



## **POLICIES & PROCEDURES**

**Title: Louisiana Residency Status**

**Document Number: ES\_208**

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**Department: Enrollment Services**

### **Purpose**

Louisiana Delta Community College students are classified as resident or non-resident at the time the admission application is received.

### **Scope**

Louisiana Delta Community College applicants and students.

### **Policy**

The Louisiana Community and Technical Colleges System has established policies and procedures for determining residency (LCTCS #2.0008). Residency status is determined by evidence provided in the completed application.

An applicant or student who moves into Louisiana to attend LDCC, rather than to establish a residence, and enrolls at LDCC as a non-resident will continue to be so classified throughout attendance, unless it is demonstrated that the previous domicile has been abandoned and a Louisiana domicile established.

A resident student is defined as a student who has been domiciled in Louisiana continuously for at least one full year immediately preceding the first day of classes of the semester or term of ~~enrollment~~ for which resident classification is sought. "Domicile," the word employed for the purposes of this regulation, is defined as an individual's true, fixed, and permanent home and place of habitation at which the individual remains when not called elsewhere for special or temporary purposes. Factors considered in establishing residence classification include the residence of the dependent's parents, tax returns, voting cards, and other financial information (particularly when emancipation is claimed), former domicile in Louisiana, and location of the source of an applicant's or student's income.

### **Military Personnel**

An individual on active duty in the Armed Forces currently stationed in Louisiana may be classified as a Temporary Resident upon submission of documentation signed by the unit commander verifying his or her being on active duty and stationed in Louisiana. This

classification of Temporary Resident is valid as long as the student remains enrolled and on active duty in Louisiana. A member of the Armed Forces (including Louisiana National Guard and Reserves) currently stationed in Louisiana on active duty may enroll as a Temporary Resident, including his or her spouse, minor child, or dependent student. A member of the Armed Forces who was eligible for classification as a resident of Louisiana under these regulations immediately prior to entering the Armed Forces retains the right to enroll himself or herself, spouse, and minor child or dependent student as a resident as long as he or she is in the Forces, but the right shall expire upon the person's being separated from the Armed Forces and residing continuously for a period of at least two years in another state or foreign country. When a member of the military, who has a spouse, minor child, or dependent student enrolled as a Temporary Resident, is transferred out of the state, the student may continue to attend under this classification as long as the enrollment is continuous, excluding summers. Students classified as Temporary Resident must show proof of his/her or his/her parents or spouse's military status at each registration period while enrolled and classified as a Temporary Resident.

### **Non-U.S. Citizens**

A student who is a non-U.S. citizen is entitled to be classified as a resident if the student can demonstrate that he or she has been lawfully admitted to the United States for permanent residence (refugees, persons who are married to a U.S. Citizen, Temporary or Amnesty Aliens, etc.) in accordance with all applicable laws of the U.S. and can demonstrate having met these residence regulations of establishing a Louisiana domicile prior to the first day of classes of the semester/term of enrollment for which resident classifications is sought.

A student who is a non-U.S. citizen and holds the VISA Category A (Government Official), will be immediately eligible for classification as a Temporary Resident for tuition purposes while holding such a VISA.

A student who is a non-U.S. citizen may be entitled to be classified as a Temporary Resident while holding the following VISA and if he or she can demonstrate having met these aforementioned residence regulations of establishing a Louisiana domicile prior to the first day of classes of the semester/term of enrollment for which resident classification is sought:

#### **VISA Category**

- E treaty trader or investor
- G representative of International Organization
- I foreign Information Media Representative
- H temporary worker in a "specialty" occupation (H-1 and H-4 may also apply to qualify)
- K fiancée, children of U.S. citizen (with proof of marriage to a US citizen)
- L intra-company transferee/foreign employer

Students holding a VISA category A, E, G, I, K, or L, once classified as a Temporary Resident, must show proof of VISA status at each registration period while enrolled and classified as a Temporary Resident.

A student who is a non-U.S. citizen and holds one of the following VISA categories is not eligible to establish a Louisiana domicile nor are they eligible for an exemption of nonresident fees, unless otherwise permitted by law or other regulations:

VISA Category:

- B business or visitation purposes C in transit
- D crewman
- F academic student
- H temporary worker (only general)
- J exchange visitor
- M vocational/non-academic student

## **Residency Changes**

The following facts and circumstances, although not necessarily conclusive, may support one's claim for resident classification:

1. financial independence from parents residing in another state or country;
2. reliance on Louisiana resources for financial support;
3. possession of a valid Louisiana voter registration card for at least one year;
4. designating Louisiana as his or her permanent address on all school and employment records, including military records if one is in the military service;
5. possession of a valid Louisiana driver's license for at least one year;
6. possession of a valid Louisiana vehicle registration;
7. continuous presence in Louisiana during periods when not enrolled as a student;
8. commitments indicating an intent to stay in Louisiana permanently;
9. paying Louisiana income taxes as a resident during the past tax year, including income earned outside Louisiana from the date Louisiana domicile was claimed;
10. establishing an abode where one's permanent belongings are kept within Louisiana;
11. licensing for professional practice in Louisiana;
12. the absence of the indicia in other states during any period for which domicile in Louisiana is asserted;
13. marriage to a Louisiana resident. (verified by documents such as marriage license, spouse's birth certificate, high school diploma, tax forms, Louisiana employment verification)
14. full-time employment for one year prior to classification of residency.

