

Q: What is substantial financial support?

A: "Substantial financial support" means financial support in an amount which equals or exceeds that required to qualify the individual to be listed as a dependent on federal and state income tax returns.

Q: Are non-U.S. citizens capable of establishing "in-state" classification?

A: Non-U.S. citizens are legally capable of establishing domicile if they have been granted the status of lawful permanent residents. Such immigrants may be reviewed for domicile status and eligibility for in-state tuition rates. Non-immigrants are subject to the limitations and restrictions of their legal status. Ask your institution's domicile officer if your legal status permits a domicile review.

Q: Can dependents and spouses of active-duty military personnel pay in-state tuition at public institutions?

A: In most cases, yes. As of July 1, 2006, if the active-duty military member is assigned permanent duty station to a Virginia base, a contiguous state, or D.C., and is residing in Virginia, then the dependents of the military member may be charged the in-state tuition rate regardless of domicile. Family of military members not meeting the criteria must demonstrate that domicile has been established.

Q: Can the non-military spouse establish Virginia domicile separate from the domicile of the active-duty military spouse?

A: Yes. To establish their own domicile in Virginia, the non-military spouse must meet the same domicile requirements as any new resident to the state.

Q: Are active-duty military members eligible for in-state tuition?

A: In most cases, yes. Active-duty military members who establish domicile in Virginia are eligible for the in-state tuition rate as of the next term. Nonresident military members may also be eligible for the in-state tuition rate if they are assigned permanent duty station in Virginia.

Q: Is the tuition classification decision at one institution transferable to another institution?

A: No. Applicants must petition separately at each college or university. Each institution is responsible for verifying the domicile of its own students.

Q: What if a person disagrees with a tuition classification decision?

A: Each public institution of higher education has established an appeals process for students who disagree with an institution's domicile determination. The appeals process includes an intermediate review and a final administrative review. Any party aggrieved by a final administrative decision shall have the right of review in the circuit court for the jurisdiction in which the institution is located.

The information in this brochure is for summary purposes only and does not address all provisions of the law. The complete text of section 23.7-4 of the Code of Virginia can be accessed on the web at <http://www.schev.edu/students/VAdomicileInfo.asp> or contact your institution for details.



Establishing Virginia Domicile

This publication provides general descriptive information about establishing Virginia domicile in order to qualify for in-state tuition. **The material presented is not to be considered all inclusive.** Inquiries about institutional tuition classification decisions or explanations involving special circumstances should be directed to the institution the student plans to attend. Nothing in this publication is intended to amend existing law or policy with respect to eligibility for in-state tuition rates.



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Last updated January 2011

Q: How are the rules and procedures established for considering individuals as “in-state” students for tuition purposes?

A: The conditions by which a student may be considered “in-state” for purposes of tuition classification are set forth by Chapter 23-7.4 of the Code of Virginia. Although individuals may be considered state residents for voting and other legal purposes, the Code outlines the domicile requirements that must be met in order for a student to be classified as “in-state” for tuition purposes.

Q: What is domicile?

A: “Domicile” is the present, fixed home of an individual to which he or she returns following temporary absences and at which he or she intends to remain indefinitely.

Q: What is domiciliary intent?

A: Intent, together with physical presence, establishes domicile. State law lists several factors which, taken as a whole, determine if intent has been established.

- Continuous residency in the state of Virginia for at least one year prior to the start of the term
- Employment in Virginia
- Payment of Virginia state income tax as a legal resident
- Registering to vote in Virginia
- Ownership of real property in Virginia
- Obtaining a Virginia driver’s license
- Acceptance of permanent employment in Virginia following graduation
- Registration of a motor vehicle in Virginia
- Sources of financial support
- Military records
- Any other social or economic factors specific to the individual which establish intent to make Virginia one’s permanent home

The burden is assumed by the applicant to provide as much information and documentation as appropriate to demonstrate intent.

Q: How long must a person be domiciled in Virginia before they can be considered “in-state” for tuition purposes?

A: By law a student, or the person through whom the student is claiming domicile, must be domiciled in Virginia for at least 12 continuous months immediately preceding the first day of the term.

Q: Can a person leave the state for temporary purposes after establishing domicile and retain “in-state” status?

A: Yes. Temporary absences, such as leaving the state to go to college or on a temporary assignment for your job, are permitted but he or she must maintain connections with Virginia while away. Any voluntary interruption or change in these connections could result in having to reestablish domicile upon returning to Virginia.

Q: Who can be considered a “dependent” student?

A: A student under the age of 24 on the first day of the term is presumed to be dependent unless the student (i) is a veteran or an active-duty member of the U.S. 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 or she is financially self-sufficient.

A dependent student is presumed to have the domicile of the supporting parent.

Q: Who can be considered an “independent” student?

A: Any student whose parents have surrendered the right to his or her care, custody, and earnings; who do not claim the student as a dependent on federal or state income tax returns; and who have ceased to provide the student with substantial financial support.

Q: Who can be considered a legal guardian?

A: A legal guardian is someone appointed by the court to be responsible for a minor.

Note: In certain circumstances the law may prohibit the college from assigning the domicile of the legal guardian to the student.

Q: Can a person establish “in-state” status while a student?

A: It is very difficult. State law presumes that a returning student initially classified as out-of-state continues to reside in Virginia primarily for educational purposes.

Q: If a person marries a Virginia domiciled resident, can she or he be considered an “in-state” student?

A: Not necessarily. Each married person is assumed to have his or her own domicile as prescribed by law but may claim the domicile of the spouse if financial dependency is established.

Q: Does the same domicile law affect students attending private schools?

A: Yes. Recipients of the Tuition Assistance Grant (TAG) and many other Virginia student aid programs must be domiciled residents.

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