Handbook for HB 2008, SB 1070 and Prop 300

FAQs Related to Legislative Compliance

September 2012
Maricopa Community Colleges
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Recent Arizona Immigration Law Facts and Questions

In 2009 and 2010, the Arizona State Legislature passed laws relating to immigration that affect MCCCD. Below are some questions and answers concerning those laws to help provide guidance to MCCCD employees.

Summary of HB 2008
See generally Arizona Revised Statutes §§1-501 and 1-502

Under this law passed in 2009, MCCCD, in administering any “federal public benefit” or “state or local public benefit,” must require each natural person who applies for the benefit to submit one of 12 specific types of documents to demonstrate lawful presence in the United States. That person must also sign a sworn affidavit stating that the documents are true. Failure of an MCCCD employee who administers that MCCCD benefit to report “discovered violations of federal immigration law” is a class 2 misdemeanor. The employee’s supervisor is also guilty of a class 2 misdemeanor if he or she knew of the failure to report, and failed to direct the employee to do so.

NOTE: For purposes of these FAQ’s, the term “MCCCD funding” includes all types of funding from MCCCD accounts, whether called loans, scholarship, grants, tuition waivers, or something else, but excludes funding that resides in a Maricopa Community Colleges Foundation account.

Frequently Asked Questions About HB 2008

What is the definition of “federal public benefit” or “state or local public benefit?”

Response

We know that mere admission and enrollment are not “benefits.” However, beyond that we don’t know precisely what it means at this point. But you should think of the law’s provisions in terms of two categories of MCCCD programs – (i) persons enrolling into an MCCCD college and (ii) persons wishing to participate in some other MCCCD program. Within those categories, the law’s scope narrows further to cover applications for funding for the person to participate in those programs – either MCCCD or federal funding. Going one step further, the “benefits” that the law probably applies to are:

- For students enrolling into college, applications for MCCCD funding or federal funding (whether the student is enrolling through the standard process or through special programs), regardless of whether MCCCD will pay the funds directly to the student or provide funding indirectly by, for instance, applying the funding within the MCCCD system to offset the cost of tuition and fees; and
- For persons not enrolling into college and applying for funding for other MCCCD programs, applications for that funding where MCCCD will pay the person directly.

A person who applies for that funding and who fails to provide the required documentation listed on Exhibit A is not entitled to receive that funding.
**Frequently Asked Questions About HB 2008 (cont’d)**

**What triggers the obligation to report under the law?**

The obligation to report is generally triggered when the following occurs during the process of applying for the benefit (the application process is considered to be from the point of submission to the point of award):

- An undocumented person specifically admits verbally that he or she is in the United States unlawfully; and
- The person makes that admission to an MCCCD employee whose job is to review and make a decision about that person’s benefit application.

**What are some examples of statements that are not “admissions?”**

It is not an admission if the undocumented person:

- simply says that he or she cannot provide the requested documentation, does not qualify for in-state residency, or does not qualify for federal or MCCCD funding;
- asks, before any application process, whether he or she qualifies for federal or MCCCD funding, stating that he or she is undocumented.

The law does not apply to information gained in that manner. The admission needs to be specific, made directly to the employee whose job is to review and make a decision about that person’s application, and made during the application process. The law does not apply, for example, to instances where a faculty member tells a financial aid administrator that a person is undocumented.

**What if the employee learns from some other source that the person is undocumented?**

The law does not apply to information gained in that manner. The admission needs to be specific, made directly to the employee whose job is to review and make a decision about that person’s application, and made during the application process. The law does not apply, for example, to instances where a faculty member tells a financial aid administrator that a person is undocumented.

**Does the law apply and is there a duty to report if, after the application process is done, the student advises the employee whose job is to review and make a decision about that person’s application for benefits that he or she is not lawfully in the US?**

No. The admission must be made during the application process. If, however, as a result of the information you discover that federal or MCCCD funding was given to an ineligible person, you need to discuss this matter promptly with the chief officer for student affairs at your college.

**What if the employee whose job is to review and make a decision about a person’s application wears several “hats” in his or her job, and a potential student makes a statement while the employee is wearing a different “hat,” such as recruiting?**

The law and the duty to report do not apply unless you are in the process of administering a benefit. They specifically apply to the process of application for a benefit, and not to other situations.

**What is considered the “application” for federal, state, or MCCCD funding?**

For federal financial aid for college enrollment, the application is the FAFSA form. For MCCCD funding or other types of federal funding, it is any document submitted by a student with the intention of applying for some MCCCD or state or federal financial benefit.

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**Response (cont’d)**
**Frequently Asked Questions About HB 2008 (cont’d)**

**Does the law apply to applications for funding from the Maricopa Community Colleges Foundation, even if reviewed by an MCCCD employee responsible for reviewing them?**

College receives private donor scholarships that do not go to the foundation. Once they are deposited into our college account, the scholarships considered a state benefit and thereby not available to students who are not here lawfully, or are they still considered private funds and available to those students?

**Response (cont’d)**

No. Foundation accounts are private funds; they do not belong to the government or MCCCD.

**Does the law require us to revise our application forms for federal financial aid or MCCCD grants?**

Probably, at least the forms for MCCCD funding or federal non-financial aid funding. The law requires that we obtain evidence of lawful presence in the US by requesting that the applicant for benefits provide one of 12 different types of documentation. See Exhibit A for that list. It also requires some statement on the form that the applicant swears that the documents presented are true under penalty of perjury. While the law mandates the same list for federal financial aid, the Department of Education governs that process and we are not going to be able to change that.

**Is the documentation that HB 2008 specifies the same as the documentation that we are using to implement Prop 300?**

Not entirely. While there is much overlap, the documents specified in HB 2008 is a shorter list. That is, we permit some types of documentation for residency purposes that we will not be able to use for funding applications.

**Apart from the processes for obtaining federal or MCCCD funding, does the law apply any part of the process of applying to be admitted to college?**

No. Admission and enrollment is not a benefit.

**So, apart from statements made by an applicant for benefits during the application process to a person responsible for administering the benefits, the law does not apply to a potential or actual student’s statement (either written or verbal) and there is no duty to report it?**

That is correct.
Response (cont’d)

Yes. By submitting a SIF, at MCCC the person becomes a student whose records are confidential under Federal law, and cannot be disclosed without the student’s consent. Thus, the employee reviewing and deciding on the application may not report information gained from a benefit application form after submission of the SIF without that consent.

Federal student privacy law protects written records and not verbal information. However, given the consequences of violating Federal privacy law, it is advisable to avoid disputes with students as to whether the information reported was gained from a record not a conversation. In order to avoid such disputes we must make it clear to the student before he or she has the opportunity to submit an application for federal, state or MCCC funding that he or she should not do so unless he or she is lawfully present in the United States. Since our applications for federal or MCCC funding will need to indicate that we have to request the documentation specified on Exhibit A, and will include the notice specified in Paragraph 15, the person applying for the funding should know, under most circumstances, that he or she should not make any verbal statements.

We are placing the following notices on the appropriate application forms and on posters in the ACE and college financial aid offices:

Only those with a lawful presence in the US may qualify for MCCC scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under AZ law. This does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.

http://www.maricopa.edu/foundation/apply/index.php

That is correct.

