

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

EXH	MOTION <i>Taylor</i>
	SECOND <i>Maynard</i>
	ACTION APPROVED BY THE REGENTS MAY 10 2005
NOTE:	
Revised 5/17/05	

ACTION REQUEST

SUBJECT: Residency Classification Guidelines

ACTION REQUESTED: Approval of Modifications to Residency Classification
Guidelines
Effective Spring Term 2005

The current Residency Classification Guidelines were approved by the Regents in April 2002 and became effective Spring Term 2002. The Regents have requested modifications be made that would simplify the Guidelines and provide a broader standard for eligibility in certain circumstances.

We believe the following proposed modifications to the Guidelines respond to the Regents' concerns. These modifications would:

- permit students whose parents and/or parents in-law are permanently domiciled in Michigan to be immediately eligible for resident classification;
- allow dependent children of Michigan families who have been sent on temporary work assignment to a foreign country to return as Michigan residents under certain circumstances;
- allow individuals independently domiciled in Michigan under the Guidelines to be temporarily absent from the state for up to one year and return as residents; and
- clarify the various immigration visa classifications that a person may hold to be considered eligible for resident classification under the Guidelines.

We are also proposing a small number of minor, non-substantive changes in wording to simplify the language in the Guidelines and make them more straightforward.

The proposed changes have been incorporated into the attached, revised draft of the Guidelines.

It is respectfully requested that the Regents approve and adopt the Residency Classification Guidelines, as amended in the attached document, to be effective Spring Term 2005.

Respectfully submitted,



Paul N. Courant
Provost and Executive Vice President for
Academic Affairs

May 2005



UNIVERSITY OF MICHIGAN RESIDENCY CLASSIFICATION GUIDELINES

PURPOSE OF THE RESIDENCY CLASSIFICATION GUIDELINES

The University of Michigan enrolls students from 50 states and more than 120 countries. Residency Classification Guidelines have been developed to ensure that decisions about whether a student pays in-state or out-of-state tuition are fair and equitable and that applicants for admission or enrolled students who believe they are Michigan residents understand they may be required to complete an Application for Resident Classification and provide additional information to document their residency status.

CIRCUMSTANCES UNDER WHICH YOU MUST FILE A RESIDENCY APPLICATION

If you claim Michigan resident status and any of the following circumstances apply, you must file an Application for Resident Classification and be approved to qualify for in-state tuition:

- you currently live outside the state of Michigan for any purpose, including, but not limited to, education, volunteer activities, military service, travel, employment.
- you have attended or graduated from a college outside the state of Michigan.
- you have been employed or domiciled outside the state of Michigan within the last three years.
- you are not a U.S. citizen or Permanent Resident Alien (if you are a Permanent Resident Alien, you must have a Permanent Resident Alien card).
- your spouse, partner, or parent is in Michigan as a nonresident student, medical resident, fellow, or for military assignment or other temporary employment.
- you are 24 years of age or younger and a parent lives outside the state of Michigan.
- you are 24 years of age or younger and have attended or graduated from a high school outside the state of Michigan.
- you have attended or graduated from an out-of-state high school and have been involved in educational pursuits for the majority of time since high school graduation.
- you previously attended any U-M campus (Ann Arbor, Dearborn, or Flint) as a nonresident.

Other circumstances may also require you to file a residency application. The University reserves the right to audit prospective or enrolled students at any time regarding eligibility for resident classification and to reclassify students who are classified incorrectly.

HOW TO FILE A RESIDENCY APPLICATION

Residency applications and in-person assistance are available at the Residency Classification Office, University of Michigan Office of the Registrar, 413 E. Huron St., Ann Arbor, MI 48104-1520, phone (734) 764-1400. Business hours are 8 a.m.-5 p.m. weekdays. Applications can also be downloaded at <http://www.umich.edu/~regoff/resreg.html>. Completed applications should be submitted to the Residency Classification Office.

FILING DEADLINES

September 30 for Fall Term

January 31 for Winter Term

July 31 for Spring, Spring/Summer, and Summer Terms
Applications must be received in the Residency Classification Office by 5 p.m. on the deadline date.

The deadline date is always after the first day of classes of the term in which you are enrolling and seeking residency. If the deadline falls on a weekend, it will be extended to the next business day.

