

#### **DOMICILE OF PERSONS 18 AND OVER**

When you turn 18 years of age, the domicile of your parents will continue to be your domicile so long as you continue to live with and are supported by your parents. If you leave your parent's home to go to college, your parent's home continues to be some evidence of your domicile. This will continue until such time that you are able to establish domicile on your own by demonstrating independence from your parents, 12 months physical presence in North Carolina, and residency intent as explained earlier.

#### **THE EFFECTS OF MARRIAGE ON DOMICILE**

A married person's domicile is determined in the same way as an unmarried person's domicile - by evaluating all the evidence. The fact of marriage and the domicile of the spouse are a part of the evidence to be considered. No one automatically obtains North Carolina domicile solely by marrying a North Carolina domiciliary.

If both spouses have established a North Carolina domicile and one spouse has been a domiciliary longer than the other, the member of the couple who has the shorter duration of domicile may borrow his or her spouse's duration of domicile to meet the 12-months requirement. For example, if A and B are married and A has been a North Carolina domiciliary for 12 months but B has only been a domiciliary for a month, B can use A's duration of domicile to meet the 12-months requirement. The two durations cannot be added together to meet the 12-months requirement. So, if A had only been a domiciliary for eleven months, B would still be a month short.

#### **THE GRACE PERIOD**

If a student has been classified 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 begins 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 reestablishes 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-months 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 documents you hold. If you are in the country on a student visa, you cannot qualify for the in-state tuition.

#### **THE MILITARY TUITION BENEFIT**

If yours is a military family, and you do not qualify as a resident for tuition purposes, you may still be eligible for the Military Tuition Benefit. Under this special North Carolina statute, members of the armed services stationed in North Carolina on active duty and their military dependents may be eligible to pay a reduced tuition rate.

For military dependents, the reduced tuition rate is equivalent to the in-state tuition rate. The Office of Admissions or the Graduate School can give you more information about eligibility for this benefit. You must file a special application for the benefit that includes affidavits about the active military status and duty station and about your own military dependent status.

For further information contact either the Graduate School or Office of Admissions, as appropriate.



UNCW Wilmington is committed to and will provide equal educational and employment opportunity. Questions regarding program access may be directed to the Compliance Officer, UNCW Chancellor's Office, 910-962-3000, fax 910-962-3483.

# **UNIVERSITY OF NORTH CAROLINA WILMINGTON**



## **INFORMATION ABOUT RESIDENT STATUS FOR TUITION PURPOSES**

This pamphlet is designed to give an overview of the state law governing residency status for tuition purposes and to provide information regarding the residency classification process at UNCW. The law and its interpretation are published in *A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes*. It is imperative that you study the Manual when you apply for resident status. The Manual is available for review in both the Office of Admission and the Graduate School. Additional copies are on reserve at Randall Library.

## APPLYING FOR RESIDENCE STATUS

For most students, the residency classification process is simple. If you were born in North Carolina and have lived in the state all of your life, and your parents still live here, you will probably be one of the 85 percent of UNCW students who is almost automatically classified as a North Carolina resident for tuition purposes. On the other hand, if you came originally from another state, or if your parents live in another state, the process can be more complicated and time-consuming because more inquiry is necessary before a decision can be made.

If you claim North Carolina as your legal residence on your admissions application, you will be asked to fill out a one-page form that is part of the Application for Admission. Only very clear cases are classified on the basis of the one-page form. This form is reviewed by the Office of Admissions or the Graduate School, as appropriate.

## PROCESSING YOUR APPLICATION FOR RESIDENT STATUS

- A. After you file a one-page resident status application sheet with either the Office of Admissions or the Graduate School, one of two things will happen:
1. You will be classified as a resident for tuition purposes, OR
  2. You will be denied that classification. If you do not agree with the decision, request a four-page form from the Office of Admissions or the Graduate School and ask for a review based on this information. It is very important to fill out the four-page form completely. If you feel that your answers to the questions on the form do not give an accurate picture of your case, please attach additional written explanations. If your answers are confusing or if the form is not filled out completely, the classifier will be forced to return the form to you for completion or clarifications, which can delay the classification process considerably.

- B. After you turn in the four-page application to either the Office of Admissions or the Graduate School, you will receive a letter from them saying one of two things:
1. You will be classified as a resident for tuition purposes, OR
  2. You will be denied such classification. You may appeal this decision to the Residency Appeals Committee. The decision letter will tell you how to file an appeal.
- C. If you are classified a non-resident, you may appeal to the Residency Appeals Committee. You have twenty (20) working days from the time you receive the classification letter to file this appeal with the chair of the Residency Appeals Committee. The appeal must be in writing and must be signed by you. A form for this purpose is available from the chair of the Residency Appeals Committee.

## GENERAL RULES

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

1. that you established your domicile (permanent dwelling place) in North Carolina at least 12 months prior to the beginning of that term, AND
2. that you have maintained your domicile for at least 12 continuous months.

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

1. that you were physically present in the state, AND
2. that your intent is to make North Carolina a permanent home for an indefinite period of time, AND
3. that you are not in North Carolina for the mere purpose of attending the university.

Because it is difficult to determine directly this intent to make North Carolina your home, residency classifiers necessarily must evaluate the actions you have taken that may indicate this "domiciliary intent". The Manual lists the following considerations which may be significant in determining this intent:

- Where do you live (with parents, family, or independent)?
- Are you registered to vote?
- When did you vote?
- Where did you last obtain a driver's license?
- Where is the car you drive registered?
- Do you own a home or other real estate?
- Where is your personal property listed for taxation?
- Where do you spend your vacation time?

- Where do you work?
- Where do you keep your personal property?
- Where did you file a state income tax return?
- Where did you last attend high school?
- Where did you live before enrolling in an institution of higher education?
- Where do you maintain memberships in professional associations, unions, and similar organizations?

Residency classifiers weigh all the evidence you furnish in your application for residence status, and it is necessary that the preponderance (or greater weight) of the evidence supports that you have established a North Carolina domicile 12 months before the beginning of the academic term for which you seek to be classified as a resident. If the evidence shows a cluster of significant events occurring at about the same time (within the same week or month, for example) the classifier will start counting from that point to determine if the 12-month requirement has been met. If instead the evidence has gradually accumulated over time, the classifier must decide at what point a preponderance of the evidence shows intent to establish North Carolina domicile, and that is the date on which the counting for the 12-month requirement will begin.

## MINORS

If you are under 18, generally your domicile will be the same as your parent's domicile because, as a minor, you are not legally capable of establishing an independent domicile unless you are married or have obtained a decree of judicial emancipation, or that the evidence in your case shows that someone else actually controls your domicile.

## MINORS WHOSE PARENT(S) MOVE TO NORTH CAROLINA

If a parent comes to North Carolina ahead of the family and establishes domicile while a spouse and children remain behind, it can be difficult to determine the minor child's domicile. We consider the following factors in reaching a decision in these cases:

- The extent to which the spouse has begun the process of moving to North Carolina;
- What percentage of the child's financial support is contributed by each parent;
- 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 the spouse then joins the parent in North Carolina and establishes domicile **before the minor child turns 18**, the child's domicile automatically becomes North Carolina, even if the child does not physically move to North Carolina at that time.