The employee must complete MCCC’s standard reporting form and provide it to the person at his or her college who is the chief student affairs officer, which in most cases is a Vice President. The Vice President or chief officer will forward the form on to the MCCC General Counsel.
### Frequently Asked Questions About HB 2008 (cont’d)

<table>
<thead>
<tr>
<th>Question</th>
<th>Response (cont’d)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What information needs to be provided on the form?</strong></td>
<td>At most, you only need to provide the information that the form requests, which is the applicant’s name and address, if you have them. You do not need to—and should not—question the person to gain additional information. Your sole obligation is to complete the form as best you can and provide it immediately to the chief student affairs officer.</td>
</tr>
<tr>
<td><strong>Is there any liability for an employee who reports someone who later is found to be a citizen?</strong></td>
<td>No. If the employee was acting with the best intentions and performing the duties of his or her employment, MCCCD will defend him or her.</td>
</tr>
<tr>
<td><strong>What do the recruiters do if they are at a high school or a college fair and a student tells them they are undocumented?</strong></td>
<td>Recruiters are not responsible for administering financial aid or other funding applications, and thus the law does not apply to them. So, it does not matter if high school or other potential college students advise them that they are undocumented. The recruiters should continue their practice of making it clear to undocumented persons that they will not qualify for in-state tuition, financial aid or MCCCD funding. They may also inform the potential student that he or she may contact the Maricopa Community Colleges Foundation at 480-731-8040 about applying for a scholarship. <a href="http://www.maricopa.edu/foundation/apply/index.php">http://www.maricopa.edu/foundation/apply/index.php</a></td>
</tr>
<tr>
<td><strong>Are undocumented students allowed to participate in field trips, team sports or ride in college vehicles?</strong></td>
<td>Student activities fees are collected from tuition. All students may participate in student activities (i.e., clubs and student organizations, field trips, athletics) that are funded by student activities fees. Un-budgeted student travel should follow the application process.</td>
</tr>
<tr>
<td><strong>When processing student travel trips, does the source of funds matter?</strong></td>
<td>The out of state rate now in effect covers the full cost of an individual student’s education at MCCCD, including the cost of support for student travel. Such support is a part of the package of services the out of state student has purchased, and therefore it is not a taxpayer-subsidized “benefit” from which undocumented students are restricted. The only instances where the application for student travel would need to be completed is when an activity involves un-budgeted student travel, then the application process outlined in the handbook would need to be completed. This also means that as long as students pay the full tuition rate and activities fees, then it does not matter where the budgeted travel funding originated, students may raise funds meant for travel and use those funds accordingly.</td>
</tr>
<tr>
<td><strong>What about instances where high schools partially pay for a high school student’s tuition for dual enrollment courses?</strong></td>
<td>Once a high school has been provided with a stipend for dual enrollment, that school has independent direction to administer its dual enrollment program and disbursement of tuition subsidy.</td>
</tr>
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Summary of SB 1070

This law, passed by the Arizona State Legislature in 2010, was effective on July 29, 2010. However, due to lawsuits, many of the provisions of the law have been put on hold for the time being, and thus are not enforceable until further notice. The only portions of the law currently in effect provide for the following:

- Prohibits public entities like MCCCD from limiting enforcement of federal immigration laws;
- Permits any legal resident to sue a public entity like MCCCD for adopting a policy restricting enforcement of federal immigration laws to less than the fullest extent permitted by federal law;
- Makes it a crime for a person who is violating some other criminal offense to transport or harbor an unlawfully present alien or encourage or induce an unlawfully present alien to come to or live in Arizona;
- Amends existing law permitting removal or impoundment of a vehicle to permit impoundment of vehicles used in transporting or harboring unlawfully present aliens;
- Makes it a crime to stop a motor vehicle to pick up day laborers and for day laborers to get into a vehicle if it impedes the normal movement of traffic;
- Amends existing law that requires every employer to verify the employment eligibility of a hired employee through e-verify to require that the employer keep a record of the verification for the duration of the employee’s employment or at least three years, whichever is longer.

Frequently Asked Questions About SB 1070

Would an MCCCD employee be subject to criminal penalties for transporting an undocumented student as a passenger?

No. Under the law, the driver transporting an undocumented person must first be committing a crime, such as criminally speeding (as opposed to civil speeding infractions) for the law to apply. Additionally, the law does not apply unless it is proven that the driver knew or cavalierly disregarded the fact that the passenger is an undocumented person.

Regarding the documentation that the law requires MCCCD as an employer to keep to demonstrate that each employee hired has been checked through the federal e-verify system?

Arizona law requires that MCCCD verify the eligibility of every employee through the federal e-verify system, a requirement that was effective on December 31, 2007. The best practice in terms of keeping a record is to print the e-verify page for the employee, and keep it in the employee’s file.
Students must provide evidence of lawful presence in the U.S. by providing one of the following types of documentation:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.

2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.

3. A United States certificate of birth abroad.

4. A United States passport.

5. A foreign passport with a United States visa.

6. An I-94 form with a photograph.


8. A United States certificate of naturalization.


10. A tribal certificate of Indian blood.

11. A tribal or Bureau of Indian Affairs affidavit of birth.

12. Tribal members*, the elderly and “persons with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act (42 United States Code §1396b, as amended by Section 6036 of the federal Deficit Reduction Act of 2005)**

* A document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

** If you think that this may apply, please contact the Legal Services Department for assistance.
EXHIBIT B
Steps for Determining Eligibility for Federal or MCCCD Funding

1. Is there an application process?
   - If no, the law does not apply.
   - If yes, go to the next question.

2. Is the application for federal or MCCCD funding related to enrollment into college (whether it be through the regular enrollment process, or through a special program)?
   - If yes, go to Question No. 4.
   - If no, go to Question No. 3.

3. Is the application for federal or MCCCD funding to be paid directly to the individual submitting the application for MCCCD programs not involving college enrollment?
   - If no, the law does not apply.
   - If yes, go to Question No. 4.

4. Has the applicant provided one of the 12 forms of proof of legal status specified in the law (as listed in Exhibit A)?
   - If yes, go to Question 5.
   - If no, the person is not entitled to federal or MCCCD funding.

5. Has the person signed a sworn affidavit stating that the document provided under Question 4 is true under penalty of perjury?
   - If yes, the applicant has passed the criteria under HB 2008 for obtaining the funding.
   - If no, the applicant has NOT passed the criteria under HB 2008 for obtaining the funding.
EXHIBIT B
Steps for Determining Whether There Is A Duty To Report

1. Has an applicant specifically admitted as part of the application process that he or she is not in the US legally? [NOTE: The Arizona Attorney General has specified that the admission—whether verbal or written—must be an outright statement that the person is in the US illegally. Other types of statements are not “admissions” for purposes of the law.]
   - If no, the duty to report does not apply.
   - If yes, go to Question No. 2

2. Do the specific job responsibilities of the MCCCD employee to whom the admission was made include the responsibility for reviewing and deciding on the funding application?
   - If no, the duty to report does not apply.
   - If yes, the duty to report does apply.

Reporting forms may be obtained from the college Vice President for Student Affairs.
Handbook for HB 2008, SB 1070 and Prop 300: FAQs Related to Legislative Compliance

Procedures for Student Compliance with Citizenship/Legal Status (formerly called Prop 300)

The Maricopa Community Colleges have announced the procedures they are using to comply with Proposition 300.

The Colleges’ efforts to comply with the law mean that students are being asked to provide information about their citizenship or legal status. To qualify for in-state tuition and state financial assistance, students must provide documentation as proof of lawful presence in the United States. Acceptable documents include a birth certificate, an Arizona driver license or ID card issued after 1996, and official immigration papers. Students who successfully complete the federal Free Application for Federal Student Aid (FAFSA) will not need to show additional proof of citizenship.

In a letter sent to students, the Colleges said that “The new law does not prevent anyone from enrolling in the Maricopa Community Colleges.”

College administration assures that “We are complying with the law while maintaining our goal of educating all students who wish to attend the Maricopa Community Colleges. We will continue to provide assistance to students within the framework of the law.”

Further information can be obtained by calling the Admissions & Records offices at any of the 10 Maricopa colleges.

Proposition 300, passed by Arizona voters in November 2006, stipulates that college students who are not legal United States citizens or are without lawful immigration status must pay out-of-state tuition, and that persons who are not United States citizens and who are without lawful immigration status are not eligible for financial assistance using state money. The law requires that those who are not citizens or legal residents pay out-of-state tuition. For the academic year 2010-2011 tuition is $317 per credit hour. The in-state tuition rate is $76 per credit hour.

Frequently Asked Questions

About Citizenship/Legal Status (formerly Prop 300)

Does citizenship/legal status (formerly Prop 300) deny access by undocumented students to admission to an Arizona public college or university?

Response

No. Citizenship/legal status (formerly Prop 300) requires that students who are not legal citizens of the United States or who are without lawful immigration status be precluded from classification as in-state or county residents. It also holds that a person who is not a U.S. citizen and without lawful immigration status will not be entitled to receive financial assistance that is paid or subsidized in whole or in part with state funds. It does not prohibit such students from enrolling at a public community college or university.
Frequently Asked Questions About Citizenship/Legal Status (formerly Prop 300) (cont’d)

Does citizenship/legal status (formerly Prop 300) outlaw all forms of financial assistance for undocumented students?

