

# RESIDENCY

## Residence Status for Tuition Purposes

Rules and Regulations for determining residence status are set by the Texas Education Code, Section 54.051(b), which may be viewed at <https://statutes.capitol.texas.gov/> and the Texas Higher Education Coordinating Board (THECB) Rules 21.727 at THECB. (<https://www.highered.texas.gov/>)

For tuition purposes, a student is classified as a Texas resident, a Texas resident in-district, a non-Texas resident/out-of-state, or a non-Texas resident/out-of-country student. Determination of a student's residence status is made in accordance with the laws of the state of Texas.

During the admission process, all students answer the Texas Common Core questions for residency for the College to determine their status as either a Texas resident, non-resident, or international student.

## Relevant Definitions

Domicile:

- A person's principal, permanent residence to which the person intends to return after any temporary absence.

Dependent – A person who:

- is less than 18 years of age and has not been emancipated by marriage or court order; or
- is eligible to be claimed as a dependent of a parent of the person for purposes of determining the parent's income tax liability under the Internal Revenue Code of 1986.

Students who are considered dependents will use residency based on their parents' or legal guardians' eligibility for Texas residency using the scenarios listed below.

## Texas Resident

The following persons shall be classified as Texas residents and entitled to pay resident tuition at all Texas public institutions of higher education:

1. A qualifying person who:
  - a. graduated from a public or accredited private high school in this state or, as an alternative to high school graduation, received the equivalent of a high school diploma in this state, including the successful completion of a nontraditional secondary education, and
  - b. maintained a residence continuously in this state for the 36 months immediately preceding the date of graduation or receipt of the diploma equivalent, as applicable; and the 12 months preceding the census date of the academic semester in which the person enrolls in an institution.
2. A qualifying person who:
  - a. established domicile in this state not less than 12 months before the census date of the academic semester in which the person enrolls in an institution; and
  - b. maintained domicile continuously in the state for the 12 months immediately preceding the census date of the academic semester in which the person enrolls in an institution.
3. A qualifying dependent whose parent:

- a. established domicile in this state not less than 12 months before the census date of the academic semester in which the person enrolls in an institution; and
- b. maintained domicile continuously in the state for the 12 months immediately preceding the census date of the academic semester in which the person enrolls in an institution.

The student has the burden of proof to show by clear and convincing evidence that residence or domicile, as appropriate, has been established and maintained.

## Non-US Citizens Eligible to Establish Texas Residency

Non-US citizens who are eligible to domicile in the US must prove they have lived in Texas for one year and show proof of their eligibility to domicile.

Permanent residents of the US may be asked to furnish their permanent resident (green) card or I-551 passport approval stamp.

An eligible non-immigrant who has filed an application for permanent residency must provide the original Notice of Action with an approval notice.

An eligible non-immigrant who is eligible to establish domicile in the US may be eligible for classification as a Texas resident. THECB has identified eligible students to be:

1. holders of unexpired visas with status of A-1, A-2, A-3, E-1, E-2, G-2, G-3, G-4, G-5, H-1B, H-4 (dependent of H-1B only), I, K-1, K-2, K-3, K-4, L-1A, L-1B, L-2, N-8, N-9, NC, NATO 1-7, O-1, O-3 (dependent of O-1 only), R-1, R-2, T-1, T-2, T-3, T-4, TPS, U-1, U-2, U-3, U-4, V-1, V-2, V-3; or
2. individuals classified by the INS as asylees, parolees, refugees, permanent residents, conditional permanent residents, and temporary residents holding an I-688 or I-688B Temporary Resident card that has not expired.

## Undocumented Immigrants

Undocumented immigrants who meet academic admission requirements will be permitted to enroll but normally will be subject to the tuition rate applicable to non-residents. Undocumented immigrants may qualify for the tuition rate applicable to the residents of Texas if all four of the following qualifications are met and adequate proof is provided:

1. Graduated or will graduate from a Texas high school or received a High School Equivalency certificate in Texas.
2. Resided in Texas for at least three years leading up to graduation from high school or receiving a Texas High School Equivalency.
3. Reside or will have resided in Texas for the 12 months immediately preceding the census date of the semester to be enrolled.
4. Provide to the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.

