

# Resident Status

## Student Residence Status for Tuition and Fee Purposes

Board Policy 520.8 (January 18, 1985, revised)

### Determination of Residence Status

#### 1. Purpose

The purpose of these regulations is to enable the administrative officers of the University of Arkansas to classify students for the purpose of paying student fees, as either "in-state" or "out-of-state," so as to accord fairness and equity to the students of the university and to the public that provides support for the educational services provided by the university.

#### 2. Initial Classifications

- a. A student shall be admitted to the university in an "in-state" or "out-of-state" status for university fee purposes, as established under these regulations.  
Except as otherwise provided under these regulations, a student classified as "in-state" for university fee purposes at the time of admission must have established a bona fide domicile in Arkansas and must have resided continuously in this state in that bona fide domiciliary status for at least six consecutive months prior to the beginning of the term or semester for which fees are paid.
- b. A bona fide domicile is a home of apparent true, fixed, and permanent nature, a place of actual residing for all purposes of living that may be distinguished from a temporary sojourn in this state as a student. The person claiming domicile in Arkansas must provide evidence of permanent connection with the State of Arkansas and demonstrate the expectation of remaining in this state beyond graduation. For purposes of implementing these policies, the administration is directed to articulate standards that will be applied in making the determination of residence.
- c. Except as otherwise provided under these regulations, the domicile of an adult (18 years of age or older) or emancipated minor student shall be determined on the basis of his or her own domicile.
- d. Except as otherwise provided under these regulations, the domicile and residence of an unemancipated minor student (less than 18 years of age) or an unmarried dependent who has not attained the age of 23 is legally that of the parents or surviving parent; or such other person legally standing in the place of a parent to the student and with whom the student in fact makes his or her home and who has been making substantial contributions to the support of the student for at least six consecutive months prior to the term or semester for which the fees are paid.
- e. A student who cannot satisfy the criteria for Arkansas domicile and residence will be classified as an "out-of-state" student and will pay fees and tuition accordingly. The student on a temporary visa will be classified as a foreign student and will pay non-resident tuition and fees. A student who has been granted a permanent visa and has been domiciled in Arkansas for six consecutive months following receipt of the permanent visa shall be classified as an Arkansas resident for fee purposes.
- f. The responsibility for registering under a proper classification for student fee purposes is placed upon the student. It is the duty of each student at each time of registration to call any

question about residency classification status to the attention of the campus classification review officer in a timely fashion in order that the question may be settled (see 4. Procedures).

- g. The six-month period required in paragraph A of these regulations may be waived for persons, their spouse, and their unmarried children who have not yet attained the age of 23 (dependents are the spouse and unmarried children who are legal dependents as defined by the IRS) and who move to Arkansas with attendance at the university only a by-product of the primary purpose of establishing domicile in this state.
  - h. An unmarried student who has not reached the age of 23 years having one parent residing in Arkansas (for at least six consecutive months immediately prior to the beginning of the term or semester in which the fees are to be paid) may be considered an "in-state" student for fee purposes, even if that student resided outside the state with the other parent before coming to Arkansas to attend the university.
    - i. Marriage is recognized as emancipation for both females and males.
    - j. The spouse of a person continuously domiciled in Arkansas (for at least six consecutive months immediately prior to the beginning of the term or semester in which the fees are to be paid) upon request shall be classified as "in-state" for fee purposes.
- #### 3. Reclassifications
- a. The initial classification of a student will not prejudice a different classification for following terms or semesters. However, a student's prior domicile is assumed to continue until he or she clearly establishes a new domicile in Arkansas (see #4 below).
  - b. A student previously classified as "out-of-state" may be reclassified as "in-state" for fee purposes if he or she has established a bona fide domicile in Arkansas and has resided continuously in this state in that bona fide domiciliary status for at least six consecutive months prior to his or her reclassification by the university. In order for an adult or an emancipated minor to establish a bona fide domicile in Arkansas for fee purposes, he or she must have left the parental home, must have established in this state a home of a permanent character as manifested objectively by good faith acts, and must have the expectation of remaining in this state beyond graduation. The single fact of presence in Arkansas for at least six months of attendance as a student enrolled in the University of Arkansas, or any other educational institution, neither constitutes nor necessarily precludes reclassification as one domiciled in Arkansas, but will be a factor to be considered.
- #### 4. Procedures
- a. A student shall have the burden of establishing any claim that he or she is entitled to be treated as "in-state" for fee purposes. Persuasive evidence to that effect must be presented in writing and verified under oath by the student. Mere claims of local domicile and duration of stay are of little weight. A student who knowingly gives erroneous information in an attempt to evade the payment of "out-of-state" fees may be subject to dismissal from the university.
  - b. All disputed classifications for student fee purposes, whether at initial enrollment or subsequent enrollments, and all disputed reclassifications will be decided initially on each campus by a classification review officer designated by each chancellor.
  - c. The chancellor of each campus will designate a campus classification appeal officer to receive petitions from decisions made by the campus classification review officer. Each campus

classification appeal officer may, in his or her discretion, make investigations, receive evidence, and conduct informal hearings. After considering the case, the campus classification appeal officer will render a decision and notify the affected student of the decision in writing. Any decision of the campus classification appeal officer may be appealed to the vice president for academic affairs of the University of Arkansas System, who shall recommend final disposition to the president of the university.

