



RUTGERS POLICY

Section: 10.3.2

Section Title: Student Services & Other Student-Related Policies and Programs

Policy Name: Student Residency for Tuition Purposes

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Policy:

10.3.2 STUDENT RESIDENCY FOR TUITION PURPOSES

A determination of residency status for the purpose of tuition assessment will be made by the University based on information provided by the applicant in accordance with the procedure outlined in this Policy Statement.

I. PROCEDURE:

- A. THE INITIAL DETERMINATION:** At the time an individual initially applies for admission into any graduate or undergraduate college of the University, the respective Admissions Office will determine an admitted applicant's resident status for tuition assessment. The determination made at this time shall prevail for each succeeding semester unless a change is authorized as provided hereinafter.
- B. AFTER THE INITIAL DETERMINATION:** The status of residency for tuition purposes of students continuing in a college of the University will be determined by the Registrar's Office. The determination made by the Registrar will either conform to the initial determination of the admissions office or reflect a change as provided hereinafter.
- C. REQUEST FOR A CHANGE OF STATUS:** Requests for a change in residency status will be accepted no later than the last day of final exams in the semester for which changed status is sought. All evidence deemed appropriate by the adjudication official pursuant to N.J.A.C. 9A:5-1.1-1.2 must be filed by the petitioner in accordance with the time limit specified in the preceding sentence, but in no case later than 30 days from the date of submission of the Residency Analysis Form. Failure to comply with the provision may void the petition for the semester in question. If, based on the information submitted in the request, the student

qualifies for resident tuition assessment, such change will relate only to the current and subsequent semesters.

- D. APPEALS:** Appeals from the initial determination and any determination made after a request by a student for a change in residency status will be accepted no later than 30 days after the date of notification of any such determination that is appealed. Appeals for newly admitted undergraduate students will be forwarded to the Associate Vice President of Enrollment Management or to the University Registrar for continuing students. Appeals for newly admitted graduate students will be forwarded to the Director of Graduate Admissions or to the University Registrar for continuing students. These officers will respond to the student within 30 working days of the receipt of the appeal in the appropriate office. Appeals from these determinations must be submitted to the Vice President of Enrollment Management by the student within two weeks after the Associate Vice President of Enrollment Management, Director of Graduate Admissions or the University Registrar has issued a determination. The decision of the Vice President of Enrollment Management will be final.
- E. STUDENTS' RESPONSIBILITIES:** The student is responsible for providing relevant information upon which a residency determination can be made. The burden of proving his/her residency status lies solely upon the student. Moreover, it is the obligation of the student to seek advice when in doubt regarding eligibility for in-state tuition assessment. Every student who is classified as a resident student but who becomes a non-resident at any time by virtue of a change of legal residence is required to notify his/her Registrar immediately. An independent student loses New Jersey residency status for tuition purposes upon abandonment of the New Jersey domicile. Assessment of non-resident tuition charges will take effect the semester following the date of abandonment. Any dependent student who is domiciled in the state for tuition purposes shall continue to be eligible for New Jersey resident tuition status despite his or her supporting parent(s) or U.S. Court Appointed legal guardian(s) change of domicile to another state, while such student continues to reside in New Jersey during the course of each academic year.
- F. PENALTIES:** If a student has obtained or seeks to obtain resident classification by deliberate concealment of facts or misrepresentation of facts or if he/she fails to come forward with notification upon becoming a non-resident, he/she is subject to disciplinary action.

II. FACTORS CONSIDERED IN DETERMINING RESIDENCY FOR TUITION ASSESSMENT:

This section of the Policy Statement conforms to the regulations of the New Jersey Administrative Code, Volume 9A:5-1.1-1.2 and 9A:9-2.6.

- A. CLASSIFICATION:** A student shall be classified as a "resident" for tuition purposes upon admission to a public institution of higher education in the State of New Jersey if the student has been domiciled within the State of New Jersey for at least one year immediately prior to enrollment.

Students who are classified as dependent students are presumed to share the domicile of his or her parent(s) or legal guardian. Persons who have been residents in this state for more than 12 months prior to initial enrollment are presumed to be domiciliaries of New Jersey for tuition purposes. In those cases in which a dependent student with an out-of-state parent or legal guardian has resided in New Jersey for 12 consecutive months prior to initial enrollment, the student may petition on his/her own to establish domicile in the state.

