

## **Residency Requirements for Tuition**

The difference between the resident and nonresident tuition rates is significant. The requirements can be complex, so please read this document carefully and contact Admissions if you have further questions.

### **ELIGIBILITY BASICS**

At Empire State College, students are generally considered New York state residents if they have established their domicile in New York state for at least 12 months prior to the last day of the registration period of a particular term.

1. Generally, individuals who have maintained their domicile in New York for a period of less than 12 months prior to the end of registration are presumed to be out-of-state residents and are not eligible for the resident tuition rate.
2. Individuals who are financially dependent and whose custodial parent(s) lives in a state other than New York are generally not eligible for the resident tuition rate.
3. Individuals do not meet the 12-month residency requirement if domiciled in New York state primarily to attend college.
4. Dependent students of divorced or legally separated parents may acquire a New York state domicile if the custodial parent is a New York state resident or if the student resides with a noncustodial parent who is a New York state resident and the student intends to continue to reside with that parent throughout their attendance at Empire State College.

### **HOW TO APPLY FOR NEW YORK STATE RESIDENCY STATUS**

Complete the attached Application for Residency Status and return it to Admissions, Empire State College, 111 West Avenue, Saratoga Springs, NY 12866-6048.

### **GUIDELINES FOR COMPLETING THE NEW YORK RESIDENCY STATUS FORM**

#### **Determination of Domicile**

To determine a student's domicile, Empire State College uses the following principles:

1. A person may have multiple residences but only one domicile.
2. A person retains a domicile until it is abandoned.
3. Physical presence alone does not establish domicile or residency.

#### **Proof of Domicile**

Empire State College relies on documents and circumstances such as the following to determine if an individual's domicile is in New York state.

1. Duration of physical presence in New York.
2. State of residency of the student's family.
3. New York state voter registration.
4. New York state driver's license.
5. New York state motor vehicle registration.

6. New York state real property ownership.
7. New York state residential rental lease.
8. New York state income tax returns.

#### **Domicile Rule Exemptions: Military Staff and Others**

1. Members of the United States armed forces while on full-time active duty and stationed within New York state, as well as their dependents, are eligible for the resident tuition rate.
2. Dependents of full-time active duty personnel who are stationed outside New York state qualify for resident tuition if the service member's "Home of Record" is New York state.
3. Civilian employees of the military are not included in these exceptions to the domicile requirements.
4. Certain nonresidents who have graduated from a New York high school may be eligible for resident tuition.

#### **Immigrant, Nonimmigrant and Undocumented Aliens**

Students claiming to be immigrant aliens must present proof of their status by providing the campus with a valid Alien Registration Receipt Card. Once a student's immigrant status has been verified, the student may then establish New York state residency by meeting the domicile criteria.

1. Nonimmigrants aliens are grouped in categories depending on the type of visa presented at the port of entry. Nonimmigrants admitted to the United States in categories that prohibit them from establishing a United States residence are not eligible for resident tuition.
2. In general, the Federal Illegal Immigration Reform and Immigrant Responsibility Act prohibits students who are unable to present valid documentation of their alien status from eligibility for the resident tuition rate. However, undocumented aliens who attend for at least two years and graduate from a New York high school may be eligible.

#### **Some terms used in this document have special meaning in the University's Resident Tuition Policy**

1. **Domicile** – A fixed permanent home to which an individual intends to return whenever absent.
2. **Emancipation, Financial Independence** – Students under the age of 22 must provide evidence of one year of independent living in order to be considered emancipated.
3. **"Home of Record"** – Part of an armed services record, which indicated that state of residency upon joining the military.
4. **Immigrant Aliens** – May lawfully reside in the United States on a permanent basis and hold a valid Alien Registration Card (green card).
5. **Nonimmigrant Aliens** – Those aliens who enter the United States on a temporary basis for a specific purpose.
6. **Undocumented Aliens** – Aliens who are unable to document their INS status.



# EMPIRE STATE COLLEGE

## Application for New York State Residency Status for Tuition Billing Purposes

All information in Section A must be completed.

