1. **Why does FSU make me prove that I am a NC resident?**
   A NC general statute governs residency. It is the law and not an institutional policy of FSU. Income tax dollars support the public higher education institutions of North Carolina; therefore, only permanent residents of North Carolina should be and are able to benefit from the reduced tuition rate.

2. **What does the law say?**
   North Carolina law basically says that a person who wishes to be classified as an in-state resident for tuition purposes must have lived in North Carolina for at least one calendar year, AND show intent and capacity to maintain permanent legal residence in North Carolina. Simply residing in the state is not enough. A student must show permanent ties to North Carolina by proving that he/ she has abandoned any previous state of residence. *A person may not have more than one legal residence (domicile) at one time.*

3. **What do I need to do to qualify?**
   Under North Carolina law, to qualify for in-state tuition for a given semester, you must prove that you have established and continuous maintained your legal residence in North Carolina for 12 months prior to the start of the semester. You must also prove that you are in/have been in North Carolina for reasons other than attending school. There is not a "list" of things that you can do to guarantee you in-state status. Rather, you must build a case to show your intent to maintain legal residence in North Carolina. The logic is that if a person permanently relocates to North Carolina, that person will automatically perform certain residentiary actions that tie them to North Carolina. However performing residentiary acts, like obtaining a NC driver’s license, obtaining a job in NC or even paying taxes in NC, does not guarantee you in-state residency.

4. **I think that I qualify, how do I apply?**
   - New students apply during the admissions process by filling out the residency application. If the University admits you to the University, the residency decision will be included in your admissions decision letter. All first-time freshmen who claim NC as their legal residence must fill out the residency form.
   - If you are a current student, you need to fill out the Residency Long Form (reclassification form) for reclassification located at http://www.uncfsu.edu/admissions/forms/ResidencyLongFormFillable.pdf.

5. **What are the deadlines for the reclassification?**
   Reclassification applications for the fall and spring semester are due no later than the 10th calendar day of class. *THE OFFICE OF THE REGISTRAR CANNOT ACCEPT LATE APPLICATIONS*
6. **How do you process my residency application?**
   We will review all of the information and documentation that you provide and will notify you of the decision by letter and/or email. We will only send emails to your FSU student email account.

7. **Do I need to submit any additional documentation with my application?**
   Providing additional documents assists us in reviewing your application and determining your residency. You should submit copies of any document you think would strengthen your case for residency. Do not submit original documents.

8. **Many of the documents that I could submit are private and sensitive. Will you keep my information confidential?**
   FSU must maintain the confidentiality of student records as required by the Family Educational Rights and Privacy Act (FERPA) enacted in 1974. For more information about FERPA, please refer to the policy at [http://www.uncfsu.edu/policy/students/Student_Education_Records-FERPA.pdf](http://www.uncfsu.edu/policy/students/Student_Education_Records-FERPA.pdf).

9. **Should I pay my tuition at the out-of-state while I am waiting for a decision?**
   There is no guarantee that if you apply for in-state residency, that you will receive a favorable decision. As a result, you should be prepared to pay the out-of-state tuition rate. If we approve your application, the University will refund you the difference in the out-of-state tuition rate and the in-state tuition rate.

10. **Is there an appeal process if you deny my application for in-state residency?**
    Yes. Your residency decision letter will give you the instructions on how to appeal to the University Residence Appeals Board (the URAB). You must submit your appeal within 10 days of the date of your notification. *The URAB will not hear late appeals.*

11. **I received my letter, saying you had denied my application for in-state residency, but it did not say why.**
    North Carolina is not a “checklist” state for residency. That means, there is not a checklist of requirements you must meet for in-state residency. Decisions are made based on a preponderance of evidence that supports (or does not support) an in-state classification. The following are reasons that you may not qualify for the resident tuition rate for a specific semester:
    - You did not meet the 12 month requirement (presence)
    - You did not demonstrate that you had the capacity to establish a permanent residence.
    - You did not provide adequate proof of intent to make NC a permanent home outside of attending college.
12. I still do not understand what you mean by a “preponderance of evidence”. Can you explain further?
That means we review everything in your record to determine if the greater weight (preponderance) of all the facts presented indicate you moved to North Carolina for reasons other than attending an institution of higher learning. This refers to a cluster of significant events demonstrating domicile (physical presence and intent) to establish legal residence. North Carolina is not a checklist state. Providing a preponderance (or greater weight) of evidence means your residency acts support the establishment of North Carolina domicile 12 months prior to the beginning of the term.

