



West Virginia University

Student Affairs

Dear Student:

A request for a change in residency classification status can be a long, time-consuming, and costly process. The Office of Admissions wishes to respond promptly and in complete fairness to all students who make application. Therefore, please take a moment to read the statements below before deciding to apply. Your consideration is appreciated.

NOTES ON RESIDENCY CLASSIFICATION PROCESS

1. Each student requesting residency classification should have a strong, well-documented case for having the residency application status changed. Ample and specific guidelines are available for your reading to assure that you have a good cause to initiate such a request for residency classification (see attached Higher Education Policy Commission Rules and Policies, Series 25 and West Virginia University Policy on Residency Reclassification).
2. Completion of the two-page Application for Classification as a Resident Student at West Virginia University is **mandatory prior** to discussing residency reclassification with office personnel. **To be reclassified for a particular semester, the application must be submitted two (2) weeks prior to the deadline for the payment of tuition and fees.**
3. All copies of supporting evidence (i.e., drivers license, tax forms, etc.) must be attached to the application described in Number 2 above. Neglecting to submit supporting documents will cause delay in a decision being made. Please submit your application and supporting documents to the "Residency Unit" at the address below. The evidence should demonstrate that the student's primary purpose for living in West Virginia is other than attending an institution of higher education. Merely answering the "Additional Information" questions on the application affirmatively does not necessarily establish residency for tuition and fee purposes. It is the student's responsibility to submit all supporting evidence to be considered with the student's application. **No additional evidence or documentation will be considered after the application has been submitted unless it is requested by the Office of Admissions.**
4. Your signed submission of the application authorizes the Office of Admissions' personnel to review your academic records and to make inquiry, where applicable, to substantiate your supporting evidence.
5. You may be contacted for a personal interview regarding your application. Please indicate your telephone number on the application.
6. Your application will be reviewed and a decision made. If your resident status request is granted, you will be notified in writing. If a denial is issued, you will be sent a written explanation and informed of appropriate appeal procedures.

APPLICATION FOR CLASSIFICATION AS A RESIDENT STUDENT AT WEST VIRGINIA UNIVERSITY

Please read Higher Education Policy Commission Rules and Policies, Series 25 and West Virginia University Policy on Residency Reclassification before completing this application and provide all documentation as indicated.

Name _____ WVU Student No. _____

Present PERMANENT home address: _____

Home Telephone: _____ Birth Date _____

Enrollment status at WVU:
Previously enrolled – Dates: _____ Currently enrolled – Date first enrolled: _____
Future enrollment – Entry Date: _____

Residency status requested for Spring Fall Summer Year _____

What is your present means of financial support (e.g., parents, self, financial aide)? _____

Are you receiving any type of financial aid? Yes _____ No _____ If yes, list type/source: _____

DEPENDENCY INFORMATION: _____

Response in this section should be based upon item 3 of the attached Higher Education Policy Commission Rules and Policies, Series 25.

This application is being made on the basis of: (check only one)

- _____ Personal independence (provide information requested below and forward supporting documentation relative to yourself)
- _____ Dependency on parent/guardian/spouse (provide information below and forward supporting documentation relative to parent/guardian/spouse)

Residency Information: Attach documentation of your residency in West Virginia for the previous 12-month period (lease agreements, deeds of trust, etc.).

From _____ 20 _____ to _____ 20 _____ at _____

From _____ 20 _____ to _____ 20 _____ at _____

Employment Information: Attach documentation of employment for the period being used in support of this application.

Company name _____ Address _____ Dates _____

Company name _____ Address _____ Dates _____

Additional Information

Below is a list of affirmative actions that are partial evidence of an individual's domicile. This list is not exhaustive and completion of these affirmative actions does not guarantee reclassification. If you have taken any of the actions below, you must attach documented evidence of the action. Also attach documentation of other items listed in Section 3 of the Higher Education Policy Commission Rules and Policies, Series 25, demonstrating that your primary purpose for living in West Virginia is for purposes other than attending an institution of higher education.

	No	Yes	
Do you own residential property in West Virginia?	_____	_____	}
Have you paid West Virginia real or personal property taxes during the past 12 months?	_____	_____	
Have you filed a West Virginia Income Tax Return during the past 12 months?	_____	_____	
If married, is your spouse a resident of West Virginia?	_____	_____	
Do you have a motor vehicle registered in your name?	_____	_____	
Is such vehicle licensed in West Virginia?	_____	_____	
Do you possess a valid West Virginia driver's license?	_____	_____	
Do you possess a West Virginia Voter's Registration?	_____	_____	
Have you obtained full-time employment in West Virginia?	_____	_____	
For Resident Aliens: Date Permanent Alien Card Issued	_____	_____	

For each yes, you must attach documented evidence

Please complete other side

PROVIDE A WRITTEN STATEMENT OUTLINING AND EXPLAINING YOUR CLAIM TO RESIDENT STUDENT STATUS. PLEASE BE BRIEF AND SPECIFIC. FOCUS YOUR STATEMENT ON FACTORS THAT DEMONSTRATE THAT YOUR PRIMARY PURPOSE FOR LIVING IN WEST VIRGINIA IS OTHER THAN ATTENDING AN INSTITUTION OF HIGHER EDUCATION.

I affirm/attest that the information and accompanying documentation herein is true and accurate, and freely authorize the verification of each if considered necessary for the proper consideration of this application.

