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DATE: July 28, 2004  
TO: Registrars  
Admissions Officers  
Chief Fiscal Officers  
FROM: Raymund A. Paredes  
SUBJECT: 2004 Update on Visas for Non-Citizen Students

Enclosed you will find a list of visas allowing non-citizens to domicile in the United States. This is a revision of the memo "Update of Visas for Non-Citizen Students" dated July 29, 2002 issued by Commissioner Don Brown.

Since the 2002 update, the United States Citizenship and Immigration Services (USCIS) has replaced INS and new visa classifications have been added. The N-8 and N-9 categories were created to accommodate parents, children and spouses of those with "special immigrant" status, permitting these individuals to establish domicile for tuition purposes after proving they have resided in Texas for the requisite one year.

Two new nonimmigrant student visa categories, F-3 and M-3, were created by the Border Commuter Student Act of 2002, which was signed into law November 2, 2002 and took effect on August 11, 2003. These classifications are for Canadian and Mexican citizens who study part-time in the United States, but who live in their home country and commute to academic or vocational classes in the United States.

The SP visa has been added to the immigrant category. Pursuant to the USA Patriot Act, this new visa classification permits certain victims of the September 11, 2001 terrorist attack to file petitions for classification as special immigrants. This interim rule became effective on May 8, 2003.

Please note the change to visa category H-1C. A student under this category cannot establish domicile.

Enclosure

cc: Chancellors and Presidents, Public Institutions of Higher Education  
Directors of Student Financial Aid

**A. Non-Citizens with Visas that Allow Domicile in the United States**

(Continuation of prior policy; effective now.)

If a person is eligible to domicile in the United States, s/he has the same rights and privileges for applying for Texas residency as do U.S. citizens or permanent residents. In the table that follows, a “Yes” in the third column indicates a visa classification that is eligible to establish a domicile in the US. The institution can simply follow the basic residency rules that apply to U.S. citizens or permanent residents.

<b>Visa Type</b>	<b>Nonimmigrant (Temporary) Visa Categories</b>	<b>Eligible to Domicile in the United States?</b>
A-1	Ambassador, public minister, career, diplomatic or consular officer, and members of immediate family.	Yes
A-2	Other foreign government official or employee, and members of immediate family.	Yes
A-3	Attendant, servant, or personal employee of A-1 and A-2, and members of immediate family.	Yes
B-1	Temporary visitor for business	No
B-2	Temporary visitor for pleasure	No
C-1	Alien in transit directly through U.S.	No
C-1D	Combined transit and crewmen visa	No
C-2	Alien in transit to UN headquarters district under Section 11.(3), (4), or (5) of the Headquarters Agreement	No
C-3	Foreign government official, members of immediate family, attendant, servant, or personal employee, in transit	No
C-4	Transit without Visa, see TWOV	No
D-1	Crewmember departing on same vessel of arrival	No
D-2	Crewmember departing by means other than vessel of arrival	No
E-1	Treaty Trader, spouse and children	Yes
E-2	Treaty Investor, spouse and children	Yes
F-1	Academic Student	No
F-2	Spouse or child of F-1	No
F-3	Academic students who are Canadian or Mexican citizens, who commute across the border to study full-time or part-time in the United States. **	No
G-1	Principal resident representative of recognized foreign member government to international organization, and members of immediate family.	Yes

G-2	Other representative of recognized foreign member government to international organization, and members of immediate family.	Yes
G-3	Representative of non-recognized or nonmember government to international organization, and members of immediate family	Yes
G-4	International organization officer or employee, and members of immediate family	Yes
G-5	Attendant, servant, or personal employee of G-1, G-2, G-3, G-4, or members of immediate family	Yes
H-1B	Specialty Occupations, DOD workers, fashion models	Yes
H-1C	Nurses going to work for up to three years in health professional shortage areas	No
H-2A	Temporary Agricultural Worker	No
H-2B	Temporary worker: skilled and unskilled	No
H-3	Trainee	No
H-4	Spouse or child of H-1, H-2, H-3	H-4 dependents of H-1B, Yes; all other H-4 dependents, No
I	Visas for foreign media representatives	Yes
J-1	Visas for exchange visitors	No
J-2	Spouse or child of J-1	No
K-1	Fiancé(e)	Yes
K-2	Minor child of K-1	Yes
K-3	Spouse of a U.S. citizen (LIFE Act)	Yes
K-4	Child of a K-3 (LIFE Act)	Yes
L1A	Executive, managerial	Yes
L1B	Specialized knowledge	Yes
L-2	Spouse or child of L-1	Yes
M-1	Vocational or other nonacademic students, other than language students	No
M-2	Immediate families of M-1 visa holders	No
M-3	Vocational students who are Canadian or Mexican citizens, who commute across the border to study full-time or part-time in the United States. **	No
N-8	Parent of alien classified SK-3 "Special Immigrant"	Yes
N-9	Child of N-8, SK-1, SK-2, or SK-4 "Special Immigrant"	Yes

