

Residency Classification for Tuition Purposes

Board of Regents Policy

Under the Constitution and laws of the state of Georgia, the Board of Regents of the University System of Georgia (USG) was created to govern, control, and manage a system of public institutions providing quality higher education for the benefit of Georgia citizens. The state, in turn, receives substantial benefit from individuals who are attending or have attended these institutions through their significant contributions to the civic, political, economic, and social advancement of the state of Georgia. Armstrong Atlantic State University is required, under the guidelines established by the Board of Regents of the University System of Georgia, to determine the residence classification of all applicants and students of Armstrong Atlantic State University for fee payment purposes. Students are responsible for notifying Armstrong Atlantic State University of incorrect residence classifications and will be liable for additional fees, if applicable. The residency requirements are subject to change without notification.

The Board of Regents has adopted certain policies governing the classification of students as residents and non-residents for tuition purposes in keeping with its responsibilities to the citizens of Georgia for an appropriate assessment of fees and reasonable share of the cost of their education. The tuition paid by in-state students covers about one-fourth of the total cost of their education at the University. With these considerations in mind, the Board of Regents has adopted the following policies governing the classification of students for fee payment purposes:

403.02 CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES

Description of Terms Used in the Policy

1. Dependent Student – an individual under the age of 24 who receives financial support from a parent or United States court appointed legal guardian.
2. Emancipated – a minor who, under certain circumstances, may be treated by the law as an adult. A student reaching the age of 18 shall not qualify for consideration of reclassification by virtue of having become emancipated unless he or she can demonstrate financial independence and domicile independent of his or her parents.
3. Independent Student – an individual who is not claimed as a dependent on the federal or state income tax returns of a parent or United States court appointed legal guardian and whose parent or guardian has ceased to provide support and rights to that individuals' care, custody, and earnings.

The other terms used in the Tuition Classification Policy can be found in the Glossary of Terms for Classification of Students for Tuition Purposes.

United States Citizens

1. Independent Students

1. An independent student who has established and maintained a domicile in the State of Georgia for a period of at least 12 consecutive months immediately preceding the first day of classes for the term shall be classified as in-state for tuition purposes.

No student shall gain or acquire in-state classification while attending any postsecondary educational institution in this state without clear evidence of having established domicile in Georgia for purposes other than attending a postsecondary educational institution in this state.

2. If an independent student classified as in-state for tuition purposes relocates out of state temporarily but returns to the State of Georgia within 12 months of the relocation, such student shall be entitled to retain his or her in-state tuition classification.

2. Dependent Students

1. A dependent student shall be classified as in-state for tuition purposes if such dependent student's parent has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term and (a) the student has graduated from a Georgia high school; or (b) the parent claimed the student as a dependent on the parent's most recent federal or state income tax return.
2. A dependent student shall be classified as in-state for tuition purposes if such student's United States court appointed legal guardian has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term, provided that such appointment was not made to avoid payment of out-of-state tuition and the U.S. court appointed legal guardian can provide clear evidence of having established and maintained domicile in the State of Georgia for a period of at least 12 consecutive months immediately preceding the first day of classes for the term.

3. If the parent or United States court appointed legal guardian of a dependent student currently classified as in-state for tuition purposes establishes domicile outside of the State of Georgia after having established and maintained domicile in the State of Georgia, such student may retain his or her in-state tuition classification so long as such student remains continuously enrolled in a public postsecondary educational institution in this state, regardless of the domicile of such student's parent or United States court appointed legal guardian.

Noncitizen Students

A noncitizen student shall not be classified as in-state for tuition purposes unless the student is legally in this state and there is evidence to warrant consideration of in-state classification as determined by the Board of Regents. Lawful permanent residents, refugees, asylees, or other eligible noncitizens as defined by federal Title IV regulations may be extended the same consideration as citizens of the United States in determining whether they qualify for in-state classification.

International students who reside in the United States under nonimmigrant status conditioned at least in part upon intent not to abandon a foreign domicile shall not be eligible for in-state classification.

