

Q: Does the tuition classification law affect students who attend private schools?

A: Yes, recipients of the Tuition Assistance Grant (TAG) and many other Virginia student aid programs must be domiciliary residents.

Q: Are non-U.S. citizens capable of establishing “in-state” classification?

A: Non-U.S. citizens are legally capable of establishing domicile where they have been granted the status of lawful permanent residents by the U.S. Immigration Service. Immigrants may claim, and seek to prove, eligibility for in-state tuition rates as Virginia domiciles. The burden is on the student to establish, clearly and convincingly, his or her domicile in Virginia for the requisite one-year period.

Q: Are dependents and spouses of active duty military personnel always required to pay out-of-state tuition at public institutions?

A: In most cases, yes. As of July 1, 2006, if the active-duty military member is assigned permanent duty station to a Virginia base, a contiguous state, or D.C., and is residing in Virginia, then the dependents of the military member may be charged the in-state tuition rate regardless of domicile. Family members of military members who do not meet the criteria must demonstrate that domicile has been established.

Q: Can the non-military spouse establish Virginia domicile separate from the domicile of the active-duty military spouse?

A: Yes. To establish domicile, the non-military spouse must meet the same domicile requirements as any new resident to the state.

Q: To establish domicile, are active duty military persons required to meet the one year residency requirement?

A: No. The one year residency requirement is waived for all active duty military personnel who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes and satisfy all other conditions for establishing domicile. Nonresident military members may also be considered for the in-state tuition rate. See institution domicile office for details.

Q: Is the tuition classification decision at one institution transferable to another institution?

A: No. Applicants must petition separately at each institution. Each institution must have appropriate documentation to support its classification decision.

Q: What if a person disagrees with a tuition classification decision?

A: Each public institution of higher education has established an appeals process for students who question decisions on eligibility for in-state rates. The appeals process includes an intermediate review and a final administrative review. Due process procedures shall be in writing and shall include limitations in order to provide for orderly and timely resolutions of all disputes. Any party aggrieved by a final administrative decision shall have the right of review in the Circuit Court for the jurisdiction in which the institution is located.

The information in this brochure is for summary purposes only and does not address all provisions of the law. The complete text of section 23.7-4 of the Code of Virginia can be accessed on the web at <http://www.schev.edu/students/VAdomicileInfo.asp> or contact your institution for details.

Establishing Virginia Domicile



This publication provides general descriptive information about establishing Virginia domicile in order to qualify for in-state tuition. **The material presented is not to be considered all inclusive.** Inquiries about institutional tuition classification decisions or explanations involving special circumstances should be directed to the institution a student plans to attend. Nothing in this publication is intended to amend existing law or policy with respect to eligibility for in-state tuition rates.



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Q: How are the rules and procedures established for considering individuals as “in-state” students for tuition purposes?

A: The conditions by which a student may be considered “in-state” for purposes of tuition classification are set forth by Chapter 23-7.4 of the Code of Virginia. Although individuals may be considered state residents for voting and other legal purposes, the Code outlines specific requirements that must be met in order for a student to be classified as “in-state” for tuition purposes.

Q: What is domicile?

A: “Domicile” is the present, fixed home of an individual to which he or she returns following temporary absences and at which he or she intends to remain indefinitely. Domicile in the Commonwealth must be established 12 months prior to the first day of the term.

Q: How long must a person be domiciled in Virginia before they can be considered “in-state” for tuition purposes?

A: By law a student or the student’s parent(s) must be domiciled in Virginia for at least 12 continuous months immediately preceding the first day of the term.

Q: What is domiciliary intent?

A: Intent, together with physical presence, establishes domicile. The tuition law lists several factors which can be used to determine if intent has been established. No one factor is sufficient. In determining domiciliary intent, all of the following factors are considered:

- Payment of Virginia state income tax as a resident.
- Registering to vote in Virginia.
- Ownership of real property in Virginia.
- Obtaining a Virginia driver’s license.
- Acceptance of permanent employment in Virginia.

- Registration of a motor vehicle in Virginia.
- Continuous residency in the state of Virginia for at least one year prior to the start of the term.
- Sources of financial support.
- Location of checking or savings accounts or other economic relationship in Virginia.
- Any other factors specific to the individual which tend to establish intent to make Virginia one’s permanent home.

The burden is assumed by the applicant to provide as much information and documentation as appropriate to support intent.

Q: Can a person leave the state for vacations or summer work while establishing “in-state” status?

A: Yes, but he or she must maintain the Virginia connections they have established, such as claiming any income as Virginia income for tax purposes. Any interruption or change in these connections could be sufficient cause to negate whatever domicile has been established and could result in having to reestablish domicile upon returning to Virginia. Individuals should check with the institutional tuition classification officer before leaving the state.

Q: What is substantial financial support?

A: “Substantial financial support” means financial support in an amount which equals or exceeds that required to qualify the individual to be listed as a dependent on federal and state income tax returns.

Q: Who can be considered a “dependent” student?

A: A student under the age of 24 on the first day of the term is presumed to be dependent unless the student (i) is a veteran or an active duty member of the U.S. Armed Forces; (ii) is a graduate or professional student; (iii) is married; (iv) is a ward of the court or was a ward of the court until age 18; (v) has no adoptive or legal

guardian when both parents are deceased; (vi) has legal dependents other than a spouse; or (vii) is able to present clear and convincing evidence that he or she is financially self-sufficient.

Q: Who can be considered an “independent” student?

A: Any student whose parents have surrendered the right to his or her care, custody, and earnings; who do not claim the student as a dependent on federal or state income tax returns; and who have ceased to provide the student with substantial financial support.

Q: Who can be considered a legal guardian?

A: A legal guardian is someone appointed by the court with personal or financial responsibility for a minor. Note: Verification that the appointment was not for tuition purposes and that parents do not contribute to the minor’s support may be required.

Q: Can a person establish “in-state” status while a student?

A: The mere fact that a person is a student is not sufficient evidence to consider them “in-state.” Physical presence and domiciliary intent must be demonstrated.

Q: If a person marries a Virginia resident or lives with a relative who is a Virginia resident, is she or he considered an “in-state” student?

A: Not necessarily. Each individual must establish his or her own domicile as prescribed by tuition law.