These deadlines apply to all University of Michigan schools, colleges, and campuses. For the On-Job/On-Campus program only, filing deadlines are 30 calendar days after the first scheduled day of classes of the term applied for.

You may apply for resident classification for any term in which you are enrolled or intend to enroll.

Late applications will be assessed a nonrefundable \$300 late fee and will be accepted up to the last published day of classes of the term for which you are applying. Late applications received after the last day of classes will be processed for the following term. In all cases, decisions will be based only on those facts that are in place by the original filing deadline for the term under consideration.

REQUIRED DOCUMENTS

Along with the completed Application for Resident Classification form, you must submit the following:

- *for all applicants:* copies of your driver's license and the license(s) of the person or persons upon whom you are basing your claim to resident eligibility.
- *for all applicants:* copies of the front and signature pages of the most recent year's federal and state income tax returns and W2 forms for you and the person or persons upon whom you are basing your claim to resident eligibility.
- *for applicants born outside the U.S.:* verification of U.S. citizenship or visa status.
- *for applicants who are dependents (see section B-2):* copies of the front and signature pages of your parents' most recent year's federal and state income tax returns with accompanying W2 forms.
- *for applicants whose claim to eligibility for resident classification is based on permanent, full-time employment for themselves, a spouse, partner, or parent:* a letter from the employer, written on letterhead (including phone number), stating the position, status, and dates of employment. In addition to the letter, provide a copy of the most recent pay stub showing that Michigan taxes are being withheld.
- *for all applicants:* any other documentation that supports your claim to resident eligibility.

The Residency Classification Office may also request additional documentation after the initial review of your application. Applications and accompanying documentation will be retained by the University of Michigan in accordance with its policies and

procedures. All information will be kept confidential to the extent permitted by law.

In making residency determinations, the University considers all information provided in or with an application, as well as any other available information relevant to the application. Decisions to approve a residency application are made when the applicant has presented clear and convincing evidence that a permanent domicile in the state of Michigan has been established.

THE UNIVERSITY OF MICHIGAN'S AUTHORITY TO ESTABLISH RESIDENCY GUIDELINES FOR ITS STUDENTS

Because each of Michigan's public universities has autonomous authority to establish residency guidelines for admission and tuition purposes, guidelines vary by school and are independent of regulations used by other state authorities to determine residency for such purposes as income and property tax liability, driving, and voting. The University of Michigan's current Residency Classification Guidelines were approved by its Board of Regents to take effect Fall Term 2005 and to apply to students at all campuses.

The Board of Regents has authorized the Residency Classification Office in the Office of the Registrar on the Ann Arbor campus to administer the University's residency guidelines. If your activities and circumstances as documented to the Residency Classification Office demonstrate establishment of a permanent domicile in Michigan, you will be classified as a resident once your eligibility has been confirmed. If your presence in the state is based on activities or circumstances that are determined to be temporary or indeterminate, you will be classified as a nonresident.

Our Residency Classification Guidelines explain how you can document establishment of a permanent domicile in Michigan. To overcome a presumption of nonresident status, you must file a residency application and document that a Michigan domicile has been established. Eligibility criteria are explained in more detail in the sections that follow. Meeting the criteria to be placed in an "eligible" category does not mean that you will automatically be classified a resident. If you have had any out-of-state activities or ties, or if the University otherwise questions your residency status, you will need to confirm your eligibility to be classified as a resident by filing an Application for Resident Classification in a timely manner and by providing clear and convincing evidence that you are eligible for resident classification under the following Guidelines.

A. GENERAL RESIDENCY GUIDELINES

1. CIRCUMSTANCES THAT MAY DEMONSTRATE PERMANENT DOMICILE

The following circumstances and activities, though not conclusive or exhaustive, may lend support to a claim to eligibility for resident classification if all other applicable Guidelines are met:

- both parents/parents-in-law (in the case of divorce, one parent/parent-in-law) permanently domiciled in Michigan as demonstrated by permanent employment in the state, establishment of a primary household in Michigan, and severance of out-of-state ties. Applicant must also show severance of out-of-state ties.
- applicant employed in Michigan in a full-time, permanent position, provided that the applicant's employment is the primary purpose for his or her presence in the state and that

out-of-state ties have been severed. If the applicant is married or has a partner, the employment must be the primary purpose for the family's presence in Michigan.