NATO 1	Principal Permanent Representative of Member State to NATO and resident members of official staff or immediate family	Section 54.057(b) Tex. Ed. Code designates these individuals as residents for tuition purposes
NATO 2	Other representatives of member State; Dependents of Member of a Force entering in accordance with the provisions of NATO Status-of-Forces agreement; Members of such a Force if issued visas	Section 54.057(b) Tex. Ed. Code designates these individuals as residents for tuition purposes
NATO 3	Official clerical staff accompanying Representative of Member State to NATO or immediate family	Section 54.057(b) Tex. Ed. Code designates these individuals as residents for tuition purposes
NATO 4	Official of NATO other than those qualified as NATO-1 and immediate family	Section 54.057(b) Tex. Ed. Code designates these individuals as residents for tuition purposes
NATO 5	Expert other than NATO officials qualified under NATO-4, employed on behalf of NATO and immediate family	Section 54.057(b) Tex. Ed. Code designates these individuals as residents for tuition purposes
NATO 6	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	Yes
NATO 7	Servant or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or immediate family	Yes
O-1	Extraordinary ability in Sciences, Arts, Education, Business, or Athletics	Yes
O-2	Essential support staff of O-1 visa holders	No

O-3	Immediate family members of O-1 and O-2 visa holders	O-3 dependents of O-1 holders, Yes; O-3 dependents of O-2 holders, No.
P-1	Individual or team athletes	No
P-2	Artists and entertainers in reciprocal Exchange programs.	No
P-3	Artists and entertainers in culturally unique programs	No
P-4	Spouse or child of P-1, 2, or 3	No
Q-1	International cultural exchange visitors	No
Q-2	Irish Peace Process Cultural and Training Program (Walsh Visas)	No
Q-3	Spouse or child of Q-2	No
R-1	Religious workers	Yes
R-2	Spouse or child of R-1	Yes
S-5	Informant of criminal organization information	No
S-6	Informant of terrorism information	No
T-1	Victim of a severe form of trafficking in persons	Yes
T-2	Spouse of a victim of a severe form of trafficking in persons	Yes
T-3	Child of victim of a severe form of trafficking in persons	Yes
T-4	Parent of victim of a severe form of trafficking in persons (if T-1 victim is under 21 years of age)	Yes
TC	No longer used. TN issued in its place.	No
TD	Spouse or child accompanying TN	No
TN	Trade visas for Canadians and Mexicans in NAFTA	No
TWOV	Passenger	No
TWOV	Crew	No
U-1	Victim of Certain Criminal Activity	Yes
U-2	Spouse of U-1	Yes
U-3	Child of U-1	Yes

U-4	Parent of U-1, if U-1 is under 21 years of age	Yes
V-1	Spouse of an LPR who is the principal beneficiary of a family-based petition ( <a href="#">Form I-130</a> ) which was filed prior to December 21, 2000, and has been pending for at least three years	Yes
V-2	Child of an LPR who is the principal beneficiary of a family-based visa petition ( <a href="#">Form I-130</a> ) that was filed prior to December 21, 2000, and has been pending for at least three years.	Yes
V-3	The derivative child of a V-1 or V-2	Yes
TPS	Temporary Protected Status	Yes

\*\* Please note: these international, commuting students may be eligible for a waiver of non-resident tuition under Texas Education Code §54.060(b).

