

ABOR Guidelines and AZ Statutes

This document is annotated. Any text in red was added for clarification or explanation.

ABOR Guidelines

4-201 Definitions for Residency Classification

For purposes of residency classification, unless the context otherwise provides or requires:

- A. **"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 and the National Oceanographic and Atmospheric Administration, the National Guard and any military reserve unit of any branch of the armed forces of the United States.
- B. **"Board"** means the Arizona Board of Regents.
- C. **"Classification officer"** means a university administrator authorized by the president to classify individuals for residency purposes. *Residency Classification Office*
- D. **"Continuous attendance"** means enrollment at an educational institution in Arizona, including a public university, community college or high school, as a full-time student for an entire and uninterrupted academic year from the beginning of the period for which continuous attendance is claimed. An individual need not attend summer sessions or other intersessions beyond the traditional academic year in order to maintain continuous attendance.
- E. **"Domicile"** means an individual's true, fixed and permanent home and place of habitation. It is the place where the individual lives, intends to remain, and to which the individual intends to return when leaving without intending to establish a new domicile elsewhere. *By definition, a person can only have one domicile.*
- F. **"Emancipated individual"** means an individual who is neither under a legal duty of service to his or her parent(s) nor entitled to the support of his or her parent(s).
- G. **"Guardian"** means a legal guardian. *Court-appointed*
- H. **"Last day of registration"** means the final day of regular registration for credit for a semester as published by the university. *The petition deadline for each semester is the last day of registration*
- I. **"Minor"** means an individual under the age of 18.
- J. **"Parent"** means an individual's father or mother, or a the legal guardian of an unemancipated individual provided there is no evidence indicating that the guardianship was created primarily for the purpose of conferring the classification of resident on the individual.
- K. **"President"** means the president of a university or the president's designee.
- L. **"Review committee"** means a committee at each university designated by the president to review residency classification determinations. *"Residency Appeal Committee"*
- M. **"State"** or "this state" means the State of Arizona.
- N. **"Student"** means any individual registered or enrolled in one or more classes. *"Student" can also be admitted and eligible to enroll.*
- O. **"University"** means the University of Arizona, Arizona State University, Northern Arizona University, or any other university governed by the Board.

4-202 Non-Resident Tuition Rate for Arizona High School Graduates

- A. A student who graduated from an Arizona high school, but who is not otherwise eligible for resident tuition status, will be eligible for a non-resident undergraduate tuition rate of 150% of undergraduate resident tuition, if the following conditions are met:
 - 1. The student has attended high school in Arizona for a minimum of three years while physically present in Arizona and graduated from an Arizona high school (or attained the equivalent while physically present in Arizona for a minimum of three years), and
 - 2. The student is lawfully present in Arizona.

- B. The non-resident rate for Arizona high school graduates would apply to tuition for undergraduate students. This rate does not apply to differential tuition, or tuition for on-line, accelerated or distributed programs.
- C. "High School" is defined as grades 9-12. Completion of the 9th grade while physically present in Arizona, whether at an Arizona middle school or high school or equivalent, will count toward the Arizona high school attendance requirement. The three years of Arizona high school attendance do not need to be consecutive.
- D. A student who meets the requirements of this policy will be eligible for the non-resident undergraduate rate regardless of when the student graduated from an Arizona high school.
- E. The policy is effective beginning with the fall 2015 semester

4-203 Requirements to be Considered in Determining an Individual's Residency Classification for Tuition Purposes

A. Residency Classification for tuition purposes is to be determined in accordance with Arizona Law and Board Policy.

4-203.B.1-8 - Independent Student Petition

B. In determining residency classification, any relevant evidence may be considered, including, but not limited to, the following:

