*Eligibility for in-state tuition privileges and reduced rate tuition eligibility is governed by* §§*23.1-500 through 23.1-510 of the* *Code of Virginia*. The provisions of §23.1-500 of the *Code of Virginia* are set forth, defined, and discussed in the State Council of Higher Education for Virginia’s Domicile *Guidelines*. SCHEV developed these *Guidelines* to facilitate the consideration of uniform criteria in determining domiciliary status. §§23.1-500 through of the *Code of Virginia* places the responsibility on the student for establishing by clear and convincing evidence that s/he is eligible for the in-state tuition rate. Further, the burden is on the applicant to demonstrate by clear and convincing evidence that his/her domicile is Virginia and that s/he has abandoned any prior domicile. According to SCHEV’s *Guidelines*, clear and convincing evidence is defined as “that degree of proof that will produce a firm conviction or a firm belief as to the facts sought to be established. The evidence must justify the claim both clearly and convincingly.”

Students may seek reclassification of their initial tuition classification, but residence or physical presence in Virginia primarily to attend the University does not entitle students to in-state tuition rates. Please note that if a student enters the University classified as an out-of-state student, s/he must present clear and convincing evidence to rebut the presumption that s/he is residing in the state primarily to attend school. Students seeking reclassification to in-state status must be prepared to pay the out-of-state tuition rate unless they are notified in writing that his/her status has been reclassified to in-state according to the *Code of Virginia*.

***Required Documents and Forms*:** An ***Application for Virginia In-State Tuition Rates*** must be completed and supporting documentation attached to be considered for reclassification for in-state tuition. A final decision cannot be made until all requested documentation and a complete Application for Virginia In-State Tuition Rates has been received in the Office of the University Registrar. An appointment or interview is not required to determine your domiciliary status for reclassification cases; however, you may be contacted by the Domicile Coordinator to clarify information and/or provide additional information. If you have questions about the application, laws, or process and want to meet with a staff member, please email residency@vt.edu. Please allow a minimum of 30 working days after your application is complete for processing.

***Application Deadlines:***

§§*23.1-500 through 23.1-510* of the *Code of Virginia* states that changes in domiciliary status can only be granted **prospectively** from the date the application is received; therefore, the legal deadline for submission of the application is **prior to** the first day of the term/semester for which the student seeks reclassification to in-state tuition. Retroactive changes in status are not allowed under the *Code*. To ensure that students have a decision before the tuition payment deadline, please submit a complete application at least 30 days prior to the tuition payment deadline as published by the Office of the University Bursar. If additional information is requested, the applicant must provide the additional information within 30 days of the date of the letter requesting the information. Tuition refunds may be given to students who paid their tuition at the out-of-state rate but were subsequently reclassified to in-state provided that the Application for Virginia In-State Tuition Rates was submitted before the first day of the term. Qualifying students should contact the Office of Student Accounts regarding their eligibility for a refund.

***Notification of Decision***: The Domicile Coordinator will review the completed Application for Virginia In-State Tuition Rates and accompanying documentation. If no additional information is required, written notification of the University’s decision will be emailed to the applicant within **approximately 30 working days of receipt of the completed application, except during peak times when written notifications of decisions (by email or letter) may require longer processing time.** Students who are denied in-state tuition privileges will be advised in writing by mail and/or email how to appeal to the Committee on Virginia Domicile. Appeals must be submitted to the Committee on Virginia Domicile within thirty days of the date of the letter denying the application for reclassification to in-state tuition.

***Domicile*:** Domicile refers to the “present, fixed home of an individual to which he or she returns following temporary absences, and at which the individual intends to remain indefinitely. No individual may have more than one domicile at a time.” Domicile cannot be initially established in Virginia unless one actually resides, in the sense of being physically present, in Virginia with domiciliary intent, which means present intent to remain indefinitely, that is, the individual has no plans or expectation to move from Virginia. Residence in Virginia for a temporary purpose or stay, even if that stay is lengthy, with present intent to return to a former state or country upon completion of such purpose does not constitute domicile. “Mere physical presence or residency primarily for educational purposes does not confer domiciliary status.” A person shall not ordinarily be able to establish domicile by performing acts which are auxiliary to fulfilling educational objectives or which are required or routinely performed by temporary residents of the Commonwealth. The University will consider many factors when determining domicile. Among them are continuous physical residence, state to which income taxes are paid, driver's license, voter registration, motor vehicle registration, employment, property ownership, sources of financial support, military records, a written offer and acceptance of employment following graduation, and any other social or economic relationships with the Commonwealth and other jurisdictions. The presence of any or all of these factors does not automatically result in Virginia domicile.

