

## **In-State Residency Status for Tuition Purposes Frequently Asked Questions**

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

Succinctly, 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 by proving that he/she has abandoned any previous state of residence. Furthermore, 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 do to become an in-state student?**

There is no "list" of things that a person may do that will guarantee in-state status. Rather, a case must be built to show intent to maintain legal residence 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 (e.g., get a North Carolina driver's license, work in North Carolina, file and pay North Carolina income taxes, have a permanent residence, register to vote, become involved in community organizations, etc.). These may indicate some of the residency actions that a person may choose to do; however, there is no one set answer to this question.

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

You must be in North Carolina a minimum of one calendar year, 365 consecutive days, **BEFORE** the term that you wish to be considered a state resident for tuition purposes. The criteria explained previously 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?**

Absolutely not. Obtaining a North Carolina license is only one piece of evidence. Your residential status will be determined by looking at a variety of factors.

### **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 be able to qualify for North Carolina residency if they show proof of their spouse's North Carolina residency and proof of marriage.

### **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 Brunswick Community College. 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 BCC Residency Appeals Board (RAB). If their appeal is denied at the institutional level by the RAB, he/she may appeal to the State Residence Committee.

**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 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.*