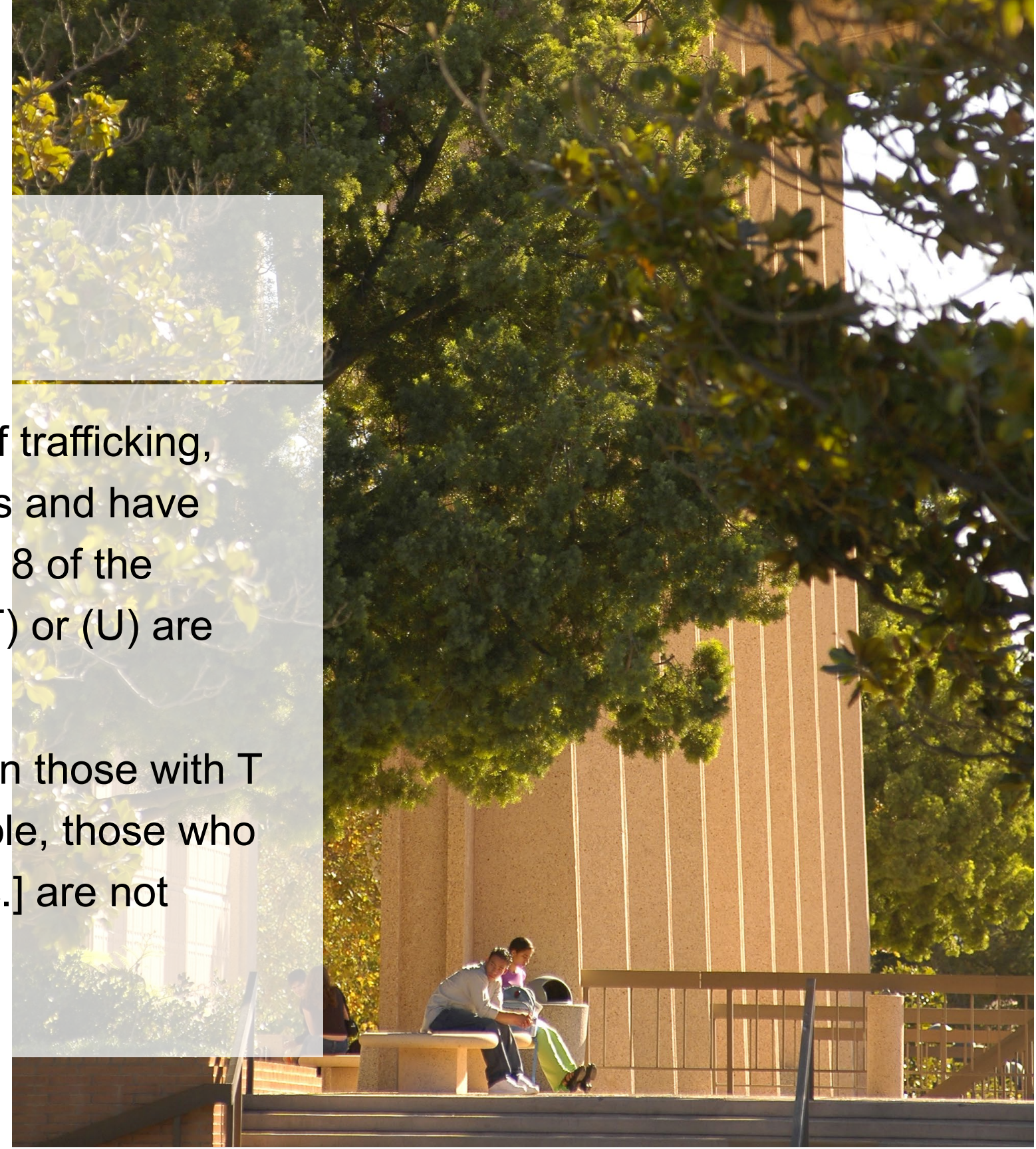




# AB540 Eligibility

- Students who are nonimmigrants, victims of trafficking, domestic violence, and other serious crimes and 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>3</sup>.
- Students who are nonimmigrants, other than those with T or U visa status as noted above, [for example, those who hold an F (student) visa, B (visitor) visa, etc.] are not eligible for this exemption.

