

Policy Number: 4-203	Policy Name: Requirements to be Considered in Determining an Individual's Residency Classification for Tuition Purposes	
Policy Revision Dates:	9/29/2022, 6/2021, 6/2017, 6/16, 9/15, 6/2014, 11/13, 08/2011, 9/09, 3/07, 12/05, 4/02, 9/00, 6/00, 1/00, 8/99, 8/96, 6/95, 3/95, 4/94, 12/92, 6/92, 11/86, 2/86	Page 1

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- A. Residency classification for tuition purposes is to be determined in accordance with Arizona law and board policy, and board policy is not intended to limit or expand the statutory definitions of residency.
- B. Unless an exception exists in board policy, all students seeking classification as an in-state resident for tuition purposes must establish, by a preponderance of the evidence, the following factors, as applicable:
 - 1. Continuous Physical Presence: the student has been continuously physically present in Arizona for the 12 calendar months immediately preceding the last day of registration for the term which the student is seeking classification as an in-state resident for tuition purposes, as demonstrated by objective evidence. Any relevant evidence may be considered, including the following categories of evidence; however, no single category is determinative:
 - a. Ownership or lease of property;
 - b. Bank or other financial records reflecting continuous presence in Arizona;
 - c. Utility bills/records of continuous usage;
 - d. State and federal tax returns;
 - e. Employment history, including records of Arizona employment;
 - f. All other materials of whatever kind or source, which may

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have a bearing on determining continuous presence.

2. Arizona Residency: the student is an Arizona resident, and Arizona is the student's domicile as demonstrated by objective evidence. Any relevant evidence may be considered, including the following categories of evidence; however, no single category is determinative:
 - a. The severance of ties to the student's former state of residence;
 - b. Date of registration and state in which motor vehicle is registered;
 - c. Date of issuance and state issuing driver's license or state identification card;
 - d. Employment history, including dates and location of employment and employer;
 - e. The transfer of major banking services to Arizona;
 - f. State where the student is registered to vote, date of registration, and whether student has voted in Arizona election;
 - g. Place of prior attendance in educational institutions, including high schools, and any information held by such schools affecting domicile;
 - h. Marital status and employment history of spouse;
 - i. Address provided/given by student on all pertinent records;

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- j. State in which registered with selective service;
 - k. Military records;
 - l. Ownership of real property;
 - m. Tax records; and
 - n. All other materials of whatever kind or source, which may have a bearing on determining domicile or residency.
3. Financial Independence: where applicable, the student is financially independent for the twelve months immediately preceding the last day of registration, as demonstrated by objective evidence. Any relevant evidence may be considered, including the following categories of evidence; however, no single category is determinative:
- a. Dates of employment and proof of employment earnings;
 - b. Documentation of all sources of financial/economic support;
 - c. Applications for loans, scholarships, grants-in-aid, or other such assistance;
 - d. Documentation reflecting source of funds used to pay for student's university tuition and living expenses (i.e., housing, utilities, transportation, groceries/food, etc.);
 - e. Whether the student is or was claimed as a dependent for income tax purposes during the most recent tax year preceding the term for which the student is seeking resident

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classification;

- f. Student's state and federal income tax returns;
- g. Veteran status; and
- h. All other materials of whatever kind or source, which may have a bearing on financial independence.

C. Exceptions to residency requirements: subject to ABOR policy 4-102, a student may also be classified as an in-state resident for tuition purposes upon establishing by objective evidence that:

- 1. The student is an Arizona resident and domiciled in Arizona, as set forth in this policy, for more than one year.
- 2. The student is domiciled in Arizona, for less than one year, as set forth in this policy, and:
 - a. The domicile of the student's parent is in Arizona as set forth in this policy; and
 - b. The parent of the student who is domiciled in Arizona is entitled to claim the student as an exemption for federal and state tax purposes (whether or not the parent actually claims the student as an exemption).
- 3. The student is domiciled in Arizona and:
 - a. The student's spouse has established domicile in Arizona for at least 12 months immediately preceding the last day of registration and the spouse has demonstrated financial independence as set forth in sections B.2 and B.3, above;

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and

- b. The student's spouse is entitled to claim the student as an exemption for federal and state tax purposes.
4. The student is domiciled in Arizona and is:
 - a. Employed by an employer which transferred the student to Arizona for employment purposes; or
 - b. The spouse of an employee employed by an employer which transferred the student's spouse to Arizona for employment purposes; or
 - c. An employee of an Arizona employer who is taking not more than six credit hours solely through electronic course delivery at employer-sanctioned sites in Arizona, when the employer is required to pay additional site fees or transmission costs;
 - d. For the purposes of this policy, "transfer" means an employee who was transferred by the employee's employer at the direction of, and for the benefit for their employer, fewer than 12 months prior to the term in question, is not self-employed or employed in a family-owned business (or subsidiary thereof) not previously operating in Arizona.
 5. The student is domiciled in Arizona, is an employee of a school district in Arizona and is under contract to teach on a full-time basis, or is employed as a full-time noncertified classroom aide at a public school within that school district. For purposes of this paragraph, the student is eligible to pay in-state tuition only for courses necessary to complete the requirements for certification by