1. Objective evidence of continuous presence in Arizona for 12 months and,
2. Objective evidence of intent to be a resident for tuition purposes of Arizona as demonstrated by the severance of ties to the individual's former state of residence. Intent will be evaluated by the classification officer. No one factor is determinative. Residency classification for tuition purposes must be established by a preponderance of the evidence.
 - a. Objective evidence of financial independence. Indicators of financial independence include:
 - i. Place of employment and proof of earnings;
 - ii. Other sources of support;
 - iii. Proof of filing Arizona state income tax returns;
 - iv. Residence claimed on federal income tax returns of applicant and/or parents;
 - v. Veteran status; and
 - vi. Whether claimed as a dependent for income tax purposes by a parent or any other individual for two years immediately preceding the request for residency classification.
 - b. Once established, residency for tuition purposes is not lost due only to the student's receipt of funds from a source outside Arizona.
 - c. State in which motor vehicle is registered.
 - d. Source of payment for the individual's auto insurance policies.
 - e. Date of issuance and state issuing driver's license or state identification card.
 - f. Employment history
 - g. The transfer of major banking services to Arizona
 - h. Applications for loans, scholarships, grants-in-aid, or other such assistance
 - i. Voter registration
 - j. Place of prior attendance in educational institutions, including high schools, and any information held by such schools affecting domicile
 - k. Marital status and work record of registrant and spouse
 - l. Change in permanent address on all pertinent records
 - m. State in which registered with Selective Service
 - n. Military records
 - o. Ownership of real property
 - p. All other materials of whatever kind or source, which may have a bearing on determining domicile or residency.

3. All of the evidence is weighed under the presumption that a nonresident student's presence in Arizona is primarily for the purpose of education and not to establish domicile, and that decisions of an individual as to the intent to establish domicile are generally made after the completion of an education and not before.
4. Evidence indicating intent must exist at the beginning of and be maintained throughout the 12 month period of continuous presence needed to establish residency classification. Acts or events occurring less than 12 months before the last day of registration may be considered as evidence of the lack of such intent.
5. A statement of intent by the student should be weighed in light of the fact that the student knows that he or she will realize a substantial reduction in tuition by being classified as a resident for tuition purposes.
6. Each item presented for determination shall be subject to the classification officer's or review committee's decision as to the weight to be given to it, and such officer or committee shall be the sole judge of the authenticity or truthfulness of any material or statements submitted as supportive evidence. The classification officer may require original or certified copies of documentation.
7. If a minor applies for classification as a resident and alleges that he or she is an emancipated individual, that individual must also establish that:
 - a. He or she is not living with a parent; and
 - b. There has been a complete severance of the parental relationship to all legal rights and liabilities, including but not limited to care, custody, control, and service.
8. Unless the contrary appears to the satisfaction of the classification officer or review committee making a classification determination, it shall be presumed that:
 - a. No individual has established residency for tuition purposes in Arizona while attending any education institution in Arizona as a full-time student in the absence of objective evidence to the contrary.
 - b. If an individual is absent from Arizona for more than 30 days they must provide objective evidence that they retained their Arizona domicile.

C. Subject to ABOR Policy 4-102, residency can also be established by qualifying under one of the following categories.

Exceptions

4-203.C.1 - Dependent of an Arizona resident- 12-month exception

1. The individual is domiciled in Arizona and:
 - a. The domicile of one of both of the individual's parents is in Arizona and
 - b. One or both of the individual's parents are entitled to claim the individual as a dependent child for federal state tax purposes (whether or not the parent actually claims the individual as a dependent child).

4-203.C.2 - Spouse of an Arizona resident – 12-month exception for student (not spouse)

2. The individual is domiciled in Arizona and
 - a. The individual's spouse has established domicile in Arizona for at least 12 months immediately preceding the last day of registration and the spouse has demonstrated financial independence,
 - b. The individual's spouse is entitled to claim the individual as an exemption for federal and state tax purposes, and
 - c. The individual has provided objective evidence of the spouse's Arizona domicile and financial independence and is entitled to claim the individual as an exemption for income tax purposes.

