

# Determining Residency for Tuition Purposes

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The Office of Admissions and Recruitment is responsible for determining residency status of students for tuition purposes. The Office is guided by the Texas Education Code, the Rules and Regulations for Determining Residence Status of the Texas Higher Education Coordinating Board, and University regulations. Under the state statutes and regulations, a student or prospective student is classified as a resident of Texas, non-resident, or foreign student.

- A resident is an individual who is either a U.S. citizen, national, permanent resident alien, or an alien who has been permitted by Congress to adopt the U.S. as his or her domicile while in the United States and who has otherwise met the state requirements for establishing residency for tuition purposes.
- A non-resident is a citizen, national, or permanent resident of the U.S. or an alien who has been permitted by Congress to adopt the U.S. as his or her domicile while in this country and who has not met the state's requirement for establishing residency for tuition purposes.
- A foreign student is an alien who is not a permanent resident of the U.S. or has not been permitted by Congress to adopt the U.S. as his/her domicile.

While these state requirements for establishing residency are complex and should be referred to in each particular circumstance, they generally require that an independent individual 18 years of age or older establish a domicile in Texas and reside in the state for a period of 12 months prior to the census date of the academic term in which the person is enrolled. For minors and dependents, the parents or court-appointed legal guardian must have established a domicile and meet the residency requirements. The minor or dependent must be eligible to be claimed by the parent or court-appointed legal guardian on their federal income tax.

An individual can also be classified as a Texas resident if the individual (1) graduated from a public or private high school or received the equivalent of a high school diploma in Texas; and (2) resided in Texas for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma; and (3) continuously resided in Texas for one year prior to the census date of the academic term in which the person is enrolled. An individual is classified as a Texas resident until the individual establishes a residence outside of the state of Texas.

For a list of qualifying visas, visit the College for All Texas website. For these visa holders to be eligible for resident tuition, visa must be valid and residency must be established.

An individual who is classified as a non-resident or foreign student can qualify, under certain exceptions, for resident tuition rates and other charges while continuing to be classified as a non-resident or a foreign student.

## Military

Certain military personnel, spouses, and dependent children are eligible to pay resident tuition rates as provided through Texas Education Code, Section 54.241 (b)-(c). These provisions provide for nonresident members of the U.S. Armed Forces, including members of Texas units of the Army or Air National Guard, who are assigned to duty in Texas to pay the resident tuition rate for themselves, their spouses, and dependent children. To qualify, the student must submit once a year a statement from an authorized officer in the services, certifying that he or she (or a parent or court-appointed legal guardian) will be assigned to duty in Texas at the time of enrollment and is not a member of the National Guard or Reserves who will be in Texas only to attend training with Texas units.

In addition, Texas Education Code, Section 54.241 (d) provides resident tuition rates for a spouse or dependent child of a member of the Armed Forces of the United States, who is not assigned to duty in Texas but who has previously resided in Texas for a six-month period if the member has provided at least one year preceding the first day of the term or semester a document with the applicable military service that is in effect on the first day of the semester. The document must indicate the member's permanent residence address is in Texas and designates Texas as the member's place of legal residence for the purpose of income tax purposes. In addition, the member provides documentation that he or she has been registered to vote in Texas for the entire year preceding the first day of the semester and satisfies at least one of the following requirements:

1. has owned real property in Texas for the entire year preceding the first day of the semester
2. has had an automobile registered in Texas for the entire year preceding the first day of the semester, or
3. at least one year preceding the first day of the semester executed a Will that has not been revoked or superseded, indicating that the member is a resident of Texas and deposited the Will with the county clerk of the county of the member's residence under Section 71, Texas Probate Code.

