

Title/Subject: **RESIDENT STATUS POLICY**

Applies to:  faculty  staff  students  student employees  visitors  contractors

Effective Date of This Revision: August 27, 2018

Contact for More Information: Registrar

Board Policy  Administrative Policy  Procedure  Guideline

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**I. Introduction.** Effective Fall 2018, undergraduate, graduate and doctoral students who are United States (U.S.) residents shall qualify for in-state tuition rates. This does not apply to specialty programs with unique tuition rates. For the purposes of determining resident status by Central Michigan University (CMU), "domicile" is defined as the place where an individual intends his/her true, fixed and permanent home and principal establishment to be, and to which the individual intends to return whenever he or she is absent from CMU. The individual must demonstrate "domicile" within the U.S. as a U.S. citizen, or proven "domicile" in the defined territories, or outlying possessions, of the U.S. subject to the jurisdiction of the U.S. This policy is designed to explain how a student may demonstrate the required intent and establishment of domicile as defined prior. An individual whose activities and circumstances, as documented to CMU, demonstrate that he or she has established U.S. domicile in and intends to be domiciled in the U.S. will be eligible for classification as a resident. An individual whose presence in the U.S. is based on activities and circumstances that are indeterminate or temporary, such as (but not limited to) educational pursuits, will be presumed not to be domiciled. The burden of proof is on the applicant to demonstrate with clear and convincing evidence that he or she is eligible for resident classification under this policy. To overcome a presumption of non-resident status, a student must file a properly completed Application for Resident Status and document with clear and convincing evidence domicile in the U.S. has been established. Furthermore, CMU reserves the right to audit enrolled or prospective students at any time with regard to eligibility for resident classification and to reclassify students who are registered under an improper resident status.

**II. Determining Resident Status.** A student's status as a resident or non-resident is established based upon the domicile of the student. The circumstances and activities to be considered in determining a student's domicile are set forth below:

**A. Resident Status:**

1. A student who is a dependent of parents who have established the U.S. as their domicile will be classified as a resident for tuition purposes.
2. A student 18 years or older who has attained independent status may be classified as a resident for tuition purposes if the student:
  - a. documents one year of continual physical presence in the U.S. as one of the criteria for determining eligibility for resident status, as described in II.C., below, and,
  - b. demonstrates by clear and convincing evidence that the student has established the U.S. as his or her domicile and intends to make the U.S. the student's permanent home, each independent of the student's attendance at CMU.

**B. Non-Resident Status:**

1. Any student under the age of 18 whose parents have not established the U.S. as their domicile is presumed to be a non-resident student.
2. Any student over the age of 18 who is financially dependent on parents who have not established the U.S. as their domicile is presumed to be a non-resident student.

**C. Physical Presence in the U.S.:**

1. Generally, an individual must document one year of continual physical presence in the U.S. as one of the criteria for determining eligibility for resident status. The year to be documented will be one year immediately preceding the first day of

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classes of the term in question. The year of continuous presence is never the only criterion used for determining resident eligibility and, in itself, will not qualify a student for resident status.

