APPENDIX G: RESIDENCE STATUS FOR TUITION PURPOSES

The tuition charge for persons who qualify as North Carolina residents for tuition purposes is substantially less than that for nonresidents. An interpretation of the North Carolina law (General Statute 116–143.1) governing residence classification for tuition purposes follows. A more complete explanation of the statute and the procedures under the statute is contained in A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes. The Manual is the controlling administrative statement of policy on this subject. Copies of the Manual are available for inspection in the Library, and online (https://www.northcarolina.edu/sites/default/files/documents/state_residence_classification_manual.pdf).

The basis for determining the appropriate tuition charge rests upon whether a student is a resident or a nonresident for tuition purposes. Each student must make a statement as to the length of his or her residence in North Carolina, with assessment by the institution of that statement to be conditioned by the following.

Residence

To qualify as a resident for tuition purposes, a person must become a legal resident and remain a legal resident for at least twelve months immediately prior to classification. Thus, there is a distinction between legal residence and residence for tuition purposes. Furthermore, twelve months legal residence means more than simple abode in North Carolina. In particular it means maintaining a domicile (permanent home of indefinite duration) as opposed to “maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.” The burden of establishing facts which justify classification of a student as a resident entitled to in-state tuition rates is on the applicant for such classification, who must show his or her entitlement by the preponderance (the greater part) of the residentiary information.

Initiative

Being classified a resident for tuition purposes is contingent on the student’s seeking such status and providing all information that the institution may require in making the determination. Failure to provide such information results in an out-of-state classification.

Parents’ Domicile

If an individual, irrespective of age, has living parent(s) or court-appointed guardian of the person, the domicile of such parent(s) or guardian is, prima facie, the domicile of the individual; but this prima facie evidence of the individual’s domicile may or may not be sustained by other information. Further, nondomiciliary status of parents is not deemed prima facie evidence of the applicant child’s status if the applicant has lived (though not necessarily legally resided) in North Carolina for the five years preceding enrollment or re-registration.

Effect of Marriage

Marriage alone does not prevent a person from becoming or continuing to be a resident for tuition purposes, nor does marriage in any circumstance insure that a person will become or continue to be a resident for tuition purposes. Marriage and the legal residence of one’s spouse are, however, relevant information in determining residentiary intent. Furthermore, if both a husband and wife are legal residents of North Carolina and if one of them has been a legal resident longer than the other, then the longer duration may be claimed by either spouse in meeting the twelve-month requirement for in-state tuition status.

Military Personnel

A North Carolinian who serves outside the State in the armed forces does not lose North Carolina domicile simply by reason of such service. North Carolina residents who serve outside the State may prove retention or establishment of residence by reference, as in other cases, to residentiary acts accompanied by residentiary intent.

In addition, a separate North Carolina statute (G.S. 116-143.3) affords tuition rate benefits to certain military personnel and their dependents, even though not qualifying for the in-state tuition rate by reason of twelve months legal residence in North Carolina. Members of the armed services, while stationed on active duty and concurrently living in North Carolina, may be charged the in-state tuition rate. A dependent relative of a service member stationed in North Carolina is also eligible to be charged the in-state tuition rate while the dependent relative is living in North Carolina with the service member and if the dependent relative has met any requirement of the Selective Service System applicable to the dependent relative.

Qualifying active duty military members and the dependent relatives thereof are extended a “military grace period” if the military member is reassigned outside of North Carolina or retires while the member or dependent is enrolled in an institution of higher education. During this grace period, the military member or dependent relative thereof is eligible for the in-state tuition rate as long as he or she is continuously enrolled in the degree or other program in which he or she was enrolled at the time of the reassignment or retirement. Qualifying members and dependents also remain eligible to pay the in-state rate if the active duty member receives Honorable Discharge so long as the member or dependent establishes legal residence in North Carolina within thirty (30) days and is continuously enrolled in the degree program in which he or she was enrolled at the time of the Honorable Discharge.

Additionally, any nonresident North Carolina Guard Members in reserve or active status are eligible for the in-state rate and all applicable mandatory fees.

These tuition benefits may be enjoyed only if the applicable requirements for admission have been met; these benefits alone do not provide the basis for receiving those derivative benefits under the provisions of the residence classification statute reviewed elsewhere in this summary. Application for this benefit must be made prior to the beginning of the first enrolled term for which the benefit is sought.

Grace Period

If a person

1. has been a bona fide legal resident of the required duration,
2. has consequently been classified a resident for tuition purposes, and
3. has subsequently lost North Carolina legal residence while enrolled at a public institution of higher education,

that person may continue to enjoy the in-state tuition rate for a grace period of twelve months measured from the date on which North Carolina legal residence was lost, provided the loss of in-state residence status
is not a result of institutional error. If the twelve months ends during an academic term for which the person is enrolled at a State institution of higher education, the grace period extends, in addition, to the end of that term. The fact of marriage to one who continues domiciled outside North Carolina does not by itself cause loss of legal residence marking the beginning of the grace period.

Minors
Minors (persons under 18 years of age) usually have the domicile of their parents, but certain special cases are recognized by the residence classification statute in determining residence for tuition purposes.

1. If a minor’s parents live apart, the minor’s domicile is deemed to be North Carolina for the time period(s) that either parent, as a North Carolina legal resident, may claim and does claim the minor as a tax dependent, even if other law or judicial act assigns the minor’s domicile outside North Carolina. A minor thus deemed to be a legal resident will not, upon achieving majority before enrolling at an institution of higher education, lose North Carolina legal residence if that person (1) upon becoming a legal adult “acts, to the extent that the person’s degree of actual emancipation permits, in a manner consistent with bona fide legal residence in North Carolina” and (2) “begins enrollment at an institution of higher education not later than the fall academic term following completion of education prerequisite to admission at such institution.”

