



## PERMANENT MEMORANDUM 31

# STUDENT RESIDENCY CLASSIFICATION FOR TUITION PURPOSES

POLICY DIGEST

Monitoring Unit: Office of Academic Affairs  
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### I. PURPOSE

In accordance with Louisiana House Concurrent Resolution 226 of 1986, the purpose of this policy is to define those people who are permanent residents of Louisiana, contribute to the prosperity of the State, and are eligible for classification as Louisiana residents for tuition purposes. This policy does not apply to students auditing courses or enrolled in extramural, correspondence, or LSU Online courses.

### II. CLASSIFICATION OF A RESIDENT STUDENT FOR TUITION PURPOSES

#### a. Primary Eligibility

In order to be classified as a Louisiana resident for tuition purposes at any campus of LSU, a student must meet all three of the following conditions:

- i. The student has been domiciled in the State of Louisiana continuously for at least one full year (365 days) immediately preceding the first day of classes of the term for which resident classification is sought; *and*
- ii. The student has not been enrolled in a Louisiana postsecondary education institution during this period of time, except through a program providing dual secondary and postsecondary education credit; *and*
- iii. The student has abandoned all prior domiciles, as determined by sufficient evidence pursuant to procedures described in Section V below. For the purposes of this policy, the LSU Board of Supervisors has defined "domicile" as "an individual's true, fixed, and permanent home and place of habitation at which the individual remains when not called elsewhere for labor, studies, or other special or temporary purposes, and the place to which the individual returns after an absence."

#### b. Secondary Eligibility

Notwithstanding any other provision herein, students *may* be classified as a Louisiana resident for tuition purposes if:

- i. They are married to a Louisiana resident; or
- ii. They are the spouse or unmarried dependent of a full-time university employee on any LSU campus; or
- iii. They are otherwise eligible to be classified as a Louisiana resident for tuition

purposes but have a period of employment in a foreign country which, if for a prolonged period, may require providing evidence of U.S. citizenship to maintain eligibility; or

- iv. They are Veterans or Active Duty Personnel meeting the eligibility requirements of Permanent Memorandum 40; or
- v. They are Minors and Dependents in certain circumstances consistent with Section III; or
- vi. They are Non-U.S. Citizens present in the United States under certain visa conditions in accordance with Section IV.

c. Term of Eligibility Status

- i. Each application for Louisiana residency classification for tuition purposes shall be determined on its own merits, based upon documentation provided at the time of application in accord with this policy.
- ii. Unless otherwise provided for in this Permanent Memorandum, the institution/campus decision on a student's residency classification for tuition purposes, made in accord with the regulations and procedures set forth herein, shall be fixed for the duration of continual enrollment at that institution. This policy shall not apply to students auditing courses or enrolled in extramural, correspondence, or LSU Online courses.

### III. GUIDELINES FOR MINORS AND DEPENDENTS

- a. The domicile of an unmarried minor (under age of 18) or dependent (see Internal Revenue Code of 1954, Section 152) is regarded to be that of the parent with whom such a minor or dependent maintains their place of abode.
- b. The domicile of an unmarried minor or dependent with a living parent cannot be changed by their own act, or by the relinquishment of a parent's right of control.
- c. When an unmarried minor or dependent lives with neither parent, then their domicile is deemed to be that of the parent with whom the student maintained the last place of abode.
- d. An unmarried minor or dependent may establish their domicile only when both parents are deceased and a legal guardian has not been appointed.
- e. A person who was eligible for at least five years under these regulations to be classified as a Louisiana resident for tuition purposes, and who then moves outside Louisiana, will retain the right for themselves, for any minor child, or for any other dependent, to be classified as a Louisiana resident for tuition purposes for a five year period which begins on the date of relocation outside of Louisiana and which ends on the first day of classes of the first term of enrollment.
- f. When there is clear and convincing documentation that the parent(s) with whom a dependent student lives has abandoned all out-of-state domiciles and has permanently relocated to Louisiana, the dependent student may be classified as a Louisiana resident for tuition purposes.

