

Student Name: _____

Student I.D. # _____

Date: _____

Residency Appeal Form

Appeal of Tuition Classification

All current out-of-state students who wish to appeal their residency classification to determine eligibility for in-state tuition must read this document in its entirety, submit the required documentation in support of your request, and complete and sign this form before a notary. If you are under 18 years of age, your parent or legal guardian should follow the same procedure. This form may then be forwarded to the Bursar's Office at Salem State University, 352 Lafayette Street, Salem, MA 01970 for review by the Residency Appeals Committee. Appeals for the fall semester must be filed by **August 15**. Appeals for the spring semester must be filed by **January 2**. **Appeals received or completed after the deadline will not be reviewed until the next term.**

Please submit the following:

1. **REQUIRED:** Proof of Residency Appeal Form
2. **REQUIRED: Proof of residency in a Massachusetts domicile** - submit a copy of a lease, purchase/sales agreement, or deed. A **notarized** statement from a landlord or property owner, clearly specifying your dates of occupancy, is also acceptable. The evidence submitted must cover at least a **one year period** prior to the beginning of the semester for which reclassification is sought. Ownership in a summer or temporary residence of any nature does not qualify.
3. **REQUIRED: Written statement of residency**-Since being present in the Commonwealth solely for the purposes of carrying on a course of study does not qualify you for in-state residency, **you must provide a written statement citing your reasons for moving to Massachusetts**. It is important that this statement provide clear and compelling reasons for your presence in the state.
4. **REQUIRED: Copies of student's Federal and State Income Tax Forms** - The federal and state tax income forms should be for the period covered for the basis of this appeal (i.e. in most cases the recent tax return filed last April). You only need to submit the federal form 1040 and the state income tax form. You do not need to submit any other tax forms, schedules or worksheets unless requested to do so. This evidence is crucial since it not only provides evidence of residency but also documents your employment and financial support. **If such tax forms were not filed, then a full written explanation as to why is required along with evidence of employment and complete disclosure of your financial support and its sources.** If you were tax exempt then you must provide a full explanation of how you were able to support yourself on limited funds.
5. **REQUIRED (if student is under the age of 24): Copies of parents' Federal and State Income Tax Forms** - The federal and state tax income forms should be for the period covered for the basis of this appeal (i.e. in most cases the recent tax return filed last April). You only need to submit the federal form 1040 and the state income tax form. You do not need to submit any other tax forms, schedules or worksheets unless requested to do so. **If such tax forms were not filed, then a full written explanation as to why is required.** If you are claimed as a dependent on your parents' tax return, your legal domicile for this purpose will be that of your parents, regardless of your age.
6. **Evidence of marriage to a Massachusetts resident, Military Orders, Diplomatic Visa (if applicable)** - The 12-month residency period is waived for those students who have married a Massachusetts resident, are present in the Commonwealth under military orders, hold diplomatic visas, or are subsidized by one of the Commonwealth's human service or public assistance programs. You must still produce evidence of domicile and eligibility for a waiver. In case of marriage, both you and your spouse must sign the affidavit.
7. **Resident alien information (if applicable)**- Resident aliens or others holding permanent status must provide copies of either the alien registration card (both sides) or other appropriate evidence of legal status. The documentation submitted must show the date that legal status was awarded. Some suggested documents would include the following: notated White I-94 Card, stamp from USCIS in passport, Green Card or other immigration documentation.
8. If other documentation is needed to review your appeal, you will be notified by the Residency Appeals Committee.

Proof of Residency Appeal

Please read rules and regulations for classification as a Massachusetts student following this form. Concealment of facts or untruthful statements may cause you to be subject to dismissal from the institution.

Applicant's Full Legal Name: _____ Male Female

Applicant's Telephone Number: _____ Student ID# _____

Applicant's Permanent Address: _____ Since (mo/yr) _____

Soc. Sec. #: _____ Date of Birth: _____ City/State of Birth: _____

Are you a U.S. Citizen? Yes No If not, Alien Reg. # _____ Or Immigration Status: _____

University/Local Address: _____ Since (mo/yr): _____

Parent's/Legal Guardian's Name (enclose proof of court appointment): _____

Parent's/Legal Guardian's Permanent Address: _____ Since (mo/yr): _____

Are you or either (or both) of your parent's members of the Armed Forces on active duty in Massachusetts? Yes No

Are you married to a legal resident of the Commonwealth? Yes No

Statement of Applicant (if 18 years or older).