- d. Written notice of the appeals procedure will be provided to each student raising a question about his or her status with the campus residency classification review officer.
- e. Determination of domicile will be based on a review of all pertinent facts, evidence, and circumstances that collectively show, in an objective and clear manner, the actual domicile of the student.

NOTE: In implementing these policies, it is presumed that dependent students who are classified as non-residents based upon parental/guardian domicile outside of Arkansas do not acquire Arkansas residency under Board of Trustees Policy 520.8 unless and until their parent(s)/guardian(s) have established a domicile in Arkansas, or the student has left the parental home and established a domicile in Arkansas evidenced by proof that he or she has established a home of a permanent character as manifested objectively by good faith acts, resided in Arkansas in bona fide domiciliary status for at least six consecutive months prior to his or her reclassification as an Arkansas resident, and demonstrates the expectation of remaining in this state beyond graduation.

## Reclassification Deadlines

Students who have established a bona fide domicile in Arkansas following initial classification as a non-resident must request reclassification if they want their status recognized for fee purposes. Applications and appropriate documentation must be received by the Office of the Registrar no later than the fifth class day (second class day of a summer session) of the term for which in-state fee assessment is requested. Applications received after the deadline will be considered for the next term. All fees are to be paid by published due dates. Students who receive a favorable decision after payment will be provided a refund of out-of-state fees paid. Please direct questions about residence classification review procedures to the Office of the Registrar, 146 Silas H. Hunt Hall.

## Resident Status of Native Americans

(Board Policy 520.1, "Waiver of Non-Resident Tuition for Native Americans.")

Native American people in other states belonging to tribes that formerly lived in Arkansas before relocation, and whose names are on the rolls in tribal headquarters, shall be classified as in-state students of Arkansas for tuition and fee purposes, on all campuses of the University of Arkansas. Tribes so identified include the Caddo, Cherokee, Chickasaw, Choctaw, Creek, Delaware, Kickapoo, Osage, Peoria, Quapaw, Shawnee, and Tunica.

## Resident Status of Members of the Armed Forces and Their Dependents

(Board Policy 520.7, "Fees for Members of Armed Forces and Dependents.")

For the purpose of tuition and fees applicable for all programs of study, including distance learning programs, effective July 1, 2017, all campuses of the University of Arkansas System shall classify a student as in-state or

resident, if the student meets any of the following criteria regardless of his or her residence:

1. A veteran who was honorably discharged or released from a period of not less than ninety (90) days of active duty in the United States Armed Forces within three (3) years before the date of enrollment in a program of study;
2. A dependent<sup>1</sup> or spouse of a veteran under Paragraph 1.
3. A member of the armed forces.
4. A spouse of a member of the armed forces.
5. A Reserve Officers' Training Corps cadet who has an executed armed forces service contract.
6. A dependent of a member of the active duty armed forces, when the member of the armed forces:
  - a. is stationed in the State of Arkansas pursuant to permanent change of station (PCS) military orders;
  - b. is continuously domiciled in Arkansas for at least six consecutive months before entering active military service and who maintains Arkansas as the permanent home of record while on active military duty, or
  - c. demonstrates a change of *bona fide* domicile from another state to Arkansas at least 12 consecutive months prior to separation, discharge, or retirement from active military duty. This provision is forfeited if the military person does not return to Arkansas within 36 months after separation, discharge, or retirement from active duty.
7. A veteran using educational assistance under either Chapter 30 (Montgomery G.I. Bill—Active Duty Program) or Chapter 33 (Post-9/11 G.I. Bill), of Title 38 of the United States Code, who lives in the State of Arkansas while attending a school located in the State of Arkansas (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge or release from a period of active duty service of 90 days or more.
8. Anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. §3319) who lives in the State of Arkansas while attending a school located in the State of Arkansas (regardless of his/her formal state of residence) and enrolls in the school within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.
9. Anyone described in paragraphs 7 and 8 while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge or release as described in paragraphs 7 and 8 and must be using educational benefits under either chapter 30 or chapter 33, of title 38 of the United States Code.
10. Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. §§3311(b)(9)) who lives in the State of Arkansas while attending a school located in the State of Arkansas (regardless of his/her formal state of residence).
11. Anyone using transferred Post 9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in Arkansas while attending a school located in Arkansas (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty..
12. A member of the armed forces or "covered individual" as identified in Section 702 of the Veterans Access, Choice and Accountability Act of 2014.

This system-wide policy and procedure has been amended as necessary for compliance with the requirements of 38 U.S.C. 3679, as amended, and Ark. Code Ann. § 6-60-205.

<sup>1</sup> For the purpose of this policy, dependents are unmarried children who are legal dependents of the military person as defined by the IRS.

## **Resident Status of Students from Texarkana, Texas, and Bowie County, Texas**

(Board Policy 520.10)

In accordance with the reciprocity agreement described in H.C.R. 32, signed by the governor of Arkansas on February 12, 1965, Board Policy 520.10 states, "Residents of Texarkana, Texas, and Bowie County, Texas, will be classified as in-state students for university fee purposes at the University of Arkansas."