Objective Standards for Acquiring In-State Student Status

Ordinarily, a person from another state who comes to Armstrong Atlantic State University does so for the primary or sole purpose of attending the university rather than to establish a domicile in Georgia. Thus, one who enrolls at AASU as a non-resident is presumed to remain a non-resident throughout his/her attendance unless and until he/she demonstrates by clear and convincing evidence that his/her previous domicile has been abandoned and that Georgia domicile has been established.

No person shall be eligible for classification as an in-state student at AASU unless he/she has been domiciled and has resided in Georgia continuously for not less than 12 consecutive months immediately preceding the beginning of the term (except persons who can show that their parent, spouse, or court-appointed guardian has met this requirement). There is a strong presumption that such persons shall continue to be classified as non-residents for tuition purposes throughout the entire period of their enrollment. Normally, periods when enrolled in school will not count as periods of domicile for the purpose of the 12 month durational residency requirement. The following facts and circumstances, although not necessarily conclusive, have probative value to support a claim for in-state status after twelve months of continuous domicile in Georgia:

- Continuous presence in Georgia during periods when not enrolled as a student
- Reliance on sources of financial support from within the state of Georgia
- Payment of Georgia income and property taxes
- Admission to a licensed practicing profession in Georgia
- Acceptance of an offer of permanent employment in Georgia
- Ownership of a home or real property in the state of Georgia
- Domicile in Georgia of immediate family and/or other relatives

Other factors indicating intent to make Georgia one's domicile may be considered by the university. Normally, the following circumstances, in the absence of other supportive actions as described previously, do not constitute sufficient evidence of domicile to effect classification as an in-state student under the Board of Regents' policies:

- Obtaining a Georgia driver's license

- Registering a vehicle in Georgia
- Registering to vote in Georgia
- Having a bank or savings account in Georgia
- Lease of living quarters in Georgia
- Employment in any position normally filled by a student
- Statement of intent to acquire a domicile in Georgia

Maintaining Residence

A person's temporary absence from Georgia does not necessarily constitute loss of in-state status for tuition purposes unless the person has acted inconsistently with the claim of continued Georgia residence during the person's absence from the state. The burden is on the person to show retention of Georgia residence during the person's absence from the state. Steps a person should take to retain Georgia resident status for tuition and fee purposes include:

- Continuing to use a Georgia permanent address on all records
- Statement of intent to acquire a domicile in Georgia
- Retaining Georgia voter status
- Maintaining Georgia driver's license
- Maintaining Georgia vehicle registration
- Satisfying Georgia resident income tax obligation

Individuals claiming permanent residence in Georgia are responsible for payment of income taxes on their total income from the date that they established Georgia residence. This includes income earned in another state or country.

Incorrect Classification

If incorrect classification results from false or concealed facts, such persons may be charged tuition past due and unpaid at the out-of-state rate. The violator may also be subject to administrative, civil, and financial penalties. Until these charges are paid, such persons will not be allowed to receive transcripts or graduate from Armstrong Atlantic State University. Students whose resident status changes are responsible for reporting such changes to the resident official of AASU.

Residency Appeals

Any person, following a decision on his or her resident classification, may appeal the decision to the Registrar, Armstrong Atlantic State University, 11935 Abercorn Street, Savannah, GA 31419. The Registrar, however, is bound by the same laws and regulations as the residency officials, so the purpose is only to review the facts and details of any case to evaluate the correctness of the original decision made by residency officials. Neither the Registrar nor residency officials may waive the provisions of the law or regulations.

Persons who appeal residency decisions must provide a letter to the Registrar. The letter must also include a summary of the person's situation and a statement that specifies the residency provision under which the person feels he or she qualifies to pay in-state fees. The letter should clearly state the basis for the appeal. It should also include the student's full name, identification number, present address, and a telephone

number and/or official AASU student email address at which he/she can be reached between 8:00am and 5:00pm on weekdays.

In the absence of extenuating circumstances, a student who does not appeal within thirty (30) days from the date of the original denial forfeits that right.

Frequently Asked Questions Concerning Acquiring In-State Student Status

I've read the Regents' policies but don't know exactly what I should do. Can you tell me what you are looking for?