- spouse or partner employed in Michigan in a full-time, permanent position, provided that the employment of the spouse or partner is the primary purpose for the family's presence in the state and that out-of-state ties have been severed.

2. CIRCUMSTANCES THAT DO NOT DEMONSTRATE PERMANENT DOMICILE

The circumstances and activities listed below are temporary or indeterminate and do not demonstrate permanent domicile. Individuals whose presence in Michigan and claim to Michigan resident status are based solely on one or more of the following are not eligible for resident classification:

- enrollment in high school, community college, or university.
- participation in a medical residency program, fellowship, or internship.
- employment that is temporary or short-term or of the type usually considered an internship or apprenticeship.
- employment of the spouse or partner of an individual who is in Michigan for temporary pursuits.
- employment in a position normally held by a student.
- military assignment in Michigan for the applicant or the applicant's spouse, partner, or parent (see section D for special military provision).
- payment of Michigan income tax and/or filing of Michigan resident income tax returns.
- presence of relatives (other than parents).
- ownership of property or payment of Michigan property taxes.
- possession of a Michigan driver's license or voter's registration.
- possession of a Permanent Resident Alien visa.
- continuous physical presence for one year or more.
- statement of intent to be domiciled in Michigan.

B. ADDITIONAL REQUIREMENTS, DEFINITIONS, AND SPECIAL CIRCUMSTANCES

Even if one or more of the following circumstances applies to you, you may still need to file an application for resident classification. If you have had any out-of-state activity or have any out-of-state ties, you must submit an Application for Resident Classification by the filing deadline to request resident classification and confirm your eligibility. You must document that you meet all of the following applicable criteria to be eligible for resident classification and payment of in-state tuition.

1. IMMIGRANTS AND ALIENS

You must be entitled to reside permanently in the United States to be eligible for resident classification at the University. However, like U.S. citizens, you must also show you have established a Michigan domicile as defined in these Guidelines. The Residency Classification Office will review Applications for Resident Classification if you are in one of the following immigrant categories. You must provide official documentation showing your status.

- **Permanent Resident Aliens** (Must be fully processed and approved and possess Permanent Resident Alien card or stamp in a passport verifying final approval by filing deadline for applicable term.)
- **Refugees** (I-94 card or passport must designate "Refugee")
- **Asylees** (I-94 card or passport must designate "Asylee")
- **A, E, G and I visa holders** (Exception: Dependent children who hold an E visa are not eligible to be considered for resident classification.)

*Please note that individuals holding temporary visas, such as, but not limited to, F, H, J, K, Parolee, TN, TD, etc., are *not* eligible for resident classification at the University of Michigan regardless of their other circumstances.

2. **DEPENDENT STUDENTS**

For University of Michigan residency classification purposes, you are presumed to be a dependent of your parents if you are 24 years of age or younger and (1) have been primarily involved in educational pursuits, or (2) have not been financially self-supporting through employment.

a. **Residents**

i. **Dependent Student — Parents/Parents-in-law in Michigan** If your parents/parents-in-law are domiciled in Michigan as defined by University Residency Classification Guidelines, you are presumed to be eligible for resident classification as long as you can demonstrate establishment of a Michigan domicile and severance of out-of-state ties.

ii. **Dependent Student of Divorced Parents/Parents-in-law — One Parent/Parent-in-law in Michigan** If your parents/parents-in-law are divorced and one parent/parent-in-law is domiciled in Michigan as defined by University Residency Classification Guidelines, you are presumed to be eligible for resident classification as long as you can demonstrate establishment of a Michigan domicile and severance of out-of-state ties.

iii. **Dependent Resident Student Who Remains in Michigan When Parents Leave the State.** If you are a student living in Michigan with your parents and permanently domiciled in the state as defined by University Residency Classification Guidelines, you are presumed to retain resident status eligibility if your parents leave the state provided: (1) you have completed at least your junior year of high school prior to your parents' departure, (2) you remain in Michigan, enrolled full-time in high school or an institution of higher education, and (3) you have not taken steps to establish a domicile outside Michigan or any other action inconsistent with maintaining a domicile in Michigan.

b. **Nonresidents**

The University presumes you are a nonresident if you are a dependent student and your parents are domiciled outside the state of Michigan. (See exception under a-i and a-ii for married dependent students whose parents-in-law are domiciled in Michigan.)

