

Student Services

**AP 5017 RESPONDING TO INQUIRIES OF IMMIGRATION STATUS,
CITIZENSHIP STATUS, AND NATIONAL ORIGIN
INFORMATION**

References:

Education Code, Sections 66093, 66093.3, and 68076;
Title 5, Section 41905

Unless required by federal or state law, the District shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, the District shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.

The District is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.

If the District learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), the District shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, the Vice President of Student Services shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Examples of documents that can be used as proof of residency include but are not limited to:

- 36 • Registering a motor vehicle operated in California;
- 37 • Obtaining a California driver's license or California identification card;
- 38 • Filing a resident or nonresident California state income tax return;
- 39 • Listing a California address on a federal income tax return;
- 40 • Listing a permanent military address or home of record in California;
- 41 • A professional or vocational license obtained from a California state
- 42 licensing agency (e.g., nursing, teaching credentials);
- 43 • Maintaining active resident memberships in California based professional
- 44 organizations (e.g., union representative); and
- 45 • Maintaining an active bank account with a California mailing address.

46 Where a District is permitted by law to request a minor student's parent's residency
47 information in order to determine tuition or aid, the educational institution shall only require
48 documentation or information that is available to persons regardless of immigration status
49 (as noted above).

50 Where residency, age, and other eligibility criteria for purposes of enrollment or any
51 program may be established by alternative documents or information permitted by law or
52 this administrative procedure, the District's procedures and forms shall describe to the
53 applicant, and accommodate, all alternatives specified in law and all alternatives
54 authorized under this administrative procedure.

55 Specifically, where the District must determine a student's residency for purposes of in-
56 state tuition, the District shall not inquire about a parent/guardian's citizenship or
57 immigration status, and shall enumerate alternative means of establishing a
58 parent/guardian's residency. If the student is considered a minor dependent of a
59 California resident, the college or university shall only require documents to determine
60 whether the parent has resided in California for one year (e.g. vehicle registration, lease
61 agreements, etc.)

62 Office of Primary Responsibility: Vice President, Student Services

63 See also AP 3415 titled Immigration Enforcement Activities and AP 5040 titled Student
64 Records, Directory Information, and Privacy.

Date Approved: March 20, 2023