

Establishing New York State Residency

The completed application and supporting documentation must be submitted to the Student Accounts Office by the established deadline to be considered for the current semester. Late submissions will be considered for the following semester. **Only completed applications submitted on or before the following due dates may be considered.** The deadline dates are listed below:

Fall Semester.....**September 30th**
Spring Semester.....**February 22nd**
Summer Semester....**July 1st**

How to apply for New York State Residency Status for Tuition Billing Purposes:

Download the **New York State Residency Application Form** and mail the completed application, along with the supporting documentation, before the due date listed above, to:

Farmingdale State College
Student Accounts Office
Laffin Hall-Room 226
Farmingdale, NY 11735-1021

Administrative Procedures Manual

010.1 Establishment of Residency for Tuition Purposes

I. INTRODUCTION

Item 010.1 summarizes and clarifies the State University of New York's definition of residency for purposes of determining eligibility for in-State tuition at the State-operated campuses. A resident is defined as follows:

A person whose domicile has been in the State of New York for a period of at least one year immediately preceding the time of registration for any period of attendance shall be a New York resident for the purpose of determining the tuition rate payable for such period. All other persons shall be presumed to be out-of-State residents for such purpose, unless domiciliary status is demonstrated in accordance with guidelines adopted by the Chancellor or designee. (8 NYCRR §302.1(a) (6))

II. POLICY STANDARD

A. Standard

Students enrolled at State-operated campuses are considered New York State residents if they have established their domicile in New York State. A domicile is a fixed, permanent home to which an individual intends to return whenever absent. Determination of a student's domicile will be based on the factors set forth in **SECTION IV**.

B. Classifications

Persons Domiciled in New York for Twelve Months

Individuals who have maintained their domicile in New York State for a period of at least twelve months prior to registration shall be considered New York State residents. Persons who have been physically present in New York for at least twelve months but have maintained a fixed, permanent and principal residence outside of New York shall not be considered New York State residents.

III. IMPLEMENTATION

A. Applying for New York State Residency

Students who have not established a New York State domicile for a period of at least one year immediately preceding the time of registration and who wish to be considered eligible for in-State tuition must submit the standard **State University of New York Application for New York State Resident Status**. Additionally, in situations where the campus seeks to verify a student's claim of residency, campus officials may request that the student complete this form. Any student who fails to complete the residency application including the submission of all supporting documentation, after being requested to do so by a campus official will be charged out-of-State tuition.

B. Application Forms

The initial determination of residency status should be based on the information provided by the student during the admissions process. For this reason, the **State University Common Undergraduate Application for Admission** includes a description of residence as follows:

Residence refers to your principal or permanent home to which you return. If your principal or permanent home has *not* been in New York for a 12-month period immediately *prior* to the date of expected registration, you will be an out-of-State resident for tuition purposes. To promote consistency, all other application forms (graduate, professional, non-A.C.) should be revised to include this definition. In addition, all application forms should solicit information relative to a student's principal or permanent home for the previous twelve month period.

C. Submission of Residency Applications

Completed residency applications should be submitted to campus officials prior to registration for the semester in which tuition is due. The term "registration" shall mean the "last date" for registration at each state-operated campus.

D. Determination

A written residency determination and any supporting documentation shall be placed in the student's permanent file.

E. Appeals

Each campus shall establish an on-campus procedure for the appeal of residency determinations. At least one copy of the appeals process must be filed with the campus admissions office for student accessibility purposes and one copy to the Associate Vice Chancellor for Access Services. Other copies may be filed with the campus office responsible for administering the residency policy. All decisions rendered by the campus appeals officer or board shall be final.

IV. GUIDELINES FOR DETERMINING RESIDENCE

A. Domicile

In order to determine an applicant's residency status, the campus must ascertain whether the student, or the student's parent, has established a New York State domicile. The following principles govern the determination of a student's domicile:

1. A domicile is a fixed, permanent home to which a person intends to return whenever absent.
2. A person may have many residences but only one domicile.
3. A person retains a domicile until it is abandoned and another domicile is established.
4. A person does not acquire a New York State domicile by being physically present in New York for the sole purpose of attending a New York State college or university.
5. A person does not acquire a New York State domicile simply by being physically present in New York for a period of twelve months.
6. An un-emancipated student's domicile is that of his or her parents or other legal guardian. (Factors to be used in determining emancipation are discussed in sub-section **D** below.)
7. An un-emancipated student of divorced or legally separated parents will acquire a New York State domicile if:
 - a. The custodial parent is a New York State resident.
or
 - b. The student resides with a non-custodial parent who is a New York State resident and the student intends to continue to reside with that parent throughout his/her attendance at the State University of New York.