## **B. Other Non-citizens Permitted to Domicile in the United States**

(Continuation of prior policy; effective now)

**Eligible Groups.** The following groups may be treated as permanent residents:

1. Individuals classified by USCIS as Refugees, Asylees, Parolees, Conditional Permanent Residents (holding I-551 cards which have not expired), and Temporary Residents (holding I-688, I-688a, or I-688b cards which have not expired).
2. Persons holding Temporary Protected Status; and Spouses and Children with approved petitions under the Violence Against Women Act (VAWA) (the I-360); other applicants with an approved I-360, Special Agricultural Workers; individuals granted deferred action status by USCIS.
3. An individual who has filed an application for cancellation of removal or adjustment of status under the Nicaraguan and Central American Relief Act (NACARA), Haitian Refugee Immigrant Fairness Act (HRIFA) or the Cuban Adjustment Act, and has been issued a fee/filing receipt or Notice of Action by USCIS.
4. An individual who has filed for adjustment of status to that of a person admitted for permanent residency under 8 USC 1255; or under the "registry" program (8 USC 1259); or the Special Immigrant Juvenile Program, and has been issued a fee/filing receipt or Notice of Action by USCIS.

**Documentation.** Permanent residence may be documented by:

1. A passport stamp with a notation that lawful permanent residence, or conditional permanent residence has been granted;
2. Form I-94 with a notation that lawful permanent residence or conditional permanent residence has been granted;
3. A court order from the immigration judge or the Board of Immigration Appeals (BIA), granting adjustment of status, asylum, cancellation of removal, conditional permanent residence, or registry;
4. An order from USCIS granting registry or adjustment of status;
5. A fee receipt from USCIS for an application for adjustment of status; registry; a visa petition (plus proof of current availability of visa); NACARA, HRIFA or Cuban Adjustment Act benefits;
6. I-551 (resident alien card) or document showing extension of this card;
7. I-766 card that has not expired;
8. I-688, I-688a or I-699b card that has not expired;
9. Letter from USCIS showing approval under the visa diversity (lottery) program;
10. Notice of Action, or letter from USCIS showing grant of deferred action status.

## **OTHER DOCUMENT DESCRIPTION**

Notice of Action (I-797) is a document issued by some USCIS offices when a sponsor/applicant's petition has been approved (this is not an actual visa, it is only approval of the petition to the USCIS). Some USCIS offices do not issue this form. In that case, the student needs to provide a copy of the fee receipt issued by USCIS when the petition was filed.

The Application to Register Permanent Residence or Adjust Status is form I-485. The App. for Cancellation of Removal or Adjustment of Status under NACARA is form I-881.

Applications for cancellation of removal, NACARA, HRIFA, and Cuban Adjustment Act are all applications for permanent residence.

Please note: USCIS may, at any time, change a particular form designation. If you receive a USCIS form that is not listed in the memo, please contact counsel for assistance.

### **U.S. Permanent Resident as applied to Residency in Texas.**

Once a non-citizen is eligible for consideration as a permanent resident, he or she must still meet the same criteria as U.S. citizens in order to be considered a Texas resident. This includes 12 months physical presence in the state for the purpose of making it one's permanent home and gainful employment for 12 months. As soon as a non-citizen acquires the right to be treated as a permanent resident, any time spent in the state for purposes other than to go to college may be counted towards her/his required 12 months presence in the state.



### **C. Non-Citizens who have Applied for Permanent Resident Status** (Policy effective since June 16, 2001)

Listed below are the sequences that non-citizens must follow to obtain permanent residency when they are sponsored by immediate relatives, other relatives or by employers. Section 54.057 of the Texas Education Code establishes that an individual applying for permanent residence has a legal right to be treated as a permanent resident. Once the student proves that s/he has submitted the petition for permanent resident status, s/he has the same right to establish residence as a U.S. citizen or a permanent resident. That point is noted below in bold type. If the individual has also established a domicile in Texas, he or she is a resident.

The steps for applying for permanent residency are different for persons being sponsored by an immediate relative, other family members, or by employers; therefore, the point in time when the individual qualifies for residency differs.

#### ***Non-Citizens Sponsored by Immediate Relatives\****

- 1) U.S. citizen family member files a Petition for Alien Relative (I-130). **[Student can be treated as if permanent resident status has been granted.]**
- 2) USCIS issues a Notice of Action (I-797), indicating the petition has been approved. (*Note: not all USCIS offices issue the I-797*)
- 3) The sponsored non-citizen files an Application to Register Permanent Residence or Adjust Status (I-485).
- 4) USCIS processes the Application.
- 5) USCIS issues the Alien Resident Receipt Card.

