

# Rules Determining Resident and Nonresident Student Status for Indiana University Fee Purposes

## USSS-07



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University Student Services and Systems

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### Policy Statement

These Rules establish the policy under which students shall be classified as residents or nonresidents upon all campuses of Indiana University for University fee purposes. Nonresident students shall pay a nonresident fee in excess of fees paid by a resident student. A non-U.S. citizen will not be considered for residence classification under this policy unless the Office of U.S. Citizenship and Immigration Services (USCIS) has granted the individual either lawful permanent resident status or an immigration status that would permit the non-U.S. citizen to establish a domicile in Indiana.

1. "Residence" as the term, or any of its variations (e.g., "resided"), as used in the context of these Rules, means the place where an individual has his or her permanent home, at which he or she remains when not called elsewhere for labor, studies, or other special or temporary purposes, and to which he or she returns in seasons of repose. It is the place a person has voluntarily fixed as a permanent habitation for himself or herself with an intent to remain in such place for an indefinite period. A person at any one time has but one residence, and a residence cannot be lost until another is gained
  - a. A person entering the state from another state or country does not at that time acquire residence for the purpose of these Rules, but except as provided in Rule 2(c), such person must be a resident for 12 months in order to qualify as a resident student for fee purposes.
  - b. Physical presence in Indiana for the predominant purpose of attending a college, university, or other institution of higher education, shall not be counted in determining the 12-month period of residence; nor shall absence from Indiana for such purpose deprive a person of resident student status.
2. A person shall be classified as a "resident student" if he or she has continuously resided in Indiana for at least 12 consecutive months immediately preceding the first scheduled day of classes of the term in which the individual registers in the University, subject to the exception (c) below.
  - a. The residence of an unemancipated person under 21 years of age who is lawfully present in the United States follows that of the parents or of a legal guardian who has actual custody of such person or administers the property of such person. In the case of divorce or separation, if either parent meets the residence requirements, such person will be considered a resident.

