

RESIDENCY REGULATIONS (condensed)

(The residency rules and regulations may be subject to change)

Students who do not qualify as bona fide residents of the State of Hawai'i, according to the University of Hawai'i rules and regulations in effect at the time they register, must pay the nonresident tuition. An official determination of residency status will be made prior to enrollment. Applicants may be required to provide documentation to verify residency status. Once classified as a nonresident, a student continues to be so classified during his/her term at the college until he/she can present clear and convincing evidence to the residency officer that proves otherwise.

Some of the more pertinent University residency regulations follow. For additional information or interpretation, contact the residency officer in the Admissions Office. The complete rules and regulations are available at the Admissions Office.

DEFINITION OF HAWAI'I RESIDENCY

A student is deemed a resident of the State of Hawai'i for **tuition purposes** if the student (19* or older) or the student (under 19*) and his/her parents or legal guardian have:

- (1) **Demonstrated intent** to permanently reside in Hawai'i (see below for evidences);
- (2) Been **physically present** in Hawai'i for the 12 consecutive months prior to the first day of instruction, and subsequent to the demonstration of intent to make Hawai'i his/her legal residency; and
- (3) The student, whether adult or minor, has **not been claimed as a dependent for tax purposes** for at least 12 consecutive months prior to the first day of instruction by his/her parents or legal guardians who are not legal residents of Hawai'i.

To demonstrate the intent to make Hawai'i your legal residency, the following evidence apply:

- A. Filing Hawai'i resident personal income tax return.
- B. Voting/registering to vote in the State of Hawai'i.

Other evidence, such as permanent employment and ownership or continuous leasing of a dwelling in Hawai'i, may apply, but **no single act is sufficient to establish residency in the State of Hawai'i**.

Other legal factors in making a residency determination include:

- A. The 12 months of continuous residence in Hawai'i shall begin on the date upon which the first overt action (see evidences) is taken to make Hawai'i the permanent residence. Residence will be lost if it is interrupted during the 12 months immediately preceding the first day of instruction.
- B. Residency in Hawai'i and residency in another place cannot be held simultaneously.
- C. Presence in Hawai'i primarily to attend an institution of higher learning does not create resident status. **A nonresident student enrolled for 6 credits or more during any term within the 12-month period is presumed to be in Hawai'i primarily to attend college. Such periods of enrollment cannot be applied toward the physical presence requirement.**

D. The residency of unmarried students who are minors follows that of the parents or legal guardian. Marriage emancipates a minor.

E. Resident status, once acquired, will not be lost by future voluntary action of the resident inconsistent with such status. However, Hawai'i residency will not be lost solely because of absence from the State while a member of the United States Armed Forces, while engaged in navigation, or while a student at any institution of learning, provided that Hawai'i is claimed and maintained as the person's legal residence.

BOARD OF REGENTS EXEMPTIONS

1. Nonresidents may be allowed to pay resident tuition if they qualify as one of the following:

- A. United States military personnel and their authorized dependents during the period such personnel are stationed in Hawai'i on active duty.
- B. Members of the Hawai'i National Guard and Hawai'i-based Reserves.
- C. Full-time employees of the University of Hawai'i and their spouses and legal dependents.
- D. East-West Center student grantees pursuing baccalaureate or advanced degrees.
- E. Hawaiians, descendants of the aboriginal peoples that inhabited the Hawaiian Islands and exercised sovereignty in the Hawaiian Islands in 1778.

F. Veterans eligible to use Post 9/11 GI Bill or Montgomery GI Bill Active Duty educational benefits, who live in Hawaii, and enroll at the University within three years of discharge from a period of active duty service of 90 days or more.

2. Citizens of an eligible Pacific Island district, commonwealth, territory, or insular jurisdiction, state, or nation which does not provide public institutions that grant baccalaureate degrees may be allowed to pay 150% of the resident tuition. At the time of publication, these included the following:

American Samoa
Commonwealth of Northern Marianas
Cook Islands
Federated States of Micronesia
Futuna
Kiribati
Nauru
New Caledonia
Niue
Republic of Palau
Republic of the Marshall Islands
Solomon Islands
Tokelau
Tonga
Tuvalu
Vanuatu
Wallis

This list is subject to change. For a current list, eligibility and documentation requirements, please contact the Admissions Office of the campus you are applying to.

MISREPRESENTATION

A student or prospective student who provides incorrect information on any form or document intended for use in determination of residency status for tuition purposes will be subject to the requirements and/or disciplinary measures provided for in the rules and regulations governing residency status.

APPEAL PROCESS

Residency decisions may be appealed by contacting the residency officer for information on how to initiate an appeal.