B. Proof of Domicile

Proof of a New York State domicile is demonstrated by documents that support an applicant's contention that his or her permanent home is located in New York State. For un-emancipated students, the campus shall review documents relating to the parents' or legal guardian's permanent home. Factors relevant to the determination of a New York State domicile include, but are not limited to, the following:

1. Duration of the student's physical presence in New York
2. State of residency of the student's family (i.e. parents, spouse or children)
3. New York State voter registration
4. New York State driver's license or non-driver identification card
5. New York State motor vehicle registration
6. Proof of ownership of New York State real property
7. Residential rental lease for property in New York State
8. New York State income tax returns
9. New York State bank accounts

An applicant need not submit all of the above documentation in order to demonstrate a New York State domicile; instead, the campus should examine the totality of the circumstances in each individual case.

C. Exceptions to the Domicile Rule

1. Members of the U. S. Armed Forces who provide documentation showing that they are on full-time active duty and stationed in New York State shall be charged in-State tuition regardless of the actual location of their domicile. Spouses and dependents shall also be deemed New York State residents for tuition purposes. (NYS Education Law §355(h)(3) and 8 NYCRR §302.1(i))

2. Dependents of a parent or legal guardian who is a member of the U.S. Armed Forces who is stationed out-of-State will qualify for in-State tuition if the parent or legal guardian submits proof of a New York State domicile, referred to as a Home of Record. Such records are on file at the person's military base.

D. Emancipation of a Student

A student whose parents or legal guardian reside out-of-State may claim to be emancipated in order to qualify for in-State tuition. A student claiming emancipation must present evidence of both emancipation and a New York State domicile in order to be designated a New York State resident for tuition purposes. Proof of emancipation must include documentation demonstrating the student's financial independence. Emancipation does not occur automatically when a student reaches 18 years of age. Students under the age of 22 must provide evidence of one year of independent living in order to be considered emancipated.

Factors relevant to the determination of financial independence include, but are not limited to, the following:

1. Employment on a full- or part-time basis within New York State
2. Sources and extent of financial support from parents or guardians
3. Sources and extent of other income
4. Parents' Federal and State income tax forms which do not claim the student as a dependent (if the student continues to receive financial support, however, the student shall not be considered emancipated)
5. Student's place of residence during the summer or other academic term recess
6. Student's status as financially independent for purposes of Federal and/or State financial assistance
7. Independent filing by the student of Federal or State income tax return
8. Student's assets and liabilities

Emancipated students are totally responsible for paying all of their educational costs. The amount of income claimed by the student must be in excess of educational expenses, including those expenses associated with living in non-University housing. The term income includes any financial aid awarded directly to the student with the exception of parental loans. The students should not have any joint or custodial accounts with their parents or legal guardians and any income claimed must be accompanied by source documentation (tax returns, Form 1099, Form W-2, bank statements, trust documents, etc.).

V. IMMIGRANT ALIENS

Immigrant aliens may lawfully reside in the United States on a permanent basis. Students claiming to be immigrant aliens must present proof of their status by providing the campus with a valid **Alien Registration Receipt Card** (commonly known as a "green card").

Once a student's immigrant status has been verified, the student may then establish in-State residency by meeting the criteria set forth in **SECTION IV**. A student may also provide a valid application for permanent residency status and upon verification that the application is pending, the student may apply for residency status. Refugees and those seeking asylum may also reside permanently in the United States. Students submitting proof of refugee or asylum status should be treated as immigrant aliens and permitted to provide evidence of a New York State domicile.

VI. NON-IMMIGRANT ALIENS

Non-immigrant aliens are those who enter the United States on a temporary basis for a specific purpose. Non-immigrants are grouped in categories depending on the type of visa presented at the port-of-entry. Non-immigrants admitted to the United States in categories which prohibit

them from establishing a United States residence would not be eligible for in-State tuition. Non-immigrants grouped in categories which permit them to establish United States residency may be eligible for in-State tuition if they meet the criteria set forth in **SECTION IV**.

VII. UNDOCUMENTED ALIENS

Pursuant to the **Federal Immigration and Nationality Act**, students who are unable to present valid documentation of their alien status are not eligible for in-state tuition rates. Effective July 1, 1998, aliens not lawfully present in the United States are not eligible on the basis of residence within a State for any post-secondary educational benefit unless citizens or nationals of the United States are eligible for the same benefit without regard to state residency.