#### ***Non-Citizens Sponsored by Other Relatives***

- 1) U.S. citizen family member files a Petition for Alien Relative (I-130). **[Student can be treated as if permanent resident status has been granted.]**
- 2) USCIS issues a Notice of Action (I-797), indicating the petition has been approved. (*Note: not all USCIS offices issue the I-797*)
- 3) The non-citizen is placed in a queue, based on her/his "priority date," (the date of his petition) and waits for a visa number to become available through the quota system.
- 4) The priority date reaches the top of the quota queue, and the non-citizen acquires a visa number.
- 5) The non-citizen files an Application to Register Permanent Residence or Adjust Status (I-485).
- 6) USCIS processes the Application.
- 7) USCIS issues the Alien Resident Receipt Card.

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#### **\* USCIS identifies the following groups as "Immediate Relatives":**

- Spouses of U.S. citizens. This includes widows and widowers of U.S. citizens if they were married to the U.S. citizen for at least two years and are applying for a green card within two years of the U.S. citizen's death;

- Unmarried people under the age of 21 who have at least one U.S. citizen parent;
- Parents of U.S. citizens, if the U.S. citizen child is over the age of 21;
- Stepchildren and stepparents, if the marriage creating the stepparent/stepchild relationship took place before the child's 18th birthday; or
- Parents and children related through adoption, if the adoption took place before the child reached the age of 16.

***Non-Citizens Sponsored by Employers (Subject to Quotas set by USCIS)***

- 1) U.S. employer files Labor Certification papers with the U.S. Department of Labor.
- 2) U.S. employer files an Immigrant Petition for Alien Worker (I-140). **[Student can be treated as if permanent resident status has been granted.]**
- 3) USCIS issues a Notice of Action (I-797), indicating the petition has been approved.
- 4) The non-citizen is placed in a queue, based on her/his "priority date," (the date of her/his petition) and waits for a visa number to become available through the quota system.
- 5) The priority date reaches the top of the quota queue, and the non-citizen acquires a visa number.
- 6) The non-citizen files an Application to Register Permanent Residence or Adjust Status (I-485).
- 7) USCIS processes the Application.
- 8) USCIS issues the Alien Resident Receipt Card.

## **Q&A Related to Persons Acquiring Residency through the Filing of a Petition**

**1. Are the students residents as soon as they are allowed to file the I-130 or the I-140?**

No, they are simply eligible to be treated as permanent residents of the US at that point. Then the institution must look to see if they have been here at least 12 months for purposes other than to go to school, and whether they have established a domicile in Texas. (In other words, the student must meet the basic criteria for establishing residency in Texas.)

**2. How does dual enrollment impact their situation? Can a student concurrently enrolled in high school and college qualify as a resident?**

High school students for whom a petition has been filed may be eligible to pay resident tuition so long as they meet other statutory requirements.

**3. If a student's I-130 or I-140 is denied, does s/he become a nonresident?**

Yes, unless the student is able to immediately apply again.

**4. How will a college know if the I-130 or I-140 has been denied?**

According to the Oath of Residency, it is the student's responsibility to notify the college.

**5. Can a student who has an I-130 receipt but who has not filed the I-485 qualify as a resident?**

S/he meets the requirement for being eligible to domicile. You have to determine whether the student has established a domicile in Texas.

**6. What is the LIFE Act?**

The LIFE (Legal Immigration Family Equity) Act created K-3 and K-4 visas, which allow spouses of U.S. citizens and their children to remain in the U.S. while waiting to receive approval of the I-130 petition or an available immigrant visa. Like other K visa holders, they are eligible to domicile in the U.S. and thus eligible to establish a claim to Texas residency.

The LIFE Act also created the V visas, which allow the spouses of Legal Permanent Residents (LPR), their children and derivatives (grandchildren of the LPR) to receive their nonimmigrant visa while waiting to receive approval of the I-130 or an available immigrant visa. V visas are only available to persons for whom an I-130 or I-140 petition was filed on or before 12/21/2000 and has been backlogged for more than three years.

Since they have filed I-130 petitions, they meet the requirements of Section 4 of HB 1403 and can be considered permanent residents on that basis, also.

