

Arkansas State University - Jonesboro

Effective Date: 08/12/97

Number: 02-08

Section: Academic Affairs

Subject: Residency Regulations

The purpose of these recommendations is to enable the administrative officers of the Arkansas state-supported colleges and universities to make comparable decisions in classifying students as "in-state" or "out-of-state" and to accord fairness and equity to the students and at the same time to protect the interests of Arkansas higher educational institutions, and that of Arkansas taxpayers, from unfounded claims advanced for the purpose of evading payment of proper charges for educational services.

1. No student shall be admitted to a state-supported college or university in Arkansas and be classified as an "in-state" student for student fee purposes unless he or she is a bona fide domiciliary of Arkansas and has resided in this state in that status for at least six consecutive months prior to the beginning of the term or semester for which the fees are to be paid.
2. An out-of-state student enrolled for a full, or substantially full, program of courses or credits at an educational institution is considered to be in Arkansas primarily for the purpose of attending school and not for the purpose of establishing in good faith a true, fixed and permanent home constituting an Arkansas domicile. Continued presence in Arkansas during vacation periods or during a period or periods when not enrolled in an educational institution, where any one such period does not extend for at least 6 continuous months, shall not justify reclassification to an in-state student status.
3. Initial classification as an out-of-state student shall not prejudice the right of that student to be reclassified thereafter for following semesters or terms of enrollment as an in-state-student, provided he or she has actually acquired a bona fide Arkansas domicile and has resided in Arkansas thereafter for six continuous months duration as such domiciliary prior to his or her reclassification by a college or university. In similar manner, an in-state student shall be reclassified for future semesters and terms where his or her domicile is moved to some other state.
 - a. For Arkansas college and university purposes, a local domicile, together with residing here as such for six continuous months or more, is acquired through Arkansas coming to be one's home and his residence as distinguished from a temporary sojourn in Arkansas as a student, and involves the probability of remaining in Arkansas beyond graduation.
 - b. The single fact of residence in Arkansas for at least six continuous months of attendance as a student enrolled in an Arkansas state-supported

college or university or in any other colleges or universities in Arkansas, neither constitutes nor necessarily precludes the acquisition of a basis for reclassification, but is a factor to be considered.

4. The responsibility for registering under a proper classification for this purpose is placed upon the student, and it is the duty of each student at each time of registration, if there be any question of his or her proper classification or reclassification for fee purposes, to raise the question of his or her status with the registrar's office in order to have such question settled by the registrar.
 - a. Any classification initially on enrolling and re-enrolling in a college or university, or any reclassification, made or concurred in by the registrar may be appealed for review and determination to the designated administrative person who, in his discretion, shall conduct informal hearings, receive evidence, and make an investigation as may be appropriate so that he may render a decision with notice thereof to the affected student.
 - b. Written notice of such appeals procedure shall be provided to each student raising the question of his or her status with the registrar.
5. A student from outside of Arkansas shall have the burden of establishing by proof any claim that he or she is entitled to be treated as an in-state student for fee purposes, and evidence to that effect must be presented in writing, verified under oath by the student. Mere self-serving claims of local domicile and duration of stay are of little weight. A student who knowingly gives erroneous information in an attempt to evade payment of out-of-state fees shall be subject to dismissal from a college or university.

DEFINITIONS AND REGULATIONS

1. "Domicile", in order to constitute one an "in-state" student, means that Arkansas is the legal home and place of permanent living of such student for all purposes, and that the intention to make one's permanent home here has been manifested objectively by good faith acts, and that mere physical presence here is alone insufficient. In this sense, domicile is the equivalent of a legal residence. The rule requires that a domiciliary of Arkansas be also physically present in such domiciliary status in Arkansas for at least six continuous months prior to recognition of that status for fee purposes.
2. For purposes where the student's status is dependent upon the domicile and place of residing of his or her parent or parents, the definition in (1) above shall govern the determination of domicile of the parents. Neither the mere fact of presence in Arkansas with his or her children while the latter are attending a college or university of some other educational institution or institutions in Arkansas, nor the mere ownership of property located in Arkansas is sufficient proof of such local domicile and place of residing, but are to be considered together with all pertinent circumstances.
3. The domicile and legal residence of a minor student is the same as:
 - a. That of the parents or surviving parent; or

