

New York State Residency Status for Tuition Billing Purposes University at Albany Application Guidelines

Statement of SUNY Board of Trustees Policy: A person whose *domicile* has been in the State of New York for a period of at least one year immediately preceding the time of registration for any period of attendance shall be a New York resident for the purpose of determining the tuition rate payable for such period. All other persons shall be presumed to be out-of-state residents for such purpose, unless domiciliary status is demonstrated in accordance with guidelines adopted by the Chancellor or designee.

Definition of Domicile: (a) For unemancipated students, the domicile is that of his or her parents or other legal guardian. An unemancipated student of divorced or legally separated parents will acquire a New York State domicile if the custodial parent is a New York resident, or if the student resides with a non-custodial parent and the student intends to continue to reside with that parent throughout his or her attendance at the University. (b) For emancipated students, a domicile is a fixed, permanent home to which the student intends to return whenever absent. A person may have many residences but only one domicile. A domicile is retained until it is abandoned and another established. One does not acquire a New York State domicile by being physically present in New York for the sole purpose of attending the University, or by simply being physically present in New York for a period of twelve months.

Exceptions to the Domicile Rule: (a) Members of the U.S. Armed Forces who document that they are on full-time active duty and are stationed in New York shall be charged in-state tuition regardless of the actual location of their domicile. Spouses and dependents shall also be charged in-state tuition. (b) Dependents of a parent or legal guardian who is a member of the U.S. Armed Forces who is stationed out-of-state shall be charged in-state tuition provided that the parent or legal guardian submits proof of a New York State domicile -- referred to as a "Home of Record". Such records are on file at the person's military base.

Domicile and Immigrant/Non-Immigrant Aliens: Immigrant aliens (Permanent Residents), Refugees and Asylees, including those with pending applications, may establish in-state residence in accordance with these policies. Certain undocumented aliens may be eligible for the resident tuition rate under these policies. Contact the Office of Student Financial Services for more information. Non-Immigrant Aliens with the following types of visa classifications may also establish in-state residence in accordance with these policies: A1-A3, E1 and E2, G1 - G5, H1 (and H4 spouse and children of H1), I, K1 and K4, L1 and L2, N8 and N9, O1 (and O3 spouse and children of O1), S5-S7, T1-T4, U1-U4, and V1-V3.

Residency Applications: Applications for New York State Residency Status for Tuition Billing Purposes should be completed by (a) students admitted to the University as out-of-state students who wish to appeal that initial determination, (b) students previously classified as out-of-state students and who wish to apply for a change in that classification (e.g., after maintaining a domicile in New York for at least 12 months, after obtaining a qualifying visa classification, etc.), and (c) students for whom the University seeks to verify a claim of residency. **Note: any student who fails to complete the residency application including the submission of all supporting documentation, after being requested to do so will be charged out-of-state tuition.**

Application Submission Deadline: Applications for New York State Residency Status for Tuition Billing Purposes must be **RECEIVED** in the Office of Student Financial Services (Campus Center 26) **BY THE CLOSE OF BUSINESS ON THE MIDTERM DATE OF THE SEMESTER, TERM OR MODULE FOR WHICH ONE IS APPLYING FOR RESIDENCY STATUS** in order to be considered for that semester, term or module. Failure to submit an application by that date will result in full liability for tuition at the non-New York State resident tuition rate.

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Factors Relevant to Domicile and Emancipation

A. Domicile: Proof of a New York State domicile is demonstrated by documents which support an applicant's contention that his or her permanent home is located in New York. For unemancipated students, the proof shall relate to the permanent home of the parents or legal guardian. Factors relevant to a claim of domicile include, but are not limited to:

1. New York State driver's license (or non-driver ID card) and vehicle registration.
2. New York State voter registration.
3. New York State and Federal income tax returns.
4. Duration of the student's physical presence in New York.
5. State of residency of the student's family (i.e., parents, spouse, or children).
6. Proof of ownership of New York State real property or residential rental lease.
7. New York State bank accounts.

B. Emancipation: A student whose parents or legal guardian reside out-of-state and who is claiming emancipation must present evidence of both emancipation and a New York State domicile. Such proof must include documentation demonstrating the student's financial independence. Students under the age of 22 must provide evidence of one year of independent living in order to be considered emancipated. Factors relevant to a claim of emancipation include, but are not limited to:

1. Employment on a full-time or part-time basis in New York.
2. Sources and extent of financial support from parents or guardians.
3. Sources and extent of other income.
4. Parents' Federal and State income tax forms which do not claim the student as a dependent (if the student continues to receive financial support, however, the student shall not be considered emancipated).
5. Student's place of residence during the summer or other academic term recess.
6. Student's status as financially independent for purposes of Federal/State financial aid.
7. Independent filing by the student of Federal/State income tax returns; other assets and liabilities.

Emancipated students are totally responsible for paying all of their educational costs. The amount of income claimed by the student must be in excess of educational expenses, including those expenses associated with living in non-University housing. The term income includes any financial aid awarded directly to the student with the exception of parental loans. The student should not have any joint or custodial accounts with the parent or legal guardian, and any income claimed must be accompanied by source documentation (tax returns, Form 1099, bank statements, trust documents, etc.).