Section B must be completed if you are an independent student.

Section C must be completed if someone other than yourself or your spouse claims you as a dependent for tax purposes.

### Section A

S.S. # \_\_\_\_\_ County of residence \_\_\_\_\_

Name \_\_\_\_\_  
last first middle

Permanent address \_\_\_\_\_  
street city state zip

Phone # (\_\_\_\_\_) \_\_\_\_\_

Length of time at this address (insert figures) \_\_\_\_\_ / \_\_\_\_\_ If less than three years, list your prior addresses below.  
yrs. mos.

From	To	Street	City	State

Local address (if different from permanent)

\_\_\_\_\_ street city state zip

Age \_\_\_\_\_ Date of birth \_\_\_/\_\_\_/\_\_\_ Marital status \_\_\_\_\_ Citizenship:  U.S.  Other: visa type \_\_\_\_\_

If you are a permanent resident of the U.S. list your alien registration number: A \_\_\_\_\_ Date issued \_\_\_/\_\_\_

Are you a first-time Empire State College student?  Yes  No  Undergraduate  Graduate

Have you received a state award (Tuition Assistance Program, Empire State Fellowship, Challenger)?  Yes  No

Have you had or will you be applying for a Stafford Loan (formerly the Guaranteed Student Loan)?  Yes  No

Do you have a driver's license?  Yes  No If yes, in what state was your license issued? \_\_\_\_\_

Date issued \_\_\_\_\_ / \_\_\_\_\_ Driver's license # \_\_\_\_\_  
mo. yr.

Do you own a car?  Yes  No If yes, in what state is your car registered? \_\_\_\_\_

License plate # \_\_\_\_\_ Registration date \_\_\_\_\_ / \_\_\_\_\_  
mo. yr.

Are you a registered voter?  Yes  No If yes, in what state are you registered? \_\_\_\_\_

In what state did you (or your spouse) file resident taxes for the most current year? \_\_\_\_\_

**Section B**

If financially dependent on your parents, skip this section and have parents complete **Section C**.

Did you or will you live in an apartment, house or building owned or leased by your parents for more than six weeks during the current year?  Yes  No

Were you or will you be claimed as a dependent on your parents' federal or state income tax return this year?  Yes  No

Are you an emancipated minor or adult student who is financially independent from parental support?  Yes  No

If yes, when did you become independent? \_\_\_\_\_/\_\_\_\_\_  
mo. yr.

List below your sources of financial support for the last two years.

From	To	Name and Address of Employer	Hours Worked per Week

If not employed, please explain and attach proof of your financial resources. \_\_\_\_\_

**Applicant's Affirmation**

I, \_\_\_\_\_, the applicant herein, being duly sworn, do hereby affirm that I am a resident of New York state and that it is my intention to remain in New York state, and that all information provided on this form, and attachments thereto, is accurate, complete and true to the best of my knowledge. I understand that providing false information knowingly will disqualify me from consideration for New York state residency status.

\_\_\_\_\_  
signature of applicant

**Section C**

To be completed by the person who claimed or will claim you as a dependent for income tax purposes in the previous tax year.

Name \_\_\_\_\_ Relationship to Applicant \_\_\_\_\_

Permanent Address \_\_\_\_\_  
street city state zip

Phone #: home (\_\_\_\_\_) \_\_\_\_\_ business (\_\_\_\_\_) \_\_\_\_\_

Length of time at this address (insert figures) \_\_\_\_\_/\_\_\_\_\_  
yrs. mos.

Citizenship:  U.S.  Other If other, please specify \_\_\_\_\_

Please list states in which you filed or will file resident taxes during

20\_\_ \_\_\_\_\_ 20\_\_ \_\_\_\_\_ 20\_\_ \_\_\_\_\_

**Affirmation**

I do hereby affirm that the above information provided is accurate, complete and true to the best of my knowledge.

Date \_\_\_\_\_ Signature \_\_\_\_\_