

RESIDENCY RECLASSIFICATION PROCESS

When completing the *Application for Classification as a Legal Resident of North Carolina for Tuition Purposes* to initiate the residency reclassification process, it is imperative that the form is filled out completely. If not filled out completely, the form will be returned, delaying the reclassification process.

A student may also submit additional items to establish support of his/her claim of legal residency. Once submitted to the College, the application and all additional documentation becomes the custody of the College; the College is under no obligation whatsoever to return the application and/or any documentation to the student. For this reason, it is important that the student submit **copies** (not originals) when making his/her application for reclassification.

The following items may be considered in support of a student's application for reclassification of residency status, but **do not guarantee** that a student will be granted in-state residency for tuition purposes:

- A. Copy of NC driver's license.
- B. Copy of NC vehicle registration.
- C. Copy of NC voter registration.
- D. Copy of NC income tax returns (include copy of your parent/guardian's tax return if you are under age 24).
- E. Evidence that you filed personal property or real property returns.
- F. Year-to-date cumulative wage earnings statements from all jobs held for the current year and/or for the past 12 months.
- G. Documents of residence for the past 12 months (i.e., lease/notarized statement from landlord).
- H. Evidence of employment (i.e., correspondence from employer(s) confirming date of employment) and/or means of financial support (i.e., student loans, scholarships, etc.)
- I. If you have not been 100% self-supporting during the last 24 months, a completed statement is required detailing both the reasoning for outside support and the percentage of his or her monthly expense being supported (and if the support is coming from outside of the State of North Carolina).
- J. Marriage certificate, if residency is being based upon the spouse's residency acts, and copies of the spouse's residency acts.
- K. Evidence of membership in community professional associations, unions, church, or other organizations.
- L. If you are a minor, parent(s) or legal guardian(s) must produce evidence of their domicile (legal place of residence).
- M. Copy of court appointed legal guardianship.
- N. If you are an alien, you must provide a copy of your residence status document issued by the Immigration and Naturalization Services.

After returning the *Application for Classification as a Legal Resident of North Carolina for Tuition Purposes*, you will receive a letter from the College noting:

- A. you have been reclassified as a resident for tuition purposes;
- B. additional information is requested to make a final determination regarding your residency status; or
- C. you have been denied in-state residency for tuition purposes and remain a non-resident.

APPEALS OF RESIDENCY RECLASSIFICATION DECISIONS

After completing the *Application for Classification as a Legal Resident of North Carolina for Tuition Purposes*, and if you are still classified as a non-resident, you may appeal to the Residency Appeals Board (RAB) at the College. You have twenty (20) working days from the date of the denial letter to appeal the decision to the chair of the RAB. The appeal must be made in writing and signed by the student. Upon receipt, the student's record will be forwarded to the RAB and the student will be contacted to schedule a meeting with the RAB.

DEADLINES

As noted in the *Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes*, the deadline to submit the *Application for Classification as a Legal Resident of North Carolina for Tuition Purposes*, along with all supporting documentation, is no later than the 10th business day of the term for which the student is seeking residency reclassification.

All conditions necessary for achieving in-state status must still be satisfied **prior** to the beginning of the academic term for which the student is seeking reclassification.

Applications received **after** this date will be considered for the next semester, regardless of the point in the semester that the student wishes to begin classes.

FOR ADDITIONAL INFORMATION

Additional information regarding in-state residency for tuition purposes, the *Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes*, and the relevant forms used in the reclassification process are available online at www.brunswickcc.edu/ncresidency.

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**INFORMATION ABOUT IN-STATE
RESIDENCY STATUS FOR TUITION PURPOSES**

This brochure 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 Brunswick Community College. The law and detailed interpretation thereof are published in *A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of State Residence Classification for Tuition Purposes*.

This *Manual* is available online and a printed copy may be borrowed from the BCC Library.

Note: As North Carolina law, the residency requirements for tuition purposes are the same for all 16 public universities and all 58 community colleges in the State of North Carolina.

ABOUT RESIDENCY STATUS

For most students, the residency classification process is simple. If a student was born in North Carolina and has lived in the State all his/her life, and his/her parents still live here, he/she will probably be classified as a North Carolina resident for tuition purposes.