Persons who have been domiciled within this State for less than 12 months prior to initial enrollment are presumed to be non-domiciliaries for tuition purposes. Persons presumed to be non-domiciled or persons who are presumed to be domiciled but whose domiciliary status is challenged by the institution must prove their domicile according to the following regulations.

- B. DOMICILE:** "Domicile" is a legal concept defined by New Jersey law. In general terms,

"domicile" means the place where a person has his or her true, fixed, permanent home and principal living establishment, and to which, whenever he or she is absent, he or she has the intention of returning. New Jersey domicile must be acquired prior to the beginning of the semester for which you are requesting a change in residency status. Although actual presence is not necessary to preserve domicile once it has been acquired, a person, if absent from the state, must have the intention of returning to New Jersey in order to remain a domiciliary. Domicile is distinct from residence – while a person may have several residences, he/she can have only one legal domicile. Therefore, in order to establish a new domicile in New Jersey, a person must first abandon the prior domicile in which he/she previously resided and sever all legal connections to that former domicile.

In determining whether domiciliary status has been shown, mere physical presence and declaration of intent to remain in the State may not be sufficient. To assist in determining whether a person is a New Jersey domiciliary, the primary evidence is, but is not limited to, a notarized affidavit setting forth domicile and a State Certified copy of a New Jersey Resident Income Tax Return or in the case of a dependent student, a State Certified Copy of his/her parent(s) or a U.S. Court Appointed (prior to the student attaining age 18) legal guardian(s) New Jersey Resident Income Tax Return. The following additional items should be submitted: New Jersey voter registration materials; a New Jersey driver's license (or non-driver's I.D.); New Jersey motor vehicle registration; a long-term apartment/house lease or a house/condo deed; presence of spouse and children in New Jersey; the location of a local New Jersey bank(s); and copies of recent monthly bills (charge card, phone, etc.) addressed to the claimant(s). In unusual circumstances, if primary evidence is not available, the institution may make a determination of New Jersey domicile based exclusively on supplementary evidence; however, supplementary evidence may be deemed insufficient to justify a determination of domiciliary status.

C. DEPENDENT/INDEPENDENT STUDENT DEFINED: In determining whether a student is independent, the following is considered: N.J.A.C.9A:9-2.6 (Examples of Documentation given below).

(a) The term independent when used with respect to a student means any individual who:

1. Is 24 years of age or older by December 31 of the award year;
Documentation: birth certificate, secondary school transcript, driver's license, draft registration letter; or
2. Meets the requirements of (b) below.

(b) An individual meets the requirements of this section if such individual:

1. Is an orphan or ward of the court; or was a ward of the court until age 18;
Documentation for orphan: death certificate or a letter from a social services agency or from a respected member of the community who is unrelated to the applicant (minister, school administrator, etc.).
Documentation for ward of the court: court document or a letter from DYFS or other social agency, or
2. Is a veteran of the Armed Forces of the United States.
Documentation: DD214, or
3. Is a graduate or graduate professional student; (not applicable for undergraduate students), or
4. Is a married individual.
Documentation: marriage certificate, or
5. Has legal dependents other than a spouse.
Documentation if dependent is a child: birth certificate

Documentation if dependent is other than a child:

- If the person was dependent on the applicant in the prior year: IRS or New Jersey Division of Taxation certified copy of the applicant's prior year tax return showing the person listed as an "other dependent."
 - If the person was not dependent on the applicant in the prior year: a document such as a driver's license, a Post Office address change, or a statement from the landlord or respected member of the community confirming that the person currently resides in the student's household, or
6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as provided under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087vv, and its implementing regulations and rules. For purposes of receiving State financial assistance as an independent student due to unusual circumstances, the following conditions apply:
- i. Determinations of independence must satisfy all applicable Federal standards set forth under Title IV of the Higher Education Act of 1965, as amended, and its implementing regulations and rules;
 - ii. Individual determinations of independent student status for State student aid programs shall be made in a manner consistent with the institutional policies regarding the awarding of all need-based financial aid, including Federal and State aid; and
 - iii. The institution shall share with the Office of Student Assistance any material findings or audit exceptions related to the determination of dependency status at any time they are revealed in the course of an audit or program review.
- (c) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

The University reserves the right to request a student to have the Internal Revenue Service and/or New Jersey Division of Taxation forward certified tax records to the appropriate University office for review.

An individual who claims to have established a new domicile in New Jersey must show (1) a physical abandonment of the previous domicile, together with an intent not to return to it, and (2) actual presence in New Jersey with the intention of remaining permanently in the state.