<sup>3</sup> In 2012, AB 1899 added section 68122 to the Education Code and allows holders of T and U non-immigrant visas to be exempt from paying nonresident tuition if they attended a California high school for three or more years and graduated.





# AB540 Requirements

## Attendance

- Attendance at a California elementary and/or secondary school (new)
- Attendance at a California adult school
- Attendance at California Community College



# AB540 Attendance Requirements

## Attendance Explained

Option 1

- Attended or attained credits for the equivalent of 3 years or more at a combination of
  - California high school
  - California adult school
  - California Community College (2 years)

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.



# AB540 Requirements

## Graduation

- Graduation from a California high school or attained the equivalent
- Attainment of an associate degree at a California community college
- Fulfillment of the minimum CSU transfer requirements at a California community college



# AB540 Requirements

## Affidavit

- Students must submit the exemption request and affidavit via the CA Dream Act Application or 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.



# AB540 Application & Affidavit Process





# Cal State Apply

- Release Statement
- Biographic Information
- Contact Information
- Citizenship/Residency Information
- Race & Ethnicity
- Parent/Guardian Information ✓
- Other Information
- Financial and Parental Information

## U.S. Citizenship

\* Select the value that best describes your U.S. Citizenship

If you were born outside of the U.S., what year did you or will you move to the U.S.?

## Residency

What U.S. State/Possession do you regard as your permanent home?

To make changes to this question go to [Extended Profile](#)

\* Do you claim California Residency?

Yes  No



# Cal State Apply

- Social Security Number (SSN) on Admission Application

If the student has a Social Security Number, they should include it

— CAL STATE —  
**APPLY**

Jane Smith  
CAS ID: 831203291  
Sign Out

My Application   Add Program   Submit Application   Check Status

## Other Information

Enter your responses to these additional questions. Visit the [Applicant Help Center](#) for more information.  
Once you submit your application, you cannot edit this section.

\* Indicates required field

### Important U.S. Social Security number information

If you have a U.S. Social Security number, you are required to include it on admission application forms to all CSU campuses pursuant to Section 41201, Title 5, Code of California Regulations and Section 6109 of the Internal Revenue Code. Please refer to the [Applicant Help Center](#) for more information on laws pertaining to SSN.

### Social Security Number

Your designated programs may require your SSN for institutional or federal financial aid forms.

\* Do you have a U.S. Social Security Number (SSN)?

Yes    No

### Statewide Student ID

A Statewide Student ID (SSID) is a unique, 10-digit number assigned to you if you attended a public California K-12 school. The number is located on your California high school transcript. If you did not attend a public high school in California, you may leave the SSID blank.

**Do NOT enter your Social Security Number into this field.**

California Statewide Student Identifier (SSID)



# AB 540 Affidavit

<https://dream.csac.ca.gov>

- The California Nonresident Tuition Exemption form and affidavit is required.
- The form is now embedded in the CA Dream Act Application.
  - Students that submit their affidavit via the Dream Act Application will not be required to submit another form, but campuses may request additional information.
  - Students that do not submit an affidavit via the Dream Act Application, can submit through the normal business process.



# Resources for Undocumented Students



# FAFSA or CADAA

- FAFSA
  - U.S. Citizens
  - Permanent residents
  - Eligible non-citizens
  - Arrival/Departure Record (I-94)
  - T non-immigrant visa
  - Battered Against Woman Act
- CADAA
  - Undocumented students
  - DACA recipients (valid/expired)
  - U visa holders
  - Temporary Protected Status (TPS)
  - Meet AB540 requirements



# Financial Aid

- Students must have an *AB540 California Nonresident Tuition Exemption* and affidavit on file to begin the review of financial aid eligibility
- Students must apply for financial aid every year

What do these student qualify for?

