

VIRGINIA TECH

Office of the Undergraduate Admissions
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ELIGIBILITY FOR VIRGINIA IN-STATE TUITION PRIVILEGES

If after reading this form carefully, you have questions or need additional information, please call the above number to schedule an appointment. Applications are available in 104 Burruss Hall.

General Information: Eligibility for in-state tuition privileges (reduced tuition charges) is governed by §23-7.4 of the *Code of Virginia*. The provisions of §23-7.4 of the *Code of Virginia* are set forth, defined, and discussed in the State Council of Higher Education for Virginia's Domicile *Guidelines*. SCHEV developed these *Guidelines* to facilitate the consideration of uniform criteria in determining domiciliary status. §23-7.4 of the *Code of Virginia* places the responsibility on the student for establishing by clear and convincing evidence that s/he is eligible for the in-state tuition rate. Further, the burden is on the applicant to demonstrate by clear and convincing evidence that his/her domicile is Virginia and that s/he has abandoned any prior domicile. According to SCHEV's *Guidelines*, clear and convincing evidence is defined as "that degree of proof that will produce a firm conviction or a firm belief as to the facts sought to be established. The evidence must justify the claim both clearly and convincingly." (SCHEV *Guidelines*, p. 4)

Students may seek reclassification of their initial tuition classification, but residence or physical presence in Virginia primarily to attend the University does not entitle students to in-state tuition rates. Domicile should be established **BEFORE** one enters the University. Please note that if a student enters the University classified as an out-of-state student, s/he must present clear and convincing evidence to rebut the presumption that s/he is residing in the state primarily to attend school. Students seeking reclassification to in-state status must be prepared to pay the out-of-state tuition rate unless they are notified in writing that his/her status has been reclassified to in-state according to the *Code of Virginia*.

Required Documents and Forms: An Application for Virginia In-State Tuition Rates must be completed and supporting documentation attached to be considered for reclassification for in-state tuition. A final decision cannot be made until all requested documentation and a complete Application for Virginia In-State Tuition Rates has been received in the Office of the Office of Undergraduate Admissions. An appointment or interview is not required to determine your domiciliary status for reclassification cases; however, you may be contacted by the Domicile Coordinator to clarify information and/or provide additional information. If you have questions about the application, laws, or process and want to meet with a staff member, you should call the number listed at the top of this sheet to schedule an appointment. Please allow a minimum of 30 working days after your application is complete for processing.

Application Deadlines: According to §23-7.4 of the *Code of Virginia*, changes in domiciliary status can only be granted **prospectively** from the date the application is received; therefore, the legal deadline for submission of the complete application is **prior to** the first day of the term/semester for which the student seeks classification as an in-state resident. Retroactive changes in status are not allowed under the *Code*. To ensure that students have a decision before the tuition payment deadline, please submit a complete application at least 30 days prior to the tuition payment deadline as published by the Office of the University Bursar.

Notification of Decision: The Domicile Coordinator will review the completed Application for Virginia In-State Tuition Rates and accompanying documentation. If no additional information is required, written notification of the University's decision will be mailed to the applicant within **approximately 30 working days of receipt of the completed application, except during peak times when written notifications of decisions may require longer processing time**. Students who are denied in-state tuition privileges will be advised in writing on how to appeal to the Virginia Tech Committee on Virginia Domicile. Appeals must be submitted to the Committee on Virginia Domicile within 30 days of the date of the letter denying the application for reclassification to in-state tuition.

Domicile: Domicile refers to the "present, fixed home of an individual to which he or she returns following temporary absences, and at which the individual intends to remain indefinitely. No individual may have more than one domicile at a time." (SCHEV *Guidelines*, p. 1) Domicile cannot be initially established in Virginia unless one actually resides, in the sense of being physically present, in Virginia with domiciliary intent, which means present intent to remain indefinitely, that is, the individual has no plans or expectation to move from Virginia. Residence in Virginia for a temporary purpose or stay, even if that stay is lengthy, with present intent to return to a former state or country upon completion of such purpose does not constitute domicile. "Mere physical presence or residency primarily for educational purposes does not confer domiciliary status." (SCHEV *Guidelines*, p. 7) A person shall not ordinarily be able to establish domicile by performing acts which are auxiliary to

fulfilling educational objectives or which are required or routinely performed by temporary residents of the Commonwealth. The University will consider many factors when determining domicile. Among them are continuous physical residence, state to which income taxes are paid, driver's license, voter registration, motor vehicle registration, employment, property ownership, sources of financial support, military records, a written offer and acceptance of employment following graduation, and any other social or economic relationships with the Commonwealth and other jurisdictions. The presence of any or all of these factors does not automatically result in Virginia domicile. The factors used to support a claim of entitlement to in-state privileges must have existed for a minimum of one year (12 continuous months) prior to the first official day of classes.

