

## Frequently Asked Questions Regarding the University System of Maryland's Residency Policy

Please note: This overview is not intended to be a restatement or comprehensive explanation of the classification system. It is offered informally only to answer questions most frequently asked by students. The Board of Regents *Policy on Student Classification for Admission and Tuition Purposes* (VIII-2.70) (the "Classification Policy") is the complete and only authoritative source. It is the responsibility of students wishing to understand their status or petition for reclassification, to familiarize themselves with the complete Classification Policy. This Overview does not supplant or amend any part of the Classification Policy, which is controlling. For the complete text of the policy, please refer to:

<http://www.usmd.edu/regents/bylaws/SectionVIII/VIII270.html>

- Q1. I maintain a Maryland mailing address. Is this enough for me to qualify for In-state tuition?
- A. No. Simply living in Maryland for 12 consecutive months or having mail delivered to you in the State does not entitle you to In-State status. A continuous physical presence in Maryland is certainly important, but it is only one of several requirements established by the Regents. Equally important, for example, are the circumstances that brought you to Maryland and then, the extent to which you have taken other actions including the assumption of civic responsibilities which, in the judgment of the Regents, are minimally needed to objectively demonstrate a reasonable probability you intend to remain in Maryland following graduation and benefit the community. Generally, only this narrowly defined group is granted In-State status.
- Q2. What are the criteria I must fulfill to meet the Regents definition of 'In-state'?
- A. There are 9 criteria. They may be condensed as follows:
1. Owning or renting and continuously occupying living quarters in Maryland.
  2. Having substantially all personal property in Maryland.
  3. Paying Maryland income tax.
  4. Registering all vehicles in Maryland
  5. If licensed, possessing a valid Maryland driver's license.
  6. If registered, being registered to vote in Maryland.
  7. Receiving no public assistance from a state other than Maryland.
  8. Having the legal ability under law to live permanently and without interruption in Maryland.
  9. Rebutting the presumption that he or she is in Maryland primarily to attend an educational institution.

**NOTE:** You must read the Classification Policy to learn the details of each requirement.

Q3. I applied to the University while residing in another state attending college. I had not previously lived in Maryland. I was admitted as an out of state student. Time has passed and I believe I now meet the criteria for In-state. Am I eligible to be considered for reclassification?

A. Yes. A classification decision is based on the facts as they exist at the time you seek reclassification. At the time you were admitted, you were assigned "Out-of-State" status. You satisfied few, if any, of the criteria for being "In-State". Principal among these was that you were "... [R]esiding in the State of Maryland primarily to attend an educational institution." There is a presumption in the Classification Policy that states if you were residing outside Maryland at the time of application, you are residing in Maryland primarily for the purpose of attending an educational institution. And, in fact, the presumption was valid. You had come to Maryland primarily to attend the University.

However, with the passage of time, your personal, professional, and/economic circumstances may have changed. So, an examination of the facts in your Petition for Reclassification may now demonstrate you are residing in Maryland for a more complex set of reasons. You may no longer be here primarily to attend the University. For example, you may hold a job in the community; have bought a house here; have a Maryland spouse; or have children in Maryland public schools.

Your original Out-of-State classification is not permanent. The presumption originally raised by your application from another state may no longer be valid. It can be rebutted with new facts. But, the burden is on you to present evidence to rebut the presumption. You should outline your reasons for living in Maryland as part of your Petition for Reclassification. Obviously, you must meet all the other criteria as well.

Q4. When I applied to the University, I was living in another state and until last year was claimed as a tax-dependent on my parents who are not residents of Maryland. How can I rebut the presumption that I am primarily living in Maryland for educational reasons?

A. There is no formula to rebutting this presumption, rather you must demonstrate that you intend to make Maryland your permanent home and reside in Maryland indefinitely. The policy's section entitled "Rebuttal Evidence," also provides some examples of objectively verifiable conduct upon which the University bases the decision on in-state status. It is important to note that you must provide clear, convincing and objective evidence of your actual primary reason for living in Maryland (e.g. full-time employment, family, etc.)

Q5. I applied to the University while residing in another state attending college. Before college, however, I had lived my entire life in Maryland. I went to high school in Maryland. My parents have always lived in Maryland. I am financially independent, but will live at home with them. Will I be admitted as in-state?

