

# RESIDENCY



Texas Higher Education  
Coordinating Board

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July 2018  
Summer TACRAO  
Conference

# Residency Resources

## THECB website

Residency Information  
is available to find answers  
to Common Issues



Please Visit:

THECB Website > Paying for  
College > Residency  
Information

# Common Questions

Gainful Employment

“Affidavit” Students

Continuing Resident Status

Deferred Action

Temporary Absences

In Texas Only for School



# Establishing Domicile

## Factors That Lend Support to Claim:

- Residential Real Property
- Marriage to a Person Who Has Established Domicile
- Ownership of a Business
- Gainful Employment

# Gainful Employment

GAINFUL EMPLOYMENT

Is

ONLY ONE FACTOR

That

LEND'S SUPPORT

For An Intent To Establish Domicile

# Scenarios

Student moved to Texas from Iowa in April 2017 and started school in Fall 2017.

For Fall 2018, has she ESTABLISHED DOMICILE?

- Worked her first year at her school's lab as required by her degree program; or
- Worked at the local Whataburger from May 2017 until now.

# Scenarios

Student married a Texas resident in July 2017 and immediately applied for Permanent Resident status. She starts college in Fall 2018.

For Fall 2018, has she ESTABLISHED DOMICILE if she meets other criteria for establishing domicile?

# Affidavit Students

## History



HB 1403, 77th Leg. Session, 2001

Bill Sponsors: Rep. Noriega, Senator Van de Putte

A category of students “for whom immigration status is not a factor.” – Rep. Noriega



# Affidavit Students

SB 1528, 79th Leg. Session, 2005  
Bill Sponsors: Senator Zaffirini, Rep. Morrison

HB 1403 and SB 1528 are now codified at  
TEC Sec. 54.052

# Scenarios

A student attended a Texas High School and graduated May 2018. On her application form for college she listed that she had lived in Texas for 36 consecutive months before graduation, and had maintained constant residency in Texas for 12 months before graduation.

However, her F-1 visa expired in 2017, and her I-20 form expires in July.

Does this student meet the affidavit student requirements?

# Continuing Resident Status

## 19 TAC Sec. 21.26

Once deemed as a resident for tuition purposes, a student **is entitled to be classified as a resident by any institution in each subsequent academic term**

**UNLESS**

# Continuing Resident Status

## 19 TAC Sec. 21.26

- Student provides information indicating a change in resident status
- Not enrolled in an institution of higher education for **two or more consecutive** regular semesters.

# Scenarios

I work for a Texas community college and am trying to figure out if SB1528 (now codified as TEC Sec. 54.052 (a)(3)) status ever expires.

Would the student have to prove once more that they qualify for this status or would it essentially be, "once you qualify as SB1528, you stay SB1528" unless your residential status changes?

# DACA

DACA is a form of deferred action.

Residency Rules--“A person granted deferred action status by USCIS”

# DACA

However, DACA status alone is NOT an automatic grant of in-state tuition.

# Scenarios

## DACA student

- Has a social security and a temporary work permit.
- Has lived in Texas since he was 7 years old.
- Graduated from a Texas high school.
- Currently attending a community college and is trying to transfer to a university.
- Has he established residency in Texas?



# Temporary Absences

Person who previously met in-state residency criteria

Typically short in duration (less than a year).

Intent to Return to Texas

**Exceptions** include deployment or education.

# Scenarios

## Work Abroad

- Student born in Texas to recent immigrants from Yugoslavia.
- Parents became US citizens, but accepted work in Europe, have worked and lived across Europe for over ten years.
- No longer own property in Texas, but they still have the intention to return to Texas and the parents consider Texas as their domicile, the parents still vote in Texas and still have Texas drivers licenses.
- If the son returns to Texas for university, is he still a resident?

# Out-of-State Student In Texas for School

- Presumed to lack the intent to make Texas their domicile.
- This can be overcome with clear and convincing evidence.

# Scenarios

## Texas Bound

- Out of state student has graduated a Texas four-year university in May of 2018, and wishes to apply to medical school as a Texas resident.
- She was employed at P. Terry's her entire time as an undergraduate.
- Will start new work in June, and has applied to medical school for Fall of 2018.
- Does she meet Texas residency requirements?

Thank you for serving  
Texas students!

Questions?

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