4-203.C.3 - Transferred Employee – 12-month exception for transferred employee or spouse

3. The individual is domiciled in Arizona and is:
 - a. Employed by an employer which transferred the individual to Arizona for employment purposes, or
 - b. The spouse of such an employee, or
 - c. An employee of an Arizona employer who is taking not more than six credit hours solely through electronic course delivery at employer-sanctioned sites in Arizona, when the employer is required to pay additional site fees or transmission costs and

d. "Transfer" means an individual who was transferred by his or her employer fewer than 12 months prior to the term in question, is not self-employed or employed in a family owned business not previously operating in Arizona, and can provide proof of payment or reimbursement of moving expenses by his/her employer.

4-203.C.4 - Teacher Waiver

4. The individual is domiciled in Arizona and an employee of a public school district in Arizona and is under contract to teach on a fulltime basis, or is employed as a full-time noncertified classroom aide at a public school within that school district. For purposes of this paragraph, the individual is eligible to pay in-state tuition only for courses necessary to complete the requirements for certification by the State Board of Education to teach in a public school district in Arizona. No member of the individual's family is eligible for classification as an in-state student pursuant to this paragraph, although they may qualify under other exceptions. The universities:

- a. Shall establish uniform procedures to determine whether courses taken by a teacher or classroom aide qualify under this section.
- b. Shall consider charter schools as public schools consistent with Arizona statutes.
- c. May apply this section to teachers and classroom aides from private schools where those private schools require that teachers hold Arizona teacher certification.

4-203.C.5-7 - Military and Veteran Exceptions

5. The individual is a member of the armed forces of the United States stationed in Arizona pursuant to military orders or is the spouse or dependent child of that individual who is a member of the armed forces of the United States stationed in Arizona pursuant to military orders at the time the spouse or dependent child is accepted for admission.

6. The individual is a member of the armed forces of the United States stationed outside of Arizona pursuant to military orders or is the spouse or dependent child of that individual and the individual claimed Arizona as their legal residence for at least twelve consecutive months prior to the last date of registration. The individual claiming residency status under this provision is required to:

- a. provide a copy of the military form DD-2058 which verifies his or her state of legal residence; and
- b. if applicable, provide evidence of having filed an Arizona Resident Income Tax Return with the Arizona Department of Revenue for the prior tax year on all income from all sources.

7. The individual meets one of the following the requirements in ABOR policy 4-203(C)(7)(a) or ABOR policy 4-03(C)(7)(b) and (c) as follows:

A. The individual holds an honorable discharge from the uniformed services of the United States from either active duty or reserve or National Guard status, or has retired from active duty or reserve or National Guard status. Such individual shall be granted immediate classification as an instate student and, while continuously enrolled, does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this subsection, includes at least one of the following:

- I. Registration to vote in Arizona.
- II. An Arizona driver license.
- III. Arizona motor vehicle registration.
- IV. Employment history in Arizona.
- V. Transfer of major banking services to Arizona.
- VI. Change of permanent address on all pertinent records.
- VII. Other materials of whatever kind or Source relevant to domicile or residency status.

B. An individual who meets any of the requirements prescribed in ABOR policy 4-203(C)(7)(c) shall be granted immediate classification as an in-state student and does not lose instate student classification if the individual has demonstrated objective evidence of intent to be a resident of this state that, for the purposes of this subsection, includes at least one of the following:

- I. Registration to vote in Arizona.
- II. An Arizona driver license.
- III. Arizona motor vehicle registration.

- iv. Employment history in Arizona.
 - v. Transfer of major banking services in Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or Source relevant to domicile or residency Status.
- C. An individual who meets any of the following requirements is entitled to immediate classification as an in-state student if that individual has demonstrated objective evidence of intent to be a resident of this state as prescribed in ABOR policy 4-203(C)(7)(b):
- i. The individual is a veteran as defined in title 38 of the United States Code who, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three years after the veteran's discharge from active duty service of ninety or more days or who remains continuously enrolled beyond the three-year period following the discharge of the veteran.
 - ii. The individual does not meet the requirements prescribed in paragraph iii or iv of this subsection and, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three-years after the veteran's discharge from active duty service of ninety or more days or remains continuously enrolled beyond the three year period following the discharge of the veteran.
 - iii. The individual, while using benefits under the marine gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code section 3311(b)(9), enrolls in a university under the jurisdiction of the Arizona Board of Regents.
 - iv. The individual, while using transferred post-911 G.I. Bill benefits pursuant to 38 United States Code section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, enrolls in a university under the jurisdiction of the Arizona Board of Regents.
 - v. The individual is otherwise described in 38 United States Code section 3679(c).