On the other hand, if a student came originally from another state, or if his/her 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.

GENERAL RULES FOR IN-STATE RESIDENCY

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. Students enrolled in North Carolina universities and colleges who desire to be classified as in-state students for tuition purposes must:

- A. Demonstrate that they have in fact lived in North Carolina for a minimum period of twelve months immediately prior to enrollment or re-enrollment.
- B. Demonstrate that their presence in the state constituted legal residence by:
 1. Performing a preponderance of residuary acts around the same date he/she begins the twelve-month period.
 2. Clearly demonstrate a visible means of support substantiating a claim of financial independence as evidenced by cumulative year-to-date wage earnings statements and/or loan paperwork. If a student has not been entirely self-supporting during the last 24 months, a completed affidavit may be required from the parent(s) or legal guardian(s) to establish the student's dependence upon his or her parent(s) or legal guardian(s).

The following residuary acts reflect a student's intent to establish North Carolina residency, but do not guarantee that he/she will be granted in-state residency for tuition purposes:

- A. Driver's License or Identification Card
- B. Motor Vehicle Registration
- C. Voter Registration
- D. Personal Property Taxation
 1. Motor vehicle taxes
 2. State income taxes
 3. Home property taxes
- E. Banking, Clubs, Memberships, etc.

INITIAL RESIDENCY CLASSIFICATION

If you claim North Carolina as your legal residence on your Application for Enrollment, you will be asked to answer several questions tied to your residency status (which are part of the application). Based upon your responses to these questions, you will either:

- A. be classified as a resident for tuition purposes, or
- B. be classified as a non-resident for tuition purposes.

Students who are initially classified as out-of-state residents for tuition purposes and disagree with this decision, as well as those who have experienced a change in their residency status since their initial classification, are permitted to complete the *Application for Classification as a Legal Resident of North Carolina for Tuition Purposes* to initiate the residency reclassification process. This four-page form requests detailed information regarding your residency status and should be filled out completely. If not filled out completely, the form will be returned, delaying the reclassification process.

ADDITIONAL FACTORS DETERMINING RESIDENCY STATUS

All of the evidence you furnish in your application for residency status is carefully reviewed and considered. It is necessary that the preponderance (or greater weight) of the evidence supports that you have established a North Carolina domicile twelve (12) months before the beginning of the academic term for which you seek to be classified as a resident.

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:

A. 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 (12) months immediately prior to classification. Thus, there is a distinction between legal residence and residence for tuition purposes. Furthermore, twelve (12) months "legal residence" means more than simply living in the State. 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 that justify classification of a student as a resident entitled to in-state tuition rates is on the student for such classification. The applicant must show his or her entitlement by the preponderance (the greater part) of the residuary information.

B. Initiative

Being classified as a resident for tuition purposes is contingent on the student seeking such status and providing all information that the institution may require in making the determination. Accurate completion of the classification as a legal resident for tuition purposes forms is essential for review and processing.

C. Parent(s) or Guardian(s)' Domicile

If an individual, irrespective of age, has living parent(s) or court appointed guardian(s) of the person, the domicile of such parent(s) or guardian(s) 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.

D. Minors

If you are under the age of 18, generally your domicile will be the same as your parent(s) or guardian(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.

E. 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 circumstances 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 residuary intent. Furthermore, the residency status of the spouse with the longer duration of residency may be claimed by the other to meet the twelve-month requirement.

F. 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. In addition, a separate North Carolina statute affords tuition rate benefits to certain military personnel and their dependents even though the student may not qualify for the in-state tuition rate by reason of twelve (12) months legal residence in North Carolina.

G. 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 (12) months measured from the date on which North Carolina legal residence was lost. If the twelve (12) months end during an academic term for which the person is enrolled at a state institution of higher education, the grace period extends to the end of that term. This benefit provision may be granted one time only.

H. 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 division of the academic year.

I. 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.

J. Undocumented Residents

Certain non-resident aliens may qualify for in-state tuition at North Carolina community colleges, provided that he/she meet additional requirements set forth by the North Carolina General Assembly and the US Department of State.