Dependent Students: According to the *Guidelines*, a “dependent student means one who is listed as a dependent on the federal or state income tax return of his parents or legal guardian or who receives substantial financial support from his spouse, parents or legal guardian. It shall be presumed that a student under the age of 24 on the date of the alleged entitlement receives substantial financial support from his parents or legal guardian, and therefore is dependent on his parents or legal guardian, unless the student (i) is a veteran or an active duty member of the US armed forces; (ii) is a graduate or professional student; (iii) is married; (iv) is a ward of the court or was a ward of the court until age 18; (v) has no adoptive or legal guardian when both parents are deceased; (vi) has legal dependents other than a spouse; or (vii) is able to present clear and convincing evidence that he is financially self-sufficient.” (SCHEV *Guidelines*, p. 1) If the applicant is a dependent student, not an emancipated minor, or married to and is a dependent of a Virginia resident, i.e. the applicant is claimed as a tax dependent by his/her parents/legal guardian or spouse and/or receives at least half of his/her financial support from the spouse, the applicant may be eligible for in-state privileges **IF the parent/legal guardian or spouse has been domiciled in Virginia for the required one year period.** As a dependent student, the applicant is presumed to have the same domicile as the parent claiming him/her as a tax dependent and/or providing him/her with substantial financial support. As a dependent of a spouse, the applicant may be eligible for in-state tuition as a dependent of the spouse.

Independent Students: If the applicant is an emancipated minor or independent student, s/he may be eligible for in-state privileges if s/he is able to provide clear and convincing evidence to rebut three presumptions described in the *Code of Virginia* and in the State Council of Higher Education's *Guidelines*. **The three presumptions are as follows: the student is dependent on his/her parents for financial and/or tax purposes, the student has the same domicile as his/her parents, and the student is in the Commonwealth of Virginia for educational purposes. According to the Code and the Guidelines, Virginia institutions of higher education must presume the above three presumptions to be true unless the applicant is able to provide clear and convincing evidence to rebut these presumptions.**

Military: As provided in the *Code*, active duty military personnel residing in Virginia may apply for immediate in-state tuition rates for themselves, a spouse, and/or dependents. Applicants should submit a completed Application for Virginia In-State Tuition Rates, a copy of their signed and approved Form DD 2058, and other supporting documentation as discussed in the Domicile Section above. These applicants must show that Virginia is their state of legal residence and that all other conditions for establishing domicile have been met, including but not limited to paying Virginia income taxes on all military income. Non-military spouses and dependents of active duty military may establish Virginia as their domicile in the same manner as any other student **or** through the non-military spouse exception.

- A non-military student who is the child of a member of the armed forces may be eligible for the in-state tuition privilege if his/her non-military parent has resided in Virginia, been employed full-time in Virginia, paid individual income taxes to Virginia, claimed the student as a dependent for tax purposes, and met all other conditions for establishing Virginia as his/her domicile for the 12 continuous months prior to the date of alleged entitlement.
- A non-military student who is the spouse of a member of the armed forces may also be eligible for the in-state tuition rate if the spouse of the active-duty member of the military has resided in Virginia, been employed full-time in Virginia, paid individual income taxes to Virginia, claimed the non-military spouse as a dependent for tax purposes, and met all other conditions for establishing Virginia as his/her domicile.

Questions: The Office of Undergraduate Admissions cannot determine a student's domicile based on verbal information or representations. All information provided in support of a student's case must be in writing. Should a student feel that clarification of certain information is necessary, the student should provide a written explanation. Each student seeking classification as an in-state resident must complete the application and provide accompanying documentation before a determination can be made. For further information, please contact us at the address or phone number above.