4-203.C.8 - Native American Exception

8. Subject to the requirements of ABOR Policy 4-102:

- a. The individual is an enrolled member of an Indian tribe recognized by the United States department of Interior whose reservation land lies wholly or partially in Arizona and extends into another state and is a resident of the reservation. *The list of eligible tribes can be found at: students.asu.edu/residency*
- b. For purposes of residency classification, enrollment as a tribal member in a federally recognized Arizona tribe will be sufficient to establish residency for tuition purposes.

4-203.C.9 - Arizona Border Exception – there is not a petition for this exception

9. The individual is domiciled within 75 miles of the Arizona border in Clark County, Nevada or Washington or Kane Counties, Utah, or in San Bernardino, Imperial, or Riverside Counties in California, including the cities of Needles, Blythe, El Centro, Brawley, and Winter Haven, and is enrolling in a total of no more than 6 credit hours per semester offered in Mohave, La Paz, or Yuma Counties, Arizona by a university under the jurisdiction of the Arizona Board of Regents; or the individual is domiciled within 75 miles of the Arizona border in Grant, Hidalgo, or Luna Counties in New Mexico and is enrolling in a total of no more than 6 credit hours per semester offered in Cochise County, Arizona by a university under the jurisdiction of the Arizona Board of Regents. This program is designed to reduce excess capacity; therefore, the Presidents of the universities shall assure that classifying the individual as a resident in their respective programs do not result in denying course offerings to Arizona residents or result in additional expenditures being required for course offerings.

4-203.C.10 - Doctoral Student Exception– there is not a petition for this exception

10. The individual is a doctoral graduate student who is a candidate for a degree, having completed all requirements for the degree except the dissertation, and who qualified as a resident student immediately prior to being eligible to begin his or her dissertation.

4-203.C.11 - Graduate Student Exception– there is not a petition for this exception

11. The individual is a graduate assistant or graduate associate at a university under the jurisdiction of the Arizona Board of Regents whose assigned teaching or research responsibilities meet the guidelines established by the University for designation as a resident student.

4-203.C.12 - AmeriCorps/Volunteers in Service to America (VISTA)

12. The individual has participated in the AmeriCorps program or the Volunteers in Service to America program for at least one year in Arizona.

4-203.D – this effectively states the student must be a US Citizen or hold an eligible visa type.

D. Subject to ABOR Policy 4-102 an individual who does not hold a visa that requires the individual to maintain a foreign domicile or that otherwise prohibits establishing domicile in Arizona shall be classified as a resident if the individual can establish that on or before the last day of registration the individual satisfied one of the following criteria:

1. Meets the requirements for classification as a resident for tuition purposes, or
2. Qualifies as a resident refugee student by virtue of having been granted refugee status in accordance with all applicable laws of the United States and having met all other requirements for domicile in this Arizona; provided that in establishing domicile, the individual must not hold a visa that prohibits establishing domicile in Arizona.

E. Subject to ABOR Policy 4-102 (Non Resident Tuition), a full-time student admitted and enrolled at a university who obtains resident status by virtue of ABOR Policy 4-203B.3 (Requirements for Resident Status) does not lose resident status while in continuous attendance toward the degree for which currently enrolled.

F. The domicile of an unemancipated person is that of either parent. Subject to ABOR Policy 4-102 (Non Resident Tuition), any unemancipated person who is a student admitted and enrolled at a university and who remains in this state when the person's parent, who had been domiciled in this state, removes from this state does not lose resident status while in continuous attendance toward the degree for which currently enrolled.