There is no formula to ensure reclassification. A student's residency is not determined on the basis of one factor alone, nor are a predetermined number of actions required. Each case is considered unique and is evaluated accordingly. Students should be able to provide *clear* and *convincing* evidence that they are fully established as a citizen of Georgia and that their presence in the state is based upon factors other than those associated with educational objectives. This evidence consists of overt actions or special circumstances that clearly provide support to the student's claim to resident status for tuition purposes. All information provided in the residency petition is carefully weighed in determining eligibility.

How is my residency status decided?

The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person's support and claims or qualifies to claim the dependent person as a dependent for federal income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian. In the case of divorced or separated parents, the resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes; or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his/her college tuition and fees.

If I'm considered a resident for other purposes, shouldn't I be considered a resident for tuition purposes by the University?

Not necessarily. The question to be answered is not primarily whether a student is a resident or non-resident of Georgia, but rather whether the student meets the Regents' criteria to pay fees on an in-state basis. A student may be a resident for some purposes, but not entitled to in-state status for tuition purposes. For the purposes of the Regents' regulations, legal domicile must be established in Georgia for a purpose independent of attendance at an institution of higher education.

How will a decision on my petition be made?

A student's residence status is never changed automatically. The burden of proof that the student qualifies as an in-state student for tuition purposes under the regulations of the Board of Regents of the University System of Georgia rests with the student. Therefore, to prevent a possible denial or delay in the decision, students should be sure that the petition is as complete as possible and that all required and any supportive documentation that they feel may affect the decision has been provided. Armstrong Atlantic State University reserves the right to require additional data from the petitioner, if necessary, to make a reasonable decision. The student is notified in writing as soon as a decision is made.

Must I accept the initial decision of my petition?

No. If not satisfied with the initial decision, students have the right to appeal by writing a letter to the Registrar to request a review of the case. In the absence of extenuating circumstances, a student who does not appeal within thirty (30) days from the date of the original denial forfeits that right. The letter should clearly state the basis for the appeal. It should also include the student's full name, identification number, present address, and a telephone number and/or official AASU student email address at which he/she can be reached between 8:00am and 5:00pm on weekdays.

How do you determine residency for non-permanent resident of the U.S.?

Except as otherwise specified in this section, independent non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out-of-state rate. Independent non-resident aliens, including refugees, asylees, and parolees may be entitled to resident, instate classification once they have been awarded permanent resident status by the U.S. Department of Justice and meet all the statutory residency requirements provided that all other domiciliary requirements are met. Certain non-resident aliens present in the United States in specified visa classification are eligible to receive instate residency status for tuition and fee purposes as prescribed by the Commission on Higher Education. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

Title 8 of the Code of Federal Regulations (CFR) serves as the primary resource for defining visa categories.

How may I change my residency status if I was admitted as a non-resident student, but I now reside permanently in Georgia?

Persons applying for a change of resident classification must complete a residency application and provide supporting documentation by the stated petition deadline for the semester for which status change is requested. The burden of proof rests with those persons applying for a change of resident classification who must show required evidence to document the change in resident status. Any resulting refund is limited to the current academic term for which the residency change is approved.