I _____ certify that I have read the "Rules and Regulations for the Classification of Students for Tuition Purposes" at Salem State University". I hereby certify that the information submitted in support of this appeal is true and accurate. I also certify that I am over 18 years of age and that pursuant to said rules and regulations I am domiciled in Massachusetts for purposes other than education and have maintained a residence herein continuously since (mo/yr) _____.

Signature: _____ Date: _____

Spouse's Signature (if applicable): _____

Statement of Parent/Legal Guardian

(if applicant is under 18 years of age)

I _____ certify that I have read the "Rules and Regulations for the Classification of Students for Tuition Purposes at Salem State University". I hereby certify that the information submitted in support of this appeal is true and accurate. I also certify that I am the parent/legal guardian of the student and that pursuant to said rules and regulations he/she is domiciled in Massachusetts for purposes other than education and has maintained a residence herein continuously since (mo/yr) _____.

Signature: _____ Date: _____

Spouse's Signature (if applicable): _____

FOR NOTARY USE ONLY

IN WITNESS WHEREOF, I have hereunto set my hand and seal on _____.

Student Signature

Commonwealth of Massachusetts, Essex County _____ personally appeared before me on _____ and acknowledged the foregoing to be his/her free act and deed.

Notary Signature

My commission expires _____

It is the policy and commitment of Salem State University not to discriminate on the basis of race, religion, color, age, sexual orientation, sex, handicap, veteran status, marital status, or national origin in its educational programs, activities, admissions or employment policies and to actively comply with the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; Title IX of the Educational Act of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; and pertinent laws, regulations and executive directives of the Higher Education Coordinating Council of the Commonwealth of Massachusetts, and other applicable state and federal statutes

Rules and Regulations for the Classification of Student for Tuition Purposes at Salem State University

These rules and regulations shall apply to the classification of students at Salem State University as Massachusetts or non-Massachusetts students for tuition and fee purposes.

Part I. Definitions

- 1.1 "Board of Trustees" shall mean the Board of Trustees of an institution.
- 1.2 "Continuous attendance" shall mean enrollment at an institution for the normal academic year in each calendar year or the appropriate portion or portions of such academic year as prescribed by the Board of Trustees or under its authority.
- 1.3 "Eligible person" shall mean a U.S. citizen, lawful immigrant, permanent resident, or holder of another legal immigration status, who has satisfied the durational residency requirement and can demonstrate his/her intent to remain in Massachusetts.
- 1.4 "Emancipated person" shall mean a person who has attained the age of 18 years and is financially independent of his or her parents, or, if under 18 years of age, (a) whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such person; or (b) a person who is legally married; or (c) a person who has no parent. If none of the aforesaid definitions applies, said person shall be deemed an "unemancipated person."
- 1.5 "Institution" shall mean the public college or university at which any person is or seeks to be enrolled as a student.
- 1.6 "Proof of Emancipation" shall be demonstrated through submission of evidence including, but not limited to:
(a) Birth certificate or any other legal document that shows place and date of birth; (b) Legal guardianship papers – court appointment and termination must be submitted; (c) Statement of the person, his or her parent(s), guardian(s), or others certifying no financial support; (d) Certified copies of federal and state income tax returns filed by the person and his or her parent(s); (e) Copies of applications for federal financial aid; or (f) Where none of the foregoing can be provided, an affidavit of the emancipated person in explanation thereof and stating fully the grounds supporting the claim of emancipation.
- 1.7 "Parent" shall mean
 - a) the person's father and mother, jointly;
 - b) if the person's father is deceased, the person's mother; if the person's mother is deceased, the person's father;
 - c) if a legal guardian has been appointed by a court having jurisdiction, the legal guardian;
 - d) if neither the father nor mother is living and no legal guardian has been appointed, the person who then stands *in loco parentis* to the person;
 - e) if the father and mother are divorced, separated or unmarried, the parent who has been awarded legal custody of the person; or, if legal custody has not been awarded, the parent with whom the person lives.

With respect to any adopted student, the word "adoptive" should be inserted before the words "father" and "mother" wherever used.

- 1.8 "Reside," "residency," or "resident" shall mean "domicile," i.e., a person's true fixed and permanent home or place of habitation, where he or she intends to remain permanently.