4-102 – this effectively states the student must verify US Citizenship or Lawful Presence (Prop 300)

4-204 Petition for Reclassification

A. Each student is responsible for:

1. Obtaining a tuition classification determination prior to registration and payment of fees; and
A student's initial classification is determined when they submit their application for admission.
2. Properly registering for classes using the tuition classification determined by the university.

It is the student's responsibility to understand how they have been classified.

B. An individual who has been classified as a non-resident and believes he or she is a resident may apply for reclassification. The individual is responsible for establishing by objective evidence all factors necessary to provide a basis for such a classification determination. *Student can petition; burden of proof is theirs*

C. The deadline to submit a petition for reclassification or a domicile affidavit shall be the last day of registration for credit as published by each university. The university may provide a domicile affidavit form.

D. Failure to file a petition for reclassification or a domicile affidavit within the time prescribed shall constitute a waiver of the right to file such a petition for that semester.

E. To apply for residency reclassification an individual must submit the following:

1. A domicile affidavit which sets forth information relevant to making a classification determination; and
2. All additional supporting documents sufficient to meet the individual's burden of providing objective evidence of all factors necessary to provide a basis for reclassification as a resident student. The university may require that one or more supporting documents be notarized.

F. The university shall make a determination in a timely manner after all information has been received. In determining an individual's residency classification, the university:

1. May use informal procedures to facilitate reclassification including discussion, exchange, counseling, and other kinds of communication with the individual.
2. May consider all evidence, written or oral, presented by the individual and any other information obtained by the university or received from any source and which is relevant to determining classification. *Any evidence is fair game.*

3. May request written sworn statements to be supplied by the individual and/or parent(s) and/or guardian(s).

4. May consult with other university officials prior to making a determination.

G. Notice of the determination shall be communicated to the individual orally, by mail, or by email to the most recent address furnished to the university by the individual.

H. If the student is classified as a nonresident, the student must pay nonresident tuition and other fees and charges at time of registration.

I. For any semester, if an individual applies for classification or reclassification as a resident, but is classified as a nonresident and believes that the classification is erroneous, then the individual may request an appeal in accordance with the residency classification appeal procedures in this section. *Student's can appeal if their petition is denied.*

4-205 Residency Classification Appeal Procedures

If an individual believes he or she has met all of the residency requirements and has applied for reclassification and been denied, they may request an appeal of the nonresident classification.

A. The university residency classification appeal system shall consist of one or more committees. Each committee shall consist of at least three voting members appointed by the president of the university for a term of one fiscal year. Members may be reappointed by the president. The president shall determine the number of committees required to expeditiously conduct review hearings. *There are currently 5 committees for fall 2020; each committee has 3-5 voting members.*

B. The president shall designate a chair for each committee, who shall serve at the pleasure of the president. Members of each committee may include representatives from the faculty, administration, staff, professionals and student body of the university. Residency classification officers shall not serve as members of a committee. The president may also appoint alternates who shall serve in place of a regular committee member at any hearing at which such regular member may be absent or disqualified.

C. At least three committee members, including any alternates, must be present to conduct a hearing and render a decision in an appeal of a residency classification determination.

D. A request for appeal by an individual classified as a nonresident shall be filed with the classification officer no later than 35 days from the last day of registration. The request shall be in writing, signed by the individual and shall include (a) the individual's current mailing address; (b) the reasons why the individual is challenging the classification determination; and (c) a signed statement setting forth all facts in support of the individual's claim that the classification determination is erroneous. *The appeal deadline is extended for students that are denied after the posted appeal deadline – generally, students are given 10-14 days to request an appeal.*

E. Failure to file a request for appeal within the time prescribed shall constitute a waiver of the right to request an appeal.

F. The appeal committee shall schedule a hearing within a reasonable time after receipt of request for an appeal and shall provide the individual with written notice of the date, time and place of the meeting at least seven days prior to the meeting. Such notice may be made personally or by certified mail and email to the current address listed by the student with the university.

