Residency for Tuition Purposes

All students are classified for tuition purposes under one of the following residency classifications:

1. Maricopa County resident
2. Out-of-County resident
3. Out-of-State resident (including F-1 non-immigrant students)

Residency for tuition purposes is determined in accordance with state law (ARS §§15-1801 et seq.) and regulations of the Maricopa Community Colleges Governing Board. All of the Maricopa Community Colleges are subject to the above statutes and regulations. Students who have questions about their residency should contact the Admissions and Records Office/Office of Student Enrollment Services for clarification.

Implementation

1. Domicile status must be established before the student registers and pays fees. It is the student’s responsibility to register under the correct domicile status.

2. Enforcement of domicile requirements shall be the responsibility of the Chancellor of the Maricopa Community Colleges. The Chancellor has charged the Director of Admissions and Records or other designee at each college to make the initial domicile classification. In determining a student’s classification, the college may consider all evidence, written or oral, presented by the student and any other information received from any source which is relevant to determining classification. The college may request written sworn statements or sworn testimony of the student.

3. A request for review of the initial classification may be made to a district review committee. The request must be in writing, signed by the student and accompanied by a sworn statement of all facts relevant to the matter. The request must be filed with the admissions officer of the college within ten days of receipt of notification of classification as a non-resident. Failure to properly file a request for review within the prescribed time limit constitutes a waiver of review for the current enrollment period. The decision of the review committee shall be final.

Definitions

1. “Armed Forces of the United States” means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the commissioned corps of the United States Public Health Services, the National Oceanographic and Atmospheric Administration, the National Guard, or any military reserve unit of any branch of the Armed Forces of the United States.

2. “Continuous attendance” means enrollment at one of Maricopa Community Colleges as a full-time or part-time student for a normal academic year since the beginning of the period for which continuous attendance is claimed. Students need not attend summer sessions or other such intersession beyond the normal academic year in order to maintain continuous attendance.

3. “County resident” means an individual who has lived in the county for at least fifty (50) days before the first day of classes of the semester. In-state residency must be established prior to county residency for those moving from other states. Refer to AR 2.2.2.3 Section C for guidelines.

4. “Domicile” means a person’s true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
5. “Emancipated person” means a person who is neither under a legal duty of service to his parent nor entitled to the support of such parent under the laws of this state.

6. “Full-time student” means one who registers for at least twelve (12) credit hours per semester.

7. “Part-time student” means one who registers for fewer than twelve (12) credit hours per semester.

8. “Parent” means a person’s father, or mother, or if one parent has custody, that parent, or if there is no surviving parent or the whereabouts of the parents are unknown, then a guardian of an unemancipated person if there are not circumstances indicating that such guardianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

**In-State Student Status**

1. Except as otherwise provided in this article, no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition purposes.

2. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year preceding the official starting day of the semester, except that a person whose domicile is in this state is entitled to classification as an in-state student if the person meets one of the following requirements:
   - The person’s parent’s domicile is in this state and the parent is allowed to claim the person as an exemption for state and federal tax purposes.
   - The person is an employee of an employer which transferred the person to this state for employment purposes or the person is the spouse of such an employee.
   - The person is an employee of a school District in this state and is under contract to teach on a full-time basis, or is employed as a full-time non-certified classroom aide, at a school within that school District. For purposes of this paragraph, the person is eligible for classification as an in-state student only for courses necessary to complete the requirements for certification by the state board of education to teach in a school District in this state. No member of the person’s family is eligible for classification as an in-state student if the person is eligible for classification as an in-state student pursuant to this paragraph, unless the family member is otherwise eligible for classification as an in-state student pursuant to this section. Eligibility for In-State tuition is subject to verification of intent to domicile in this state. Determination of residency is made by the Admissions and Records Office/Office of Enrollment Services.
   - The person’s spouse has established domicile in this state for at least one year and has demonstrated intent and financial independence and is entitled to claim the student as an exemption for state and federal tax purposes or the person’s spouse was temporarily out of state for educational purposes, but maintained a domicile in this state. If the person is a non-citizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes.

3. The domicile of an unemancipated person is that of such person’s parent.

4. An unemancipated person who remains in this state when such person’s parent, who had been domiciled in this state, removes from this state is entitled to classification as an in-state student until attainment of the degree for which currently enrolled, as long as such person maintains continuous attendance.

5. A person who is a member of the Armed Forces of the United States and who is stationed in this state pursuant to military orders or who is the spouse or a dependent child of a person who is a member of the armed forces of the United States and who is stationed in this state pursuant to military orders is entitled to classification as an in-state student. The student does not lose in-state student classification while in continuous attendance toward the degree for which he or she is currently enrolled.
6. A person who is a member of the armed forces of the United States or the spouse or a dependent of a member of the armed forces of the United States is entitled to classification as an in-state student if the member of the armed forces has claimed this state as the person’s state of home record for at least twelve consecutive months before the member of the armed forces, spouse or dependent enrolls in a university under the jurisdiction of the Arizona Board of Regents or a community college under jurisdiction of a community college district governing board. For purposes of this subsection, the requirement that a person be domiciled in this state for one year before enrollment to qualify for in-state student classification does not apply.

7. Per federal law, beginning July 1, 2015, immediate classification as an in-state student shall be granted to a veteran using benefits under Post-9/11 GI Bill® and Montgomery GI Bill-Active Duty, or the veteran’s spouse or child using Transferred Post-9/11 GI Bill benefits who lives in Arizona (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor’s discharge from a period of active duty service of 90 days or more.