2. If the one year resident requirement is fulfilled while a student is enrolled in this University or another institution of higher education in the U.S., it is presumed that this student has not established domicile in the U.S. However, if substantial information exists (see below for other factors) that clearly demonstrates the establishment of a U.S. domicile, the individual may be immediately eligible for resident status prior to the passage of one year.
- D. Circumstances and Activities that Lend Support to Claim of U.S. Resident Status: The following circumstances and activities, though not conclusive or exhaustive, may lend support to a claim that a student has established the U.S. as the student's domicile and intends to make the U.S. the student's permanent domicile.
1. A person appointed to a regular full-time position at CMU (and that person's spouse or designated Other Eligible Individual (OEI) defined by CMU's OEI program through Human Resources, and dependent children) may be classified as a resident of the U.S. for tuition purposes.
  2. Any individual using educational assistance under either Chapter 30 (Montgomery GI Bill® – Active Duty Program), Chapter 33 (Post-9/11 GI Bill®), of title 38, United States Code, and/or the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b) (9)) who lives in the U.S. while attending CMU (regardless of his/her formal country of residence). Covered individuals (includes Veterans, current military personnel, and family members), eligible for VA education entitlement must provide a copy of the VA Certificate of Eligibility (COE) letter verifying approval of VA educational entitlement. Veterans and current military personnel include those individuals from all branches of the military including Army, Navy, Air Force, Marines, Coast Guard, Army and Air National Guard, and Reservists. Periods of qualifying service will be verified via a copy of the veteran's DD-214 form (member 4). *GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government Web site at [www.benefits.va.gov/gibill](http://www.benefits.va.gov/gibill).*
  3. A student who is married to a person who is classified as a U.S. resident will be classified as a U.S. resident for tuition purposes.
  4. A student who has a parent or grandparent who graduated from CMU will be classified as a U.S. resident for tuition purposes, regardless of that student's actual domicile.
  5. Additional Circumstances and Activities:
    - a. Continuous presence in the U.S. during periods when not enrolled as a student.
    - b. Reliance upon only U.S. sources for financial support.
    - c. Domicile in the U.S. of family, guardian, or other relatives or persons legally responsible for the student.
    - d. Former domicile in the U.S. and maintenance of significant connections therein while absent.
    - e. Ownership of a home in the U.S. if purchased without support from non U.S. sources.
    - f. Admission to and full-time practice of a licensed profession in the U.S.
    - h. Permanent full-time employment in the U.S., provided that the applicant's employment is the primary purpose for the applicant's presence in the U.S.
    - i. Spouse's full-time, permanent employment in the U.S., provided that the spouse's employment is the primary purpose for the student's presence in the U.S.
- E. Circumstances and Activities that Generally Lend No Support to a Claim of U.S. Resident Status or domicile: The following circumstances and activities are temporary and indeterminate and, in and of themselves, do not demonstrate a permanent domicile in the U.S.:
1. Voting or registration for voting in a U.S. State or applicable territory.
  2. Possession of a valid driver's license issued within the U.S. or applicable territory.
  3. Employment that is temporary or short-term.
  4. Employment in a position normally held by a student.
  5. Ownership of a home in the U.S. if purchased with support from U.S. sources.
  6. The lease of living quarters in the U.S.
  7. Payment of any U.S. state income or property taxes.
  8. Financial hardship of the student caused by having to pay a higher tuition rate, or by any other reason.
  9. The applicant's statement of intent to be domiciled in the U.S.
  10. Presence in the U.S. while in attendance at CMU or another institution of higher education in the U.S.
- F. Non-Citizens Lawfully Admitted to the U.S.: (Lawful admission status is determined by the Director of the Office of International Affairs, or designee.)
1. A non-citizen of the U.S. (and that individual's spouse or same-sex partner as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be eligible for classification as a U.S. resident for tuition purposes, if such person has an appropriate, current visa, and meets the requirements for U.S. resident status specified in this policy.

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2. A non-citizen transferred to the U.S. for employment purposes (and that individual's spouse or otherwise eligible individual as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a U.S. resident for tuition purposes, if such person has an appropriate, current visa, and meets the requirements for U.S. resident status specified in this policy.
3. A non-citizen appointed to a regular full-time position at CMU (and that individual's spouse or otherwise eligible individual as defined by CMU Human Resources, Faculty Personnel Services, or other authorized office, and dependent children) may be classified as a U.S. resident for tuition purposes, as long as such person meets the requirements for U.S. resident status specified in this policy.
4. A non-citizen student who has a parent or grandparent who graduated from CMU will be classified as a U.S. resident for tuition purposes, if such person has an appropriate, current visa.

