

RESIDENCY

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Texas Higher Education
Coordinating Board

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Residency Overview

Most Recent Rule Changes--October 2016

- Determination of Residency Status Chart
- Definition of “Erroneously Classifies a Person as a Nonresident” repealed
- Definition of Deferred Action added
- Clarified
 - “Temporary absence” and “Habitable real property”

Highlights of Changes

- Definition Repealed:
~~Erroneously classifies a person as a nonresident~~
- Section 21.28
If student *should have* paid in-state tuition:
 - Student shall be charged the resident rate **starting with the term in which the error is discovered**
 - Institution shall, as soon as the error is discovered, notify student, and
 - immediately refund the difference in tuition *regardless of the reason for the error*

Highlights of Changes

Current 19 TAC Sec. 21.28(b)

(b) If an institution erroneously classified a person as a nonresident of this state under this subchapter and the person is entitled or permitted to pay resident tuition, the institution shall charge resident tuition to the person beginning with the semester in which the institution discovered the error. **Regardless of the reason for the error, the institution shall immediately refund to the person the amount of tuition the person paid in excess of resident tuition.**

Scenarios: Independent vs. Dependent

How can I tell if I am an
INDEPENDENT
or **DEPENDENT** student



Independent Student Criteria

- 24 yrs or older by first day of class
- Married
- Provides more than half of support to own child or other dependents
- Is a veteran of US Armed Forces
- Both parents are deceased or the student is a ward of court
- Working on a master's or doctoral degree
- Classified as an independent by Financial Aid Office

High School Graduation or GED

Do I have to get my transcripts or eventually my high school graduation diploma accredited or approved by the state of Texas? If so how?



Scenarios: Durational Requirement

My daughter is **planning to apply for a college in Texas for academic year 2019**. In order to attend medical school, **she has to apply 1 year prior to that--in 2018**.

Are we supposed to be have completed the 1-yr residency requirement by 2018 (when she applies) or by 2019?

We were planning to move to Dallas at the end of 2017. I am very confused as to whether my daughter will be eligible as a resident of Texas.

Do we count the year that she is joining the college there or should we count the year she is applying (For Medical school, we apply 1 year before). Please advise.

Scenarios: Continuing Resident Status

I work for a Texas community college and am trying to figure out **if SB1528 status ever expires.**

It is my understanding that it does not, however, I cannot find that written anywhere and was hoping for some clarification.

The reason I am asking is that some students attend as SB 1528 students and then quit taking courses for an extended period of time due to a number of reasons.

Would the student have to prove once more that they qualify for this status or would it essentially be, "once you qualify as SB1528, you stay SB1528" unless your residential status changes?

Scenarios: Continuing Resident Status

SB 1528 is codified at TEC Sec. 54.052

Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a) ...the following persons are considered residents of this state for purposes of this title:

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*

(3) a person who:

(A) graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state; and

(B) maintained a residence continuously in this state for:

(i) the three years preceding the date of graduation or receipt of the diploma equivalent, as applicable; and

(ii) the year preceding the census date of the academic term in which the person is enrolled in an institution of higher education.

Scenarios: Continuing Resident Status

19 TAC Sec. 21.26 **Continuing Resident Status**

(a) Except as provided under subsection (b) of this section, a person classified by an institution of higher education as a resident of this state under this subchapter **is entitled, *without submitting the information required by §21.24 and §21.25 of this subchapter,* to be classified as a resident by any institution in each subsequent academic term** in which the person enrolls unless the person provides information to the institution that indicates a change in resident status is appropriate as indicated in §21.27 of this subchapter.

Scenarios: Continuing Resident Status

19 TAC Sec. 21.26 Continuing Resident Status

(b) If a person is not enrolled in an institution of higher education for:

two or more consecutive regular semesters,
then the person must reapply for resident status and shall submit the information required in §21.24 and §21.25 of this subchapter and satisfy all the applicable requirements to establish residency.

Scenarios: Deferred Action for Childhood Arrivals (DACA)

I am having trouble filling out my application on ApplyTexas. I don't understand the part where it asks about citizenship. I have a social security and a temporary work permit because of **DACA**. I have lived in Texas since I was 7 years old. I have proof of that. I graduated from high school from Texas as well. I am currently attending a community college and am trying to transfer to a university. How do I fill out the application since it is not clear. Also will I get to pay residential tuition or will I have to pay non-residential tuition? Thank you so much for your time.

DACA- Continued

19 TAC Sec. 21.22(5)

Deferred action

Discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. An individual who has received deferred action is authorized by Department of Homeland Security (DHS) to be present in the United States, and is therefore

considered by DHS to be lawfully present during the period deferred action is in effect.

DACA- Continued

DACA is one form of deferred action. Student may request consideration of DACA if the student:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching your 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;

DACA- Continued

- Was physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012, meaning that:
 - You never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired as of June 15, 2012;



DACA- Continued

- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

DACA FACTS

- May establish domicile in the United States.
- NOT an automatic grant of in-state tuition. Student must provide sufficient documentation to support the objective indicia of domiciliary intent listed in Texas rules.

Thank you for serving
Texas students!

Questions?

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