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the state board of education to teach in a school district in Arizona. No member of the student's family is eligible for classification as an in-state student pursuant to this paragraph, although the student's family member may otherwise be independently eligible for classification as an in-state student pursuant to other sections of this policy. For these students, the universities:

- a. Shall establish uniform procedures to determine whether courses taken by a teacher or classroom aide qualify under this section;
 - b. Shall consider charter schools as public schools consistent with Arizona statutes; and
 - c. May apply this section to teachers and classroom aides from private schools where those private schools require that teachers hold Arizona teacher certification.
6. The student is a member of the Armed Forces of the United States stationed in Arizona pursuant to military orders or is the spouse or dependent child of a member of the Armed Forces of the United States stationed in Arizona pursuant to military orders at the time the student is accepted for admission. While in continuous attendance toward the degree in which the student enrolls, the student does not lose in-state classification.
 7. The student is a member of the Armed Forces of the United States stationed outside of Arizona pursuant to military orders or is the spouse or dependent child of the member of the Armed Forces of the United States and the service member claimed Arizona as the service member's legal residence for at least twelve consecutive months prior to the last day of registration for the term which the student is seeking classification as an in-state resident for tuition

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purposes. The student claiming residency status under this provision is required to:

- a. Provide a copy of the military form DD-2058 of the service member which verifies the service member's state of legal residence; and
 - b. If applicable, provide evidence of having filed an Arizona resident income tax return with the Arizona Department of Revenue for the prior tax year on all income from all sources.
8. The student holds an honorable discharge from the uniformed services of the United States from either active duty or reserve or National Guard status, or has retired from active duty or reserve or National Guard status and has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:
- i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.

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- vii. Other materials of whatever kind or source relevant to domicile or residency status.

The student shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification

- 9. The student is a veteran as defined in Title 38 of the United States Code who, while using education assistance under 38 United States Code Chapter 30, 31, 33, or 35 enrolls in a university under the jurisdiction of the Arizona Board of Regents after the veteran's discharge from active duty service of ninety or more days or who remains continuously enrolled following the student's discharge or the student is a surviving spouse or child of a veteran under 38 United States Code Chapter 35, and the student has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:
 - i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to

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domicile or residency status.

The student shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification.

10. The student, while using benefits under the Marine Gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code Section 3311(B)(9), enrolls in a university under the jurisdiction of the Arizona Board of Regents and has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:
 - i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to domicile or residency status.

The student shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification.

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11. The student, while using transferred post/911 G.I. bill benefits pursuant to 38 United States Code Section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, enrolls in a university under the jurisdiction of the Arizona Board of Regents and has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:
- i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to domicile or residency status.

The student shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification

12. The student does not meet the requirements set forth in this section (C)(10) and (C)(11) and, while using educational assistance under 38 United States Code Chapter 30, 31, 33, or 35 enrolls in a

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university under the jurisdiction of the Arizona Board of Regents after the veteran's discharge from active duty service of ninety or more days or remains continuously enrolled following the student's discharge, and the student has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:

- i. Registration to vote in Arizona.
- ii. An Arizona driver license.
- iii. Arizona motor vehicle registration.
- iv. Employment history in Arizona.
- v. Transfer of major banking services to Arizona.
- vi. Change of permanent address on all pertinent records.
- vii. Other materials of whatever kind or source relevant to domicile or residency status.

The student shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification.

13. The student is otherwise described in 38 United States Code Section 3679(C) and has demonstrated objective evidence of intent to be a resident of Arizona. For the purposes of this subsection, objective evidence of intent includes at least one of the following:

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- i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to domicile or residency status.
14. The student is a foreign service member, or the spouse or dependent child of a foreign service member, as defined in section 103 of the foreign service act of 1980 (22 U.S.C. 3903), who is on active duty for a period of more than 30 days, and whose domicile is in Arizona.
 15. The student is an enrolled member of an Indian tribe recognized by the United States Department of Interior whose reservation land lies wholly or partially in Arizona and extends into another state and is a resident of the reservation. For purposes of residency classification, enrollment as a tribal member in a federally recognized tribe whose reservation land lies wholly or partially in Arizona will be sufficient to establish residency for tuition purposes.
 16. The student has participated in the AmeriCorps program or the Volunteers in Service to America program for at least one year in Arizona.