*The age of majority is 18 years. However, a person between the ages of 18 and 19, unless emancipated, cannot claim residency solely on the basis of himself/herself because he/she does not have the minimum 12 months residency which commences on his/her 18th birthday. Therefore, the applicant must claim a portion of the required 12 months on the basis of his/her parent or legal guardian.

RESIDENCY DECLARATION

Name _____

A I claim legal residency in _____ from _____ to _____
(specify which state or country) (Month/Day/Year) (Month/Day/Year)

- Myself (I am 19 or older) Myself and Parent (I am 18, not yet 19)
 Parent (I am under 18 and not married) Legal Guardian (Submit copy of court ordered appointment)

B Indicate if any of the following exemptions from the nonresident tuition differential apply to you (documentation required):

- I am a full-time faculty or staff member of the University of Hawai'i, or a spouse or legal dependent of such a person. (Attach employment contract)
Name and UH number of faculty or staff member (if not applicant): _____
- I am Hawaiian and not a Hawai'i resident. (Attach an official copy of your birth certificate, and, if necessary, that of your parents/grandparents documenting Hawaiian ancestry)
- I am a member or authorized dependent of a member of the U.S. armed forces, on active duty, stationed in Hawai'i. (Complete F below.)
- I am a member of the Hawai'i National Guard or Hawai'i-based Reserves. (Complete F below.)
- I am a citizen of _____, which has no public institution of higher education granting baccalaureate degrees.
- I am eligible to use Post 9/11 GI Bill (Ch. 33) or Montgomery GI Bill Active Duty (Ch. 30) educational benefits. (Attach DD-214 and VA Certificate of Eligibility)

C Check one box even if you are an adult and independent:

- I am not claimed as a dependent on my parents'/legal guardians' personal income tax form for the previous tax year.
- I am claimed as a dependent on my parents'/legal guardians' personal income tax form for the previous tax year, and my parents/legal guardians are legal Hawai'i residents. **If you checked this box, the parent or legal guardian who claims you as a dependent must complete Section E.**
- I am claimed as a dependent on my parents'/legal guardians' personal income tax form for the previous tax year, and my parents/legal guardians are not legal Hawai'i residents.

D Last publicly supported institution of higher education attended, if any (including current enrollment at a University of Hawai'i campus):

_____ _____ _____ _____
(Specify name of institution) (State or County) (Month/Day/Year) (Month/Day/Year)

Indicate tuition paid: Resident Non-Resident Resident, due to exemption from nonresident tuition

E Complete the following items on the basis of yourself and your parent/legal guardian (if you are under 19 or have been claimed by him/her as a dependent for tax purposes). That person must also date and sign below, and provide necessary documentation upon request.

- | | <u>MYSELF</u> | <u>MY PARENT/LEGAL GUARDIAN</u> |
|---|----------------------|---------------------------------|
| 1. I have been living in Hawai'i continuously since: | Month Day Year | Month Day Year |
| 2. I filed Personal Income Tax Return in (specify state):
from (specify year): | to | to |
| 3. I registered to vote in (specify state):
on (specify month/day/year): | Month Day Year | Month Day Year |
| 4. I last voted in (specify state):
on (specify month/day/year): | Month Day Year | Month Day Year |
| 5. Other evidence of residency, if any (e.g., employment): | | |

*If claiming Hawai'i residency beginning December 1999 or thereafter, submit your voter registration and tax clearance or notarized Hawai'i Income Tax Form with the application form.

6. My parent/legal guardian claims legal residency in (specify state):
from (specify month/day/year) to (specify month/day/year): Month Day Year
7. My parent/legal guardian is a citizen of: U.S. Other:

Date _____ Parent/Guardian's initials in lieu of signature _____ Relationship _____

F VERIFICATION OF U.S. ARMED FORCES MEMBER'S ASSIGNMENT IN HAWAII (MILITARY ORDERS MUST BE ATTACHED)
(To be completed by the member's Commanding Officer)

1. _____
Name, Rank, and Branch of Service of active duty military member stationed in Hawai'i, member of the Hawai'i National Guard or Hawai'i-based Reserves and assigned to my unit or organization
2. _____
Estimated date of rotation from Hawai'i or separation from military service (whichever is earlier). Provide month/day/year; do not use "indefinite".
3. Member's relationship to applicant: Self Spouse Parent Other (specify) _____

Permission is hereby granted to release information to UH campus.

_____	_____	_____
Date Applicant's Signature	Signature of Commanding Officer	Printed Name
_____	_____	_____
Military Member's Signature	Rank and Branch of Service in Hawai'i	
	_____	_____
	Phone number of Branch of Service in Hawai'i	Date