# Determination of Residency for Tuition Purposes – Frequently Asked Questions

**How do I qualify as an in-state resident for tuition purposes?**
Residency for tuition purposes is defined and solely controlled by regulations of the Board of Governors of the State System of Higher Education. In order to qualify under the regulations, an individual must be able to demonstrate an established intent to reside *permanently or indefinitely* in the Commonwealth of Pennsylvania. There are numerous factors that may be considered in determining whether or not an individual has this appropriate intent.

**What does "domicile" mean?**
"Domicile" is a legal term that is defined as the place where an individual intends to remain and live permanently or indefinitely. It is the place where a person intends to return to after any absence. A person may live in a place for temporary purposes, such as a vacation or attending college. Once the goal of the temporary purpose is accomplished, however, the person does not intend to remain in that place. Since the person's presence is only for temporary reasons, the individual cannot be considered an in-state resident for tuition purposes.

**How can I show that I intend to live in Pennsylvania either permanently or indefinitely?**
Because the intent to reside in-state is subjective, only you can know your true intent. Your actions and conduct, however, can demonstrate to others whether you possess such intent. You alone have the burden of proving by clear and convincing evidence that you possess the requisite intent to reside in Pennsylvania either permanently or indefinitely. Based upon the evidence that you submit or that may otherwise be available, a university administrator or committee will decide whether it is more likely than not that you intend to remain in Pennsylvania on a permanent or indefinite basis. Your overall conduct and actions will be reviewed and no single factor can demonstrate the appropriate intent to remain living in state.

A decision will be made by looking at your total circumstances as to whether your conduct and actions show that you are not merely living in Pennsylvania for the temporary purpose of attending college. There is no checklist of conduct or actions that will automatically result in anyone being reclassified as an in-state resident. In an application for classification, you will, however, be asked a number of questions. The items of information requested are not equally demonstrative of one's intent to reside in Pennsylvania. Certain actions can be easily taken, although a person only intends to temporarily reside in Pennsylvania. Thus, it will be the quality and not the quantity of information you submit that will lead to a determination.

Among the information you will be requested to submit for review is the following:

- Have you continuously resided in Pennsylvania for a period of twelve (12) months prior to registration as a student?
- Do you have financial aid based upon maintaining a residency in a state other than Pennsylvania?
- Do you lease or own a permanent, independent residence in Pennsylvania?

- Do you pay Pennsylvania and local taxes, particularly during temporary absences from the state?
- Have you transferred back accounts, stock, automobiles and other registered property in state?
- Did you obtain a Pennsylvania driver's license and register your automobile in Pennsylvania?
- Do you have permanent, full-time employment in Pennsylvania?
- Do you have memberships in social, civic, political, athletic and religious organizations in state?
- Do you have substantial personal ties to the Commonwealth that are not intrinsically connected to and contemporaneously with your attendance at the University?
- Are you financially emancipated in order to establish a domicile within the Commonwealth of Pennsylvania?
- Do you live in Pennsylvania year round?
- Have you accepted a written offer of employment within the Commonwealth of Pennsylvania upon graduation in your field of major?

This list of questions should not be considered a checklist, nor are you limited to furnishing only the information requested on an application for classification form. The questions here and on the form are only intended to give an indication of the type of action or conduct that can be considered in deciding residency status. You have the opportunity to provide any and all evidence that you believe supports your position that you intend to reside in Pennsylvania on a permanent or indefinite basis. *In particular, you will want to demonstrate that your presence in the state is not merely for the purpose of attending college. The burden of proving that a change in domicile has occurred rests upon the student that is making the request.*

**If I have not lived in Pennsylvania for 12 months prior to registering as a college or university student, can I still establish residency for tuition purposes?**

If you have continuously resided in Pennsylvania for a period of twelve months ***prior to enrolling*** in a Pennsylvania institution of higher education, you are presumed to be a Pennsylvania resident. But, if you have resided in Pennsylvania for a shorter period of time, there is a presumption that you are not a Pennsylvania resident. This is not a conclusive presumption, however, only a rebuttable presumption. This means that the presumption may be overcome by demonstrating through clear and convincing evidence your intent to reside in the state on a permanent or indefinite basis. In order to establish Pennsylvania residency, you will have to show evidence that sufficiently convinces a reasonable person that it is more likely true than not that you are in fact residing permanently or indefinitely in Pennsylvania. Your evidence should prove that you are not in Pennsylvania solely to attend college. However, the burden of proving that a change in domicile has occurred rests upon the student that is making the request.

**I have lived in Pennsylvania for 12 months, why was I classified as an out-of-state student?**

You will continue to be classified as an out-of-state student for as long as you are unable to prove that you intend to reside permanently or indefinitely in Pennsylvania. If your circumstances show that you are merely in Pennsylvania to attend college, you will not be reclassified to in-state status. Certain factors, such as temporary summer or part-time school year employment in Pennsylvania, are not significant factors and are merely a consequence of your primary purpose to attend college. It is not unusual for students at State System Universities to obtain employment to supplement their education costs or to obtain voter registration and driver’s licenses for their convenience. This does not, in and of itself, establish Pennsylvania as a domicile. If not qualitative or quantitative evidence

of a clear and convincing nature is submitted by a student that he or she intends to remain in Pennsylvania on a permanent or indefinite basis, the student will continue to be deemed a domiciliary of the state where his or her prior and significant ties are.