3. **MICHIGAN RESIDENTS AND ABSENCES FROM THE STATE**

You may be able to retain your eligibility for resident classification under the conditions listed below if you are domiciled in Michigan as defined by University Residency Classification Guidelines and leave the state for certain types of activities. However, if you have been absent from the state, you

must file an Application for Resident Classification by the appropriate filing deadline to request resident classification and demonstrate your eligibility.

a. **Absence for Active Duty Military Service (U.S. Army, Navy, Air Force, Marines, Coast Guard, Officers in the Public Health Service), Non-Administrative Missionary Work, Peace Corps, AmeriCorps, or Similar Philanthropic Work**

If you are domiciled in Michigan at the time of entry into active military duty, missionary work, Peace Corps, or similar service, you are presumed to retain your eligibility for resident classification as long as you are on continuous active duty or in continuous service and continuously claim Michigan as the state of legal residence for income tax purposes. If you are a dependent child of such an individual, you are presumed to be eligible for resident classification provided: (1) you are coming to the University of Michigan directly from high school or have been continuously enrolled in college since graduating from high school, and (2) you have not claimed residency for tuition purposes elsewhere.

b. **Absence Due to Temporary Foreign Assignment**

If you are a dependent student domiciled in Michigan with your parents immediately preceding an absence for a temporary foreign assignment with a parent's Michigan employer, you may retain your eligibility for resident classification provided (1) your family members hold temporary visas in the foreign country, and (2) you return directly to Michigan and remain in the state for educational purposes after leaving the foreign country.

c. **Temporary Absence of Less Than One Year**

If you are independently domiciled in Michigan immediately preceding a temporary absence of less than one year, you are presumed to retain eligibility for resident classification provided that out-of-state ties are severed upon your return to Michigan.

C. **THE APPEAL PROCESS**

If you filed an Application for Resident Classification and were denied by the Residency Classification Office, you have recourse to an appeal process by filing a written appeal within 30 calendar days of the denial.

The Board of Regents established the Residency Appeal Committee to review decisions made by the Residency Classification Office. The Appeal Committee is chaired by the Vice President and Secretary of the University and includes two other University administrators, a faculty member, and a student. The Residency Coordinator and other staff members in the Residency Classification Office are not members of the Appeal Committee.

Appeals, which must be in writing, should be submitted to the Residency Classification Office. Please note that the written appeal must be received by the Residency Classification Office within 30 calendar days of the date on the denial letter. If the deadline falls on a weekend or University holiday, it will be extended to the next business day. If there is additional information you would like the Residency Appeal Committee to consider beyond the materials you have already submitted, you should submit that additional information, in writing, with appropriate supporting documentation, when you submit your written appeal. Your request and any additional information and documentation you provide will be forwarded to the Residency Appeal Committee with your original file.

All communications to the Residency Appeal Committee must be in writing. Personal contact with a member of the Committee

could disqualify the member from participating in the decision regarding your residency. The Residency Appeal Committee does not meet in person with students, and appearances on behalf of students are not permitted at appeal meetings.

After the Appeal Committee has completed its deliberations, you will receive the Committee's final decision in writing. This will conclude the appeal process for the term covered by the application. The University will not conduct any further review of the decision.

D. SPECIAL PROVISION FOR ACTIVE DUTY MILITARY PERSONNEL ASSIGNED TO MICHIGAN

Regular active duty military personnel who are on assignment in Michigan, as well as their accompanying spouses and dependent children, will be allowed to pay in-state tuition while they attend the University of Michigan, even though they will not be eligible to be classified as residents under the Residency Classification Guidelines. This provision applies to persons in the U.S. Army, Navy, Air Force, Marines and Coast Guard, and to officers in the Public Health Service. In order to request this special consideration, the student must submit a residency application by the applicable filing deadline and provide documentation demonstrating eligibility.

Warning: Misrepresentation or Falsification of Information Can be Costly

Individuals who provide false or misleading information or omit relevant information in an application for admission or for resident classification, or any other document related to residency eligibility, may be subject to legal or disciplinary measures. Students who are improperly classified as residents based on such information will have their residency classification changed and may be retroactively charged nonresident tuition for the period of time they were improperly classified.