13. If my appeal is denied by FSUs URAB, is there another level of appeal I can pursue?
Yes. If the URAB denied your appeal at the local level, you can appeal to the State Residence Committee (SRC). Your URAB letter will give you the instructions on how to appeal to the SRC. If you appeal and the SRC overturns the original decision, the difference in the out-of-state tuition rate and the in-state tuition rate will be refunded to you.

14. Once the University classifies me as an in-state student, how long does that benefit last?
Until your circumstances change, such as your legal residence, you should remain classified as an in-state student. You are required to report any change in your permanent residence.

15. After the University classifies me as either as out-of-state or in-state, what are my obligations and requirements if there is a change in my situation?
You must report any change in your circumstances, either favorable or unfavorable, to the Office of the Registrar.

16. I am married, are there any special provisions for me?
You do not automatically obtain North Carolina residency solely by marrying a North Carolina resident. If both of you have established a North Carolina domicile and one of you has been living in NC over 12 months, the one who has the shorter time may borrow to meet the 12-month requirement. However, the two durations cannot be added together to meet the 12-month requirement. Finally your spouse must prove they are a NC resident and you must provide proof of marriage.

17. I work in NC and pay NC taxes but I live in another state. Will my child, who attends FSU, be classified as in-state?
No, based on NC law, we base residency classification on where you maintain your principal residence.

18. My father/mother is being transferred to NC by his/her employer. Do I have to wait the 12 months to qualify for in-state residency?
Yes you do. You cannot avoid the 12-month waiting period. Some states waive a portion of the waiting period if the move was employment related, but not NC.
19. Somebody told me that if you live in NC for 12 months you qualify for in-state tuition. Is that true?
No, it is not. There is more involved than just physical presence. You must prove that you have established your legal residence (or domicile) in NC and that you have maintained it for at least 12 consecutive months prior to the beginning of the term in which you applied for in-state residency. It must be clear that your intent was to make NC your home indefinitely and you did not come to NC solely to attend school.

20. Can I be in-state for fall (or spring) if I am only a few weeks short of the 12 month requirement?
No – The law is very specific. The waiting period must be at least 12 months prior to the first day of class.

21. I am an international student; will the state ever consider me an in-state student?
If you are an international student who is a permanent resident alien (you have your green card), then you may be considered for in-state residency under the same considerations as any other student. However, if you are living in the US under another type of visa (F-1 student visa, B-1 visitor’s visa, etc); NC law will not allow us to consider you a North Carolina resident. Some other visa programs, however, might permit a possibility of obtaining North Carolina residency.

22. I just received my Permanent Resident (green card), with refugee or asylum status. I have already lived in NC for (5) five years. Can I be classified as in-state?
No, even though you may have lived in NC and paid taxes for an extended period, you must satisfy the 12-month waiting period from the date that you received your permanent resident status. The only exception would be if are married to a qualified NC resident who is a citizen or has held a green card longer than 12 months prior to the beginning of the term and has performed residency acts in NC. You could attach to your spouse and borrow from their 12-month duration of domicile to meet the requirement. They must complete a residency application and present a copy of your marriage license and green cards.

23. I have had a “green card” for (3) three years and my wife is getting her green card next month. Can she be classified as in-state?
No, she would first have to have a green card, perform resindentary acts in NC to show her intent and then she may borrow from your 12-month duration of domicile to meet the requirement. She must first possess a document that would allow her to establish domicile in the US and thus North Carolina.