No. Citizenship/legal status (formerly Prop 300) does hold, however, that a person who is not a citizen of the United States, who is without lawful immigration status and who is enrolled as a student at any university under the jurisdiction of the Arizona Board of Regents or at any community college under the jurisdiction of a community college district in this state is not entitled to tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance that is subsidized or paid in whole or in part with state monies.

Maricopa’s current accounting processes would still allow these students to receive scholarship or similar assistance from either the Maricopa Foundation or private sources. Other Maricopa funds presently could not be used to provide financial assistance to these students.

What obligations does citizenship/legal status (formerly Prop 300) impose on public colleges and universities?

Citizenship/legal status (formerly Prop 300) principally requires that those institutions semi-annually report to the Arizona Legislatures Joint Legislative Budget Committee (JLBC) the total number of students who were entitled to classification as an in-state student and the total number of students who were not entitled to classification as an in-state student because the student was not a citizen or legal resident of the United States or without lawful immigration status. The law also requires that the institutions semi-annually report to JLBC the total number of students who applied and the total number of students who were not entitled to tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance that is subsidized or paid in whole or in part with state monies because the student was not a citizen or legal resident of the United States or not lawfully present in the United States.

How will citizenship/legal status (formerly Prop 300) impact continuing students?

When the implementation process is complete, all students both new and continuing will be required to comply with the new law. At that time, all students who are not citizens or legal residents of the United States or who are without lawful immigration status will be precluded from classification as either in-state students or county residents. Moreover, persons who are not citizens of the United States, are without lawful immigration status and enrolled as students will not be eligible for tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance that is subsidized or paid in whole or in part with state monies.
Frequently Asked Questions About Citizenship/Legal Status (formerly Prop 300) (cont’d)

Does citizenship/legal status (formerly Prop 300) require that colleges or universities report the names (or other personally identifiable information) of students who are not legal residents or without lawful immigration status?

No. The law requires that institutions report only aggregate numbers of students, and not those students names or other personally identifiable information. Generally, the confidentiality of such information is protected as to all students under the Family Educational Rights and Privacy Act. ●

How does citizenship/legal status (formerly Prop 300) affect adult basic education classes that are currently offered by a Maricopa community college?

The Arizona Department of Education (ADE) has for several years been obligated under A.R.S. 15-232 to make available and supervise a program of adult education in other institutions . . . of this state. Various Maricopa community colleges have, under the auspices of ADE pursuant to this law, offered adult education programs. Proposition 300, however, now mandates that ADE may provide such classes only to adults who are citizens or legal residents of the United States or are otherwise lawfully present in the United States. This change in the law would have no impact, however, on classes at a Maricopa community college that are not offered pursuant to A.R.S. 15-232. ●

Citizenship/legal status (formerly Prop 300) requires that students who are not legal US citizens or without lawful immigration status pay out-of-state tuition. Does this apply to students in both credit and non-credit classes?

The requirement out of citizenship/legal status (formerly Prop 300) that students who are not legal US citizens or without lawful immigration status pay out-of-state tuition does not distinguish between credit and non-credit offerings by a college or university. Maricopa presently does not assess charges for students in non-credit offerings based on residency, but rather the cost to provide the course; therefore, all students pay the same fees to attend regardless of where they reside. The new requirements of citizenship/legal status (formerly Prop 300), then, would not affect what students pay to enroll in Maricopa non-credit offerings. ●
The following is a list of acceptable documents one may provide to assist with residency decisions based on citizenship or legal status for purposes of determining eligibility for in-state tuition. Final residency decisions for tuition purposes will be made in accordance with ARS §§15-1803, 15-1802, 15-1802.01, and regulations of the Maricopa Community Colleges Governing Board.

Documents included in the Primary List are identified by Arizona state statute (ARS §§ 1-501, 1-502) as acceptable documents when a student applies for “federal, state or local public benefit.” This includes federal financial aid and many college scholarships.

Students are encouraged to submit one of the twelve documents from the Primary List for citizenship/legal status and financial aid/scholarship purposes. Those who do not have one of these twelve items may submit documents from the secondary list for proof of citizenship/legal status to assist with residency determination.

Documents submitted with the Student Information Form may be faxed, mailed, emailed or submitted in person. Documents submitted when applying for a scholarship should accompany the scholarship application.

**Primary List**
- An Arizona driver license issued after 1996 or an Arizona non-operating identification license.*
- A birth certificate or delayed birth certificate issued in any state, territory or passion of the United States. A hospital record/certificate and Certified Abstract of Birth are not acceptable.
- A United States certificate of birth abroad
- A United States passport
- A foreign passport with a United States visa
- An I-94 form with a photograph
- A U.S. Citizenship and Immigration Services (USCIS) employment authorization document or refugee travel document
- A United States certificate of naturalization
- A United States certificate of citizenship
- A tribal certificate of Indian Blood
- A tribal or Bureau of Indian Affairs affidavit of birth
- Tribal members, the elderly and “person with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act (42 United States Code §1396b, as amended by Section 6036 of the federal Deficit Reduction Act of 2005)

**Secondary List**

**United States or Naturalized Citizenship**
- Arizona Peace Officer Standards & Training (AZPOST) Certification
- Confirmation of citizenship through the Free Application for Federal Student Aid (FAFSA)
Identification Requirements for Residency, Citizenship and Legal Status
ARS §§15-1803, 15-1802, 15-1802.01 and ARS §§1-501,1-502 (cont’d)

- Driver License issued in another state, territory or possession of the U.S. except per Arizona law for the following states that do not verify lawful presence in the US: Hawaii, Maryland, Massachusetts, Michigan, New Mexico, North Carolina, Oregon, Texas, Utah and Washington.
- United States Military ID Card (active duty, reserve and retired)
- United States Military DD-214

Permanent Resident Alien
- Confirmation of citizenship through the Free Application for Federal Student Aid (FAFSA)
- Permanent Resident Card (Form I-151 since 1997)
- Resident Alien Card (Form I-551 before 1997)
- Alien Registration Receipt Card (I-151 issued prior to June 1978)
- United States Military ID Card (active duty, reserve and retired)
- United States Military DD-214

Refugee or Asylee
- Confirmation of citizenship through the Free Application for Federal Student Aid (FAFSA)
- Refugee Travel Document (Form I-571 since 2003)

Non-Immigrant Alien
- Current valid Arizona Motor Vehicle Department Drivers License/Identification Card issued after 1996.*
- Current Employment Authorization Document (Form I-766)
- Current Non-immigrant Visa
- Current Border Crosser Card (Form DSP-150)
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

* The college may require documentation that is in addition to a valid Arizona Driver License/Identification Card to prove citizenship or lawful presence in the United States for residency determination.

Note: Although some documents may instruct the holder not to photocopy them. The USCIS has advised the Department of Education that these documents and others may be photocopied if done for lawful purposes such as documenting citizenship for the purpose of determining eligibility.

Information a student provides about his/her legal status when applying for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under Arizona law, (ARS §§ 1-501, 1-502). This does not apply to information supplied for residency at the time of admission to the college. This also does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.
NOTE: The Maricopa Community Colleges Foundation is a 501(c)(3) non-profit organization. The following scholarship guidelines are incorporated in the handbook by reference.

*If an undocumented student discloses their status during the application process for public funding, the public employee must report the undocumented student to their supervisor.*

Applications for all scholarship funds held at the Foundation will be accepted by the Foundation, not the campuses. This reduces the risk of staff handling any undocumented student applications that might come in as applications for both public funds (which they don’t qualify for and may trigger a reporting issue) and private money at the same time. Since the Foundation is private and exempt from HB 2008 reporting, it assures that undocumented students can apply for private funds that are available for all students. Students should be encouraged to apply on the Foundation website. Applications will be processed by the Foundation and then returned to the campus for committee use. All work by committees remains the same.

*Undocumented student accounts cannot be allowed to have a negative balance because it is a public benefit to give them “credit.” Also, if the college deposits a scholarship check from a donor into a college account, it becomes public money. When they redistribute that check as a scholarship to a student account, it is the application of a public benefit.*

The Foundation will process these scholarship awards separately. Each recipient will be issued a check in the name of the college, with a note to apply it to the student account (same as if I sent a payment for tuition for my child). It will be sent to the Cashiers office for processing. That way, the check is not deposited and redistributed. It is applied directly to the student account and does not constitute a public benefit. There should not be an issue with these students having excess funds in their accounts that would be refunded because we won’t issue the check until after the refund period, and we will check balances and total awards before the check is issued.

