



# University System of Georgia

## Policy for Classification of Students

### for

## Tuition Purposes and Out-of-State Waivers

Under the Constitution and laws of Georgia, the Board of Regents of the University System of Georgia was created to govern, control and manage a system of public institutions providing quality higher education for the benefit of Georgia citizens. The state, in turn receives a substantial benefit from individuals who are attending or who have attended these institutions through their significant contributions to the civic, political, economic, and social advancement of the citizens of the State of Georgia.

The Board of Regents has adopted the following policies governing the classification of students as in-state and out-of-state for tuition purposes. (Effective Fall 2007)

### **403.02 Classification Status for Tuition Purposes**

#### **A. United States Citizens**

- 1) a. An independent student who has established and maintained a domicile in the State of Georgia for a period of at least 12 consecutive months immediately preceding the first day of classes for the term shall be classified as “in-state” for tuition purposes. It is presumed that no student shall have gained or acquired in-state classification while attending any postsecondary educational institution in this state without clear evidence of having established domicile in Georgia for purposes other than attending postsecondary educational institution in this state.
  - b. A dependent student shall be classified as “in-state” for tuition purposes if either i) the dependent student’s parent has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term and the student has graduated from a Georgia high school or ii) the dependent student’s parent has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term and the parent claimed the student as a dependent on the parent’s most recent federal income tax return.
  - c. A dependent student shall be classified as “in-state” for tuition purposes if a U.S. court-appointed legal guardian has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term provided that appointment was not made to avoid payment of out-of-state tuition and the U.S. court-appointed legal guardian can provide clear evidence of having established and maintained domicile in the State of Georgia for a period of at least 12 consecutive months immediately preceding the first day of classes for the term.
- 2) a. If an independent student classified as “in-state” relocates temporarily but returns to the State of Georgia within 12 months, the student shall be entitled to retain in-state tuition classification.
  - b. If the parent or U.S. court-appointed legal guardian of a dependent student currently classified as “in-state” for tuition purposes establishes domicile outside of Georgia after having established and maintained domicile in the State of Georgia, the student may retain in-state tuition classification as long as the student remains continuously enrolled in a public postsecondary educational institution in the state, regardless of the domicile of the parent or U.S. court-appointed legal guardian.

#### **B. Noncitizens**

Noncitizens initially shall not be classified as “in-state” for tuition purposes unless there is evidence to warrant consideration of in-state classification. Lawful permanent residents, refugees, asylees, or other eligible noncitizens as defined by federal Title IV regulations may be extended the same consideration as citizens of the United States in determining whether they qualify for in-state classification. International students who reside in the United States under nonimmigrant status conditioned at least in part upon intent not to abandon a foreign domicile are not eligible for in-state classification.

## 704.041 Out-of-State Tuition Waivers

Under certain conditions an institution may award out-of-state tuition differential waivers and assess in-state tuition for nonresidents of Georgia. To contact the appropriate department that administers each waiver, please visit the following website:

<http://www.catalog.gatech.edu/financial/general/waiver.php>

- A. **Academic Common Market.** (<http://www.sreb.org/programs/acm/acmindex.asp>) Students selected to participate in a program offered through the Academic Common Market.
- B. **International Students.** International students selected by the institutional president or an authorized representative, provided that the number of such waivers in effect does not exceed 2% of the equivalent full-time students enrolled at the institution in the fall term immediately preceding the term for which the out-of-state tuition is to be waived.
- C. **University System Employees and Dependents.** Full-time employees of the University System, their spouses, and their dependent children.
- D. **Medical/Dental Students and Interns.** Medical and dental residents and medical and dental interns at the Medical College of Georgia (BR Minutes, 1986-87, p. 340).
- E. **Full-Time School Employees.** Full-time employees in the public schools of Georgia or of the Department of Technical and Adult Education, their spouses, and their dependent children. Teachers employed full-time on military bases in Georgia shall also qualify for this waiver (BR Minutes, 1988-89, p. 43).
- F. **Career Consular Officials.** Career consular officers, their spouses, and their dependent children who are citizens of the foreign nation that their consular office represents and who are stationed and living in Georgia under orders of their respective governments.
- G. **Military Personnel.** Military personnel, their spouses, and their dependent children stationed in or assigned to Georgia and on active duty. The waiver can be retained by the military personnel, their spouses, and their dependent children if the military sponsor is reassigned outside of Georgia, as long as the student(s) remain(s) continuously enrolled and the military sponsor remains on active military status (BR Minutes, February 2004).
- H. **Research University Graduate Students.** Graduate students attending the University of Georgia, the Georgia Institute of Technology, Georgia State University, and the Medical College of Georgia, which shall be authorized to waive the out-of-state tuition differential for a limited number of graduate students each year, with the understanding that the number of students at each of these institutions to whom such waivers are granted, shall not exceed the number assigned below at any one point in time:
- |                                 |    |
|---------------------------------|----|
| University of Georgia           | 80 |
| Georgia Institute of Technology | 60 |
| Georgia State University        | 80 |
| Medical College of Georgia      | 20 |
- I. **Border County Residents.** Residents of an out-of-state county bordering a Georgia county in which the reporting institution or a Board-approved external center of the University System is located.
- J. **National Guard Members.** Full-time members of the Georgia National Guard, their spouses, and their dependent children. (BR Minutes, April, 1998, pp. 16-17).
- K. **Students enrolled in University System institutions as part of Competitive Economic Development Projects.** Students who are certified by the Commissioner of the Georgia Department of Economic Development as being part of a competitive economic development project.
- L. **Students in Georgia-Based Corporations.** Students who are employees of Georgia-based corporations or organizations that have contracted with the Board of Regents through University System institutions to provide out-of-state tuition differential waivers.
- M. **Students in Pilot Programs.** Students enrolled in special pilot programs approved by the Chancellor. The Chancellor shall evaluate institutional requests for such programs in light of good public policy and the best interests of students. If a pilot program is successful, the tuition program shall be presented to the Board for consideration.
- N. **Students in ICAPP<sup>®</sup> Advantage** (<http://www.icapp.org/>) programs. Any student participating in an ICAPP<sup>®</sup> Advantage program.