## **D. Non-citizens who are Residents of Texas**

(Provisions effective since Fall 2001)

Section 54.052(j) of the Texas Education Code states that an individual can be considered a resident of Texas if the individual resided with a parent, guardian, or conservator at least part of the time while he or she attended a public or private high school in this state, and:

- (1) graduated from a public or private high school or received the equivalent of a high school diploma in this state;
- (2) resided in this state for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma;
- (3) registers as an entering student in an institution of higher education not earlier than the 2001 fall semester; and
- (4) provides to the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.

**The following Questions and Answers are offered to assist students and institutions in applying this statute to individual cases.**

### **General Information**

**1. Are students who qualify for residency through § 54.052 (j)(2), residents or nonresidents eligible for waivers?**

Students who qualify through Subsection (j)(2) are **RESIDENTS**.

**2. If they are residents, should they be included in the resident student admissions pool?**

Yes, they should be included in the resident student admissions pool.

**3. If using a common application to apply for admissions to a university in Texas, do they use the form for international students or the one marked “not for international students”?**

It is our position that the student should be using the application marked not for international students.

**4. When we report these students, do we report their ethnicity or indicate they are foreign students?**

You will be asked to code them in your CBM reports as “foreign students classified as residents (in-district or out-of-district) through § 54.052 or CB Policy,” when reporting tuition paid; and you will be asked to give their ethnic code, as if they were resident non-citizens.

**5. Are these students eligible for state financial aid that is limited to Texas residents?**

Yes. Students who qualify as residents under § 54.052 (j)(2) meet the residency requirement for state financial aid and may receive state aid like any other Texas resident who meets the program requirements. § 54.052 (j)(2) does not change eligibility for federal financial aid

**6. How do we determine their financial need?**

Recent discussions with the US Department of Education indicate that the FAFSA cannot be processed through their central processor unless the student has a legitimate SSN. You need to do local or hand calculations following the federal methodology.

**7. Must a student qualifying under § 54.052 (j)(2) have lived with parents for three years prior to graduating from high school or receiving her/his GED certificate?**

No. The student could qualify even if he or she lived only a small portion of that time with a parent or guardian. The student must have lived in Texas for 3 years, but that full period does not have to be with parents or guardians.

**8. How is “guardian” defined for this section of the code? Can anyone meet this requirement if they have provided the student a home and support?**

No. We believe legislative intent is to use this term for court-appointed legal guardians.

**9. Must a student simply take the GED exam in order to meet this requirement in § 54.052 (j)(2)?**

No. Taking the GED exam is not by itself sufficient. The student must present his or her GED score to the Texas Education Agency and receive a certificate of high school equivalency.

**10. Must they have lived here 3 consecutive years, or just a total of three years?**

Three consecutive years. However, if a student leaves Texas temporarily to perform seasonal labor in another state, s/he is considered to have resided in Texas continuously.

**11. How long ago might a student have graduated or received a GED certificate and still qualify as a resident through the provisions of § 54.052 (j)(2)?**

As long as s/he enters college for the first time in or after fall 2001, there is no time limit.

**12. Could a person who lived in Mexico with a parent but graduated from a Texas high school qualify as a resident?**

No. The student must have resided in this state for at least three years as of the date he or she graduated from high school or received the GED certificate.

**13. If students file affidavits with their colleges, are they putting themselves in an awkward position with USCIS, if they are here on F-1 visas?**

No. The affidavit should not in any way impact their USCIS status.

**14. If it is necessary for a student to convert to an F-1 under federal immigration law (for instance, when s/he becomes 21 years of age), can the student still qualify under § 54.052 (j)(2)?**

Yes. Once residence is established through Subsection (j)(2), it continues regardless of USCIS status.

**15. Can home-schooled students qualify as having graduated from a public or private high school?**

Only if they also acquire a GED certificate. The Coordinating Board will require students without a certificate from an accredited public or private high school to satisfy this requirement through the GED. This position is consistent with the policies of Texas colleges and universities, which require either a diploma from an accredited high school or a GED.

**16. How does dual enrollment impact their situation? Can a student concurrently enrolled in high school and college qualify as a resident under § 54.052?**

(a) Students enrolled in high school have not graduated from high school and thus do not fulfill the requirements of § 54.052 (j)(2).