A. Not necessarily. Again, because you were residing in another state at the time of application, the Out-of-State presumption in the Classification Policy is triggered. Your status will depend on your ability to assemble sufficient facts about yourself to rebut the conclusion that you are now residing in Maryland primarily for the purpose of attending the University. Again, such things as family circumstances, personal relationships, and employment separate from the campus may also have played a role. These will be considered by the University when assessing your primary reason for residing in the State.

Q6. I meet most of the criteria for being an in-state student. I don't qualify for in-state status in any other state. So, in these circumstances won't I be granted in-state status here? Don't I have to be considered in-state somewhere?

A. No. You cannot be classified "In-State" by default. In every state system the formula for attaining favored tuition status is different. And although classification policies across the country commonly employ the term "resident," they usually also define it differently. In fact, the policies seldom rely on traditional notions of simple "residency," meaning little more than physical presence or domicile. They present a more rigorous set of objective tests, varying in emphasis depending on the purpose and philosophy of each governing board.

Q7. My employer has transferred me to Maryland. Am I still required to meet all 9 criteria for a full 12 months before qualifying for in-state status?

A. Yes. Generally, there is no advantage given persons transferred to Maryland as a condition of employment. The exception in the Classification Policy is for active duty members of the United States Armed Services.

Q8. I have relocated to Maryland as a result of the Base Realignment and Closure Commission recommendations. Am I eligible for In-state tuition?

A. As a result of the Base Realignment and Closure Commission's recommendations to close certain military installations and move activities to bases in Maryland, the USM will extend certain in-state allowances to those employees and their spouse or dependent children affected by the change. For specific information, please refer to the resolutions at <http://www.usmd.edu/newsroom/BRAC/>.

Q9. How important is it for me to obtain a Maryland driver's license, register my car and register to vote in Maryland?

A. These are three of the 9 requirements in the Regents' definition of an "In-State" student. The Classification Policy does not weigh the requirements differently. Satisfying each of the 9 is equally important; neglecting any is potentially disqualifying.

If you maintain a driver's license or own an automobile, it is very important that it be a Maryland license or registration. If before coming to the University you maintained a license or registration in another state, it must be changed to Maryland if you wish to be granted In-State status. It needs to be changed within the time required under Maryland law. The law requires you obtain a Maryland driver's license and register your car within 60 days of moving to Maryland; however these need to be held for 12 months in order to meet in-state guidelines.

If you are registered to vote, you must change the registration to Maryland before voting again. Actively maintaining a voter's registration in another state or voting there, are inconsistent with the requirements of being considered "In-State".

Q10. Can my classification be affected by my finances?

- A. Yes, in one situation it may. If you are financially dependent on a person not a resident of Maryland, then the Classification Policy presumes you are residing in Maryland primarily for the purpose of attending an educational institution. You may present evidence to rebut this presumption; but, if you are not successful, you will be assigned Out-of-State status.

Q11. Is it true some international students have in-state status?

- A. No. "International students" or "foreign students", meaning citizens of another country wishing to enter the United States for the purpose of attending a university, may legally do so only with a visa. There are many types of visas. International students almost uniformly hold either an "F" or a "J" visa. These do not permit an international student to remain permanently in this country; they must leave when their enrollment ends. They sign a statement to the effect they will do so. Among the 9 criteria that must be satisfied by a student desiring "In State" status is the "... legal ability under Federal and Maryland law to live permanently without interruption in Maryland." International students do not have this legal ability. Also, virtually all international students are residing in the State of Maryland primarily to attend an educational institution.

"International students" are not to be confused with the broader class of students who simply are not citizens of the United States. The University enrolls many resident (or "immigrant") aliens. Many have lived in the United States for a considerable period of time. They, like citizens, have the legal ability to live permanently without interruption in Maryland. They may be eligible for In-State status.

The University also enrolls many non-resident (or "non-immigrant") aliens. Non-resident aliens living in the United States must hold visas. They have been admitted for many different and specialized purposes. Some types of visas are as restrictive as the "F" and "J" visas, but others are not. Depending on the type of visa, a student from a foreign country may well be eligible for In-State status. The Attorney General of Maryland has made a determination for each visa type. This information may be obtained from the University Residency Classification Officer.

Q12. When and how is my classification determined?