- O. Direct Exchange Program Students. Any international student who enrolls in a University System institution as a participant in a direct exchange program that provides reciprocal benefits to University System students.
- P. Economic Advantage. As of the first day of classes for the term, an economic advantage waiver may be granted to a dependent or independent student who can provide clear evidence that the student or the student's parent, spouse, or U.S. court-appointed guardian has relocated to the State of Georgia to accept full-time, self-sustaining employment and has established domicile in the State of Georgia. Relocation to the state must be for reasons other than enrolling in an institution of higher education. This waiver will expire 12 months from the date the waiver was granted.

As of the first day of classes for the term, an economic advantage waiver may be granted to a student possessing a valid employment-related visa status who can provide clear evidence of having relocated to the State of Georgia to accept full-time, self-sustaining employment. Relocation to the state must be for reasons other than enrolling in an institution of higher education. These individuals would be required to show clear evidence of having taken all legally permissible steps toward establishing legal permanent residence in the United States and the establishment of legal domicile in the State of Georgia. Students currently receiving a waiver who are dependents of a parent or spouse possessing a valid employment-sponsored visa may continue to receive the waiver as long as they can demonstrate continued efforts to pursue an adjustment of status to U.S. legal permanent resident (BR Minutes, June 2006).

- Q. Recently Separated Military Service Personnel. Members of a uniformed military service of the United States who, within 12 months of separation from such service, enroll in an academic program and demonstrate an intent to become a permanent resident of Georgia. This waiver may be granted for not more than one year (BR Minutes, June 2004).
- R. Nonresident Student. As of the first day of classes for the term, a nonresident student whose parent, spouse, or U.S. court-appointed legal guardian has maintained domicile in Georgia for at least 12 consecutive months so long as the student can provide clear evidence showing the relationship to the parent, spouse, or U.S. court-appointed legal guardian has existed for at least 12 consecutive months immediately preceding the first day of classes for the term.

If the parent, spouse, or U.S. court-appointed legal guardian of a continuously enrolled nonresident student establishes domicile in another state after having maintained domicile in the State of Georgia for the required period, the nonresident student may continue to receive this waiver as long as the student remains continuously enrolled in a public postsecondary educational institution in the state, regardless of the domicile of the parent or U.S. court-appointed legal guardian.



## **Glossary of Terms for Petition for Classification of Students for Tuition Purposes**

The following definitions of terms apply in the determination of a student's classification for tuition purposes in the University System of Georgia.

