

NYS RESIDENCY QUALIFYING IMMIGRATION STATUSES

To be accorded resident status, a student who is not a U.S. citizen must present valid evidence, issued by the U.S. Department of Homeland Security - U.S. Citizenship and Immigration Services (“USCIS”), indicating that he/she is in a qualifying immigration status. Undocumented and out-of-status immigrants, while not eligible to be considered “residents”, may nevertheless be entitled to pay the resident tuition rate if they attended and graduated from high school or received a GED or TASC in New York State. See section below.

ELIGIBLE IMMIGRATION STATUSES:

1. Lawful Permanent Residents (Resident Aliens)
2. Students admitted as refugees, or granted asylum or granted Withholding of Deportation or Removal
3. Students with Adjustment of Status Applications Pending
4. Students who have applied for or have been granted Temporary Protected Status (TPS)
5. Students granted Deferred Enforced Departure (DED) status or Deferred Action or Deferred Action for Childhood Arrivals (DACA)
6. Students Who Are “Late Amnesty” Applicants
7. Students Who Are NACARA Applicants
8. Students Who Are Cuban Parolees
9. Students Who Are Other Types of Parolees
10. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization

ELIGIBLE NON-IMMIGRANT STATUSES:

- A** Ambassadors, diplomats and certain other foreign officials and their families.
- E** Treaty trader/Treaty investor, spouse, and children.
- G** Certain government or international organization officials and their families.
- H-1B** Temporary worker in specialty occupation.
- H-1C** Temporary worker performing professional nursing services
- H-4** Spouse or children of alien classified as H-1B or H-1C.
- I** Representatives of foreign information media and their spouse and children.
- K** Fiancé(e) or Spouse of a U.S. citizen and dependent children.
- L** Intra-company transferee (such as managers who have worked abroad for a branch of a U.S. firm) and their spouse and children.
- N** Parents and children of an alien granted permanent residency as a special immigrant.
- O** Persons with extraordinary abilities
- R** Religious workers and their spouse and children.
- S** Crime witnesses and their spouse and children.
- T** Victims of alien trafficking.
- U** Crime Victims.
- V** Spouse and children of a permanent resident who have a relative petition or an adjustment of status application pending for more than 3 years.

INELIGIBLE IMMIGRATION STATUSES:

The following visa categories of non-immigrant aliens do not qualify for the resident rate of tuition

- B** Temporary visitors for business or pleasure
- C** Visitors in transit
- D** Crewmen
- F** Academic students
- H-2** Temporary workers performing special services
- H-3** Trainees
- H-4** Families of H-2 and H-3 visa holders (Note: H-4 family of an H-1B or H-1C are eligible)
- J** Exchange visitor (student, scholar, professor)
- M** Vocational students
- P** Athletes, group entertainers, reciprocal exchange programs
- Q** Participant in international cultural exchange programs
- TN** Temporary workers under NAFTA Trade Agreement

Undocumented and Out-of-State Students Pursuant to Section 6206(7)(a) of the New York State Education Law, students who are not residents of New York, other than those in lawful non-immigration statuses, qualify for the resident tuition rate if one of the following conditions are met:

→ *The student has attended an approved New York high school for two or more years, graduated, and applied to attend CUNY within five years of receiving the New York State diploma.*

→ *The student has attended an approved New York State Program for General Equivalency Diploma (GED) exam preparation, received the GED issued within New York State, and applied to attend CUNY within five years of receiving the New York State GED.*

→ *The student was enrolled in CUNY in the Fall 2001 semester or quarter and was authorized by CUNY to pay tuition at the resident rate. Thus, a student who attended CUNY in the Fall 2001 semester and paid the resident rate does not have to satisfy either condition 1 or 2 above.*