

RESIDENCY POLICY  
 As Amended 09/26/2011  
 (Effective as of Fall 2012 Semester)

Board of Governors for Higher Education  
 State of Rhode Island and Providence Plantations

Adopted:	12/02/71 (BR)	07/02/81 (BG)
Amended:	05/22/80 (BR)	04/15/2993 (BG)
		09/27/1995 (BG)
		01/15/1998 (BG)
		06/30/2003 (BG)
		05/11/2009 (BG)
		09/26/2011 (BG)

A. CHARGES FOR TUITION AND FEES

1. A student who is a resident of the State of Rhode Island shall be classified as a "resident student" and shall pay tuition and fees prescribed by the Board of Governors for in-state students in public higher education.

A student who is not a resident of the State of Rhode Island shall be classified as a "non-resident student" and shall pay tuition and fees prescribed by the Board of Governors for out-of-state students in public higher education.

2. A student who is neither a U.S. citizen nor a permanent resident of the United States, and who meets the following requirements to establish Rhode Island residency, shall pay tuition and fees prescribed by the Board of Governors for in-state students:
  - Students who, and unemancipated students whose parents have been granted authorization by the U.S. Department of Homeland Security to remain in the U.S. in any status that allows him or her to establish a domicile in the U.S., and who present evidence of being domiciled in Rhode Island for at least one year as provided in Section C. below.
3. Notwithstanding the above, in-state tuition and fees are available to a student who meets the following criteria:
  - The student has attended an approved Rhode Island high school for three (3) or more years and continues to live in Rhode Island; and
  - The student has graduated from an approved Rhode Island high school or received a high school equivalency diploma from the state of Rhode Island; and
  - If the student is not a U.S. citizen and/or does not have lawful immigration status, he or she has filed an affidavit with the institution stating that the student has filed an application for lawful immigration

status, or will file such an application as soon as he or she is eligible to do so. The failure of a student to file an application for lawful immigration status as soon as he or she is eligible will result in a forfeiture of in-state tuition rates in the future; and

- The student is not, and if unemancipated his or her parents are not, a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code,
4. Nothing in these regulations shall be construed to revoke, amend or otherwise affect any agreement relating to student tuition and fees now in effect or entered into in the future pursuant to the provisions of the New England Board of Higher Education Compact.

## B. DEFINITIONS

1. For the purpose of determining in-state and out-of-state classifications, the word residency shall mean domicile: the legal, documented, true and permanent home and place of habitation. For the unemancipated student, the domicile will be that of the parents and/or guardians. For the emancipated student, the domicile will be that of the student.
2. The term emancipated student shall mean a student who has attained the age of 18 years and whose parents and/or guardians:
  - (a) have entirely surrendered the right to the care, custody and earnings of such student; and
  - (b) have not claimed the student as a dependent for tax purposes for two years; and
  - (c) do not provide regular financial assistance to the student; and
  - (d) whose income was not taken into account by any private or governmental agency furnishing financial education assistance to the student, including scholarships, loans, or otherwise.

If any of the aforesaid tests are not met, the student shall be presumed to be unemancipated.

## C. CRITERIA

1. Unemancipated Students
  - a. Any unemancipated student whose parents and/or guardians have been residents of the state for one year immediately preceding the first class day of the first semester of the student's registration in a public college or university shall be classified as a resident student as long as the parents and/or guardians continue to be residents of the state.

- b. Any unemancipated student who initially was classified as a non-resident student may thereafter obtain re-classification only if the student's parents and/or guardians establish and maintain residence in Rhode Island for a period of at least one year prior to the first class day of the semester for which the student seeks to be re-classified as a resident student.
- c. The residency of an unemancipated student, including those whose parents and/or guardians are divorced or legally separated, shall follow that of the parent or guardian who has legal custody or the parent or guardian who is responsible for the financial support of the student, whichever favors the student's request for resident student status.
- d. An unemancipated student under guardianship shall be required to present satisfactory documentary evidence of the appointment of the guardian in addition to a certification of the residency of the guardian, which shall be considered the residency of the student unless there are circumstances indicating that such guardianship was created primarily for the purpose of conferring resident student status on the student.
- e. An unemancipated student whose parent or guardian is a member of the Armed Forces and stationed in the state pursuant to military orders shall be entitled to the classification as a resident student during any semester the first class day of which is encompassed by the orders.

## 2. Emancipated Students

- a. Any emancipated student may be classified as a resident student if the student meets the following tests:
  - 1) At the time of emancipation, the student's parents and/or guardians were residents of Rhode Island for one year immediately preceding the first class day of the first semester of the student's registration at a public college or university; or  
  
Having become emancipated, the student establishes and maintains residency in Rhode Island for one year immediately preceding the first day of the first semester of the student's registration at a public college or university; and
  - 2) The student does not hold residency in another state or foreign country; and
  - 3) The student is and continues to be a resident of Rhode Island.
- b. Any emancipated student who initially was classified as a non-resident student may thereafter obtain re-classification as a resident student

only if the student establishes and maintains residency in Rhode Island for a period of at least one year prior to the first class day of the semester for which re-classification as a resident student is being sought.