- a. **Adoption** – A legally recognized relationship that creates a parent-child relationship between individuals who are not biologically related to each other.
- b. **Adult Student** – An emancipated individual, over the age of 18.
- c. **Asylee** – A foreign national who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. A stamp reading "Asylum status granted pursuant to Section 208, USCIS" affirms an individual's official status as an asylee.
- d. **Continuously enrolled student** – A student who makes satisfactory academic progress toward completion of a degree, diploma, or certificate program of study at a public postsecondary educational institution or accredited, bona fide study abroad program in the State of Georgia without a break in enrollment of more than one traditional academic semester (fall or spring). A student who is not enrolled for two or more consecutive traditional academic semesters is not considered to be a continuously enrolled student.
- e. **Dependent student** – An individual under the age of 24 who receives financial support from a parent or U.S. court-appointed legal guardian whose federal or state income tax return lists the individual as "dependent."
- f. **Domicile** – A person's present, permanent home where that individual intends to stay indefinitely and to which that individual returns following periods of temporary absence. Domicile, once established, shall not be affected by mere transient or temporary physical presence in another state. No individual may have more than one domicile even though an individual may maintain more than one residence. Temporary residence does not constitute the establishment of one's domicile. To acquire domicile, an individual must demonstrate intent to remain permanently or indefinitely.
- g. **Durational Requirement** – The period of 12 consecutive months after the individual has established domicile and proceeding the first day of classes for intended term of enrollment.
- h. **Emancipated** – A minor who under certain circumstances may be treated by the law as an adult. A student reaching the age of 18 does not qualify for consideration of reclassification by virtue of having become emancipated unless he/she can demonstrate financial independence and domicile independent of his/her parents.
- i. **Eligible non-citizens** – Refugees, persons granted asylum, certain conditional entrants, persons paroled into the U.S. for at least one year who can demonstrate an intent to become a legal permanent resident, and Cuban-Haitian entrants.
- j. **Full-time employment** – An annual earned income reported for tax purposes which is equivalent to minimum wage earned by working forty hours per week during fifty work-weeks per year.
- k. **Immigrant** – A foreign national issued an immigrant visa by the Department of State overseas, or a foreign national who has adjusted to permanent resident status by U.S. Citizenship and Immigration Services in the United States. An immigrant is legally accorded the privilege of residing permanently in the United States.
- l. **Independent student** – An individual who is not claimed as a dependent on the federal or state income tax returns of a parent or U.S. court-appointed legal guardian who has ceased to provide support and right to that individual's care, custody and earnings.
- m. **In-state tuition classification** – Status granted to a student, in accordance with the policies of the Board of Regents, who has been determined to be eligible to pay tuition at the in-state rate.

- n. International student – An individual who enters the United States temporarily for the purpose of attending an educational institution under a nonimmigrant visa status that does not permit long-term, indefinite or permanent residence in the United States.
- o. Lawful permanent resident – [also known as *Permanent Resident Alien*, *Resident Alien Permit Holder*, and *Green Card Holder*] A non-citizen residing in the United States under legally recognized and lawfully recorded permanent residence status as an immigrant.
- p. Legal guardian – An individual who has been granted custody of a dependent person (under the age of 24) by a court in the United States.
- q. Military personnel – Full-time members of the Armed Forces of the United States, including active-duty commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration.
- r. Minor student – An unemancipated student under the age of 18 years of age.
- s. Non-citizen – A person who is not a U.S.-born or naturalized citizen of the United States.
- t. Nonimmigrant – A foreign national who maintains permanent residence abroad and seeks temporary entry to the United States. Nonimmigrant classifications include foreign government officials; visitors for business and for pleasure; aliens in transit through the United States; treaty traders and investors; students; international representatives; temporary workers and trainees; representatives of foreign information media; exchange visitors; fiancé(e)s of U.S. citizens; intra-company transferees; NATO officials; religious workers; witnesses or informants; victims of trafficking or certain crimes; NAFTA professionals; humanitarian parole status individuals; dependents of lawful permanent residents awaiting lawful permanent resident status; and Temporary Protected Status individuals. Nonimmigrant classifications which allow temporary presence in the United States but prohibit the establishment of domicile in the United States include visitors for business and for pleasure; aliens in transit through the United States; students; temporary workers and trainees; representatives of foreign information media; exchange visitors; and NAFTA professionals.
- u. Non-resident – A person who has not had an established domicile in the State of Georgia for a period of at least 12 months prior to the first day of classes for the term for which the person is intending to enroll at a postsecondary educational institution in Georgia.
- v. Out-of-state tuition classification – Status granted to a student, in accordance with the policies of the Board of Regents, who has been determined to be ineligible to pay tuition at the in-state rate.
- w. Out-of-state tuition waiver – A waiver of the difference in tuition paid by students classified as out-of-state and those classified as in-state for tuition purposes.
- x. Postsecondary educational institution – An institution of higher (tertiary) education, public or private, above the high-school level.
- y. Refugee – [See *Asylee*]
- z. Residency – [See also *In-state tuition classification* and *Domicile*] Residency is the state and country where an individual currently lives. An individual may be residing in Georgia and may be classified as having established Georgia residency for securing marital status, a driver’s license, or classification of taxpayer status but does not meet the qualifications to establish domicile in Georgia.
- aa. Title IV regulations - Federal regulations governing Title IV of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998, found in Chapter Six of Title 34 of the Federal Register.
- bb. U.S. citizen – A citizen of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands.
- cc. U.S. national – A citizen of American Samoa and Swain’s Island.