G. The individual shall have the right to appear and may be represented by an advisor of his or her choice at the individual's expense. If the individual, without valid excuse or prior authorization, fails to appear, the committee may determine the matter on the basis of evidence before it. The individual or the individual's advisor, but not both, may examine and cross-examine witnesses and summarize the evidence in final argument to the committee. *Meetings held in absentia would follow the same format as if the student was present (minus the opportunity to ask the student questions).*

H. Every document filed with the university relating to residency classification of the individual shall constitute a part of the record. The committee shall also hear any relevant evidence, which the individual or the university wishes to present.

I. Formal rules of evidence shall not apply. The committee shall receive and consider oral and documentary evidence of the kind on which responsible individuals are accustomed to rely in serious matters. The committee may exclude evidence that is cumulative or repetitious, and will determine the credibility or weight to be given to the evidence presented.

J. The proceedings of the committee shall be recorded. Any copies of the record, or copies of a transcript if one is created, desired by the individual shall be at the individual's expense. *Hearings will be recorded by Zoom for fall 2020.*

K. The order of presentation shall be determined by the committee. *We give you a script, but you are free to deviate as you see fit.*

L. The committee may make such rules for the conduct of hearings as are not inconsistent with these procedures.

M. The decision of the committee shall be final and not subject to further administrative review. The decision may be made by the committee at the time of the hearing, or the committee may take the matter under advisement in which case the matter shall be decided within ten days following the hearing. Appeal decisions are final.

N. Written notice of the decision of the committee shall be promptly sent by certified mail and email to the individual's current address filed with the university.

1. If the committee determines that the individual should be classified as a resident, it shall direct the classification officer of the university to so classify the individual. The university shall refund to the individual the difference between the non-resident and resident tuition collected as a result of the nonresident classification for the current semester. If the individual files to appeal the initial classification of residency (upon admission) within the first term of attendance and the individual is successful in that appeal, any difference between the in-state and out-of-state application fee paid by the individual will also be refunded.

2. If it is determined that the individual is a nonresident, the written notice shall advise the individual that no further procedures within the university are available; the individual may have the right to judicial review in the state courts; the time to pursue any legal action may be short; and if the individual wishes to pursue legal action, the individual should seek legal counsel.

4-208 Miscellaneous Provisions

A. The classification of a matriculated student is transferable from one university to another.

B. Any student found to have made a false or misleading statement concerning domicile or tuition status shall be subject to dismissal from the university and be held responsible for the payment of any tuition amounts that would have been charged but for the false or misleading statement.

Arizona Revised Statutes

15-1801 – Definitions

In this article, unless the context otherwise requires:

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 and any military reserve unit of any branch of the armed forces of the United States.
2. "Continuous attendance" means enrollment at an educational institution in this state as a full-time student, as such term is defined by the governing body of the educational institution, for a normal academic year since the beginning of the period for which continuous attendance is claimed. Such person need not attend summer sessions or any other intersession beyond the normal academic year in order to maintain continuous attendance.
3. "Domicile" means a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.
4. "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.
5. "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.

15-1802. In-state student status

A. 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.

B. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year (*independent student*), 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:

1. The domicile of the person's parent is in this state and the parent is entitled to claim the person as an exemption for state and federal tax purposes. (*dependent student*)
2. The person is an employee of an employer that transferred the person to this state for employment purposes or the person is the spouse of such an employee. (*transferred employee*)
3. 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 noncertified classroom aide at a school within that school district. For the 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. (*teacher waiver*)
4. The person's spouse has established domicile in this state for at least one year, 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 noncitizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes. (*spouse of an AZ resident*)

C. The domicile of an unemancipated person is that of the person's parent.

D. Any unemancipated person who remains in this state when the 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 the person is currently enrolled, as long as the person maintains continuous attendance.

(*Military and Veteran Exceptions*)

E. 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 as defined in section 43-1001 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. A spouse or a dependent child does not lose in-state student classification under this subsection if the spouse

or dependent child qualifies for in-state tuition classification at the time the spouse or dependent child is accepted for admission to a community college under the jurisdiction of a community college district governing board or a university under the jurisdiction of the Arizona board of regents. The student, while in continuous attendance toward the degree for which currently enrolled, does not lose in-state student classification.

