

ILLUSTRATIVE LIST OF DOCUMENTS ESTABLISHING “LAWFUL IMMIGRANT” STATUS UNDER FAAP 07-24

In order for a non-U.S. citizen to receive in-state tuition at a public institution of higher education in Massachusetts, a student must first satisfy the requirements of Section 3.2 of the Board of Higher Education’s Residency Status for Tuition Classification Policy. The following procedure is intended to assist colleges in determining whether a student is a “lawful immigrant” and thus eligible for further consideration under the policy. If a student is determined to be a “lawful immigrant” he/she must then satisfy the policy’s durational and residency requirements in order to receive the in-state tuition rate.

Step 1: Examine document from list below. These documents are considered evidence that a student is a “lawful immigrant” under the policy:

1. Resident Alien Card
2. Temporary Resident Identification Card
3. I-94 Record of Arrival and Departure (See Step 3)
4. Processed for I-551 stamp in a foreign passport
5. Permanent Resident Re-entry Permit
6. Refugee Travel Document
7. Employment Authorization Document (EAD) (See Step 3 below)
8. Notice of Action, Form 1-797 (See Step 3 below)
9. Parole Authorization
10. USCIS Letter Granting Asylum
11. USCIS Letter Approving Permanent Residence Status
12. USCIS Letter Granting Cancellation of Removal under NACARA
13. Immigration Judge Order Granting Relief under the Convention Against Torture, Withholding of Removal, Asylum, Cancellation of Removal, Suspension of Deportation; Temporary Protected Status; Adjustment of Status
14. US Dept Health and Human Services Certification Letter issued pursuant to Trafficking Victims Protection Act
15. Nonimmigrant visa stamp (in foreign passport or travel document) indicating "A," "E," "H," "I," "K," "L," "N," "O," "R," "S," "T," "U," "V," and other nonimmigrant visas or statuses that USCIS may add in the future in which intent to reside in Massachusetts is not prohibited.
16. Documents specific to the applicant based upon decisions of a federal court or of the U.S. Department of State, U.S. Department of Justice (including Executive Office for Immigration review, Board of Immigration Appeals and former Immigration and Naturalization Service), or U.S. Department of Homeland Security (including U.S. Citizenship and Immigration Services).

Step 2: All documents presented must be valid. If a document has expired, it may not be considered in determining in-state tuition eligibility.

Step 3: If the document submitted is Form 1-94 Record of Arrival and Departure or Form 1-797, Notice of Action, determine whether document relates to a B, C, D, F, J, M, P or Q visa, or if document submitted is an employment authorization card, determine whether it contains the category (CO31) (Student Optional or Curricula practical training). If the document do so, alternative qualifying documentation should be requested, and if no additional documentation is presented, the student is not eligible for further consideration for in-state tuition.

Note: If additional documents are presented that are not included on the above list, a College official shall consider such information to determine whether the individual is a “lawful immigrant” under the policy. Each institution shall establish a specific protocol for requesting review of documentation not included on the above list.