- A. Your classification is first established at the time of admission to the University. It is determined based on information you have been encouraged to provide as part of the application process. Because the burden of demonstrating entitlement to In-State status rests with you, if you have not provided this information or if it is incomplete, you will be assigned Out-of-State status. Once admitted to the University, you will retain this classification unless and until you file a successful Petition for Change in Classification for Admission, Tuition, and Charge Differential. This change is not automatic, but must be initiated by a timely Petition for Change in Classification.

Q13. What is the deadline for filing a petition for a change in residency status?

- A. The due date is based on the deadline set forth by the USM institution at which the student seeks to enroll. If the applicable USM institution has no such deadline, the due date is the last published date to register for the forthcoming semester/term for which the change in classification is sought.

Q14. I do not meet all 9 criteria needed to make me eligible for in-state status. This will cause me so much of a financial hardship that I may not be able to enroll. I need an exception to the requirements. Are they ever made in a case like mine?

A. No. The Board of Regents does not permit exceptions on of the basis of personal financial hardship.

The Board of Regents, however, has authorized an assignment of In-State status to some groups of persons regardless of the 9 criteria. Relevant to the University, these are:

1. Full-time or part-time (50% time or more) regular employees of the University.
2. The spouse or dependent child of the above employees.
3. Certain full-time active duty members of the United States armed forces and their spouses and dependent children.
4. Certain honorably discharged members of the Armed Forces of the United States.
5. Graduate Assistants during the term of their appointment.

**NOTE:** You must read the Classification Policy to learn the requirements of each exception.

Q15. I heard that members of the Armed Forces may be eligible for in-state tuition. Can you tell me which branches of the military participate and what are the guidelines for in-state tuition?

A. Members of the Army, Navy, Air Force, Coast Guard and Marines are eligible for instate tuition. If you are an active, full-time member of the Armed Forces and are stationed in the state of Maryland and have the appropriate documentation, you are eligible for instate tuition charges. Please refer to the residency policy for specifics relating to this benefit.

Q16. If I have a residency decision pending for in-state and I pay out-of state charges while the decision is pending and then I am granted in-state residency, will I be reimbursed for any out-of-state charges paid?

A. Should a change in your status be made, the tuition during the semester of the petition will be adjusted on your student account. No requests are accepted for retroactive changes for prior semesters.

Q17. Why do I need to list all of my income and expense information in Section 3 of the petition form?

A. In addition to needing the information to determine financial dependence, it is important, on occasion, to use the income and expense information to clarify answers given in a petition.

- Q18. Why does the university need all of the documentation listed on the petition form?
- A. Residency offices need all of the documentation listed on the form in order to verify the assertions you have made in your petition.
- Q19. My parents provide some support and the rest comes from scholarships and loans. Will I be considered financially dependent on my parents when I apply for in-state tuition?
- A. As per the residency policy, a financially dependent student is defined as one who is claimed as a dependent for tax purposes.
- Q20. I depend on my spouse's income for a lot of my support. Since my spouse lives with me in Maryland, and I depend on him/her for financial support, does that mean I'm entitled to in-state tuition?
- A. Not necessarily. You may qualify for in-state tuition status in this situation if you have satisfied the other eight criteria as outlined in the Board of Regents Policy. If you are the spouse of an active duty member of the United States Armed Forces or a regular employee of the University System of Maryland, you may also be able to qualify. Please review section IV of the policy for further information.
- Q20. I lived in a neighboring state before enrolling here 2 years ago and I cannot provide any of the evidence listed in the policy for rebutting the presumption that I'm an out-of-state resident. I believe that there are other facts-not listed in the policy-to rebut the presumption in my case. Will you consider those facts, even though they are not mentioned in the policy?
- A. Yes. It is recommended you review the section of the residency policy that specifically addresses Rebuttal Evidence. Other evidence may be provided, however that too will be evaluated on its reliability, authenticity, credibility and relevance.
- Q21. When I joined a campus organization for prospective teachers, I became really involved with a group that tutors local children, put in many hours each week there as a volunteer, and plan to continue during the summer and after I graduate. Since I started volunteering there as a school activity, does this mean that none of it counts as evidence of commitment to my community to show that I'm in Maryland for more than my education?
- A. The mere fact that a student joins a campus organization and participates in activities typical of its members is not evidence of intent to live in Maryland primarily for non-educational purposes. However, if the student then becomes involved in specific activities that show an extraordinary commitment of time and effort to the student's community or the State, those activities can be evidence that a student is not primarily in Maryland to attend an educational institution.