24. Our family is moving to NC. We have a son who if a freshman in college back home. Will he qualify for in-state tuition after we have lived in NC 12 months?
Not necessarily – When a family moves to NC and has children who are already over 18, the children must also come to NC and take steps to establish domicile (i.e. registering to vote, getting driver’s license, working in NC, etc.) on their own before the 12-month waiting period begins. Even though you may claim them as dependents for tax purposes, under the NC residency law they are adults capable of establishing domicile.
25. Are there any waivers for the 12-month requirement?
If you are active duty military stationed in North Carolina, you and your dependents may receive a waiver. If you are a full-time North Carolina public school teacher who has lived in North Carolina for less than one year, you may submit a waiver for the time limit, if you show proof of your employment. Finally, if you marry a permanent resident of North Carolina you may qualify for North Carolina residency if you show proof of your spouse's North Carolina residency and proof of marriage.

26. I am divorced living in NC and have a daughter who lives with her Mom in another state. She is graduating from high school and wants to come attend FSU. Will she be in-state?
Yes, if you claim your child as a dependent on your NC tax returns for the year preceding the first semester of school. In addition, upon high school graduation your child comes to North Carolina, performs residentiary acts (registering to vote, obtaining driver’s license, getting a job, etc), and enters a NC institution of higher learning the fall following high school graduation, then your child can qualify as a NC resident. (This condition ONLY applies for the term immediately following high school graduation.)

27. We are moving to NC last year in October, but will not be here for 12 months prior to my child entering FSU this fall. Can her residency status be changed to in-state in October when we have been in NC for a year?
No, we must determine whether your child met the 12-month requirement prior to the beginning of the term. The first time he might qualify is for the spring term. He can file a residency application through the Registrar’s Office.

28. I own a vacation home in North Carolina but live in another state. Am I entitled to in-state tuition?
No, your principal residence must be in North Carolina.

29. I have lived in NC all my life, except I moved out-of-state for two years to work. I still have my NC driver’s license and my car remains registered in NC. Wouldn’t I be in-state for tuition when I return to NC to start school?
Probably not, residency is determined on where you have lived, worked, etc. for the 12 months immediately preceding the term of school.

30. My child has been accepted at FSU and I am going to set her up in a condominium near the campus. Will she be in-state after 12 months?
No, if she moves to NC and immediately begins school, it is obvious that she came here for the purpose of education. If you claim her as a dependent in another state and she does not earn sufficient income in NC to support herself, and she stays in school as a full-time student, she will probably remain out-of-state.
Glossary of Terms

**Bona Fide** - in good faith; in the context of domiciliary inquiries, describes the qualify of certain relevant conduct and its motivation -- acts performed not to subvert residence law but to meet its requirements to establish a genuine legal residence.

**Domicile** - one’s permanent dwelling place of indefinite duration, as distinguished from a temporary place of abode; synonymous with legal residence.

**Legal Guardian** - a person who by court order has been appointed to act in the place of an individual’s parents.

**Legal Residence** - synonymous with domicile [see above].

**Minor** - a person below the age of 18 years; a minor is presumed to be legally incapable of establishing a domicile independent of that of his or her parents.

**Preponderance of Evidence** - refers to a cluster of significant events demonstrating domicile (physical presence and intent).

**Presumption** - a legal device to place the burden of proof or of producing evidence on one or another party to a proceeding.

**Prima Facie** - by a first or initial showing (of the minimum evidence needed to support some conclusion of fact or law).

**Residentiary Acts** - are usually clustered around the time a person becomes a resident of a new place. Characteristics that are typical of a North Carolina resident; physical presence in the state with the intent to make NC a permanent home indefinitely.

**Residence** – A place of abode, whether permanent or temporary. “Permanent residence” means the legal residence or domicile, whereas “temporary” means one’s abode for an undetermined or temporary duration. A person may have many residences but only one permanent, legal residence (domicile).