If you have any questions regarding these procedures, please call Mary O’Connor at the Foundation office (480) 731-8403.
ACE Application Process

Two-Step Process

**Step 1**

A. ACE staff educates and communicates the process to high school administrators and students.
B. Students must submit SIF and ACE Program Application together.
C. Committee reviews ACE Program Applications and creates list for “conditional acceptance” using selection criteria rubric.
D. ACE directors send out letters of “conditional acceptance” to program with scholarship application.
   – Criteria for Maricopa Foundation Scholarship
   – Criteria for Maricopa Grant Scholarship
E. ACE Programs offer a workshop or meeting to assist students with directions on filling out the scholarship application. (Highly recommended)
F. Students choose which application to complete, attach required documentation if applicable, and submit to ACE office.

**Step 2**

G. ACE program staff separates Maricopa Foundation Scholarship apps (and retains them) and sends Maricopa Grant apps to Financial Aid (FA) or designee assigned by VP.
H. FA or designee assigned by VP determines eligibility for Maricopa Grant Scholarship.
I. FA or designee assigned by VP sends ACE Director a list of students approved for a Maricopa Grant Scholarship.
J. ACE Director reviews Maricopa Foundation Scholarship Applications & determines students approved for funding.
K. ACE Director sends FA the list of students to be awarded.

Note: *If scholarship application is incomplete, each college uses own discretion on following up with the student. However, if follow up is done, it should be done by an ACE Staff person and not FA or assigned designee.*
ACE Talking Points
Student Meetings or
Student and Parent Meetings

A. ACE TALKING POINTS FOR MEETING WITH STUDENTS
Suggested statement to be made by the recruiter in the first meeting with students, before questions about legal status can even come up:

“We welcome all students to apply to ACE programs. Getting into the ACE program is a two-step process. First, you have to be accepted, and that involves filling out a form for admissions into the ACE program. Not everyone is accepted, so it’s important that you fill out the forms completely.

If you are accepted, you and your parents will be asked to attend a meeting that serves several purposes. One of them is to determine how your participation in the ACE program will be funded. There are two ways, and the one you qualify for will be determined by whether you can provide documentation that you are in the U.S. lawfully.”

Please do not advise us of your legal status during this information session. We don’t need to know, and don’t want to know, what your status is.

After being accepted and during the funding process you will have two choices:
1. If you know that you are in the US lawfully, you will use the form entitled “Maricopa Grant Application for ACE” (yellow form) and provide one type of the documentation requested on the form; or
2. If you don’t have that documentation, you will need to apply using the form entitled “Maricopa Community Colleges Foundation Scholarship for ACE” (green form).

B. ACE TALKING POINTS WHEN MEETING WITH STUDENT & PARENTS
Please do not advise us of your legal status during this funding application process. We don’t need to know, and don’t want to know, what your status is.

For the funding application, you will have a choice of one of two forms.

Please read the forms carefully and make sure that you choose the correct one.
1. If you know that you are in the U.S. lawfully, you will use the form entitled “Maricopa Grant Application for ACE” (yellow form) and provide one type of the documentation requested on the form; or
2. If you don’t have that documentation, you will need to apply using the form entitled “Maricopa Community Colleges Foundation Scholarship for ACE” (green form).
Sample ACE Application

Maricopa Grant

Maricopa Community Colleges
MARICOPA GRANT SCHOLARSHIP Application
for ACE STUDENTS

Only those with a lawful presence in the US may qualify for MCCCD scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under AZ law.

The MARICOPA Grant program is offered to eligible-Arizona high school students attending Maricopa Community Colleges ACE Program. A letter of award or denial will be sent to your home after an eligibility evaluation.

Name________________________________________________________________________________________

S.S. # or College ID (Optional)__________________________  Date of Birth ______________________________

Address________________________________________        City/State/ZIP_______________________________

Home Phone (_________) ________________________      Cell Phone (_________) ________________________

Name of High School___________________________________________________________________________

Students applying for this funding have demonstrated that they meet one or more of the ACE Program's criteria which may or may not include financial need. Additionally, students must provide evidence of lawful presence in the US by providing one of the following types of documentation:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
8. A United States certificate of naturalization.
10. A tribal certificate of Indian blood.
11. A tribal or bureau of Indian affairs affidavit of birth.
12. Tribal members, the elderly and “persons with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act (42 United States Code §1396b, as amended by Section 6036 of the federal Deficit Reduction Act of 2005)

IMPORTANT - Please attach a copy of one of the above forms of documentation to this application prior to submission even if you have previously submitted this documentation to the ACE office.

By signing this application, I swear under penalty of perjury that the document(s) that I have submitted to demonstrate lawful presence in the United States are true. (This does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.)

Applicant Signature/ Date     Parent or Legal Guardian Signature/Date

FOR OFFICIAL USE ONLY

Program Start Term:  □ Fall  □ Spring  □ Summer  Year______  Item Type ____________________________

HB2008 Documentation Submitted___________  Prop 300 Documentation Submitted____________

Approve____  Denied____  Reason______________________________________________________________

Final - ry hk 10/14/10 Reproduce on YELLOW paper only.
Sample ACE Application

Maricopa Foundation

Maricopa Community Colleges
MARICOPA COMMUNITY COLLEGE FOUNDATION
Scholarship Application for ACE STUDENTS

The ACE Campaign Scholarships are offered to eligible-Arizona high school students attending Maricopa Community Colleges ACE Program. A letter of award or denial will be sent to your home after an eligibility evaluation.

Name________________________________________   Date of Birth _______________________________
Address_____________________________________        City/State/ZIP__________________________________
Day Phone (_________) ________________________      Evening Phone (_________) _____________________
Name of High School___________________________________________________________________________

Students applying for this funding have demonstrated that they meet one or more of the ACE Program’s criteria.

___________________________________________  ___________________________________________
Applicant Signature/ Date     Parent or Legal Guardian Signature/Date

FOR OFFICIAL USE ONLY

Program Start Term:  □ Fall □ Spring □ Summer  Year______  Item Type __________________________
Approve  Denied____  Reason______________________________________________________________
________________________________________
Staff Member Signature / Date

FINAL - ry hk 10/21/10 – Reproduce on GREEN paper only.
Sample ACE Student Acceptance Letter  
*Items in blue to be customized*

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Dear <Student Name>:  

Thank you for your application to the ACE Program at <College>. We are pleased to inform you that you have met the eligibility requirements for the first step to acceptance into the ACE Program. Your ACE application packet, including your essay and recommendations from your teachers and counselors, made it evident to us that you have the background, desire and motivation to be part of the ACE program. This program offers the unique opportunity to start college courses, while still attending high school, in order to meet your personal, educational and career goals.

The next step is to submit a scholarship application to determine your eligibility for funding. There are two types of scholarships available to ACE students. YOU CAN ONLY FILL OUT ONE SCHOLARSHIP FORM. If you are not eligible for one, you may be eligible for the other. *Please review the description of each carefully to determine which scholarship application is appropriate for you to complete.*

1. The **Maricopa Grant Scholarship Application** (yellow form) is for students capable of providing evidence of lawful presence in the United States.
   - **DO** complete this form if you qualify for this scholarship and *can* provide the requested documentation.
   - **DO NOT** complete this form if you *cannot* provide evidence of lawful presence in the U.S.

   It is important that IF YOU QUALIFY for this scholarship you complete the yellow form and provide one type of the documentation requested on the form; or

2. The **Maricopa Community Colleges Foundation Scholarship Application** (green form) is for students who are unable or decline to provide the documentation requested above.
   - **DO** complete this form if you *cannot* provide the documentation mentioned above.
   - **DO NOT** complete this form if you *can* provide evidence of lawful presence in the U.S.

It is important that you submit the appropriate scholarship application to the ACE Office no later than <date> to be considered for final acceptance into the program. We have a limited number of spots in the program. If we do not receive your completed scholarship application (and attached documentation if required) by the deadline, you will not be considered for acceptance into the program.

You and your parents may have a number of questions regarding the program and the scholarship application process. We are holding informational sessions for parents and students to provide an overview of the program and to address those questions. You and your parent/guardian can choose from one of the following two dates:
- <Date/Time/Location Option 1>
- <Date/Time/Location Option 2>

**REMINDER**–Failure to submit a scholarship application by <date> will result in the removal of your name from the applicant list.

