

### The Military Tuition Benefit:

A North Carolina resident does not lose his/her resident status for tuition purposes solely by serving in the armed forces outside this State.

Under a special North Carolina Statute, members of the armed services stationed in North Carolina on active duty and their dependents who live with them in North Carolina may be eligible to pay the in-state rate for the duration of the North Carolina assignment.

Also members of the North Carolina National Guard may be eligible to pay the in-state rate while attached to a military unit in NC. Only the Guard member is eligible for this benefit.

### Employee Benefit:

Full-time employees of The University of North Carolina who are legal residents qualify for the in-state rate even if they do not meet the twelve month requirement. This benefit is also extended to the spouse and dependents living in the home of the employee. Spouses and dependents must also be legal residents.



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# University of North Carolina at Charlotte

## Information about Resident Status for Tuition Purposes



## Residency Determination Office

<http://resdetermination.uncc.edu>

The North Carolina public institutions of higher learning were established and are maintained by the State primarily for the benefit of qualified residents of North Carolina; therefore, the regulations regarding residency classification are strictly applied.



This brochure provides an overview of the process for residency classification at UNC Charlotte; however, interested students and applicants are **strongly** encouraged to consult the *North Carolina State Residence Classification Manual* at their earliest opportunity. The *Manual* is available in the Atkins Library, in the Residency Determination Office or on the office website at <http://resdetermination.uncc.edu>.

### General Rules

Under North Carolina law, to qualify for in-state tuition for a given term, you must prove that

1. you established **your domicile** (legal residence) in North Carolina 12 months prior to the beginning of the term and
2. you have maintained it for at least 12 continuous months.

To prove you have established a **bona fide domicile** in North Carolina, you must prove that

1. you were physically present in the state,
2. with the intent to make North Carolina your permanent home indefinitely, and
3. you did not move to NC solely for the purpose to attend college.

### Establishing Domicile

Because it is difficult to determine your intent to make North Carolina your home, the actions that you have taken that may indicate “domiciliary intent” must be evaluated. The *Manual* lists the following considerations which may be significant;

### Considerations

- \* Living or not living in the home of one’s parents
- \* Voter registration and voting
- \* Location of jury duty
- \* Registering, licensing, and maintaining a motor vehicle
- \* Driver’s license or state ID card
- \* Location of permanent employment
- \* Filing of North Carolina state income tax return
- \* Places where one resides during periods between academic sessions
- \* Location of personal property
- \* Property tax assessment
- \* Ownership of residential real property that is one’s primary residence (including maintenance and payment of expenses associated with the property)
- \* Place from which one graduated from high school
- \* Place of residence prior to enrollment in an institution of higher education
- \* Sources of one’s financial support
- \* Memberships in professional associations, unions, civic organizations, etc.
- \* Citizenship or immigration status

In order to determine your residency status, residency classifiers must weigh all the evidence you furnish to determine if the preponderance (or greater weight) of the evidence supports your having established North Carolina domicile 12 months before the beginning of the academic term for which you seek to be classified as resident.

If the evidence shows a cluster of significant events occurring at or about the same week, the classifier must start counting from that point to determine if the twelve-month requirement has been met.

If instead the evidence has gradually accumulated over time, the classifier must determine at what point a preponderance of evidence indicates the intent to establish NC domicile.



That is the date on which the 12 month requirement period will begin.

To begin the residency review process, you must complete the **Residence and Tuition Status Application** (and any required supplemental forms) and provide the required supporting documentation. You may obtain a copy of the application at <http://resdetermination.uncc.edu> or in the Residency Determination Office. **The absolute deadline to file a residence status application is the fifth day of classes for a given term.**

## Additional Factors to Consider

### Minors:

If you are under 18, generally your domicile will be the same as your parents' domicile because, as a minor, you are not legally capable of establishing an independent domicile unless you are married or have obtained a judicial decree of emancipation.

### Minors Claimed On North Carolina State Tax Returns:

Under a special provision of the law, if you are a minor (**under the age of 18**) and your parents are divorced, separated, or otherwise living apart, you may be considered a resident of North Carolina for tuition purposes if:

1. you abide in North Carolina with your custodial parent, and both you and your custodial parent have established and maintained domicile in North Carolina in accordance with the General Rules mentioned earlier, even though the custodial parent may not claim you as a dependent for income tax purposes.
2. your non-custodial parent has established and maintained domicile in North Carolina in accordance with the General Rules mentioned earlier; is entitled to claim you as a dependent on a North Carolina state income tax return; and does, in fact, claim you as a dependent. If your non-custodial North Carolina parent has not claimed you as a dependent for the 12 months immediately before the beginning of the term, you can be considered a resident only for the number

of months you were properly claimed as a dependent by that parent.