Moreover, according to Texas Education Code, Subchapter D, section 54.241 (k), a person is entitled to pay tuition and fees at an institution of higher education at the rates provided for Texas residents without regard to the length of time the person has resided in this state if the person files with the institution at which the person intends to register a letter of intent to establish residence in this state and resides in this state while enrolled in the institution and the person:

1. is eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. Section 3301 et seq.) or any other federal law authorizing educational benefits for veterans;
2. is the spouse of a person described by Subdivision (1); or

3. is a child of a person described by Subdivision (1) who is 25 years of age or younger on the first day of the semester or other academic term for which the person is registering, except that the Texas Higher Education Coordinating Board by rule shall prescribe procedures by which a person who suffered from a severe illness or other debilitating condition that affected the person's ability to use the benefit corresponding to the time the person was unable to use the benefit because of the illness or condition.

In accordance with Texas Education Code, Subchapter D, Section 54.2031, to the extent that funds are available for reimbursing institutions for foregone tuition revenues, students who are dependent children of residents who members of armed forces and are deployed on combat duty are entitled to pay resident tuition for any semester during which the member of the armed forces is deployed on active duty for the purpose of engaging in combative military operation outside the United States. Each applicant claiming the exemption must submit satisfactory evidence that the applicant qualifies for the exemption. A person may not receive an exemption provided for more than a cumulative total of 150 semester credit hours. A person may not receive an exemption under this section if the person is in default on a loan made or guaranteed for educational purposes by the State of Texas.

## Other Exceptions

Waivers of non-resident tuition for non-residents and foreign students are available for

- Participants in the Academic Common Market
- Residents of the eight New Mexico counties that border Texas
- Recipients of competitive University scholarships of \$1,000 or more
- Students whose families transferred to Texas as part of the state's plan for economic development
- U.S. Foreign Service Officers assigned to posts in Mexico
- Mexican citizens with demonstrated financial need
- Military stationed in Texas (and their dependents)
- NATO forces stationed in Texas (and their dependents)
- Teaching and research assistants and their dependents
- Higher education teachers and professors and their dependents
- Registered nurses enrolled in postgraduate Nursing degree programs

## Student Responsibilities

### Reclassification as a Non-Resident

Students who have been classified as residents of Texas will be reclassified as non-resident students beginning with the semester following the date that the institution discovers the error. Per Texas Administrative Code Title 19, Part 1, Chapter 21, Subchapter B, Rule §21.28, the University reserves the right to require students to pay the difference between resident and nonresident tuition for each previous semester in which the student should have been classified as a non-resident if: (1) the student failed to provide the institution with information that a person reasonably should know would have been relevant in determining residency for tuition purposes; or (2) the student provided false information to the institution. For more information about providing false information, please see "Non-Compliance with Institutional Rules and Regulations," below.

### Reclassification as a Resident

Persons classified as non-residents upon first enrollment can request reclassification. To have residence status reconsidered, students must complete the Core Residency Questions and submit them along with the appropriate documentation regarding residency, to the Office of Undergraduate Admissions. After the questions and documentation are reviewed, students are notified in writing of the residence decision.

If students have been erroneously classified as non-residents and subsequently prove to the satisfaction of the University's residency official that they should have been classified as resident students, they will be reclassified as residents of Texas and will be entitled to a refund of the difference between the resident and non-resident fees for the semesters in which they were erroneously classified. The University complies with Texas Education Code Section 54.056(b) and Texas Administrative Code Title 19, Part 1, Chapter 21, Subchapter B, Rule §21.28, which note that, regardless of the reason for the error, the institution shall charge resident tuition and refund the student the amount of tuition paid in excess of resident tuition.

All students are expected to pay the tuition assessed on or before the payment date for each semester as established by the University. To prevent any delay in enrollment, students are encouraged to submit all forms at least two weeks before registration.

## Non-Compliance with Institutional Rules and Regulations

If students have obtained residency classification by virtue of deliberate concealment of facts or misrepresentation of facts, they can be required to repay the difference in tuition rates and can be subject to appropriate disciplinary action, in accordance with the rules and regulations of The University of Texas at El Paso. For questions on residency or to update residency status, please contact the Office of Undergraduate Admissions at 915.747.5890.