If you have any questions at all, please feel free to call us at <phone> or <email>. We in the ACE Program look forward to welcoming you to <College> and to personally meeting you and your family!

Sincerely,

<Coordinator Name>
Sample Grant Application

Maricopa Community Colleges
MARICOPA GRANT APPLICATION FOR DUAL ENROLLMENT STUDENTS
Spring 2011

Only those with a lawful presence in the US may qualify for Maricopa County Community College District scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under Arizona law.

ALL QUESTIONS MUST BE ANSWERED for this application to be processed. Completed applications must be submitted EACH SEMESTER to the college(s) in which you are enrolling. Notification of award or denial will be sent to you after an eligibility evaluation.

STEP 1: Student Information

Name __________________________________________ SS# or 8-digit College ID ____________________________

Address __________________________________________ City/State/ZIP ____________________________

Home Phone (________) Email ____________________________

Cell Phone (________) Name of High School ____________________________

STEP 2: Proof of US Citizenship or Eligible Non Citizen Status

Students MUST submit one of the following documents in order to be eligible:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
8. A United States certificate of naturalization.
10. A tribal certificate of Indian blood.
11. A Tribal or Bureau of Indian Affairs affidavit of birth.

STEP 3: Documentation of Financial Need

Please submit copy of signed 2009 federal income tax return to document household income.

(Income tax return should be from the parent the student resides with a majority of the time.)

1. Parents’ and student’s combined Adjusted Gross Income (AGI) this past year $ ____________________________
2. Number of family members living in your household? (Include yourself) ____________________________
3. If no federal tax returns were filed, please provide documentation of household member’s participation in any of the following federal benefits programs (Check all that may apply).
   ☐ Supplemental Social Security  ☐ Food Stamps  ☐ TANF  ☐ WIC  ☐ AHCCCS

The Maricopa Grant is not a scholarship. It is a form of tuition assistance available to those students who demonstrate financial need. Proof of financial need does not guarantee funding. Awarding of the Maricopa Grant is based on availability of funds.
Sample Grant Application  
Dual Enrollment (cont’d)

**STEP 4: Tuition Need**

List the dual enrollment classes for which you plan to register this semester. *(This is not your actual registration)*

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits</th>
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<tbody>
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</tbody>
</table>

**STEP 5: Signatures**

By signing this application, I swear under penalty of perjury that the document(s) that I have submitted to demonstrate lawful presence in the United States are true and the information provided on this form is true and complete.

Applicant Signature  Date  Parent or Legal Guardian Signature  Date

Due to limited funds, completion of the application does not guarantee funding.

**DEADLINE:** ______________________

Please return this form and accompanying documents to:

---

FOR OFFICIAL USE ONLY

<table>
<thead>
<tr>
<th>HB2008 Documentation Submitted</th>
<th>Prop300 Documentation Submitted</th>
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<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
<th>Reason</th>
<th>Fund Code</th>
<th>Application Documented</th>
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</table>

Staff Member Signature/Date
Sample Grant Application

Dual Enrollment (cont’d)

Maricopa Community Colleges

MARICOPA GRANT APPLICATION FOR DUAL ENROLLMENT STUDENTS

The MARICOPA Grant program is offered to eligible Arizona high school students attending Maricopa Community Colleges in dual enrollment programs.

Student recipients must demonstrate “financial need” by completing the Maricopa Grant Application for Dual Enrollment Students and providing documentation of household income using the most recent year’s signed income tax return for the parent or guardians. Financial need will be indicated if household income falls below 200% of the U.S. Health and Human Services Poverty Guidelines.

<table>
<thead>
<tr>
<th>Persons in Family</th>
<th>Poverty Guideline</th>
<th>200%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$10,830</td>
<td>$21,660</td>
</tr>
<tr>
<td>2</td>
<td>$14,570</td>
<td>$29,140</td>
</tr>
<tr>
<td>3</td>
<td>$18,310</td>
<td>$36,620</td>
</tr>
<tr>
<td>4</td>
<td>$22,050</td>
<td>$44,100</td>
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<tr>
<td>5</td>
<td>$25,790</td>
<td>$51,580</td>
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<tr>
<td>6</td>
<td>$29,530</td>
<td>$44,100</td>
</tr>
<tr>
<td>7</td>
<td>$33,270</td>
<td>$66,540</td>
</tr>
<tr>
<td>8</td>
<td>$37,010</td>
<td>$74,020</td>
</tr>
</tbody>
</table>

*If more than 8 in household, add $7,480 per person.*

- Under Arizona state law, a person who is not a United States citizen or who is without lawful immigration status may not receive tuition assistance through the Maricopa Grant program. Only those with a lawful presence in the US may qualify for Maricopa County Community College District scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under AZ law.

- The Maricopa Grant may be applied toward resident tuition and registration fees in dual enrollment courses only. Students are responsible for all other fees and charges.

- The Maricopa Grant will cover a maximum of twelve credit hours per student per year for all Maricopa Community College dual enrollment courses.

- Students must complete the first semester in which they enroll with a grade of A, B, or C in order to receive the Maricopa Grant for the following semester.

- Withdrawal from a course funded by the Maricopa Grant program after the last date for Official Course Withdrawal will disqualify a student for any additional tuition assistance while in high school. A disqualified student may request reconsideration based on extenuating circumstances. The award of additional aid will be at the college’s discretion.
Application for Student Public Policy Forum (SPPF)
ASACC Conference & Travel Scholarship

Only those with a lawful presence in the United States may qualify for MCCCD scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under AZ law.

The ASACC Conference and Travel Scholarship is offered to MCCCD students participating in the current year of the Student Public Policy Forum. A letter of award or denial will be sent to your home after an eligibility evaluation.

Name________________________________________________________________________________________
S.S. # or College ID (Optional)__________________________  Date of Birth ______________________________
Address________________________________________        City/State/ZIP_______________________________
Home Phone (_________) ________________________      Cell Phone (_________) ________________________

Students applying for this funding have demonstrated that they have met sufficient academic progress as detailed in the course syllabus, and are able to commit to the preparation and travel commitments associated with the ASACC Conference and Travel program itinerary for the current SPPF program. Additionally, students must provide evidence of lawful presence in the US by providing ONE of the following types of documentation:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
8. A United States certificate of naturalization.
10. A tribal certificate of Indian blood.
11. A tribal or bureau of Indian affairs affidavit of birth.
12. Tribal members, the elderly and “persons with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act (42 United States Code §1396b, as amended by Section 6036 of the federal Deficit Reduction Act of 2005)

IMPORTANT - Please attach a copy of one of the above forms of documentation to this application prior to submission even if you have previously submitted this documentation to other offices or agencies at the individual college or at the MCCCD District Support Services Center.

By signing this application, I swear under penalty of perjury that the document(s) that I have submitted to demonstrate lawful presence in the United States are true. (This does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.)

Applicant Signature/ Date     Parent or Legal Guardian Signature/Date

FOR OFFICIAL USE ONLY

Program Year______________  Item Type __________________________

HB2008 Documentation Submitted___________  Prop 300 Documentation Submitted_________________

Approve____  Denied____  Reason______________________________

Staff Member Signature / Date
**Maricopa Talent Waiver Application**

Maricopa Community Colleges

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**Maricopa Community Colleges**

**MARICOPA TALENT WAIVER APPLICATION**

Only those with a lawful presence in the US may qualify for Maricopa County Community College District scholarships or federal financial aid. Any information you provide about your legal status when you apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under Arizona law. A talent waiver is a scholarship.

ALL QUESTIONS MUST BE ANSWERED for this application to be processed.

Notification of award or denial will be sent to you after an eligibility evaluation.

---

### STEP 1: Student Information

Name ____________________________  College ID ____________________________

Address ____________________________  City/State/ZIP ____________________________

Phone (__________ )  Email ____________________________

---

### STEP 2: Proof of US Citizenship or Eligible Non Citizen Status

Students MUST submit one of the following documents in order to be eligible for the talent waiver:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
8. A United States certificate of naturalization.
10. A tribal certificate of Indian blood.
11. A Tribal or Bureau of Indian Affairs affidavit of birth.
12. Tribal members, the elderly and “persons with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act.