Glossary of Terms

- Adoption** – A legally recognized relationship that creates a parent-child relationship between individuals who are not biologically related to each other.
- Adult Student** – An emancipated individual, over the age of 18.
- Asylee** – A foreign national who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. A stamp reading "Asylum status granted pursuant to Section 208, USCIS" affirms an individual's official status as an asylee.
- Continuously enrolled student** – A student who makes satisfactory academic progress toward completion of a degree, diploma, or certificate program of study at a public postsecondary educational institution or accredited, bona fide study abroad program in the State of Georgia without a break in enrollment of more than one traditional academic semester or quarter. A student who is not enrolled for two or more consecutive traditional academic semesters or quarters is not considered to be a continuously enrolled student.
- Dependent student** – An individual under the age of 24 who receives financial support from a parent or U.S. court-appointed legal guardian.
- Domicile** – A person's present, permanent home where that individual intends to stay indefinitely and to which that individual returns following periods of temporary absence. Domicile, once established, shall not be affected by mere transient or temporary physical presence in another state. No individual may have more than one domicile even though an individual may maintain more than one residence. Temporary residence does not constitute the establishment of one's domicile. To acquire domicile, an individual must demonstrate intent to remain permanently or indefinitely.
- Durational Requirement**– The period of 12 consecutive months after the individual has established domicile and preceding the first day of classes for intended term of enrollment.
- Emancipated** – A minor who, under certain circumstances, may be treated by the law as an adult. A student reaching the age of 18 does not qualify for consideration of reclassification by virtue of having become emancipated unless he/she can demonstrate financial independence and domicile independent of his/her parents.
- Eligible non-citizens** – Refugees, persons granted asylum, certain conditional entrants, persons paroled into the U.S. for at least one year who can demonstrate an intent to become a legal permanent resident, and Cuban-Haitian entrants.
- Full-time employment** – An annual earned income reported for tax purposes, which is equivalent to minimum wage earned by working forty hours per week during fifty work-weeks per year
- Immigrant** – A foreign national issued an immigrant visa by the Department of State overseas, or a foreign national who has adjusted to permanent resident status by U.S. Citizenship and Immigration Services in the United States. An immigrant is legally accorded the privilege of residing permanently in the United States.
- Independent student** – An individual who is not claimed as a dependent on the federal or state income tax returns of a parent or U.S. court-appointed legal guardian who has ceased to provide support and right to that individual's care, custody and earnings.
- In-state tuition classification** – Status granted to a student, in accordance with the policies of the Board of Regents, who has been determined to be eligible to pay tuition at the in-state rate.
- Lawful permanent resident** – [also known as *Permanent Resident Alien, Resident Alien Permit Holder, and Green Card Holder*)] A non-citizen residing in the United States under legally recognized and lawfully recorded permanent residence status as an immigrant.
- Legal guardian** – An individual who has been granted custody of a dependent person (under the age of 24) by a court in the United States.
- Military personnel** – Full-time members of the Armed Forces of the United States, including active-duty commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration.
- Minor** – An unemancipated student under the age of 18 years of age.
- Non-citizen** – A person who is not a U.S.-born or naturalized citizen of the United States.
- Nonimmigrant** – A foreign national who maintains permanent residence abroad and seeks temporary entry to the United States. Nonimmigrant classifications include foreign government officials; visitors for business and for pleasure; aliens in transit through the United States; treaty traders and investors; students; international representatives; temporary workers and trainees; representatives of foreign information media; exchange visitors; fiancé(e)s of U.S. citizens; intra-company transferees; NATO officials; religious workers; witnesses or informants; victims of trafficking or certain crimes; NAFTA professionals; humanitarian parole status individuals; dependents of lawful permanent residents awaiting lawful permanent resident status; and Temporary Protected Status individuals. Nonimmigrant classifications which allow temporary presence in the United States but prohibit the establishment of domicile in the United States include visitors for business and for pleasure; aliens in transit through the United States; students; temporary workers and trainees; representatives of foreign information media; exchange visitors; and NAFTA professionals.
- Non-resident** – A person who has not had an established domicile in the State of Georgia for a period of at least 12 months prior to the first day of classes for the term for which the person is intending to enroll at a postsecondary educational institution in Georgia.
- Out-of-state tuition classification** – Status granted to a student, in accordance with the policies of the Board of Regents, who has been determined to be ineligible to pay tuition at the in-state rate.
- Out-of-state tuition waiver** – A waiver of the difference in tuition paid by students classified as out-of-state and those classified as in-state for tuition purposes.
- Postsecondary educational institution** – An institution of higher (tertiary) education, public or private, above the high-school level.
- Refugee** – [See *Asylee*]
- Residency** – [See also *In-state tuition classification and Domicile*] Residency is the state and country where an individual currently lives. An individual may be residing in Georgia and may be classified as having established Georgia residency for securing marital status, a driver's license, or classification of taxpayer status but does not meet the qualifications to establish domicile in Georgia.
- Title IV regulations** - Federal regulations governing Title IV of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998, found in Chapter Six of Title 34 of the Federal Register.
- U.S. citizen** – A citizen of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands.
- U.S. national** – A citizen of American Samoa and Swain's Island.