An individual from another state who has enrolled in any type of educational institution in New Jersey will be presumed to be in New Jersey primarily for educational purposes and will be presumed not to have established domicile in New Jersey. Although the student may present proof to overcome these presumptions, it must be noted that continued residence in New Jersey during vacation periods or occasional periods of interruption to the course of study does not of itself overcome the presumptions. All students who are not domiciliaries of New Jersey will be assessed out-of-state tuition rates. Residency for tuition purposes is governed by New Jersey Administrative Code 9A:5-1.1 et seq., which requires that individuals must be legally domiciled in the state for twelve months before becoming eligible for in-state tuition rates. The law also permits those living in the state for less than twelve months to petition for resident status through the admissions office or the Office of the Registrar, as appropriate. Petitions for resident status will be granted only in those cases where there is clear and compelling evidence that New Jersey is the legal domicile of the student or the parent(s) or U.S. Court Appointed (prior to the student attaining age 18) legal guardian(s) on whom the student is dependent.

- D. THE EFFECT OF MARRIAGE or CIVIL UNION:** A non-resident student who marries or enters into a Civil Union with a bona fide New Jersey domiciliary assumes the domicile of that spouse or civil union partner for tuition purposes in the semester following marriage or civil

union. The same test for residency will be applied to spouses or civil union partners when a marriage or civil union is claimed as the basis for domicile. No change in status will occur when a domiciliary student marries or enters into a civil union with a non-domiciliary.

E. FOREIGN NATIONALS: Alien nationals who are in the United States and hold permanent resident status, or special refugee visas (being processed for permanent residency) will be considered the same as United States citizens for purposes of assessing tuition. In either instance, the approval date on the visa must be prior to the first day of the semester for which the change in status is sought. However, any other foreign national will be classified as a non-resident for assessment of tuition unless he/she has the right to remain permanently in the United States and can demonstrate by affirmative proof that he/she has a domicile in New Jersey.

F. PRESENCE IN NEW JERSEY DUE TO MILITARY SERVICE: As a general rule, in the absence of any intention to effect a change of domicile, the domicile of a New Jersey resident is not affected or changed by reason of his/her entry into the military service. By action of the New Jersey legislature (N.J.S.A. 18A: 62-4.1), United States military personnel and their dependents that are living in New Jersey shall be regarded as residents of the state for tuition purposes.

Once a member of the United States Military domiciled in NJ (or his or her dependents) is enrolled at Rutgers, provided that the member of the armed forces was on active duty for a period of more than 30 days at the inception of enrollment at Rutgers, in-state tuition rates will continue to apply while such student is continuously enrolled at Rutgers, notwithstanding a subsequent change in the permanent duty station of the member of the armed forces to a location outside of New Jersey.

G. IN EVERY INSTANCE: A record of the evidence utilized in determining domicile pursuant to this section shall be maintained with the student's records.

SUBMISSION OF RESIDENCY ANALYSIS FORM: Mail or submit your completed Residency Analysis Form and all supporting documentation to the appropriate office listed below.

NEW BRUNSWICK:

Office of Undergraduate Admissions (first semester students only), 65 Davidson Road, Room 202, Piscataway, NJ 08854-8097

Office of the Undergraduate Registrar, 65 Davidson Road, Room 200B, Piscataway, NJ 08854-8097

Office of Graduate Admissions, 18 Bishop Place, New Brunswick, NJ 08903

Office of the Graduate/Professional/Summer Registrar, 65 Davidson Road, Room 200F, Piscataway, NJ 08854-8097

CAMDEN:

Office of Graduate and Undergraduate (first semester students only) Admissions, 406 Penn Street, Camden, NJ 08102

Office of Admissions, Camden School of Law, 406 Penn Street, Camden, NJ 08102

Office of the Registrar, Armitage Hall, Room 143, 311 North 5th Street, Camden, NJ 08102

NEWARK:

Office of Graduate and Undergraduate (first semester students only) Admissions, Engelhard Hall, 190 University Avenue, Newark, NJ 07102

Office of Admissions Newark School of Law, Center for Law and Justice, 123 Washington Street, Newark, NJ 07102

Rutgers Business School, Graduate Programs, Newark and New Brunswick, Engelhard Hall, Room 115, 190 University Avenue, Newark, NJ 07102

Office of the Registrar, Blumenthal Hall, 249 University Avenue, Room 309, Newark, NJ 07102