- b. That of the parent to whom custody of the minor has been awarded by a divorce or other judicial decree; or
 - c. That of the parent with whom the minor in fact makes his home, if there has been a separation of parents without judicial award of custody; or
 - d. That of an adoptive parent, where there has been a legal adoption, even though the natural parents or parent be living; or
 - e. That of a "natural" guardian, such as grandparent or other close relative with whom the minor in fact makes his home, where the parents are dead or have abandoned the minor.
4. Appointment of a guardian in a state outside of Arkansas will attribute the domicile of the minor student to that of his or her out-of-state guardian. Establishment of guardianship or adoption for the purpose of evading fees will not be recognized.
 5. A minor emancipated by the law of his domicile or on reaching the legal age of majority has the power which any adult has to acquire a different domicile and a different place of residing; however, his prior domicile of origin continues until he clearly establishes a new one. Marriage constitutes emancipation of minors, both male and female.

Note: Act 892 of 1975 states:

All persons of the age of eighteen (18) years shall be considered to have reached the age of majority and be of full age for all purposes, and until the age of eighteen (18) is attained, they shall be considered minors. Any law of the State of Arkansas which presently requires a person to be of a minimum age of twenty-one (21) years to enjoy any privilege or right, or to do any act, or to participate in any event, election or other activity, shall be deemed to require that person to be of a minimum age of eighteen years; except that this Act shall not repeal, amend or otherwise affect any existing laws concerning or in any way relating to beer, wines, spirituous, vinous, or malt liquors, or other alcoholic beverages, and the sale thereof to persons under twenty-one (21) years of age.

- For either an adult or an emancipated minor to acquire a domicile in this state he must have permanently left his parental home, must have established a legal home (domicile) of permanent character in school here, and resided here for six continuous months as an Arkansas domiciliary, and must have no present definite intent of removing therefrom as of a time certain.
- Determination of local domicile shall be based on a review of all pertinent factors and circumstances which collectively may reasonably be deemed to objectively manifest a state of mind regarding domicile.
- Students living in the states bordering Arkansas who receive mail at an Arkansas post office are not domiciliaries of Arkansas.
- If a member of the Armed Forces is stationed in the State of Arkansas pursuant to military orders, he or she and his or her unemancipated dependents, shall be entitled to classification as in-state for fee paying purposes.

International Students

The following guidelines are to assist University personnel in determining residency status of nonimmigrant students. The key issue is establishing when the student has the requisite intent to make Arkansas his or her home.

A nonimmigrant alien may establish Arkansas as his or her residence by changing his or her immigration status from nonimmigrant to immigrant, including resident alien. In either case, once a nonimmigrant student submits to the Immigration and Naturalization Service his or her petition for immigrant status, the individual should be evaluated by the same criteria as a resident from another state who is attempting to establish Arkansas residency. The following examples should help in making appropriate determinations.

Permanent Resident Alien, who has lived in Arkansas as a permanent resident alien for five years. Immediately eligible for in-state tuition rates.

Permanent Resident Alien, who moved to Arkansas from another state less than six (6) months ago. Eligible for consideration for in-state tuition rates at the end of six (6) months.

Nonimmigrant Alien Student, who marries Arkansas citizen, does not petition for immigrant status. Not eligible for in-state tuition rates.

Nonimmigrant Alien Student, who marries Arkansas citizen, petitions for permanent resident status. Eligible for consideration for in-state tuition rates six (6) months from date of petition.

Nonimmigrant Alien Student, petitions for permanent resident status. Eligible for consideration for in-state tuition rates six (6) months from date of petition. In other words, after applying for permanent resident status, the student should be evaluated by the same criteria as a student who moved here from another state. These examples are guidelines only. Each residency request must be considered on its own facts. As in all cases considering in-state residency, additional documentation of year-round residence, voter registration, place of filing tax returns, property ownership, driver's license, car registration, marital status, and additional documentation of intent to remain should be considered in determining whether Arkansas residency has been established.

These guidelines for international students are based on opinions from the University's Legal Counsel.

Reviewed 11/15/2011.