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Talent Waiver Application  Updated 3/23/11
Application for Student Travel
Maricopa Community Colleges

Maricopa Community Colleges
CONFERENCE & TRAVEL SCHOLARSHIP
Application for Student Travel

Only those with a lawful presence in the United States may qualify for Maricopa County Community College District (MCCCD) scholarships or federal financial aid. Any information provided regarding your legal status when applying for financial aid or scholarships is subject to mandatory reporting to federal immigration authorities under Arizona state law.

Students must complete an individual travel scholarship application if they want the College or the district to pay or reimburse their individual travel expenses such as airfare, lodging, meals, and mileage. No individual application is required for payment of defined group travel expenses (e.g. bus charter, hall rental, groceries for group meals) which are paid for by the group out of course fees, club or organization dues, or student fees allocated to the group (e.g. for field experiences, athletic events, or club or organizational activities).

Name:________________________________________________________________________________________
S.S. # or College ID: __________________________
Date of Birth:  ______________________________
Address:________________________________________
City/State/ZIP:_______________________________
Home Phone: (________ ) ________________________
Cell Phone: (________ ) ________________________

Students applying for funding have demonstrated that they have met sufficient qualifications for attendance and are able to commit to the preparation and travel commitments associated with the specified conference and travel program itinerary for the current program. Additionally, students who wish to travel must provide evidence of lawful presence in the United States by providing ONE of the following types of documentation:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
10. A tribal certificate of Indian blood.
11. A tribal or Bureau of Indian Affairs affidavit of birth.
12. Tribal members, the elderly and “persons with disabilities or incapacity of the mind or body,” may submit certain types of documentation under Section 1903 of the federal Social Security Act (42 United States Code §1396b, as amended by Section 6036 of the federal Deficit Reduction Act of 2005

NOTE: You must attach a copy of one of the aforementioned forms of documentation to this application prior to submission.

By signing this application, I swear under penalty of perjury that the document(s) that I have submitted to demonstrate lawful presence in the United States are true. (This does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.)

___________________________________________   __________________________________________
Applicant Signature/ Date      Parent or Legal Guardian Signature/Date

FOR OFFICIAL USE ONLY

Program Year:______________  Item Type:______________
HB2008 Documentation Submitted:______________  Prop 300 Documentation Submitted:______________
Approve____  Denied____  Reason__________________
___________________________________________   __________________________________________
Staff Member Signature / Date
A. Educate and communicate to the counselors the new processes:
   1. Have the student complete the SIF

B. If applying for financial aid and scholarships, please inform your students that:
   1. only those with a lawful presence in the US may qualify for MCCCD scholarships or federal financial aid. Any information they provide about their legal status when they apply for financial aid or scholarships may be subject to mandatory reporting to federal immigration authorities under AZ law.
   2. this does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community College Foundation.
   3. students will be required to provide proof of lawful presence in the US when they submit any scholarship application other than a Maricopa Foundation scholarship. See Exhibit A for a listing of acceptable documentation.
   4. students should be encouraged to verify eligibility before beginning the application process for all financial aid including scholarships.

C. Recruiters are not responsible for administering financial aid or other funding applications.

So, it does not matter if high school or other potential college students advise them that they are undocumented. The recruiters should continue their practice of making it clear to undocumented persons that they will not qualify for in-state tuition, financial aid or MCCCD funding. They may also inform the potential student that he or she may contact the Maricopa Community Colleges Foundation at (480) 731-8040 about applying for a scholarship.
APPENDIX S-1
Residency for Tuition Purposes

All students are classified for tuition purposes under one of the following residency classifications:
1. Maricopa County resident
2. Out-of-County resident
3. Out-of-State resident (including F-1 non-immigrant students)

Residency for tuition purposes is determined in accordance with state law (ARS §§15-1801et seq.) and regulations of the Maricopa Community Colleges Governing Board. All of the Maricopa Community Colleges are subject to the above statutes and regulations. Students who have questions about their residency should contact the Admissions and Records Office/Office of Student Enrollment Services for clarification.

Implementation
1. Domicile status must be established before the student registers and pays fees. It is the student’s responsibility to register under the correct domicile status.
2. Enforcement of domicile requirements shall be the responsibility of the Chancellor of the Maricopa Community Colleges. The Chancellor has charged the Director of Admissions and Records or other designee at each college to make the initial domicile classification. In determining a student’s classification, the college may consider all evidence, written or oral, presented by the student and any other information received from any source which is relevant to determining classification. The college may request written sworn statements or sworn testimony of the student.
3. A request for review of the initial classification may be made to a district review committee. The request must be in writing, signed by the student and accompanied by a sworn statement of all facts relevant to the matter. The request must be filed with the admissions officer of the college within ten days of receipt of notification of classification as a non-resident. Failure to properly file a request for review within the prescribed time limit constitutes a waiver of review for the current enrollment period. The decision of the review committee shall be final.

Definitions
1. “Armed Forces of the United States” means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the commissioned corps of the United States Public Health Services, the National Oceanographic and Atmospheric Administration, the National Guard, or any military reserve unit of any branch of the Armed Forces of the United States.
2. “Continuous attendance” means enrollment at one of Maricopa Community Colleges as a full-time or part-time student for a normal academic year since the beginning of the period for which continuous attendance is claimed. Students need not attend summer sessions or other such intersession beyond the normal academic year in order to maintain continuous attendance.
3. “County resident” means an individual who has lived in the county for at least fifty (50) days before the first day of classes of the semester.
4. “Domicile” means a person’s true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
5. “Emancipated person” means a person who is neither under a legal duty of service to his parent nor entitled to the support of such parent under the laws of this state.

6. “Full-time student” means one who registers for at least twelve (12) credit hours per semester.

7. “Part-time student” means one who registers for fewer than twelve (12) credit hours per semester.

8. “Parent” means a person’s father, or mother, or if one parent has custody, that parent, or if there is no surviving parent or the whereabouts of the parents are unknown, then a guardian of an unemancipated person if there are not circumstances indicating that such guardianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

In-State Student Status

1. Except as otherwise provided in this article, no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition purposes.

2. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year preceding the official starting day of the semester, except that a person whose domicile is in this state is entitled to classification as an in-state student if the person meets one of the following requirements:

   A. The person’s parent’s domicile is in this state and the parent is allowed to claim the person as an exemption for state and federal tax purposes.

   B. The person is an employee of an employer which transferred the person to this state for employment purposes or the person is the spouse of such an employee.

   C. The person is an employee of a school District in this state and is under contract to teach on a full-time basis, or is employed as a full-time non-certified classroom aide, at a school within that school District. For purposes of this paragraph, the person is eligible for classification as an in-state student only for courses necessary to complete the requirements for certification by the state board of education to teach in a school District in this state. No member of the person’s family is eligible for classification as an in-state student if the person is eligible for classification as an in-state student pursuant to this paragraph, unless the family member is otherwise eligible for classification as an in-state student pursuant to this section.

   D. The person’s spouse has established domicile in this state for at least one year and has demonstrated intent and financial independence and is entitled to claim the student as an exemption for state and federal tax purposes or the person’s spouse was temporarily out of state for educational purposes, but maintained a domicile in this state. If the person is a non-citizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes.

3. The domicile of an unemancipated person is that of such person’s parent.

4. An unemancipated person who remains in this state when such person’s parent, who had been domiciled in this state, removes from this state is entitled to classification as an in-state student until attainment of the degree for which currently enrolled, as long as such person maintains continuous attendance.
5. A person who is a member of the Armed Forces of the United States and who is stationed in this state pursuant to military orders or who is the spouse or a dependent child of a person who is a member of the armed forces of the United States and who is stationed in this state pursuant to military orders is entitled to classification as an in-state student. The student does not lose in-state student classification while in continuous attendance toward the degree for which he or she is currently enrolled.

6. A person who is a member of the armed forces of the United States or the spouse or a dependent of a member of the armed forces of the United States is entitled to classification as an in-state student if the member of the armed forces has claimed this state as the person’s state of home record for at least twelve consecutive months before the member of the armed forces, spouse or dependent enrolls in a university under the jurisdiction of the Arizona Board of Regents or a community college under jurisdiction of a community college district governing board. For purposes of this subsection, the requirement that a person be domiciled in this state for one year before enrollment to qualify for in-state student classification does not apply.

