

## **RESIDENCE STATUS FOR TUITION PURPOSES N.C. GENERAL STATUTE 116-143.1**

According to the North Carolina General Statute 116-143.1 , provisions for determining resident status for tuition purposes include the following:

- a) As defined under this section:
  - 1) A “legal resident” or “resident” is a person who qualifies as a domiciliary of North Carolina; a “non-resident” is a person who does not qualify as a domiciliary of North Carolina.
  - 2) A “resident for tuition purposes” is a person who qualifies for the in-state tuition rate; a “non-resident for tuition purposes” is a person who does not qualify for the in-state tuition rate.
  - 3) “Institution of higher education” means any of the constituent institutions of the University of North Carolina, and the community colleges and technical institutes under the jurisdiction of the North Carolina State Board of Community Colleges.
- b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to length of residence in the state.
- c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the state currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.
- d) An individual shall not be classified as a resident for tuition purposes and, thus, not rendered eligible to receive the in-state tuition rate, until he or she has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which the individual seeks the in-state tuition rate.
- e) When an individual presents evidence that the individual has living parent(s) or court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be prima facie evidence of the individual’s legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence required of or presented by the individual; provided, that the legal residence of an individual whose parents are domiciled outside that state shall not be prima facie evidence of the individual’s legal residence if the individual has lived in this state the five consecutive years prior to enrolling or re-registering

- at the institution of higher education at which resident status for tuition purposes is sought.
- f) In making domiciliary determinations related to the classification of persons as residents or non-residents for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For purposes of this section:
    - 1) No person shall be precluded, solely by reason of marriage to a person domiciled in North Carolina, to have established or maintained a legal residence in North Carolina and subsequently to have qualified or continued to qualify as a resident for tuition purposes.
    - 2) No person shall be deemed, solely by reason of marriage to a person domiciled in North Carolina, to have established or maintained a legal residence in North Carolina and subsequently to have qualified or continued to qualify as a resident for tuition purposes.
    - 3) In determining the domicile of a married person, irrespective of sex, the fact of marriage and the place of domicile of his or her spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.
  - g) Any non-resident person, irrespective of sex, who marries a legal resident of this state or marries one later becomes a legal resident, may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.
  - h) No person shall lose his or her resident status for tuition purposes solely by reason of serving in the armed forces outside this state.
    - (h1) Any member of a North Carolina National Guard unit who is a non resident shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate and applicable mandatory fees. This subsection applies to members in a reserve or active duty status.
  - i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in the state institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-state tuition rates for a statutory grace period. This grace period shall be measured from the data on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that if the 12 month period ends during a semester or academic term in which such a former resident is enrolled at a state institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term.

- j) Notwithstanding the prima facie evidence of legal residence of an individual derived pursuant to subsection (e), notwithstanding the presumptions of the legal residence of a minor established by common law, and notwithstanding the authority of a judicially determined custody award of a minor, for purposes of this section, the legal residence of a minor whose parents are divorced, separated, or otherwise living apart shall be deemed to be North Carolina for the time period relative to which either parent is entitled to claim and does in fact claim the minor as a dependent for North Carolina individual income tax purposes. The provisions of this subsection shall pertain only to a minor who is claimed as a dependent by a North Carolina legal resident. Any person who immediately prior to his or her eighteenth birthday would have been deemed under this subsection a North Carolina legal resident but who achieves majority before enrolling at an institution of higher education shall not lose the benefit of this subsection if that person:
- 1) Upon achieving majority, 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 next following completion of education prerequisite to admission at such institution.
- k) Notwithstanding other provisions of this section, a minor who satisfies the following conditions immediately prior to commencement of an enrolled term at an institution of higher education, shall be accorded resident tuition status for that term:
- 1) The minor has lived for five or more consecutive years continuing to such term in North Carolina in the home of an adult relative other than a parent, domiciled in this state; and
  - 2) The adult relative has functioned during those years as a de facto guardian of the minor and exercised day-to-day care, supervision, and control of the minor.
- A person who immediately prior to his or her eighteenth birthday qualified for or was accorded resident status for tuition purposes pursuant to this subsection shall be deemed upon achieving majority to be a legal resident of North Carolina of at least 12 months' duration; provided, that the legal residence of such an adult person shall be deemed to continue in North Carolina only so long as the person does not abandon legal residence in this state.
- l) Any person who ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes and subsequently abandons North Carolina domicile shall be permitted to reenroll at an institution of higher education as a resident for tuition purposes without necessity of meeting the 12-month durational requirement of this section if the person reestablishes North Carolina domicile within 12 months of abandonment of North Carolina

domicile and continuously maintains the reestablished North Carolina domicile at least through the beginning of the academic term(s) for which in-state tuition status is sought. The benefit of this subsection shall be accorded not more than once to any one person.

- m) Notwithstanding subsection (b) of this section, 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 classification as a resident for tuition purposes.

## **RESIDENCY CLASSIFICATION**

As part of the admissions procedure, every prospective or returning student application, except continuing education, is classified according to his or her state of legal residence. The initial classification is done by Admissions Office personnel.

## **REGULATIONS/RESIDENCE STATUS**

Regulations concerning the classification of students by residence for purposes of applicable tuition differentials are set forth in detail in [A Manual To Assist The Public Higher Education Institutions Of North Carolina In The Matter Of Student Residence Classification For Tuition Purposes](#). Each enrolled student is responsible for knowing the contents of that manual, which is the controlling administrative statement of policy on this subject. Copies of the manual are available on request at the Coastal Carolina Community College Admissions Office.

Students who wish to be classified as in-state residents for tuition purposes may be required to complete the Application for Classification As A Legal Resident (Domiciliary) of North Carolina for Tuition Purposes. Students may also be required to provide other documents that can show additional proof of residence.

## **APPEAL/RESIDENCE STATUS**

Prospective or returning students who seriously disagree with the residency classification as determined by the Admissions Office may, if they wish, file written petition of appeal to the division chair for student services or his/her designee within ten (10) working days of the date their classification notice is received. An individual wishing to petition the decision of the Admissions Office (hereinafter referred to as petitioner) must personally sign a written notice containing a simple declaration of intention of process and appeal before the Residency Appeals Committee.

The division chair for student services, upon receipt of notice of appeal, shall have ten (10) working days to prepare and transmit to the Residency Appeals Committee the complete institutional record with a letter acknowledging receipt of the petitioner's notice of appeal.

The Residency Appeals Committee, composed of the vice president for instruction (chairperson), the registrar/director of records management and one faculty member, meets as needed to consider appeals. The petitioner may be

present and speak to clarify any statements in the record. The petitioner may be allowed to choose one person present during the appeals proceedings; however, only the petitioner will be allowed to address the committee. In the event new substantive evidence is submitted, reclassification may be made by the committee after due consideration.

Decisions of the Residency Appeals Committee are forwarded in writing to the petitioner and the division chair for student services within ten (10) working days of the date of the decision.

Any petitioner who disagrees with the decision of the Residency Appeals Committee may schedule a meeting with the vice president for instruction within ten (10) working days to initiate a formal appeal with the State Residency Committee. A copy of the policies and procedures of the State Residency Committee is available from the director of admissions and counseling services.