If you qualified under this provision while you were a minor, but you turn 18 before enrolling, you won't lose the benefit if

1. after turning 18, you act like a bona fide North Carolina resident. This means that any action you take which might demonstrate an intent to establish domicile (such as registering to vote) should be done in North Carolina or not done at all; and
2. you enroll in a North Carolina institution of higher education not later than the fall term following completion of the educational requirements for admission (usually the fall term after high school graduation).

### Minors Whose Parent(s) Move To North Carolina:

If a parent comes to North Carolina ahead of the rest of the family and establishes domicile while a spouse and children remain behind to sell the house, finish out the school year, etc., it can be difficult to determine the minor child's domicile. The classifier must consider the following factors in reaching a decision in these cases:

- \* The extent to which the parent has begun the process of moving to North Carolina;
- \* What percentage of the child's financial support is contributed by each parent;
- \* By whom and where the child is claimed as a dependent for tax purposes;
- \* Which parent exercises day-to-day care, supervision and control over the child;
- \* How soon the child will turn 18;
- \* Which parent the child is living with; and
- \* Whether there are strong incentives for the child to remain in his/her previous home state after both parents have moved to North Carolina.

NOTE: If spouse joins the parent in North Carolina and establishes domicile before the minor child turns 18, the child's domicile automatically becomes North Carolina.

### “Five-Year Rule” for Minors:

Under this provision, the benefit of “resident status for tuition purposes” is given to minors who immediately prior to the

beginning of the academic term in which they are enrolled and for which in-state status is sought:

- \* have lived five or more consecutive years in NC in the home of an adult relative, other than a parent, who is domiciled in this State; **and**
- \* for whom the adult relative has functioned during those years as de facto guardian and has exercised day-to-day care, supervision, and control of the minor.

### Students Who Are 18 When Parent(s) Move To North Carolina:

When parents move to North Carolina **after the child turns 18, the child does not automatically acquire North Carolina domicile.** This is because at 18 he/she is an adult, and adults must establish domicile on their own by physical presence and performance of residency acts, as explained earlier. The adult child will have to come to North Carolina, take steps to evidence his/her “domiciliary intent,” and wait 12 months before qualifying as a resident for tuition purposes.

So, for example, if parents move to North Carolina while a 19-year old child is enrolled in college in another state, the child will not become a North Carolina resident until he/she has physically come to North Carolina and established domicile. Since residence for tuition purposes requires 12 months of domicile, if the child first comes to North Carolina in November for the Thanksgiving holiday, it is not possible he/she can have 12 months of domicile in time to enroll as a resident for the following fall term.

### The Effect of Marriage On Domicile:

A person does not automatically obtain North Carolina domicile solely by marrying a North Carolina resident. If both spouses have **established** a North Carolina domicile and one has met the 12 month requirement, the member of the couple who has not met the requirement may borrow his/her spouse's domicile to meet the 12 month requirement.

### The Grace Period:

If a student has been classified as a resident for tuition purposes and loses his/her North Carolina domicile for some reason while enrolled at a North Carolina institution of higher education, the student can continue to pay the in-state tuition rate for a 12-month period. The 12 months begin at the time the student lost his/her North Carolina domicile; and if it runs out



in the middle of a term, the student is allowed to pay the in-state tuition rate through the end of that term.

### Re-establishment Of Abandoned Domicile Within 12 Months:

If an individual was classified a resident for tuition purposes and enrolled at a North Carolina institution of higher education at the time he/she left school or graduated, and if that person subsequently abandons North Carolina domicile and then re-establishes North Carolina domicile within 12 months of abandoning it, he/she may re-enroll at a North Carolina institution of higher education as a resident without having to meet the 12-month durational requirement. An individual may take advantage of this statutory provision only once in a lifetime.

### Domicile of Non-U.S. Citizens:

If you are not a U.S. citizen, you may or may not qualify for resident tuition status on the same basis as a U.S. citizen. It depends on the type of immigration document you hold.

Certain visas and other immigration documents allow you to establish a domicile in the U.S. and thus in North Carolina (for example: A, G, K, and N visas; permanent resident alien cards (I-551); conditional resident alien cards, and certain documents given to refugees or asylees).

Other visas do not allow you to establish domicile (for example: B, C, D, F, J, M or Q). If you have one of the visas that does not allow you to establish domicile and you later get a visa that does allow you to do so, the time you spent in North Carolina under the old visa will not count toward the 12-month requirement. After you receive the new document, you must establish North Carolina domicile and wait 12 months.

If you have applied for permanent resident alien status (the “green card”) but it has not been granted yet, you are considered as still being in the country under the visa or document that you had before you applied for the green card.

US Citizenship and Immigration Services (USCIS) documentation indicating that a petition or application is being considered does not change the visa status of the visa holder. Also, Employment Authorization Document does not, in and of itself, constitute residency capacity.