7. Beginning in the fall semester of 2011, a person who is honorably discharged from the armed forces of the United States shall be granted immediate classification as an in-state student on honorable discharge from the armed forces and, while in continuous attendance toward the degree for which currently enrolled, does not lose in-state student classification if the person has met the following requirements:
   A. Registered to vote in this state.
   B. Demonstrated objective evidence of intent to be a resident of Arizona which, for the purposes of this section, include at least one of the following:
      i. An Arizona driver license
      ii. Arizona motor vehicle registration
      iii. Employment history in Arizona
      iv. Transfer of major banking services to Arizona
      v. Change of permanent address on all pertinent records
      vi. Other materials of whatever kind or source relevant to domicile or residency status

8. A person who is a member of an Indian tribe recognized by the United States Department of the Interior whose reservation land lies in the state and extends into another state and who is a resident of the reservation is entitled to classification as an in-state student.

Alien In-State Student Status
1. An alien is entitled to classification as an in-state refugee student if such person has been granted refugee status in accordance with all applicable laws of the United States and has met all other requirements for domicile.

2. In accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208; 110 Stat. 3009-546), a person who was not a citizen or legal resident of the United States or who is without lawful immigration status is not entitled to classification as an in-state student pursuant to ARS §15-1802 or entitled to classification as a county resident pursuant to ARS §15-1802.01. A student will be assessed out-of-state tuition until such time that documentation of status is received in the Office of Admissions and Records/Enrollment Services and (eligibility for) residency is confirmed. Documentation must be provided prior to the end of
the term in which residency classification is being requested. Documentation received after the end of term will be used for residency determination in subsequent terms.

3. In establishing domicile, the alien must not hold a visa that prohibits establishing domicile in this state. After meeting other domicile requirements, students holding valid, unexpired visas in the following categories may be classified as in-state students:

- Foreign Government Official or Adopted Child of a Permanent Resident (A)
- Treaty Traders (E)
- Principal Resident Representative of Recognized Foreign Member Government to International Staff (G)
- Spouse or Child of Spouse of a U.S. Citizen, Fiancé or Child of Fiancé of U.S. Citizen (K)
- Intracompany Transferee, or Spouse or Child (L)
- NATO-6 (N6)
- Spouses and Dependent Children of Lawful Permanent Residents (V)

4. Students who hold a current visa and have submitted an I-485 to U.S. Citizenship and Immigration Services (USCIS), may establish residency if other domicile requirements have been met. Residency eligibility for I-485 applicants may be considered one year after the date on the USCIS Notice of Action letter (I-797) confirming application for permanent resident status. Students must provide required residency documentation in addition to the Notice of Action for residency consideration. In establishing domicile, the alien must be in a status that does not prohibit establishing domicile in this state for at least one year immediately preceding the official starting date of the semester. In the event that an alien student’s parent is domiciled in this state and is allowed to claim the student as an exemption for state or federal tax purposes (3.c.i.2.a), the student’s parent, in order to establish domicile, must hold a valid, unexpired visa in one of the categories listed in section 3 above.

Presumptions Relating to Student Status
Unless there is evidence to the contrary, the registering authority of the community college or university at which a student is registering will presume that:

1. No emancipated person has established a domicile in this state while attending any educational institution in this state as a full-time student, as such status is defined by the community college district governing board or the Arizona Board of Regents, in the absence of a clear demonstration to the contrary.

2. Once established, a domicile is not lost by mere absence unaccompanied by intention to establish a new domicile.

3. A person who has been domiciled in this state immediately before becoming a member of the Armed Forces of the United States shall not lose in-state status by reason of such person’s presence in any other state or country while a member of the Armed Forces of the United States.
APPENDIX S-1
Residency for Tuition Purposes (cont’d)

Proof of Residency
When a student’s residency is questioned, the following proof will be required.

1. In-State Residency
   A. An affidavit signed by the student must be filed with the person responsible for verifying residency.
   B. Any of the following may be used in determining a student’s domicile in Arizona:
      i. Arizona income tax return
      ii. Arizona Voter registration
      iii. Arizona Motor Vehicle registration
      iv. Arizona Driver’s license
      v. Employment history in Arizona
      vi. Place of graduation from high school
      vii. Source of financial support
      viii. Dependency as indicated on federal income tax return
      ix. Ownership of real property
      x. Notarized statement of landlord and/or employer
      xi. Transfer of major banking services to Arizona
      xii. Change of permanent address on all pertinent records
      xiii. Other relevant information

2. County Residency
   A. An affidavit signed by the student must be filed with the person responsible for verifying domicile to prove continuous residency in a county for fifty (50) days, and
   B. Any of the following may be used to determine a student’s county residency:
      i. Notarized statements of landlord and/or employer
      ii. Source of financial support
      iii. Place of graduation from high school
      iv. Ownership of real property
      v. Bank accounts
      vi. Arizona income tax return
      vii. Dependency as indicated on a Federal income tax return
      viii. Other relevant information

AMENDED through the Administrative Regulation Process, March 13, 2012
AMENDED through the Administrative Regulation Process, May 17, 2011
AMENDED through the Administrative Regulation Process, March 4, 2011
AMENDED through the Administrative Regulation Process, August 18, 2008
### Visa Chart

<table>
<thead>
<tr>
<th>Visa</th>
<th>Class</th>
<th>Residency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Foreign Government Officials</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A-1</td>
<td>Ambassador, public minister, career diplomat or consular officer, and members of immediate family</td>
<td>Automatic</td>
</tr>
<tr>
<td>A-2</td>
<td>Other foreign government official or employee and members of immediate family</td>
<td>Automatic</td>
</tr>
<tr>
<td>A-3</td>
<td>Attendant, servant or personal employee of A-1 or A-2, and members of immediate family</td>
<td>Automatic</td>
</tr>
<tr>
<td><strong>Visitors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-1</td>
<td>Temporary visitor for business—restricted enrollment</td>
<td>NO</td>
</tr>
<tr>
<td>B-2</td>
<td>Temporary visitor for pleasure—restricted enrollment</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Aliens in Transit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td>Alien in transit directly through U.S.</td>
<td>NO</td>
</tr>
<tr>
<td>C-1D</td>
<td>Combined transit and crewman visa</td>
<td>NO</td>
</tr>
<tr>
<td>C-2</td>
<td>Alien in transit to UN headquarters</td>
<td>NO</td>
</tr>
<tr>
<td>C-3</td>
<td>Foreign government official, members of immediate family, attendant servant or personal employee in transit</td>
<td>NO</td>
</tr>
<tr>
<td>C-4</td>
<td>Transit without Visa, See TWOV</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Crewmen</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D-1</td>
<td>Crewmember departing on same vessel of arrival</td>
<td>NO</td>
</tr>
<tr>
<td>D-2</td>
<td>Crewmember departing by means other than vessel of arrival</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Treaty Trader and Treaty Investor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-1</td>
<td>Treaty trader, spouse and children</td>
<td>Automatic</td>
</tr>
<tr>
<td>E-2</td>
<td>Treaty investor, spouse and children</td>
<td>Automatic</td>
</tr>
<tr>
<td><strong>Academic Students</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-1</td>
<td>Academic Student or language program</td>
<td>NO</td>
</tr>
<tr>
<td>F-2</td>
<td>Spouse or child of student of an F-1 (Treat as B visa holders. Enrollment restricted to half-time, avocational classes only.)</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Foreign Government Officials to International Organizations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G-1</td>
<td>Principal resident representative or recognized foreign member government to international organization and members of immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>G-2</td>
<td>Other representative of recognized foreign member government to international organization, staff and members of immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>G-3</td>
<td>Representative of non-recognized or nonmember foreign government to international organization and members of immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>G-4</td>
<td>International organization officer or employee and members of immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>G-5</td>
<td>Attendant, servant or personal employee of G-1, G-2, G-3 or G-4 and members of immediate family</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Temporary Workers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-1B</td>
<td>Temporary worker in a specialty occupation; DOD workers, fashion models</td>
<td>NO</td>
</tr>
<tr>
<td>H-1C</td>
<td>Temporary worker—nurses going to work for up to three years in health professional shortage areas</td>
<td>NO</td>
</tr>
<tr>
<td>H-2A</td>
<td>Temporary agricultural worker</td>
<td>NO</td>
</tr>
<tr>
<td>H-2B</td>
<td>Temporary worker: skilled and unskilled</td>
<td>NO</td>
</tr>
<tr>
<td>H-3</td>
<td>Trainee</td>
<td>NO</td>
</tr>
<tr>
<td>H-4</td>
<td>Spouse or child of alien classified H-1, H-2, H-3</td>
<td>NO</td>
</tr>
</tbody>
</table>
### Visa Chart (cont’d)