8. Per federal law, beginning July 1, 2015, immediate classification as an in-state student shall be granted to a spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in Arizona (regardless of his/her formal state of residence) and enrolls in the school within three years of the service member’s death in the line of duty following a period of active duty service of 90 days or more.

9. Per Arizona state law, a person who is honorably discharged from the armed forces of the United States on either Active Duty or Reserve or National Guard status, or who has retired from Active Duty or Reserve or National Guard status, shall be granted immediate classification as an in-state student on honorable discharge from the Armed Forces and, while in continuous attendance toward the degree for which currently enrolled, does not lose in-state student classification if the person has met the following requirements:

   A. Registered to vote in this state.
   B. Demonstrated objective evidence of intent to be a resident of Arizona which, for the purposes of this section, include at least one of the following:
      1. An Arizona driver license
      2. Arizona motor vehicle registration
      3. Employment history in Arizona
      4. Transfer of major banking services to Arizona
      5. Change of permanent address on all pertinent records
      6. Other materials of whatever kind or source relevant to domicile or residency status
      7. A person who is a member of an Indian Tribe recognized by the United States Department of the Interior whose reservation land lies in the state and extends into another state and who is a resident of the reservation is entitled to classification as an in-state student.

Alien In-State Student Status

1. An alien is entitled to classification as an in-state refugee student if such person has been granted refugee status in accordance with all applicable laws of the United States and has met all other requirements for domicile.

2. In accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208; 110 Stat. 3009-546), a person who was not a citizen or legal resident of the United States or who is without lawful immigration status is not entitled to classification as an in-state student pursuant to ARS §15-1802 or entitled to classification as a county resident pursuant to ARS §15-1802.01. A student will be assessed out-of-state tuition until such time that documentation of status is received in the Office of Admissions and Records/Enrollment Services and (eligibility for) residency is confirmed. Documentation must be provided prior to the end of the term in which residency classification is being requested. Documentation received after the end of term will be used for residency determination in...
3. In establishing domicile, the alien must not hold a visa that prohibits establishing domicile in this state. After meeting other domicile requirements, students holding valid, unexpired visas in the following categories may be classified as in-state students:
   A. Foreign Government Official or Adopted Child of a Permanent Resident
   E. Treaty Traders
   G. Principal Resident Representative of Recognized Foreign Member Government to International Staff
   K. Spouse or Child of Spouse of a U.S. Citizen, Fiancé or Child of Fiancé of U.S. Citizen
   L. Intracompany Transferee, or Spouse or Child
   N. NATO-6
   U. Victim of Criminal Activity
   V. Spouses and Dependent Children of Lawful Permanent Residents

4. Students who hold a current visa and have submitted an I-485 to U.S. Citizenship and Immigration Services (USCIS), may establish residency if other domicile requirements have been met. Residency eligibility for I-485 applicants may be considered one year after the date on the USCIS Notice of Action letter (I-797) confirming application for permanent resident status. Students must provide required residency documentation in addition to the Notice of Action for residency consideration. In establishing domicile, the alien must be in a status that does not prohibit establishing domicile in this state for at least one year immediately preceding the official starting date of the semester. In the event that an alien student’s parent is domiciled in this state and is allowed to claim the student as an exemption for state or federal tax purposes (3.c.i.2.a), the student’s parent, in order to establish domicile, must hold a valid, unexpired visa in one of the categories listed in section 3 above.

Presumptions Relating to Student Status
Unless there is evidence to the contrary, the registering authority of the community college or university at which a student is registering will presume that:

1. No emancipated person has established a domicile in this state while attending any educational institution in this state as a full-time student, as such status is defined by the community college district governing board or the Arizona Board of Regents, in the absence of a clear demonstration to the contrary.

2. Once established, a domicile is not lost by mere absence unaccompanied by intention to establish a new domicile.

3. A person who has been domiciled in this state immediately before becoming a member of the Armed Forces of the United States shall not lose in-state status by reason of such person’s presence in any other state or country while a member of the Armed Forces of the United States.

Proof of Residency
When a student’s residency is questioned, the following proof will be required.

1. In-State Residency
   A. An affidavit signed by the student must be filed with the person responsible for verifying residency.
   B. Any of the following may be used in determining a student’s domicile in Arizona:
      i. Arizona income tax return
      ii. Arizona Voter registration
      iii. Arizona Motor Vehicle registration
      iv. Arizona Driver’s license
      v. Employment history in Arizona
section VII
fiscal management

appendix number s-1 (cont’d)

vi. Place of graduation from high school
vii. Source of financial support
viii. Dependency as indicated on federal income tax return
ix. Ownership of real property
x. Notarized statement of landlord and/or employer
xi. Transfer of major banking services to Arizona
xii. Change of permanent address on all pertinent records
xiii. Other relevant information

2. County Residency

A. An affidavit signed by the student must be filed with the person responsible for verifying domicile to prove continuous residency in a county for fifty (50) days, and

B. Any of the following may be used to determine a student’s county residency:

i. Notarized statements of landlord and/or employer
ii. Source of financial support
iii. Place of graduation from high school
iv. Ownership of real property
v. Bank accounts
vi. Arizona income tax return
vii. Dependency as indicated on a Federal income tax return
viii. Other relevant information

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