2. If a minor has lived for five or more consecutive years with relatives (other than parents) who are domiciled in North Carolina and if the relatives have functioned during this time as if they were personal guardians, the minor will be deemed a resident for tuition purposes for an enrolled term commencing immediately after at least five years in which these circumstances have existed. If under this consideration a minor is deemed to be a resident for tuition purposes immediately prior to his or her eighteenth birthday, that person on achieving majority will be deemed a legal resident of North Carolina of at least twelve months duration. This provision acts to confer in-state tuition status even in the face of other provisions of law to the contrary; however, a person deemed a resident of twelve months duration pursuant to this provision continues to be a legal resident of the State only so long as he or she does not abandon North Carolina domicile.

Lost but Regained Domicile
If a student ceases enrollment at or graduates from an institution of higher education while classified a resident for tuition purposes and then both abandons and reacquires North Carolina domicile within a twelve-month period, that person, if he or she continues to maintain the reacquired domicile into re-enrollment at an institution of higher education, may re-enroll at the in-state tuition rate without having to meet the usual twelve-month duration requirement. However, any one person may receive the benefit of the provision only once.

Change of Status
A student admitted to initial enrollment in an institution (or permitted to re-enroll following an absence from the institutional program which involved a formal withdrawal from enrollment) must be classified by the admitting institution either as a resident or as a nonresident for tuition purposes prior to actual enrollment. A residence status classification once assigned (and finalized pursuant to any appeal properly taken) may be changed thereafter (with corresponding change in billing rates) only at intervals corresponding with the established primary divisions of the academic year.

Transfer Students
When a student transfers from one North Carolina public institution of higher education to another, he or she is treated as a new student by the institution to which he or she is transferring and must be assigned an initial residence status classification for tuition purposes.

Aliens
Aliens lawfully admitted into the United States for permanent residence are subject to the same considerations as citizens in the determination of residency status for tuition purposes. Certain classes of both resident and nonresident aliens are subject to these same considerations, but certain classes are not. More complete information on the residence classification of aliens may be obtained from the state residence classification manual.

Tuition Waivers
A separate North Carolina statute (G.S. 115B) provides tuition waivers for the following persons:

1. legal North Carolina residents who are at least age 65;
2. certain family members of deceased or totally and permanently disabled emergency workers of North Carolina; and
3. certain persons who are or were wards of the State of North Carolina.

More complete information on this statute may be obtained from the Cashier’s Office.

Tuition Benefit for UNC Employees
A person who is a full-time employee of the University of North Carolina, or is the spouse or dependent child of a full-time employee of the University of North Carolina, and who is a legal resident of North Carolina, qualifies as a resident for tuition purposes without having maintained that legal residence for at least 12 months, immediately prior to his or her classifications as a resident for tuition purposes.

Full Scholarship Students
Any undergraduate student who receives full scholarship to UNCG from entities recognized by the institution under G.S. 116-143.6 may be considered residents of North Carolina for all purposes by UNCG.

“Full scholarship” is defined as funding at least equivalent to the sum of: room (on-campus, double room), board (meal plan option that offers complete meal coverage), tuition (in-state, estimated in March prior to the fall semester), and fees (required class related fees).

The full scholarship rate will be determined by the Director of Financial Aid each March prior to the effective academic year. Please contact the Financial Aid Office for additional information.

Initial Classification
Every applicant for admission is required to make a statement as to the length of his or her legal residence in North Carolina. Every applicant is classified as a resident or nonresident for tuition purposes prior to actual matriculation by the admitting office making the initial classification. Those not claiming to be residents for tuition purposes are, of course, classified as out-of-state students (nonresidents) for tuition purposes. If there is insufficient information to support an applicant’s claim to be a
resident for tuition purposes, the admitting office will initially classify that applicant as a nonresident.

Subsequent Classification

A residency classification once assigned (and confirmed pursuant to any appeal properly taken) may be changed thereafter (with corresponding change in billing rates) only at intervals corresponding with the established primary divisions of the academic year. A student who, due to subsequent events, becomes eligible for a change in classification, whether from out-of-state to in-state or the reverse, has the responsibility of applying for a reclassification in the Graduate School.

Appeals

A student may appeal a residence classification assigned by the admitting office by submitting to the Graduate School a completed Residency Reclassification Application. Application forms may be obtained from the Graduate School.

It is the responsibility of the student to pay tuition at the rate charged and billed while an appeal is pending. In effect, the student who is classified as a nonresident at the time of registration pays the nonresident rate. Conversely, if a student is classified as a resident at the time of billing, he or she pays the resident rate. Any necessary adjustments in the rate paid will be made at the conclusion of the appeal.

Students or prospective students who believe that they are entitled to be classified as residents for tuition purposes should be aware that the process of requests and appeals can take a considerable amount of time and that applications for classification should not be delayed until registration. Students who wish to receive a timely review of their residence status should submit their completed Residency Reclassification Application approximately 60-90 days in advance of the term for which they are seeking a review of their residence status. Applications are reviewed in the order in which they are received; failure to submit an application in a timely manner may delay the review process.

The Graduate School's determination of residence classification may be appealed to the Campus Residence Appeals Committee, and decisions of the Campus Residence Appeals Committee may be appealed to the State Residence Committee. A written statement of the appeals procedure is provided to every applicant or student receiving an adverse decision from the Graduate School.