## Texas Resident Out-of-District

Students may refer to rules in the Texas Resident section above. Students must first meet all qualifications in that section.

The College will designate a resident student with an out-of-district residency classification if the student or eligible person upon whom the dependent student is basing his or her residency resides outside of the San Jacinto College taxing district, as determined by the Harris County Appraisal District.

## Texas Resident In-District

Students may refer to rules in the Texas Resident section above. Students must first meet all qualifications in that section.

The College will designate a resident student with an in-district residency classification if the student or the eligible person upon whom the dependent student is basing their residency resides inside the San Jacinto College taxing district, as determined by the Harris County Appraisal District ([www.hcad.org](http://www.hcad.org)) or tax documents. Students may not use post office boxes to designate themselves as Texas residents in-district. The San Jacinto College taxing district generally includes the following independent school districts: Channelview, Deer Park, Galena Park, La Porte, Pasadena, and Sheldon.

## Reclassification of Texas Resident Status

Students may request a reclassification of Texas resident status by visiting the Admissions Office when their permanent address changes. When changing an address, students must complete and sign a change-of-address form and if changing to an in-district address, must provide documentation connecting them to the in-district address such as a current apartment lease, property tax documents, current utility bill in the student's name or current utility bill in the parent's or parents' name(s) and the income tax documents showing the student is being claimed as a dependent. Students requesting a reclassification of the Texas resident status prior to the census date for the current term may have the change applied to the current term's tuition status. Requests received after the census date will be effective for the following term.

## Documentation for Texas Resident Status

Although not conclusive or exhaustive, documentation indicating the following circumstances existed throughout at least 12 consecutive months immediately preceding the census date of the semester in which a student seeks to enroll may lend support to a claim regarding their intent to establish and maintain domicile in Texas.

- Sole or joint marital ownership of residential real property in Texas by the student or the dependent's parent, having established and maintained domicile at that residence;
- Ownership of a business by the student or the dependent's parent in Texas;
- Gainful employment in Texas by the student or the dependent's parent;
- Marriage by the student or the dependent's parent to a person who has established and maintained domicile in Texas.

If, as the answers to the core questions are reviewed by College officials, there remains a question as to the student's proper residency classification, the student must provide a copy of one or more appropriately dated documents that will establish Texas residency. For more information, students may refer to the THECB website. (<https://www.highered.texas.gov/>)

The institution is charged to obtain necessary documentation that conclusively confirms the student's actual residence. Any address change that causes a reduction in tuition must be accompanied by appropriate documentation. When returned mail or other occurrences raise questions about the validity of the student's address or when conflicting information exists, additional documentation will be required. Students will be allowed to register but will be charged at the higher rate until required documentation is provided.

For a complete list of documentation that may be required, students may refer to the THECB website. (<https://www.highered.texas.gov/>) The Admissions Office is the final authority on all questions and decisions regarding residency classification for tuition purposes.

## Non-Texas Resident

A student or dependent student who resides or whose parent or legal guardian resides out of state or has not established domicile in the state for the 12 months prior to the official reporting date of the semester in which the student is registering is considered a non-Texas resident.

A non-resident who marries a Texas resident must establish their own residency.

**Visa:** Students who have lived in Texas for the 12 months prior to the official reporting date of the semester, but do not have a Visa status that allows them to domicile will be coded as out-of-country students.

**Reclassification:** To be reclassified as a resident (after one or more years of residency), eligible students must show proof of intent to establish Texas as their permanent, legal residence. Students may refer to the Texas Resident section of the THECB Rules for a list of support documentation.

## Military Personnel

Military personnel or their families should check with the Veteran Services and/or refer to the rules found in the Texas Education Code at <https://statutes.capitol.texas.gov/> and the THECB Rules at THECB (<https://www.highered.texas.gov/>) for requirements on resident tuition. Current military identification, military orders, or a DD-214 may be required to receive resident tuition.