

Minimum Documentation Required for West Virginia or Metro Residency

Please complete and sign the attached West Virginia or Metro residency application and provide copies of the following documentation required for reviewing residency status:

1. Current driver's license or state-issued ID card.
2. Current motor vehicle registration(s) for all vehicles owned.
3. Lease, rental agreement, or proof of purchase of your permanently occupied home.
4. Signed statement of full-time employment on company letterhead.
5. Proof of payment of state income taxes (*i.e.* a copy of your most recent tax returns or copies of your two most recent paycheck stubs showing that taxes were withheld from your earnings).
6. Most recent federal tax return showing address.
7. Twelve months continued presence in West Virginia area prior to your starting semester at Marshall University (lease or deed accounting for previous twelve months).
8. Completed residency application.

METRO RESIDENCY. *If you are applying for metro resident status, please submit all documentation as it applies to the metro county: Kentucky counties of Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Lawrence, Martin and Pike; Ohio counties of Gallia, Jackson, Lawrence, Meigs, Pike and Scioto.*

DEPENDENCY. *If you are applying for resident status on the basis of dependency upon a parent, legal guardian or spouse, provide information on the application and supporting documentation relative to the parent, guardian or spouse, as well as a copy of your current driver's license or state-issued ID card. Must include parent's, guardian's, or spouse's most recent federal tax return listing you as a dependent.*

MILITARY APPLICANTS. *If you are applying as a West Virginia resident on the basis of your permanent residence in West Virginia prior to entering full-time, active military service and as stated in your Leave and Earnings Statement (LES), please submit documentation verifying that domicile was established in West Virginia prior to entrance into federal service, federal service was entered from West Virginia, and that at no time while in federal service domicile has been established, or residency claimed, in another state. If you are assigned to full-time, active military service in West Virginia and reside in the state of West Virginia, a letter from your commanding officer attesting to these facts will serve to prove West Virginia residency.*

NON-CITIZENS OF THE UNITED STATES. *If you are applying for West Virginia resident status, you must submit a copy of your Permanent Resident Alien card or documentation that you have filed petition for naturalization in naturalization court in addition to the above minimum documentation.*

Requests for changes in residency status for new students will be evaluated by the Admissions Office provided that a completed residency application with all required supporting documentation is submitted by the end of the first week of classes for each new term. Thereafter, all requests for changes in residency status for currently enrolled students will be evaluated by the Registrar and any changes will be effective for the following term.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 25
RESIDENCY CLASSIFICATION FOR ADMISSION AND FEE PURPOSES**

§133-25-1. General.

- 1.1. Scope. – Rule regarding residency classification of students for admission and fee purposes.
- 1.2. Authority. – West Virginia Code §§18B-10 and 18B-2B-6.
- 1.3. Filing Date. – March 11, 2019.
- 1.4. Effective Date. – April 11, 2019.
- 1.5. Repeal of Former Rule. – Repeals and replaces Title 133, Series 25 which had an effective date of June 9, 2017.

§133-25-2. Classification for Admission and Fee Purposes.

2.1. Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition, and fee purposes by the institutional officer designated by the President. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The designated officer is authorized to require such written documents, affidavits, verifications, or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition, and fee purposes is upon the student.

2.2. If there is a question as to domicile, the matter must be brought to the attention of the designated officer at least two (2) weeks prior to the deadline for the payment of tuition and fees. Any student found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident fees for each academic term theretofore attended.

2.3. The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts, the prior judgment should be given strong consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

§133-25-3. Residence Determined by Domicile.

3.1. Domicile within the state means adoption of the state as the fixed permanent home and involves personal presence within the state with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in this State for admission or fee payment purposes. West Virginia domicile may be established upon the completion of at least twelve (12) months of continued presence within the state prior to the date of registration: Provided, That such twelve (12) months' presence is not primarily for the purpose of attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than twelve (12) months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action. In determining domicile, institutional officials should give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within the state, paying West Virginia property tax, filing West Virginia income tax returns, registering of motor vehicles in West Virginia, possessing a valid West Virginia driver's license, and marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may be used in determining whether or not a domicile has been established. Factors militating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal or state income tax returns or on the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states, and leaving the state when school is not in session.

§133-25-4. Dependency Status.

4.1. A dependent student is one (1) who is listed as a dependent on the federal or state income tax return of his/her parent(s) or legal guardian or who receives major financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent student takes the domicile of the parent with whom he/she lives or to whom he/she has been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

4.2. A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in this state for admission or fee payment purposes.

§133-25-5. Change of Residence.

5.1. A person who has been classified as an out-of-state student and who seeks resident status in West Virginia must assume the burden of providing conclusive evidence that he/she has established domicile in West Virginia with the intention of making the permanent home in this State. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements, but also by that person's actions. In making a determination regarding a request for change in residency status, the designated institutional officer shall consider those actions referenced in §133-25-3 of these rules. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

§133-25-6. Military

6.1. An individual who is on full-time active military service in another state or a foreign country or an employee of the federal government shall be classified as an in-state student for the purpose of payment of tuition and fees: Provided, That the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia, and has at no time while in federal service claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.2. Persons assigned to full-time active military service in West Virginia and residing in the state shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.3. Any student living in West Virginia and receiving education or vocational rehabilitation benefits from the U.S. Department of Veterans Affairs shall be charged in-state tuition and fees to attend a West Virginia public institution of higher education so long as such student is considered a "covered individual" as described in 38 U.S.C. §3679, as in effect at any time.

§133-25-7. Aliens.