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17. The student is domiciled within 75 miles of the Arizona border in Clark County, Nevada or in Washington or Kane Counties, Utah, or in San Bernardino, Imperial, or Riverside Counties in California, including the cities of Needles, Blythe, El Centro, Brawley, and Winter Haven, and is enrolling in a total of no more than 6 credit hours per semester offered in Mohave, La Paz, or Yuma counties, Arizona by a university under the jurisdiction of the Arizona Board of Regents; or the student is domiciled within 75 miles of the Arizona border in Grant, Hidalgo, or Luna Counties in New Mexico and is enrolling in a total of no more than 6 credit hours per semester offered in Cochise County, Arizona by a university under the jurisdiction of the Arizona Board of Regents. This program is designed to reduce excess capacity; therefore, the presidents of the universities shall assure that classifying the student as a resident in their respective programs does not result in denying course offerings to Arizona residents or result in additional expenditures being required for course offerings.
 18. The student is a doctoral graduate student who is a candidate for a degree, having completed all requirements for the degree except the dissertation, and who qualified as a resident student immediately prior to being eligible to begin the dissertation.
 19. The student is a graduate assistant or graduate associate at a university under the jurisdiction of the Arizona Board of Regents whose assigned teaching or research responsibilities meet the guidelines established by the university for designation as a resident student.
- D. Subject to ABOR Policy 4-102, a student who does not hold a visa that requires the student to maintain a foreign domicile or that otherwise prohibits establishing domicile in Arizona shall be classified as a resident

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if the student can establish that, on or before the last day of registration, the student satisfied one of the following criteria:

1. Meets the requirements for classification as a resident for tuition purposes as set forth above; or
 2. Qualifies as a resident refugee student by virtue of having been granted refugee status in accordance with all applicable laws of the United States and having established domicile in Arizona as set forth in section B.2 above; provided that in establishing domicile, the student must not hold a visa that prohibits establishing domicile in Arizona.
- E. Subject to ABOR Policy 4-102 (nonresident tuition), a fulltime student admitted and enrolled at a university who obtains resident status by virtue of ABOR Policy 4-203 does not lose resident status while in continuous attendance toward the degree for which currently enrolled.
- F. The domicile of an unemancipated person is that of either parent. Subject to ABOR Policy 4-102 (nonresident tuition), any unemancipated person who is a student admitted and enrolled at a university and who remains in this state when the person's parent, who had been domiciled in this state, removes from this state does not lose resident status while in continuous attendance toward the degree for which currently enrolled.
- G. All students have to provide evidence to demonstrate in-state residency for tuition purposes. When the universities consider evidence for residency classification, they begin with four presumptions:
1. A non-resident student's presence in Arizona is primarily for the purpose of education and not to establish domicile;
 2. An individual cannot establish residency or domicile while in

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Arizona primarily for the purposes of education;

3. An individual cannot establish residency for tuition purposes while attending an educational institution in Arizona as a full-time student;
4. Decisions of an individual as to the establishment of residency and domicile are generally made after the completion of an education, and not before.

H. Evidence being reviewed to determine a student's residency status, whether by a classification officer or a hearing review committee, when the student requests review of a residency classification, will be evaluated as described below:

1. All information provided by the student shall be subject to the classification officer's or hearing review committee's decision as to the weight to be given to it, and such officer or committee shall be the sole judge of the authenticity or truthfulness of any material or statements submitted as supportive evidence. The classification officer may require original or certified copies of documentation.
2. If the student is absent from Arizona for more than 30 total days during the 12 months immediately preceding the last day of registration, this creates a rebuttable presumption that the student is not domiciled in or a resident of Arizona. A student may rebut this presumption with objective evidence that they retained their Arizona domicile and residence despite their absence(s).
3. Evidence offered to establish Arizona residency and domicile must reflect that the student intended to establish residency and domicile in Arizona throughout the required 12-month period of continuous physical presence. Acts or events occurring less than 12 months

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before the last day of registration for the term which the student is seeking classification as an in-state resident for tuition purposes may be considered evidence that residency or domicile has not been established.

4. A statement of intent by the student should be weighed in light of the fact that the student knows that the student will realize a substantial reduction in tuition by being classified as a resident for tuition purposes.
 5. The domicile of an unemancipated person is that of the person's parent.
 6. If a minor applies for classification as a resident and alleges that the minor is emancipated, in addition to the requirements above, that minor must also establish via objective evidence that:
 - a. The minor is not living with a parent; and
 - b. There has been a complete severance of the parental relationship to all legal rights and liabilities, including but not limited to care, custody, control, and service.
 7. Once established, residency for tuition purposes is not lost due only to the student's receipt of funds from a source outside Arizona.
 8. The classification of a matriculated student is transferable from one university to another.
- I. Any student found to have made a false or misleading statement concerning domicile or tuition status shall be subject to dismissal from the university and be held responsible for the payment of any tuition amounts that would have been charged but for the false or misleading statement.