- b. If an unemancipated person under 21 years of age who is lawfully present in the United States comes from another state or country for the predominant purpose of attending the University, he or she shall not be admitted to resident student status upon the basis of the residence of a guardian in fact, except upon appeal to the Standing Committee on Residence in each case.
  - c. An unemancipated person under 21 years of age who is lawfully present in the United States may be classified as a resident student without meeting the 12-month residence requirement within Indiana if his or her presence in Indiana results from the establishment by his or her parents of their residence within the state and if he or she proves that the move was predominantly for reasons other than to enable such person to become entitled to the status of "resident student."
  - d. When it shall appear that the parents of a person properly classified as a "resident student" under subparagraph (c) above have removed their residence from Indiana, such person shall then be reclassified to the status of nonresident; provided, that no such reclassification shall be effective until the beginning of a term next following such removal.
  - e. A person once properly classified as a resident student shall be deemed to remain a resident student so long as lawfully residing in the United States and remaining continuously enrolled in the university until such person's degree shall have been earned, subject to the provisions of subparagraph (d) above.
3. The foreign citizenship of a person shall not be a factor in determining resident student status if such person has legal capacity to remain permanently in the United States.
4. A person classified as a nonresident student may show that he or she is exempt from paying the nonresident fee by clear and convincing evidence that he or she has been a resident (see Rule 1 above) of Indiana for the 12 months without the predominant purpose of education prior to the first scheduled day of classes of the term in which his or her fee status is to be changed. Such a student will be allowed to present his or her evidence only after the expiration of 12 months from the residence qualifying date, i.e., the date upon which the student commenced the 12-month period for residence. The following factors will be considered relevant in evaluating a requested change in a student's nonresident status and in evaluating whether his or her physical presence in Indiana is for the predominant purpose of attending a college, university, or other institution of higher education. The existence of one or more of these factors will not require a finding of resident student status, nor shall the non-existence of one or more require a finding of nonresident student status. All factors will be considered in combination, and ordinarily resident student status will not result from the doing of acts which are required or routinely done by sojourners in the state or which are merely auxiliary to the fulfillment of educational purposes.
- a. The residence of a student's parents or guardians.
  - b. The situs of the source of the student's income.
  - c. To whom a student pays his or her taxes, including property taxes.
  - d. The state in which a student's automobile is registered.
  - e. The state issuing the student's driver's license.
  - f. Where the student is registered to vote.
  - g. The marriage of the student to a resident of Indiana.
  - h. Ownership of property in Indiana and outside of Indiana.
  - i. The residence claimed by the student on loan applications, federal income tax returns, and other documents.
  - j. The place of the student's summer employment, attendance at summer school, or vacation.
  - k. The student's future plans including committed place of future employment or future studies.
  - l. Admission to a licensed profession in Indiana.
  - m. Membership in civic, community, and other organizations in Indiana or elsewhere.
  - n. All present and intended future connections or contacts outside of Indiana.
  - o. The facts and documents pertaining to the person's past and existing status as a student.
  - p. Parents' tax returns and other information, particularly when emancipation is claimed.
5. The fact that a person pays taxes and votes in the state does not in itself establish residence, but will be considered as hereinbefore set forth.
6. The Registrar or the person fulfilling those duties on each campus shall classify each student as resident or nonresident and may require proof of all relevant facts. The burden of proof is upon the student making a claim to a resident student status.
7. A Standing Committee on Residence shall be appointed by the president of the university and shall include two students from among such as may be nominated by the student body presidents of one or more of the campuses of the university. If fewer than four are nominated, the president may appoint from among students not nominated.
8. A student who is not satisfied by the determination of the registrar has the right to lodge a written appeal with the Standing Committee on Residence within 30 days of receipt of written notice of the registrar's determination, which committee shall review the appeal in a fair manner and shall afford to the student a personal hearing upon written request. A student may be represented by counsel at such hearing. The committee shall report its determination to the student in writing. If no appeal is taken within the time provided herein, the decision of the registrar shall be final and binding.

9. The Standing Committee on Residence is authorized to classify a student as a resident student, though not meeting the specific requirements herein set forth, if such student's situation presents unusual circumstances and the individual classification is within the general scope of these Rules. The decision of the committee shall be final and shall be deemed equivalent to a decision of the Trustees of Indiana University.
10. A student or prospective student who shall knowingly provide false information or shall refuse to provide or shall conceal information for the purpose of improperly achieving resident student status shall be subject to the full range of penalties, including expulsion, provided for by the university, as well as to such other punishment which may be provided for by law.
11. If a student does not pay additional monies which may be due because of his or her classification as a nonresident student, his/her student financial account will be encumbered. A student whose account is encumbered may be denied certain University services, such as registration and transcripts.
12. A student or prospective student who fails to request resident student status within a particular term and to pursue a timely appeal (see rule 8) to the Standing Committee on Residence shall be deemed to have waived any alleged overpayment of fees for that term.
13. If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.

<sup>1</sup>Invocation of the provision in Rule 2(a) that applies to cases of divorce or separation requires appropriate legal documentation

<sup>2</sup>NOTE: Effective Fall 2007, students with immigration statuses which permit the establishment of a domicile in the United States may be eligible to pay resident fees, providing that all other conditions are met. Current eligible classifications are: A-1, A-2, A-3, E-1, E-2, E-3, G-1, G-2, G-3, G-4, H-1B, H-4, I, L-1, L-2, O-1, O-3, V-1, V-2, and V-3. Continuing eligibility to remain classified as a resident student for fee-paying purpose depends upon the continued maintenance of eligible immigration status. Contact the registrar's office for more information.

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## History

Effective July 1, 2011, the Rules Determining Resident and Nonresident Student Status for Indiana University Fee Purposes have been provisionally revised to comply with recent state legislation and are in effect as stated below. A full review of the Rules and formal approval will take place in coming months.