Part II. Classification

- 2.1 For the purpose of assessing tuition and fees, each student shall be classified as a "Massachusetts resident" or a "Non-Massachusetts resident." At the University and the state colleges, an eligible person shall be classified as a Massachusetts resident if he or she (or the parent of an unemancipated student) shall have resided in the Commonwealth of Massachusetts for purposes other than attending an educational institution (including a private educational institution) for twelve months immediately preceding the student's entry or reentry as a student.
- 2.2 Physical presence for this entire twelve-month period need not be required as long as the conduct of an individual, taken in total, manifests an intention to make Massachusetts his or her permanent dwelling place. However, residency is not acquired by mere physical presence in Massachusetts while the person is enrolled in an institution of higher education.

Part III. Determination of Residency

- 3.1 Proof of Residency
 - a) Each case will be decided on the basis of all facts submitted with qualitative rather than quantitative emphasis. A number of factors are required for residency to determine the intention of the person to maintain permanent residence in Massachusetts. No single indicium is decisive. The burden of proof rests on the student seeking classification as a Massachusetts resident.
 - b) The following shall be indicia of residence:
 - 1) For unemancipated persons, the residency of parents, having custody within Massachusetts;
 - 2) Certified copies of federal and state income tax returns;
 - 3) Permanent employment in a position not normally filled by a student;
 - 4) Reliance on Massachusetts sources for financial support;
 - 5) Possession of a Massachusetts high school diploma;
 - 6) Continuous physical presence in Massachusetts during periods when not an enrolled student;
 - 7) Military home of record; and
 - 8) All other material of whatever kind or source which may have a bearing on determining residency.
- 3.2 Eligibility
 - a) The following individuals shall be eligible for in-state tuition:
 - 1) Any person who is registered at an institution as a Massachusetts resident shall be eligible for continued classification as a Massachusetts resident for tuition purposes (until attainment of the degree for which he or she is enrolled) during continuous attendance at the institution.
 - 2) The spouse of any person who is classified or is eligible for classification as a Massachusetts resident is likewise eligible for classification as a Massachusetts resident. This provision will not apply in the case of a spouse in the United States on a non-immigrant visa.

3) A person who is a lawful immigrant or permanent resident of the United States is eligible to be considered for Massachusetts residency for tuition purposes provided that he/she meets the same requirements for establishing residency in Massachusetts as are required of a United States citizen. Non-citizens who are in (or who are eligible to apply and who have applied for) refugee/asylum status are likewise eligible to be considered for Massachusetts residency for tuition purposes provided that they meet the same requirements for establishing residency in Massachusetts as are required of a United States citizen. All non-citizens must provide appropriate United States Citizenship and Immigration Services documentation to verify their status.

4) Those students whose higher education pursuits are funded by the Department of Institutional Assistance, the Massachusetts Rehabilitation Commission, or any of the other Commonwealth of Massachusetts public assistance programs.

5) A member of the Armed Forces of the United States who is stationed in Massachusetts on active duty state pursuant to military orders, his or her spouse and dependent children. A person does not gain or lose in status solely by reason of his or her presence in any state or country while a member of the Armed Forces of the United States.

6) Full time faculty, professional staff, and classified staff employees of the public higher education system and their spouses and dependent students

b) A person having his or her residency elsewhere than in Massachusetts shall not be eligible for classification as a Massachusetts resident for tuition purposes, except as herein provided.

.Part IV. Appeals and Reclassification

- 4.1 Reclassification: A student may request the institution to reclassify him or her as a Massachusetts resident if the factual basis for his or her classification as a nonresident has changed. To do so, the student shall submit a "Proof of Residency Appeal Form" and required documentation to the Residency Appeals Committee (c/o the Bursar's Office) of the university for its review and final classification as a resident or a non-resident student.
- 4.2 Tuition Deadlines: All deadlines for the payment of tuitions, fees, and other financial obligations to the institution remain in force during the pendency of any request for reclassification or any appeal.
- 4.3 Retroactive Effect: Any change in a student's classification as the result of a request for reclassification or an appeal will be retroactive only to the beginning of the semester during which the institution makes the final decision to reclassify the student.

Part V. Penalties

Misrepresentation in or omission from any evidence submitted with respect to any fact which, if correctly or completely stated, would be grounds to deny classification as a Massachusetts resident, shall be cause for exclusion or expulsion from or other disciplinary action by the institution.

Part VI. Miscellaneous

- 6.1 Each institution may adopt supplementary rules governing any procedures, deadlines, and related matters appropriate for the implementation of this policy.
- 6.2 The provisions of this policy shall apply to the classification of a student as the resident of any New England state for purposes of determining his or her eligibility for tuition benefits through the New England Board of Higher Education.