F. A person who is a member of the armed forces of the United States or the spouse or a dependent as defined in section 43-1001 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 legal residence 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 the jurisdiction of a community college district governing board. For the 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.

G. A person holding an honorable discharge from the uniformed services of the United States from 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 and, while continuously enrolled, does not lose in-state student classification if the person has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this section, includes at least one of the following:

1. Registration to vote in this state.
2. An Arizona driver license.
3. Arizona motor vehicle registration.
4. Employment history in Arizona.
5. Transfer of major banking services to Arizona.
6. Change of permanent address on all pertinent records.
7. Other materials of whatever kind or source relevant to domicile or residency status.

H. A person who meets any of the requirements prescribed in subsection K of this section shall be granted immediate classification as an in-state student and does not lose in-state student classification if the person has demonstrated objective evidence of intent to be a resident of this state that, for the purposes of this section, includes at least one of the following:

1. Registration to vote in this state.
2. An Arizona driver license.
3. Arizona motor vehicle registration.
4. Employment history in Arizona.
5. Transfer of major banking services to Arizona.
6. Change of permanent address on all pertinent records.
7. Other materials of whatever kind or source relevant to domicile or residency status.

I. A person who is a member of an Indian tribe recognized by the United States department of the interior whose reservation land lies in this state and extends into another state and who is a resident of the reservation is entitled to classification as an in-state student. *(Native American Exception)*

J. A person who has participated in the AmeriCorps program or the volunteers in service to America program for at least one year in this state is entitled to classification as an in-state student. *(AmeriCorps VISTA Exception)*

(Military and Veteran Exceptions)

K. A person who meets any of the following requirements is entitled to immediate classification as an in-state student if that person has demonstrated objective evidence of intent to be a resident of this state as prescribed in subsection H of this section:

1. The person is a veteran as defined in title 38 of the United States Code who, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district governing board within three years after the

veteran's discharge from active duty service of ninety or more days or who remains continuously enrolled beyond the three-year period following the discharge of the veteran.

2. The person does not meet the requirements prescribed in paragraph 3 or 4 of this subsection and, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district governing board within three years after the veteran's discharge from active duty service of ninety or more days or remains continuously enrolled beyond the three-year period following the discharge of the veteran.

3. The person, while using benefits under the Marine Gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code section 3311(b)(9), enrolls in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district governing board.

4. The person, while using transferred Post/911 G.I. Bill benefits pursuant to 38 United States Code section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, enrolls in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district governing board.

5. The person is otherwise described in 38 United States Code section 3679(c).

15-1803. Alien in-state student status

(Caution: 1998 Prop. 105 applies)

A. 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. Refugee status is granted prior to coming to the US. Asylum is requested when students arrive in the US. *Asylum seekers are not eligible for residency classification until status is granted.*

B. In accordance with the illegal immigration reform and immigrant responsibility act of 1996 (P.L. 104-208; 110 Stat. 3009), 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 section 15-1802 or entitled to classification as a county resident pursuant to section 15-1802.01. *See ABOR 4-102 – Prop 300*

15-1804. Presumptions relating to student status; definition

A. Unless the contrary appears to the satisfaction of the registering authority of the community college or university at which a student is registering, it shall be presumed 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 subsection B for community college students or as defined by the Arizona board of regents for university students, 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 prior to 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.

B. For the purposes of this section, "full-time student" means a community college student who registers for at least twelve semester hours per semester at a community college in this state.

15-1805. Student status guidelines

A. The Arizona board of regents shall adopt guidelines applicable to all institutions under their jurisdiction that will ensure uniform criteria to aid the institutions in determining the tuition status of any student and that will establish uniform procedures for review of that status.

B. Community college districts shall adopt policies applicable to all institutions under their jurisdiction that will ensure uniform criteria to aid the institutions in determining the tuition status of any student and that will establish uniform procedures for review of that status.

State Statutes give ABOR authority to provide guidelines to the three universities and give authority to community college districts to provide guidelines for their institutions; guidelines may differ between ABOR and Community Colleges.