<table>
<thead>
<tr>
<th>Visa</th>
<th>Class</th>
<th>Residency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Foreign Media Representatives</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Representative of foreign information media, spouse and children</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Exchange Visitor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J-1</td>
<td>Exchange visitor</td>
<td>NO</td>
</tr>
<tr>
<td>J-2</td>
<td>Spouse or child of J-1</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Fiance(e) of U.S. Citizen</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K-1</td>
<td>Fiance or fiancee of U.S. Citizen</td>
<td>YES</td>
</tr>
<tr>
<td>K-2</td>
<td>Minor child of K-1</td>
<td>YES</td>
</tr>
<tr>
<td>K-3</td>
<td>Spouse of U.S. Citizen (Life Act)</td>
<td>YES</td>
</tr>
<tr>
<td>K-4</td>
<td>Child of K-3 (Life Act)</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Intracompany Transferee</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L-1A</td>
<td>Executive, managerial</td>
<td>Automatic</td>
</tr>
<tr>
<td>L-1B</td>
<td>Specialized knowledge</td>
<td></td>
</tr>
<tr>
<td>L-2</td>
<td>Spouse or child of L-1</td>
<td>Automatic</td>
</tr>
<tr>
<td><strong>Vocational and Language Students</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M-1</td>
<td>Vocational student or other nonacademic student</td>
<td>NO</td>
</tr>
<tr>
<td>M-2</td>
<td>Spouse or child of M-1</td>
<td>NO</td>
</tr>
<tr>
<td>N-8</td>
<td>Parent of an alien classified SK-3 “Special Immigrant”</td>
<td>NO</td>
</tr>
<tr>
<td>N-9</td>
<td>Child of N-8, Sk-1, Sk-2 or SK-4 “Special Immigrant”</td>
<td>NO</td>
</tr>
<tr>
<td><strong>North Atlantic Treaty Organization</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NATO-1</td>
<td>Principal Permanent Representative of Member State to NATO and resident members of official staff or immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-2</td>
<td>Other representatives of Member States: dependents of Members of a Force entering in accordance with the provisions of NATO Status-of-Forces agreement; members of such a Force if issued visas</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-3</td>
<td>Official clerical staff accompanying Representative of Member State to NATO or immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-4</td>
<td>Official of NATO other than those qualified as NATO-1 and immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-5</td>
<td>Expert other than NATO officials qualified under NATO-4, employed on behalf of NATO and immediate family</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-6</td>
<td>Member of civilian component who is either accompanying a Force entering in accordance with the provisions of the NATO Status-of-Forces agreement; attached to an Allied headquarters under the protocol on the Status of International Military headquarters set up pursuant to the North Atlantic Treaty; and their dependents</td>
<td>YES</td>
</tr>
<tr>
<td>NATO-7</td>
<td>Servant or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6 or immediate family</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Workers with Extraordinary Abilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-1</td>
<td>Extraordinary ability in the Sciences, Arts, Education, Business or Athletics</td>
<td>NO</td>
</tr>
<tr>
<td>O-2</td>
<td>Alien’s (support) accompanying O-1</td>
<td>NO</td>
</tr>
<tr>
<td>O-3</td>
<td>Spouse or child of O-1 and O-2</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Athletes and Entertainers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-1</td>
<td>Individual or team athletes; entertainment groups</td>
<td>NO</td>
</tr>
<tr>
<td>P-2</td>
<td>Artists and entertainers in reciprocal Exchange programs</td>
<td>NO</td>
</tr>
<tr>
<td>P-3</td>
<td>Artists and entertainers in culturally unique programs</td>
<td>NO</td>
</tr>
<tr>
<td>P-4</td>
<td>Spouse or child of P-1, P-2 or P-3</td>
<td>NO</td>
</tr>
</tbody>
</table>
### Visa Chart (cont’d)

<table>
<thead>
<tr>
<th>Visa Class</th>
<th>Residency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International Cultural Exchange Visitors</strong></td>
<td></td>
</tr>
<tr>
<td>Q-1 International cultural exchange visitors</td>
<td>NO</td>
</tr>
<tr>
<td>Q-2 Irish Peace Process Cultural and Training Program (Walsh Visas)</td>
<td>NO</td>
</tr>
<tr>
<td>Q-3 Spouse or child of Q-2</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Religious Workers</strong></td>
<td></td>
</tr>
<tr>
<td>R-1 Religious workers</td>
<td>NO</td>
</tr>
<tr>
<td>R-2 Spouse or child of R-1</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Witness or Informant</strong></td>
<td></td>
</tr>
<tr>
<td>S-5 Informant of criminal organization information</td>
<td>NO</td>
</tr>
<tr>
<td>S-6 Informant of terrorism information</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Victims of a Severe Form of Trafficking in Persons</strong></td>
<td></td>
</tr>
<tr>
<td>T-1 Victim of a severe form of trafficking in person</td>
<td>NO</td>
</tr>
<tr>
<td>T-2 Spouse of a victim of a severe form of trafficking in persons</td>
<td>NO</td>
</tr>
<tr>
<td>T-3 Child of victim of a severe form of trafficking in persons</td>
<td>NO</td>
</tr>
<tr>
<td>T-4 Parent of victim of a severe form of trafficking in persons (if T-1 is under 21 years of age)</td>
<td>NO</td>
</tr>
<tr>
<td><strong>North American Free Trade Agreement (NAFTA)</strong></td>
<td></td>
</tr>
<tr>
<td>TN Trade visas for Canadians and Mexicans</td>
<td>NO</td>
</tr>
<tr>
<td>TD Spouse or child accompanying TN</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Transit Without Visa</strong></td>
<td></td>
</tr>
<tr>
<td>TWOV Passenger or Crew</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Victims of Certain Crimes</strong></td>
<td></td>
</tr>
<tr>
<td>U-1 Victim of Certain Criminal Activity</td>
<td>NO</td>
</tr>
<tr>
<td>U-2 Spouse of U-1</td>
<td>NO</td>
</tr>
<tr>
<td>U-3 Child of U-1</td>
<td>NO</td>
</tr>
<tr>
<td>U-4 Parent of U-1, if U-1 is under 21 years of age</td>
<td>NO</td>
</tr>
<tr>
<td><strong>Certain Second Preference Beneficiaries</strong></td>
<td></td>
</tr>
<tr>
<td>V-1 Spouse of an LPR who is the principal beneficiary of a family-based petition (Form I-130) which was filed prior to 12/21/2000, and has been pending for at least 3 years</td>
<td>YES</td>
</tr>
<tr>
<td>V-2 Child of an LPR who is the principal beneficiary of a family-based petition (Form I-130) which was filed prior to 12/21/2000 and has been pending for at least 3 years</td>
<td>YES</td>
</tr>
<tr>
<td>V-3 The derivative child of a V-1 or V-2</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Not on U.S. Citizenship and Immigration Services Web List</strong></td>
<td></td>
</tr>
<tr>
<td>WB/WT Visa waiver for a certain amount of time only—specific participating countries. Person here for 90 days or less for business (WB) or pleasure (WT). Treat like B visa holders.</td>
<td>NO</td>
</tr>
<tr>
<td>Undocumented alien</td>
<td>NO</td>
</tr>
<tr>
<td>I-A Applied for Immigrant Status</td>
<td>NO*</td>
</tr>
<tr>
<td>I-130 Petitioning because relative, fiancé(e) or orphan of U.S. Citizen. Here legally: allowed to establish residency if individual is dependent and can show that parent lives in AZ</td>
<td>YES</td>
</tr>
<tr>
<td>I-485 Students who hold a valid visa and have submitted an I-485 to U.S. Citizenship and Immigration Services (USCIS) may establish residency if other domicile requirements have been met. In establishing domicile, the alien must be in a status that does not prohibit establishing domicile in this state for at least one year immediately preceding the official starting date of the semester.</td>
<td>YES if meets other domicile requirements</td>
</tr>
</tbody>
</table>

*This chart is subject to change. To determine residency, please check with the college Admissions & Records/Enrollment Services Office.*