**III. Procedure to Determine Resident Status.** The procedure for determining resident status for an individual is as follows:

- A. Undergraduate Students at Time of Admission:
  1. The Executive Director of Admissions, or designee, shall determine the initial resident status of new undergraduate students.
  2. If an individual disagrees with the initial decision of the Admissions Office, that individual must file a properly completed Application for Resident Status with the Registrar's Office. The Application for Resident Status must be received by the mid-point of the semester or term in which the individual is first enrolled at CMU. The Registrar's Office shall consider the Application for Resident Status and provide the individual with a written decision. If the individual continues to disagree with that decision, the individual may file an appeal following the procedures set forth in IV, below. Approved appeals are not retroactive for tuition and fee adjustments should the student submit their appeal post first term of enrollment with CMU. Approvals are effective commencing with term currently in progress or a future term depending on enrollment plans.
- B. Graduate Students at Time of Admission: The Dean of the College of Graduate Studies, or designee, shall determine the initial resident status of new graduate students prior to the first registration. If an individual disagrees with the decision of the College of Graduate Studies, that individual must file a properly completed Application for Resident Status with the Registrar's Office. The Application for Resident Status must be received by the mid-point of the semester or term in which the individual is first enrolled at CMU. The Registrar's Office shall consider the Application for Resident Status and provide the individual with a written decision. If the individual continues to disagree with that decision, the individual may file an appeal following the procedures set forth in IV, below. Approved appeals are not retroactive for tuition and fee adjustments should the student submit their appeal post first term of enrollment with CMU. Approvals are effective commencing with term currently in progress or a future term depending on enrollment plans.
- C. All Students Requesting a Change in Resident Status: The procedure for determining whether a non-resident student has acquired U.S. domicile status is as follows: An individual must file a properly completed Application for Resident Status with the Registrar, or designee. The Application for Resident Status must be received by the mid-point of the semester or term in which the individual is first enrolled at CMU. The Registrar, or designee, shall consider the Application for Resident Status and provide the individual with a written decision. If the individual disagrees with that decision, the individual may file an appeal following the procedures set forth in IV, below.

**IV. Appeal Process.** If an Application for Resident Status is denied, the individual may request that his or her Application for Resident Status be reviewed by the Resident Status Appeal Committee. The following procedures shall apply:

- A. The Resident Status Appeal Committee shall be composed of the Executive Director of Admissions, the Registrar, the Director of International Affairs, the Associate Vice President for Student Affairs, and the Dean of the College of Graduate Studies, or their respective designees. At least three of these individuals must participate in an appeal. The decision of the majority of those participating in the appeal shall be final.
- B. The appeal must be made in writing and must be received by the Registrar within fourteen (14) calendar days of the date of the denial letter. If the deadline falls on a weekend or a University holiday, it will be extended to the next business day.
- C. All contact with the Resident Status Appeal Committee must be in writing, unless otherwise requested by the Committee. An individual who wishes the Committee to consider information in addition to that provided with the Application for Resident Status must submit that additional information to the Resident Status Appeal Committee, in writing, with the appeal request.
- D. In its sole discretion, the Resident Status Appeal Committee shall have the right to request that the individual provide the Resident Status Appeal Committee such additional information and/or documentation as it deems appropriate, including meeting with the Resident Status Appeal Committee.
- E. The burden of proof is on the individual to demonstrate with clear and convincing evidence that he or she is eligible for a change in resident status because he or she intends to be domiciled in the U.S. and has, in fact, established domicile in the U.S.
- F. After the individual has submitted all requested information, the Resident Status Appeal Committee will review the individual's appeal. The individual will receive a written decision from the Resident Status Appeal Committee when the review is complete.
- G. Once the Resident Status Appeal Committee issues its decision, the decision is final regarding the submitted appeal for the semester being petitioned.

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**Tuition Status for Graduate Fellows and Assistants**

For the purposes of determining tuition rates, doctoral level fellows and assistants are given in-state tuition for the duration of their program of study. Master's and specialist's level fellows and assistants are classified as U.S. domiciled for the purposes of tuition only during the academic year of the award (including subsequent summer).

**Residency Status for Migrants**

Migrant status is one factor considered when determining if a student is domiciled in the U.S. and present in Michigan as a migrant for tuition purposes. Michigan migrants are defined as individuals who have made their livelihood in seasonal work in the State of Michigan and have traveled interstate for this purpose. Migrant students will meet the residency requirement if they, or their parents, or legal guardians, were employed in Michigan and met the criteria set forth in section II.D above for U.S. domicile for at least two months during each of the three of the preceding five years. Verification of employment as migrant workers should be secured from the Michigan Farm Labor and Rural Manpower Services Office. Other appropriate evidence may also be used by migrant workers to prove their residency.