(b) No one can qualify as a resident under Subsection (j)(2) if he or she took any college hours prior to fall 2001. This applies to high school students taking dual-enrollment classes prior to fall 2001 as well as high school graduates or GED students who have taken summer 2001 classes. If the only dual-enrollment classes the student took occurred in Fall 2001 or later, the student may qualify under Subsection (j)(2).

**17. When is the affidavit to be submitted – at the time of enrollment or when the student applies for Permanent Resident Status?**

The affidavit is to be submitted at the time of enrollment. Some of these students may never be eligible to apply for permanent resident status, unless USCIS laws and rules change.

**18. What wording is required on the affidavit?**

Students should produce a notarized, signed, and sworn written statement. It should read, "I plan to file an application to become a permanent resident at the earliest opportunity I am eligible to do so."

NOTE: You might want to add a statement to this wording, and have the student indicate the amount of time during the three years prior to high school graduation or the receipt of a GED certification that they lived with a parent, legal guardian or conservator. Remember, the student did not need to live with a parent, legal guardian or conservator for three years, but must have lived with them for at least a portion of that time. A copy of the draft affidavit is enclosed with this memo.

**19. If a student is out of status with USCIS, can he or she qualify under Section 2?**

Yes. Section 2 is to be considered without looking at USCIS classifications.

**20. If parents have applied for permanent residence and been denied, how does this affect the student?**

The main intent of § 54.052 is to minimize the impact of immigration status. Parents' immigration status is immaterial under § 54.052.

**21. Is there any minimum amount of high school required of the GED recipient?**

No. The GED student simply needs to have lived in Texas for the 3 years prior to receiving the GED certificate. A part of that time must have been with a parent or court-appointed legal guardian.

**22. Could a 1990 high school drop out qualify if s/he received a GED in 1994 after living in Texas 3 years, and has not gone to college since then?**

Yes. S/he would meet the program requirements if a portion of the three years leading up to receipt of the GED certificate was spent living with a parent or court-appointed legal guardian.

**23. Can someone who graduated from high school 12 years ago, having lived in Texas for 3 years, part of which with a parent, be considered a resident?**

Yes, as long as s/he has not taken any college courses prior to fall 2001 and s/he files the affidavit with her/his institution as required by § 54.052.

**24. How do you document that someone has lived with a parent?**

You might want to include this as a part of the statement that the student affirms when s/he signs the affidavit. Otherwise, you could use tax returns or statements from disinterested third parties. (See # 18, above.)

**25. How do you define an “entering student”? Can s/he have any college hours from your college or from another Institution?**

No. The student must be taking her/his first college hours in fall 2001 or later. For students enrolling in the future, they must have had no college hours at your college or any other college prior to enrolling as a resident under § 54.052.

High school students who dual enrolled in a community college before fall 2001 will not qualify as residents under § 54.052 (j)(2).

**26. If a person lives in Texas for a year and receives a GED certificate, then lives here another two years, can s/he qualify as a resident under Subsection (j)(2)?**

No. Subsection (j)(2) requires her/him to have lived here the three years leading up to the receipt of the GED certificate.

**27. If a person lives in Texas for three years and receives a GED certificate, can s/he qualify as a resident under Subsection (j)(2)?**

ONLY if s/he also lived with a parent, legal guardian or conservator during a part of the three years, and signs the affidavit to apply for permanent resident status as soon as s/he is eligible to do so.

**28. Could a student who has taken college hours prior to fall 2001 simply choose not to “count” them and thereby meet the requirements of Subsection (j)(2)? Can they deny taking the hours, and start over, using the residency classification of Subsection (j)(2)?**

No. Even if these hours were not being officially counted, they would still make it impossible for the student to be defined as an “entering student.”

**29. Does this mean that all students who have “bitten the bullet” and paid full nonresident tuition to attend college prior to fall 2001 are INELIGIBLE for classification as residents under Subsection (j)(2)?**

Yes. We realize this seems to penalize the students who showed initiative, but § 54.052 probably could not have been passed if it had not had a “\$0” fiscal note. If the bill had allowed prior-enrolled students who had been paying the nonresident rate to start paying the resident rate, there would have been a cost to the bill and in all likelihood, the bill would not have been passed.