7.1. Students who meet the domiciliary requirements noted in Sections 3, 4, and 5 of this policy, and who are U.S. Permanent Resident Aliens, Political Asylees or Political Refugees, or who hold an A, E, G, H, I, L, O, P, R, TD, TN, U, or V visa, may apply to be reviewed for in-state residency for tuition purposes.

7.2. Students who hold B, C, D, F, J, K, M, or Q visas are not eligible for establishing in-state residency for tuition purposes.

7.3. Students who meet the domiciliary requirements and who are the beneficiary of a pending I-485 application to adjust status to permanent resident may apply to be reviewed for in-state residency for tuition purposes.

§133-25-8. Former Domicile.

8.1. A person who was formerly domiciled in the State of West Virginia and who would have been eligible for an in-state residency classification at the time of his/her departure from the state may be immediately eligible for classification as a West Virginia resident provided such person returns to West Virginia within a one (1) year period of time and satisfies the conditions of §133-25-3 of these rules, regarding proof of domicile and intent to remain permanently in West Virginia.

§133-25-9. Appeal Process.

9.1. Each institution shall establish procedures which provide opportunities for students to appeal residency classification decisions with which they disagree. The decisions of the designated institutional official charged with the determination of residency classification may be appealed in accordance with appropriate procedures established by the president of the institution. At a minimum, such procedures shall provide that:

9.1.a. An institutional committee on residency appeals will be established to receive and act on appeals of residency decisions made by the designated institutional official charged with making residency determinations.

9.1.a.1. The institutional committee on residency shall be comprised of members of the institutional community, including faculty and at least three, in any event, an odd number. The student representative(s) shall be appointed by the president of the institutional student government association while the faculty representative(s) shall be selected by the campus-wide representative faculty organization.

9.1.a.2. The student contesting a residency decision shall be given the opportunity to appear before the institutional committee on residency appeals. If the appellant cannot appear when the committee convenes a meeting, the appellant has the option of allowing committee members to make a decision on the basis of the written materials pertaining to the appeal or waiting until the next committee meeting.

9.1.b. The residency appeal procedures will include provisions for appeal of the decision of the institutional committee on residency appeals to the president of the institution.

9.1.c. Residency appeals shall end at the institutional level.

Application for Classification as a West Virginia Resident or Metro Student at Marshall University

Read the attached West Virginia Higher Education Policy Commission Series 25 before completing this application, and provide all necessary documents. Failure to complete this form in its entirety will result in this application being denied or not reviewed.

Residency Classification for which you are applying:

West Virginia Residency

Metro Residency

Student Information

Name: _____ MUID: _____
(Last, First, Middle)

If you were previously enrolled as a student at this institution under a different name or names, please indicate:

Present PERMANENT home address: _____
(Street) (City) (State) (Zip)

Phone: (____) _____ Date of Birth: _____
(Month, Day, Year)

Marital Status: _____
(required only if applying based on dependence of spouse)

Are you now or have you ever been a Marshall University student? Yes No Date Last Enrolled: _____

What is your present means of support? _____
(List all sources of support)

Dependency Information

Response in this section should be based upon section 4 of the attached West Virginia Higher Education Policy Commission Series 25.

Are you making this application for WV Resident/Metro status on the basis of (check only one):

- Personal Independence (provide information requested below and supporting documentation relative to yourself)
- Dependency on Parent/Guardian/Spouse (provide information below and supporting documentation relative to parent/guardian/spouse, including proof of dependency)

Resident Information

Attach documentation of your residency in West Virginia/Metro area for the previous 12-month period (lease agreements, deeds of trust, etc.); rent receipts and/or cancelled checks are not acceptable documentation.

From (date) _____ To (date) _____ Address _____

From (date) _____ To (date) _____ Address _____

From (date) _____ To (date) _____ Address _____

Employment Information

Attach documentation of employment for the period being referenced in this application. Acceptable documentation consists of statements as to length of employment and status of employment written on company letterhead and signed by designated company official. Cancelled payroll checks and W-2 forms are not acceptable.

Employer _____ Address _____ Dates _____

Employer _____ Address _____ Dates _____

Employer _____ Address _____ Dates _____

Additional Information

Attach documentation for each of the positive responses you mark below and other items referenced in section 3 of West Virginia Higher Education Policy Commission Series 25.

Do you own residential property in: West Virginia Metro area Neither

Have you paid West Virginia or Metro area Real or Personal Property Taxes during the past 12 months? West Virginia Metro area Neither

Have you filed a West Virginia or Metro area Income Tax Return during the past 12 months? West Virginia Metro area Neither

If married, is your spouse a resident of: West Virginia Metro area Neither

Do you own motor vehicles that are registered in your, your spouse's, or your parent's name?

- How many vehicles? _____
- State(s) in which vehicle(s) is(are) registered: _____

Do you possess a valid driver's license or state-issued ID card? West Virginia Metro area Other
▪ State in which driver's license or ID card is issued: _____

Are you a registered voter? West Virginia Metro area Other
▪ State in which you are a registered voter: _____

Required Personal Statement

Provide a brief written statement outlining and explaining your claim to West Virginia or Metro residency status at Marshall University.

Certification Statement

I affirm/ attest that the information and accompanying documentation included herein is true and accurate, and I freely authorize and acknowledge that the penalty for falsification of records is dismissal from the University and/or other legal action.

Signature of Applicant: _____ Date: _____

Signature of Parent/Guardian/Spouse: _____ Date: _____

(applicable to students seeking residency status on the basis of parent, guardian or spouse dependency, and applicants under the age of 18)