Signature of applicant _____ Date _____

Signature of parent/guardian/spouse _____ Date _____

(Applicable to students seeking resident status on the basis of parent/guardian/spouse)

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 25
RESIDENCY CLASSIFICATION FOR ADMISSION AND FEE PURPOSES**

§133-25-1. General.

1.1. Scope. -- Rule regarding residency classification of students for admission and fee purposes.

1.2. Authority. -- West Virginia Code §§18B-10 and 18B-2B-6.

1.3. Filing Date. – May 9, 2017.

1.4. Effective Date. – June 9, 2017.

1.5. Repeal of Former Rule. -- Repeals and replaces Title 133, Series 25 which had an effective date of January 20, 2017.

§133-25-2. Classification for Admission and Fee Purposes.

2.1. Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition, and fee purposes by the institutional officer designated by the President. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The designated officer is authorized to require such written documents, affidavits, verifications, or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition, and fee purposes is upon the student.

2.2. If there is a question as to domicile, the matter must be brought to the attention of the designated officer at least two (2) weeks prior to the deadline for the payment of tuition and fees. Any student found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident fees for each academic term theretofore attended.

2.3. The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts, the prior judgment should be given strong consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

§133-25-3. Residence Determined by Domicile.

3.1. Domicile within the state means adoption of the state as the fixed permanent home and involves personal presence within the state with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in this State for admission or fee payment purposes. West Virginia domicile may be established upon the completion of at least twelve (12) months of continued presence within the state prior to the date of registration: Provided, That such twelve (12) months' presence is not primarily for the purpose of attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than twelve (12)

months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action. In determining domicile, institutional officials should give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within the state, paying West Virginia property tax, filing West Virginia income tax returns, registering of motor vehicles in West Virginia, possessing a valid West Virginia driver's license, and marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may be used in determining whether or not a domicile has been established. Factors militating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal or state income tax returns or on the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states, and leaving the state when school is not in session.

§133-25-4. Dependency Status.

4.1. A dependent student is one (1) who is listed as a dependent on the federal or state income tax return of his/her parent(s) or legal guardian or who receives major financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent student takes the domicile of the parent with whom he/she lives or to whom he/she has been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

4.2. A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in this state for admission or fee payment purposes.

§133-25-5. Change of Residence.

5.1. A person who has been classified as an out-of-state student and who seeks resident status in West Virginia must assume the burden of providing conclusive evidence that he/she has established domicile in West Virginia with the intention of making the permanent home in this State. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements, but also by that person's actions. In making a determination regarding a request for change in residency status, the designated institutional officer shall consider those actions referenced in §133-25-3 of these rules. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

§133-25-6. Military

6.1. An individual who is on full-time active military service in another state or a foreign country or an employee of the federal government shall be classified as an in-state student for the purpose of payment of tuition and fees: Provided, That the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia, and has at no time while in federal service claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.2. Persons assigned to full-time active military service in West Virginia and residing in the state shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.3. Any student living in West Virginia and receiving education benefits provided under Chapter 30

or Chapter 33 from the U.S. Department of Veterans Affairs shall be charged in-state tuition and fees to attend a West Virginia public institution of higher education so long as such student is considered a “covered individual” as described in 38 U.S.C. §3679, as in effect at any time.

§133-25-7. Aliens.

7.1. Students who meet the domiciliary requirements noted in Sections 3, 4, and 5 of this policy, and who are U.S. Permanent Resident Aliens, Political Asylees or Political Refugees, or who hold an A, E, G, H, I, L, O, P, R, TD, TN, U, or V visa, may apply to be reviewed for in-state residency for tuition purposes.

7.2. Students who hold B, C, D, F, J, K, M, or Q visas are not eligible for establishing in-state residency for tuition purposes.

7.3. Students who meet the domiciliary requirements and who are the beneficiary of a pending I-485 application to adjust status to permanent resident may apply to be reviewed for in-state residency for tuition purposes.

§133-25-8. Former Domicile.

8.1. A person who was formerly domiciled in the State of West Virginia and who would have been eligible for an in-state residency classification at the time of his/her departure from the state may be immediately eligible for classification as a West Virginia resident provided such person returns to West Virginia within a one (1) year period of time and satisfies the conditions of §133-25-3 of these rules, regarding proof of domicile and intent to remain permanently in West Virginia.

§133-25-9. Appeal Process.

9.1. Each institution shall establish procedures which provide opportunities for students to appeal residency classification decisions with which they disagree. The decisions of the designated institutional official charged with the determination of residency classification may be appealed in accordance with appropriate procedures established by the president of the institution. At a minimum, such procedures shall provide that:

9.1.a. An institutional committee on residency appeals will be established to receive and act on appeals of residency decisions made by the designated institutional official charged with making residency determinations.

9.1.a.1. The institutional committee on residency shall be comprised of members of the institutional community, including faculty and at least three, in any event, an odd number. The student representative(s) shall be appointed by the president of the institutional student government association while the faculty representative(s) shall be selected by the campus-wide representative faculty organization.

9.1.a.2. The student contesting a residency decision shall be given the opportunity to appear before the institutional committee on residency appeals. If the appellant cannot appear when the committee convenes a meeting, the appellant has the option of allowing committee members to make a decision on the basis of the written materials pertaining to the appeal or waiting until the next committee meeting.

9.1.b. The residency appeal procedures will include provisions for appeal of the decision of the institutional committee on residency appeals to the president of the institution.

9.1.c. Residency appeals shall end at the institutional level.