- The California Dream Act
  - Cal Grants, Middle Class Scholarship, California State University Grant, and EOP Grant are a few examples of grants for students.
- California Dream Loan Program
- Scholarships

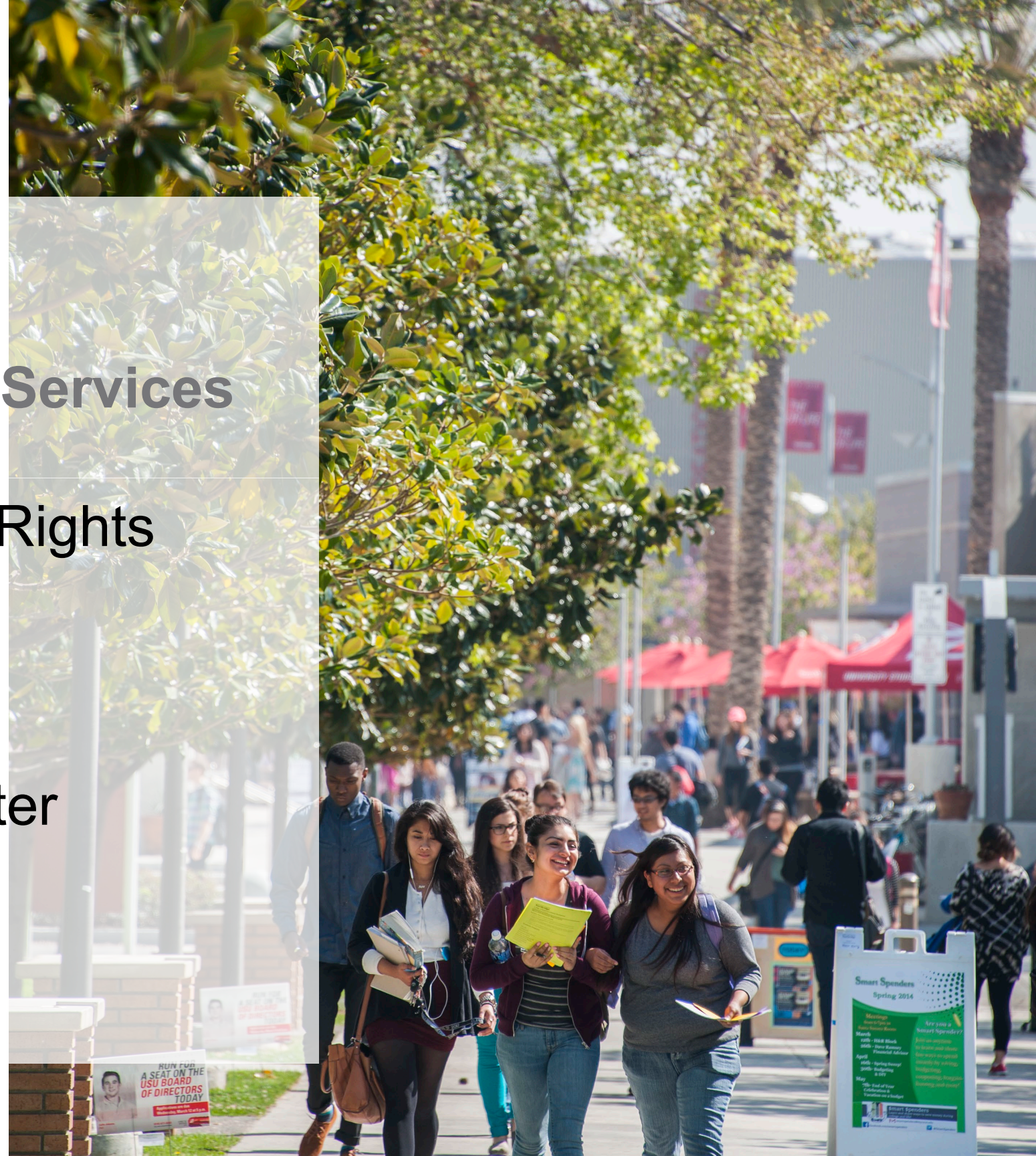




# Legal Services

## California Department of Social Services

- Coalition for Humane Immigrant Rights (CHIRLA)
- Immigrant Legal Defense (ILD)
- Central American Resource Center (CARECEN)
- Jewish Family Service





# Additional Resources

Resources available include information on grants, loans and scholarships, and legal and campus support services

For information visit:

<http://calstate.edu/resources-for-undocumented-students>



**ADMISSIONS PROCESS**

Learn what's required for students seeking an AB 540/2000 exemption.

**CAMPUS SUPPORT**

Each CSU campus offers support and resources for undocumented students.

**FINANCIAL AID**

The California Dream Act allows undocumented students to apply for scholarships and financial aid.

**LEGAL SUPPORT SERVICES**

Find out where to get legal assistance and services in your region.



