

## FREQUENTLY ASKED QUESTIONS ABOUT NC RESIDENCY FOR TUITION PURPOSES

### **What does the law say?**

North Carolina law says that a person who wishes to be classified as an in-state resident for tuition purposes must have lived in North Carolina for at least one calendar year AND show intent to maintain permanent legal residence in North Carolina. Simply residing in the state is not enough. A student must show permanent ties to North Carolina through evidence of completion of residency acts (see answers below) and by proving that he/she has abandoned any previous state of residence. **A person may not have more than one legal residence (domicile) at one time.** A person may not be considered for in-state if he/she has lived in North Carolina for less than one year.

### **What does this mean to me?**

A student must prove his/her intent to be a permanent legal resident of North Carolina. This means he/she must establish ties to North Carolina, including maintaining a permanent residence and show that he/she has relocated to North Carolina **for reasons other than educational purposes.** A student cannot simply come to a North Carolina university and indicate a claim to North Carolina residency.

### **What do I need to become an in-state student?**

There is no “checklist” of actions that a person can take that will guarantee in-state status. Rather, a case must be built to show intent to maintain legal residence indefinitely in North Carolina. The logic is that if a person permanently relocates to North Carolina, that person will automatically perform certain actions that tie them to North Carolina, such as obtaining a North Carolina driver’s license, register a vehicle, work in North Carolina, file and pay North Carolina taxes, have a mortgage or lease statement, register to vote, join community organizations, etc.). These are some of the residency actions that a person may choose to do; however, there is no set answer to this question.

Note that the residency actions need to be taken as soon as possible upon moving to North Carolina so there is a “cluster” of matching dates that confirm when the relocation or decision to make North Carolina the domicile took place.

### **When can I be considered in-state?**

You must reside in North Carolina a minimum of one calendar year (12 consecutive months) BEFORE the term that you wish to be considered a state resident for tuition purposes. The residency actions outlined above are important considerations in the decision to classify a student as a resident.

### **If I get a North Carolina driver’s license, will I be considered an in-state resident?**

No. Obtaining a North Carolina license is only one piece of evidence. Your residential status will be determined by a preponderance (greater weight) of evidence.

### **Can an international student be considered a North Carolina resident?**

Perhaps. If an international student is a permanent resident alien (has a green card), then he/she is eligible to be considered for in-state under the same considerations as any other student. If a student is in the U.S. on a visa, some visas permit the possibility of a student being eligible for in-state residency, while other visa programs, such as F-1, B-1, J-1, etc., do not permit the student to be eligible.

### **Are there any waivers for the one-year requirement?**

Active duty military personnel stationed in North Carolina and their dependents may receive a waiver. Persons who marry permanent residents of North Carolina may qualify for North Carolina residency if they show proof of their spouse's North Carolina residency and proof of marriage.

Permanent full-time employees of the UNC system who are legal residents of North Carolina qualify as residents for tuition purposes even if they have not maintained legal residency for the required 12 consecutive months prior to residence classification. Spouses and dependent children (using income tax dependency as the standard) of full-time UNC employees who are legal residents also qualify for this benefit.

### **What if I get out of the military and remain in North Carolina?**

Apart from the military waiver, military personnel are subject to the same considerations as others seeking North Carolina residency. Military personnel must have lived in North Carolina at least one year, and have the burden of proof in demonstrating permanent legal residence in North Carolina. Also, the home of record is very important in determining residency. If the service member has claimed a state other than North Carolina and he/she has maintained ties with that state, they may not automatically be considered a North Carolina resident.

### **Why am I required to prove my residency?**

A general statute in North Carolina governs residency. It is the law and not an institutional policy of the University of North Carolina Wilmington. Income tax dollars support the public higher education institutions of North Carolina; therefore, only permanent residents of North Carolina should be and are able to benefit from the reduced tuition rate.

### **What if I disagree with the decision?**

Students have the right to appeal to the institutional appeals committee. If their appeal is denied at the institutional level, they may appeal to the State Residence Committee.

Also, a student may apply to be re-reviewed for residency status each semester.

### **Is there a grace period if I leave North Carolina?**

Students who were enrolled in a public university or community college in North Carolina at the in-state rate have a grace period of one year if they abandon their North Carolina residency.

### **If I move to North Carolina and live with my grandmother (or friend, aunt, etc.), will I be considered a North Carolina resident?**

The answer is usually no. The law states that unless the state has legally awarded custody to a guardian, the student is ineligible. In other words, a student may not simply move to North Carolina, reside with a family member for a portion of the school year, and claim North Carolina residence.

### **We have a summer home in the area and pay NC taxes. Can our student live there and be considered a resident?**

No. One can have several residences but there is only one domicile, which is your permanent home of indefinite duration; it is the state where you live most of the time, pay income tax, have a driver's license, vote, etc.