In order to establish financial independence, a student seeking classification as a resident should meet the following criteria for the current and immediately preceding calendar year:

1. that the student has not been claimed as an exemption for state or federal income tax purposes by his or her non-resident parents;
2. that the student has not lived in the home of his or her parents for more than a maximum of six weeks for the year after the time at which a Louisiana domicile is claimed;
3. that the student's primary source of financial support not be derived from Federal or state financial aid programs, scholarships that provide full waiver of tuition/fees, and campus employment.

Documentary evidence shall be required; all relevant indicia will be considered in the classification determination. The facts suggested above are neither conclusive nor exclusive; each claim shall be determined on its own merits.

### **Minors and Dependents**

The domicile of an unmarried minor (underage 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 his or her place of abode. The domicile of an unmarried minor or dependent who has a parent living cannot be changed by his or her own act or by the relinquishment of a parent's rights of control.

When the minor or dependent lives with neither parent, domicile is that of the parent with whom the student maintained the last place of abode. The minor or dependent student may establish domicile when both parents are deceased, and a legal guardian has not been appointed. When both parents are deceased and a legal guardian has been appointed, the domicile of the minor or dependent student is that of the guardian with whom the student maintains his or her place of abode. When residence of a minor or dependent is derived from the Louisiana residence of the parent, that parent must meet the requirements described elsewhere in this document.

When the parent with whom a minor child or dependent student is domiciled can demonstrate that he or she has abandoned out of state domiciles and has moved to Louisiana to work and/or establish a domicile in accordance with these residence regulations, the parent, the minor child and the dependent student is eligible for immediate resident classification.

Similarly, when an independent student enrolls who is more than twenty-two years of age, can demonstrate that he or she has abandoned out of state domiciles and moved to Louisiana to work and/or establish a domicile in accordance with these residence regulations, he or she and/or his or her spouse is eligible for immediate resident classification.

### **Incorrect Classification**

All students classified incorrectly as residents are subject to reclassification.

# Louisiana State Residency for Tuition Purposes Verification Form

A resident student for tuition purposes is defined as one who has abandoned all prior domiciles and 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 semester/term of enrollment for which resident classification is sought. Generally, the first document to present is full-time employment certification for one year prior to reclassification. A non-resident student for tuition purposes is a student not eligible for classification as a resident student under these regulations.

The individual's physical presence within this state for one year must be associated with substantial evidence that such presence was with the intent to establish and maintain a Louisiana domicile. **Physical presence within the state solely for educational purposes without substantial evidence of the intent to remain in Louisiana will not be sufficient for resident classification regardless of the length of time within the state.** Domicile, as the term is used in the context of residence regulations, is defined 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. **Simply owning property in Louisiana, paying Louisiana state taxes, and establishing voter privileges in Louisiana do not, in themselves, qualify the applicant for Louisiana residency.**

Discreet categories of individuals may be defined as special or Temporary Residents and are exempt from payment of non-resident fees if such action is deemed to be in the best interest of Louisiana and approved by the LCTCS Board, or as mandated from time to time by federal or state government. Non-resident students enrolled in only six hours or less are not assessed the non-resident fee. (See Finance Section #5.025) Also, undergraduate students who are non-residents but are enrolled in **only** web-based or other distance learning/electronic delivery courses are not assessed the non-resident fee; this does not apply to contractual programs (e.g. Young Memorial Campus and others who enter into contractual agreements) whereby a certain fee is negotiated for a training service or specialized course offerings where non-resident students are enrolled. Once the applicant has earned the first associate degree at the institution, the applicant may be classified as resident for tuition purposes to pursue subsequent degrees. The dependents of former graduates of the institution may enroll as residents for tuition purposes, even if the parent is no longer a resident of Louisiana.

For additional information regarding guideline for establishing Louisiana residency status for tuition purposes see the current Academic Catalog.

## **Establishing the Requisite Intent to Become a Louisiana Resident for Tuition Purposes**

The following facts and circumstances, although not necessarily conclusive, may support one's claim for resident classification for tuition purposes:

- ☐ financial independence from parents residing in another state or country;
- ☐ reliance on Louisiana resources for financial support;
- ☐ possession of a valid Louisiana voter registration card for at least one year;

- Residency Status for Tuition Purposes Decision: \_\_\_\_\_ In-State \_\_\_\_\_ Out-of-State  
Supporting Documentation: (Attach supporting documentation)

Approved By: \_\_\_\_\_  
College Representative/Title \_\_\_\_\_ Date \_\_\_\_\_

Approved By: \_\_\_\_\_  
Chancellor