#### IV. GUIDELINES FOR NON-U.S. CITIZENS

- a. A student who is a non-U.S. citizen maybe classified as a Louisiana resident for tuition purposes if that student has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the State and the United States (e.g. permanent residents, persons married to a U.S citizen, refugees, asylees, temporary or amnesty aliens, etc.) and with all other requirements of this Permanent Memorandum.
- b. Students legally present in the United States with a current visa classification of "**E, G, H, I, K, L, NATO, N, O, P, R, S, T, TN (TD), U, TPS, or V,**" **and** who demonstrate a Louisiana domicile for at least one full year (365 days) prior to the first day of class of the beginning of a semester, may be classified as a Louisiana resident for tuition purposes.
- c. Students legally present in the United States with a current visa classification of "**A**" may be classified as a Louisiana resident for tuition purposes.
- d. Students legally present in the United States with a current visa classification of "**B, C, D, F, J, M,** or Q" are **not** eligible to establish Louisiana domicile, nor are they eligible to be classified as a Louisiana resident for tuition purposes, unless otherwise permitted by law or other regulations.
- e. An enrolled student who is a non-U.S. citizen, legally present in the United States with any type of current visa classification, may be classified as a Louisiana resident for tuition purposes if that student is granted permanent resident status by the U.S. government.

#### V. PROCEDURES FOR DETERMINING RESIDENCY CLASSIFICATION FOR TUITION PURPOSES

- a. It shall be the responsibility of each campus to develop appropriate policy and procedures for implementation of this Permanent Memorandum.
- b. As provided for in the *Resolution in Response to HCR 226 Regarding Uniform Definition of Residency for Fee Purposes at Louisiana Public Universities* passed at the May 15, 1987 LSU Board of Supervisors meeting, campuses may identify clearly defined categories of individuals to be granted special resident status if it is in the best interest of Louisiana or mandated by the state or federal government. All such requests must be submitted to and approved by the President.
- c. If the student meets requirements I.A.1 and I.A.2, and there is uncertainty only as to whether the student has abandoned all prior domiciles, as mandated by requirement I.A.3, then the campus may conduct a further investigation to resolve that aspect of a student's application for Louisiana residency classification for tuition purposes. It should be noted that physical presence in Louisiana solely for educational purposes, regardless of the student's length of time within the state, shall not be sufficient for residency classification for tuition purposes. Subject only to compliance with the regulations established herein, each campus may establish its own process and requirements for such investigations which are consistent with other student matters.
- d. As a part of such investigation, a campus may require the student to provide documentary evidence that they have abandoned all domiciles other than Louisiana. Ownership of property in Louisiana shall not be the sole factor in determining eligibility for residency classification for tuition purposes. The campus may request documentation as it deems relevant to the investigation of domicile for tuition purposes, and shall collect and review

such documentation with each admission, regardless of any prior residency classification of the student for tuition purposes.

- e. The residency classification for tuition purposes of an applicant or of a current student shall be determined by a designated institutional office(s) in accordance with this Permanent Memorandum, and publicized as such.
- f. Determination of the residency classification for tuition purposes of either an applicant or a current student shall be based upon evidence provided in either the application for admission or in the application for reclassification, along with related documents as requested by the campus.
- g. An application for reclassification of residency for tuition purposes shall be filed by the student with the appropriate office on the respective campus no later than 21 calendar days following the first day of class of the term for which such reclassification is sought.
- h. An application for reclassification of residency for tuition purposes shall include any information or documents required by the campus, along with supporting evidence which the student desires to submit.

## **VI. PROCEDURES FOR APPEALS & INCORRECT CLASSIFICATION**

- a. Each campus shall develop an appeals process on matters related to residency classification for tuition purposes which is consistent with its other similar student appeals processes.
- b. A student may make a written appeal of the campus's initial decision on residency classification for tuition purposes.
- c. Failure to comply timely with all deadlines established in each campus appeals procedure shall constitute a waiver of all claims for residency reclassification for tuition purposes for the applicable term or terms.
- d. The decision of the campus Chancellor or other authorized campus official on the appeal of a residency classification for tuition purposes, once rendered, is final.
- e. All students classified incorrectly as residents are subject to reclassification and payment of all nonresident tuition not paid. If incorrect classification results from false or concealed facts by the student, the student is also subject to all appropriate university disciplinary procedures.