***Dependent Students:*** According to the *Guidelines*, a “dependent student means one who is listed as a dependent on the federal or state income tax return of his parents or legal guardian or who receives substantial financial support from his spouse, parents or legal guardian. It shall be presumed that a student under the age of 24 on the date of the alleged entitlement receives substantial financial support from his parents or legal guardian, and therefore is dependent on his parents or legal guardian, unless the student (I) is a veteran or an active duty member of the US armed forces; (ii) is a graduate or professional student; (iii) is married; (iv) is a ward of the court or was a ward of the court until age 18; (v) has no adoptive or legal guardian when both parents are deceased; (vi) has legal dependents other than a spouse; or (vii) is able to present clear and convincing evidence that he is financially self-sufficient.” If the applicant is a dependent student, not an emancipated minor, or married to and is a dependent of a Virginia resident, i.e. the applicant is claimed as a tax dependent by his/her parents/legal guardian or spouse and/or receives at least half of his/her financial support from the spouse, the applicant may be eligible for in-state privileges **IF the** parent/legal guardian or spouse **has been domiciled in Virginia for the required one year period.** As a dependent student, the applicant is presumed to have the same domicile as the parent claiming him/her as a tax dependent and/or providing him/her with substantial financial support. As a dependent of a spouse, the applicant may be eligible for in-state tuition as a dependent of the spouse.

***Independent Students****:* An independent student means one whose parents have surrendered the right to his/her care, custody and earnings, do not claim him as a dependent on federal or state income tax returns, and have ceased to provide him/her with substantial financial support. If the applicant is an emancipated minor or independent student, s/he may be eligible for in-state privileges if s/he is able to provide clear and convincing evidence to rebut three presumptions described in the *Code of Virginia* and in the State Council of Higher Education’s *Guidelines*. **The three presumptions are as follows: the student is dependent on his/her parents for financial and/or tax purposes, the student has the same domicile as his/her parents, and the student is in the state for educational purposes. According to the *Code* and the *Guidelines*, Virginia institutions of higher education must presume the above three presumptions to be true unless the applicant is able to provide clear and convincing evidence to rebut these presumptions.**

***Military:*** Active duty military personnel residing in Virginia may apply for immediate in-state tuition rates for themselves, a spouse, and/or dependents. Applicants should submit a completed Application for Virginia In-State Tuition Rates, a copy of their signed and approved Form DD 2058, and other supporting documentation as discussed in the Domicile Section above. These applicants must show that Virginia is their state of legal residence and that all other conditions for establishing domicile have been met, including but not limited to paying Virginia income taxes on all military income. Non-military spouses and dependents of active duty military may establish Virginia as their domicile in the same manner as any other student **or** through the non-military spouse exception.

***Tuition Provision for Military Personnel:***

*Any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that are either stationed or assigned by their military service to a work location in Virginia, and residing in Virginia, shall pay tuition, to the public institution of higher education in which they are enrolled, in an amount no more than the institution’s in-state tuition rate. Visit SCHEV’S website for eligibility requirements and required documents.* [*www.SCHEV.edu*](http://www.SCHEV.edu)

***Tuition Provision for Military Dependents:***

*Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C.§401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, who reside in Virginia shall be deemed to be domiciled in Virginia for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia in accordance with this section. All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition pursuant to this section. Such benefits and in-state tuition status shall continue so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education or from an undergraduate degree program to a graduate degree program, regardless of any change of duty station or residence of the military service member. For the purpose of this subsection: “Date of alleged entitlement “ means the date or admission or acceptance for dependents currently residing in Virginia or the final add/drop date for dependents of members newly transferred to Virginia. “Temporarily mobilized” means activated for service for six months or more. Visit SCHEV’S website for eligibility requirements and required documents.* [*www.SCHEV.edu*](http://www.SCHEV.edu)

***Eligibility for in-state tuition rates through the Veterans’ Choice Act of 2014***

A Veteran using educational assistance under either chapter 30 (Montgomery G.I. Bill - Active Duty Program) or chapter 33 (Post-9/11 G.I. Bill), of title 38, United States Code, who lives in Virginia while attending a school located in Virginia (regardless of his/her formal State of residence) and enrolls in the school within three years of discharge or release from a period of active duty service of 90 days or more.

Anyone using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) who lives in Virginia while attending a school located in Virginia (regardless of his/her formal State of residence) and enrolls in the school within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.

Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge or release as described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code.

Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)) who lives in Virginia while attending a school located in Virginia (regardless of his/her formal State of residence).

Anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in Virginia while attending a school located in Virginia (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.

**Questions:** The Office of the University Registrar cannot determine a student’s domicile based on verbal information or representations. All information provided in support of a student’s case must be in writing. Should a student feel that clarification of certain information is necessary; the student should provide a written explanation. Each student seeking reclassification to in-state tuition must complete the application and provide accompanying documentation before a determination can be made.

If after reading this form carefully, you have questions or need additional information, please email residency@vt.edu, or call 540-231-6252.