- c. A student from another state or foreign country who is enrolled at a public college or university for more than six credits per semester shall be presumed to be in Rhode Island primarily for educational purposes and will be presumed to have not been a resident of the state during the time so enrolled. Continued presence in Rhode Island during vacation periods or occasional interruptions in the course of study will not, of itself, overcome these presumptions.
- d. Pursuant to the reauthorization of the federal Higher Education Act on August 14, 2008, a member of any branch of the Armed Forces (as defined in section 101 of title 10 of the United States Code) who has been on active duty for a period of more than 30 days shall, upon establishing domicile in the state of Rhode Island, or whose permanent duty station is in the state of Rhode Island, be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees. A member of any branch of the Armed Forces who is injured while on active duty and whose injury causes him/her to be on active duty for a period of less than 30 days shall, upon establishing domicile in the state of Rhode Island, or whose permanent duty station is in the state of Rhode Island, be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees. This determination of tuition and fees shall apply to both undergraduate and graduate students.
- Any member of the Armed Forces seeking to qualify for in-state tuition rates must provide official documentation that indicates their permanent duty station is in the state of Rhode Island and/or documentation evidencing their domicile within the state.  
The residency officers at the institutions have the right to request additional documentation and have the authority to make the final determination whether the member ultimately qualifies for in-state tuition rates.
  - A member of the Armed Forces seeking to qualify for in-state tuition rates must meet the academic and eligibility requirements of the University of Rhode Island, Rhode Island College or the Community College of Rhode Island and any school, college or program within those institutions to which the member might apply. Once the qualified member is admitted to one of those institutions, he/she may then be granted resident status for the purpose of paying tuition.

- The benefit is transferable to a qualifying member of the Armed Forces' spouse and/or dependent(s). In addition, the benefit shall continue to apply to the active duty member, spouse or dependent while continuously enrolled at a state institution of higher education, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the state.
  - The in-state tuition rate benefit to qualified members of the Armed Forces, their spouses and dependents begins on July 1, 2009. Therefore, qualified members, and their spouses and dependents are eligible for in-state tuition rates for any term of enrollment begun after July 1, 2009.
- e. A veteran of any branch of the Armed Forces and/or a veteran of any branch of a state's National Guard who has been on active duty for a minimum of 24 months shall, upon establishing domicile in the state of Rhode Island, be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees. A veteran of any branch of the Armed Forces and/or a veteran of any branch of a state's National Guard who is injured while on active duty and whose injury causes him/her to be on active duty for a period of less than 24 months shall, upon establishing domicile in the state of Rhode Island, be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees. This determination of tuition and fees shall apply to both undergraduate and graduate students.
- A "qualified veteran" is defined as one who has established a domicile in Rhode Island, is eligible for federal GI Bill educational benefits and who has served at least 24 months on active duty in the US Marines, US Navy, US Army, US Air Force, US Coast Guard or any state branch of the US National Guard. A veteran of any branch of the Armed Forces or National Guard as noted above who is injured while on active duty and whose injury causes him/her to be on active duty for a period of less than 24 months is also eligible.
  - Any veteran seeking to qualify for in-state tuition rates must have a Certificate of Eligibility issued by the Federal Department of Veterans Affairs as the appropriate confirmation of federal GI Bill educational benefits. In addition, the veteran must have a Rhode Island mailing address (not a post office box), and either be a U.S. citizen or possess a permanent residency card. The residency officers at the institutions have the right to request

additional documentation and have the authority to make the final determination whether a qualified veteran ultimately qualifies for in-state tuition rates.

- A veteran must meet the academic and eligibility requirements of the University of Rhode Island, Rhode Island College or the Community College of Rhode Island and any school, college or program within those institutions to which the veteran might apply. Once the qualified veteran is admitted to one of those institutions, he/she may then be granted resident status for the purpose of paying tuition.
- The benefit transfers to a spouse and/or dependent(s) when the qualifying veteran has served a minimum of ten (10) years on active duty in one of the branches of the Armed Forces noted above. In addition, the qualifying veteran must be a Rhode Island resident at the time he/she seeks to transfer the benefit to his/her spouse and/or dependent(s).
- The in-state tuition rate benefit to qualified veterans, their spouses and dependents begins on August 1, 2009. Therefore, qualified veterans, and any qualified spouses and dependents are eligible for in-state tuition rates for any term of enrollment begun after August 1, 2009.
- The status as a Rhode Island resident does not apply immediately to state-sponsored financial aid. In order to qualify for state-sponsored financial aid, a veteran must be a Rhode Island resident since January 1st prior to the academic year in which the applicant enrolls at an institution. The student's Free Application for Federal Student Aid (FAFSA) must be filed on or before March 1 for the year in which the student is seeking state-sponsored financial aid.

#### D. PROCEDURES FOR INSTITUTIONS

1. The institutional residency officer shall classify each person accepted by a public college or university as a resident or non-resident student. Said classification shall be based upon all relevant information made available to the residency officer, including, but not limited to, information submitted by or on behalf of the student. The residency officer may, as a condition of registration, require such written documents and other relevant evidence as

are deemed necessary or helpful to determine the residence of the applicant.

2. Any student who has been classified as a non-resident student and who claims that his or her status has changed during attendance at the institution may request the residency officer for a re-classification, submitting relevant evidence in support of this claim.

Based upon relevant evidence, the institution may request the residency officer to re-classify a student, if the student's status has changed during attendance at the institution.

If the residency officer determines that the student has become a resident, the student shall be classified as a resident student effective as of the beginning of the semester next following the determination. Decisions on classification will be communicated to the student in written form. Requests for a change of classification will not be considered more than once in any semester.

3. Any student who is classified as a non-resident student by the residency officer may, by filing a written request with the residency officer within thirty days of receipt of notification of the classification, appeal the residency officer's decision to the Board of Residency Review. The residency officer shall thereupon transmit the record, including a statement of the reasons for the decision to the Board of Residency Review, and the board shall decide the appeal upon the record together with such additional written information as the student may furnish or the board may require. The Board of Residency Review shall hold an informal hearing. The decision of the Board of Residency Review shall be final.

#### E. PENALTIES

Misrepresentation of facts in order to qualify for resident student classification shall be considered cause for the recapture of back-due tuition and/or for suspension or permanent exclusion from a public college or university. Moreover, it may subject the student to criminal prosecution.