**I am 20 years old and am registered to vote, why does the university still consider me to be a minor?**
Residency for tuition purposes is completely controlled by the regulations of the Board of Governors of the State System of Higher Education. The regulations specifically state that the age of majority for the determination of residency for tuition purposes is twenty-two years of age. Other laws, such as voter registration, may have a different age for obtaining majority status, but these laws do not apply to determinations of residency for tuition purposes.

**How do I prove financial emancipation from my parents?**
You will need to be able to prove that you have sufficient financial means to support yourself. You will also need to provide a copy of your parent(s)' Federal Tax return showing they are no longer claiming you as a dependent for tax purposes and/or a notarized statement from them stating they are not providing you with any financial support. If you are receiving financial aid, you will need to be classified as independent for financial aid purposes. Also, if your parents have taken out loans on your behalf (such as Parent Plus loans), you would not be considered emancipated from them, unless clear and convincing evidence was provided to indicate otherwise.

**I have now lived in Pennsylvania for 12 months, while attending Bloomsburg University, and have transferred my driver's license, car registration, voter registration, and bank accounts to Pennsylvania and I pay Pennsylvania state taxes. Am I now a resident for tuition purposes?**
Not necessarily. If you have not lived in Pennsylvania for 12 continuous months prior to enrollment, the presumption is that you are not a resident. The 12 month requirement cannot be met while attending a state university – you are assumed to be in the state for educational purposes and would remain a non-resident for tuition purposes. This can be rebutted by providing clear and convincing evidence that your domicile has, in fact, changed.

**My parent(s) own a home in Pennsylvania; does that make me a resident for tuition purposes?**
No. Ownership of real estate or payment of real estate taxes in Pennsylvania does not necessarily qualify a student for residency for tuition purposes. Residency is based on a person's domicile. Unless your parent(s) live in the home and pay PA state income taxes as residents of the state, ownership of real estate does not qualify a student for residency. The home needs to be their primary residence. Domicile is defined as the place where an individual intends to remain and live permanently or indefinitely, and does, in fact, so reside.

**I have just married a person who is a life-long Pennsylvania resident – does that automatically make me a resident for tuition purposes?**
No. You must still show establishment of domicile in Pennsylvania.

**I am living with my grandparents, who are life-long residents of Pennsylvania. Will I be considered a resident for tuition purposes?**
No. Unless your grandparents (or any other relative or family friend) are your legal guardian(s), their residency status has no bearing on the decision. If you are under the age of 22, your domicile will still be based on that of your parents, unless you have proven financial independence from them and have established a permanent, independent domicile in the state.

**If I disagree with the university's determination, may I file an appeal?**
If you disagree with the university's determination of your classification, you may make a written appeal to the Office of the Chancellor within 30 days of the date the university's decision is mailed to you. The Office of the Chancellor will designate a hearing officer to review the appeal and make recommendations for the Chancellor's decision. You, as well as the university, will be permitted to submit additional information to be considered and a written argument to support your position. The burden of proving domiciliary status still remains with the student and the decision made as to any appeal will be based on the documentation submitted by the University and the student. It is to everyone's advantage that both parties be as comprehensive as possible with relevant information.

The Chancellor's written decision on appeal will be decided within 90 days of receipt of your appeal and will be the final decision within the State System of Higher Education.

**My parents moved out of state while I was a senior in high school - can I still be considered a resident for tuition purposes?**
If the student remains in the Commonwealth and graduates from a Pennsylvania high school, it may be possible to be considered a resident for tuition purposes, depending on the circumstances of the case. However, if the student relocates with the parents out of the state, and does not have 12 months of residency for non-educational reasons prior to enrollment, the student would most likely be classified as a non-resident. There is no "banking" of prior time in the Commonwealth - the residency requirements relate to the 12 months preceding enrollment at the University.

**My parent is active duty military, and is stationed in Pennsylvania. Do we qualify for in-state tuition?**
Military personnel and their dependents who are assigned to an active duty station in Pennsylvania and who reside in Pennsylvania can be classified as residents for tuition purposes. A student may submit a cover letter, a copy of the service member's orders, and a copy of her/his parent's deed or lease as documentation.

**My parent or legal guardian is active duty military, and has maintained her/his home of record as Pennsylvania. Do I qualify for in-state tuition?**
Any member of the armed forces who was a resident of Pennsylvania immediately preceding entry into the service and who has continuously maintained Pennsylvania as her/his domicile is presumed to have a Pennsylvania domicile. A student should submit a cover letter, in addition to documentation of the service member's home of record.

**I am currently classified as an out-of-state student, but am enrolling in the National Guard or Reserves and will make Pennsylvania my home of record. Do I now qualify for in-state tuition?**
National Guard and Reserves are not considered active duty military. If a student is an out-of-state student for purposes of tuition, the classification will not change upon joining the National Guard or Reserves, even if the home of record for the military is Pennsylvania. Active duty for training, such as the two-week annual training or specialist school, would not qualify a student as having served in active duty. However, if a student in the National Guard or Reserves is called into active duty, with a home of record of Pennsylvania, and is later discharged into Pennsylvania, the student would be considered an in-state student for purposes of tuition upon re-enrollment at a Pennsylvania State University. Form DD214 would need to be submitted to show the home of record upon discharge.

**I don’t have a green card yet. Can I be reclassified as a resident for tuition purposes?**
No. You must be a U.S. citizen or a permanent resident immigrant with a green card or I-551 passport stamp to be considered for residency for tuition purposes.