

## **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.

### ***1. Students Who Are Lawful Permanent Residents (Resident Aliens)***

There are two acceptable methods for verifying status as a lawful permanent resident. A student who has requested Federal financial aid, which has been verified by the Federal Financial Aid Central Processor, has his/her status automatically matched by the USCIS. A student whose permanent residence status is not confirmed through the above match must provide one of the following proofs to verify his/her status:

- Permanent Resident Card: Form I-151 (*old*) and Form I-551 (*new*). Expired cards may be accepted; or
- Unexpired Conditional Permanent Resident Card: Form I-551 with a two (2) year expiration date; or
- Receipt for USCIS Form I-751: Petition to Remove the Conditions on Residence; or
- Receipt for USCIS form I-698: Application to Adjust Status from temporary to Permanent Resident; or
- I-551 Stamp in Passport indicating evidence of lawful permanent residence. Expired stamps may be accepted; or
- Copy of USCIS Form I-90: Application to Replace Permanent Resident Card (*old: Alien Registration Card*), along with a U.S. Postal Service return receipt or with a cancelled check or money order.

### ***2. Students in Certain Non-immigrant Statuses***

The following is a list of the visa categories of non-immigrant aliens who under federal law have the capacity to make New York State or New York City their domicile and therefore may qualify for the resident rate of tuition if they otherwise meet the requirements:

- **A** Ambassador, 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 certain officers and employees of international organizations who were in turn granted permanent residency as special immigrants

- Aliens who possess extraordinary ability in the sciences, arts, education, Business or athletics, motion pictures or television
- **R** Religious workers and their spouse and children
- **S** Crime witnesses and their spouse and children
- **T** Victims of severe forms of human trafficking
- **U** Victims of serious crimes
- **V** Certain spouses and children of lawful permanent residents who have a relative petition filed on their behalf before December 21, 2000 which has been pending for at least three (3) years

***A student who is in one of categories above must provide proof of such status by providing his/her I-94 Arrival/Departure Card with either the notation Duration of Status (D/S) or an expiration date not yet reached.***

*Note: Where a qualified non-immigrant has made a timely application for an extension of stay as evidenced by a filing receipt for USCIS Form I-539, he/she remains eligible for in-state tuition. To "timely" file an application means that you file the application before your current period of authorized stay expires.*

### ***3. Students admitted as refugees, or granted asylum, or granted Withholding of Deportation or Removal***

It should be noted that a person whose evidence of Refugee or Asylum status has expired is nevertheless eligible for in-state tuition. The following are acceptable proofs of this status:

- Decision from USCIS or the Immigration Judge granting Asylum or Withholding of Deportation or Removal; **or**
- Refugee Travel Document; **or**
- I-94 Arrival/Departure Card with Employment Authorization Stamp and the notation "Asylum granted" or "Refugee granted"; **or**
- Employment Authorization Document (*EAD or work permit*) (*I-766*) with the following codes: (A)(3) for Refugee, (A)(5) for Asylee, and (A)(10) for Withholding of Deportation or Removal.

### ***4. Students with Adjustment of Status Applications Pending***

Students who have filed USCIS Form I-485, Application to Register Permanent Resident or Adjust Status, qualify for in-state tuition pending a decision on their application. The following are acceptable proofs of this status:

- A USCIS Receipt Notice for the Adjustment of Status Application: Form I-797C indicating that the receipt is for an I-485 Adjustment of Status application; or
- A USCIS Receipt indicating that the fee for the adjustment application has been received. This receipt usually lists application type (in this case I-485), name of the applicant, alien number ("*A*" number) and the amount paid; or
- Employment Authorization Card (*I-766*) with the code (c)(9) or (c)(24)

*Note: Students who filed or have an approved petition (Form I-130 or I-140), but have not yet applied for adjustment of status are **NOT eligible** for in-state or resident tuition.*

### ***5. Students Who Have Applied For or Have Been Granted Temporary Protected Status (TPS)***

- A USCIS Receipt of Application for TPS (*Form I-821*); or,
- A USCIS letter granting TPS; or

- Employment Authorization Document (*I-766*) with the codes (a)(12) or (c)(19).

**6. Students Granted Deferred Enforced Departure (DED) status or Deferred Action or Deferred Action for Childhood Arrivals (DACA)**

- Form I-797 granting Deferred Action, Deferred Enforced Departure status, or Deferred Action for Childhood Arrivals; **or**
- Unexpired Employment Authorization Document (*EAD*) (*I-766*) with the code (c)(14) for Deferred Action status; **or**
- Unexpired Employment Authorization Document (*EAD*) (*I-766*) with the code (a)(11) for Deferred Enforced Departure (*DED*)/extended voluntary departure status.
- Unexpired Employment Authorization Document (*EAD*) (*I-766*) with the code (c)(33) for Deferred Action for Childhood Arrivals (*DACA*).

**7. Students Who Are "Late Amnesty" Applicants**

- Unexpired Employment Authorization Document (*I-766*) with the code (c)(24)

**8. Students Who Are NACARA Applicants**

- An Unexpired Employment Authorization Document (*I-766*) with the code (c)(10)
- An USCIS Receipt Form I-881

**9. Students Who Are Cuban Parolees**

- A USCIS decision granting parole; or
- Unexpired Employment Authorization Document (*I-766*) with the code (c)(11); or
- Proof of an application pending for adjustment of status

**10. Students Who Are Other Types of Parolees**

Their parolee status must be indicated on an unexpired document, i.e., passport, I-94 card or an USCIS letter. The following are the acceptable proof of this status:

- A USCIS decision granting parole; or,
- I-94 Card with stamp notation by the USCIS at entry

**11. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization**

To prove this status, a student must provide an unexpired Employment Authorization Document (*I-766*) with the Code (c)(8).

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

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