

Questions Related to *Rule 13.194 – Determination of Resident Status*

1. *Documentation for all students*

Is documentation required for all students, including U.S. citizens, to verify lawful presence under Rule 13.194? [Students that have conflicting documentation submitted on the University or College application's residency, immigration/citizenship section and/or have mismatched transcript information should be reviewed and clarified through the residency process and/or using the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)

2. *Application to U.S. citizens*

Does Rule 13.194 require institutions to obtain affirmative proof of U.S. citizenship for resident classification, or may we continue to rely on self-attestation via the Core Residency Questions unless there are inconsistencies? [Residency officers can use the Core Residency Questions with supporting documentation or documents listed on the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)

3. *Proof of citizenship*

What is considered appropriate proof of U.S. citizenship for residency purposes? [Suggested documents can include US passport, US birth certificate, Certificate of Naturalization and Certificate of Birth Abroad or the documentation on the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)

4. *Proof of lawful presence for non-permanent residents/asylees*

For students who are not U.S. citizens, permanent residents, or asylees, what documentation is acceptable to establish lawful presence as referenced in the Education code? [Suggested documents can include all unexpired I-797 Notices of Action with approval of a valid immigration status, Permanent Resident Card, Employment Authorization Card, Passport, I-94 or other documents listed on the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)

5. *DACA students and eligibility*

Are DACA students eligible or not eligible to be considered for resident status under the new rules?

- If eligible, what documentation should institutions accept? [Eligible with an unexpired Employment Authorization Card, I-797 or other documents listed on the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)
- If not, how should colleges reconcile that with TEC §54.052(a)(3) and the lawful presence requirement?

Questions Related to *Rule 13.193 – Effective Date*

6. *Retroactive review and timing of determinations*

Do we need to review or re-determine residency for:

- Students who applied for admission *after* the Fall census date but whose residency determination was made before the new rules became effective? [Yes, re-review using the Residency Questionnaire and supporting documents or the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)
- Students who began enrollment after the Fall census date (e.g., Fall 2nd 8-week) and for whom residency determinations were made under the previous rules for Fall and for Spring 2026? [Yes, re-review using the Residency Questionnaire and supporting documents or the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#)

Is a retroactive review required for students whose residency was determined prior to the effective date but whose enrollment continues into Spring 2026? [Yes, re-review using the Residency Questionnaire and supporting documents or the Texas Driver's License "Verifying Lawful Presence" DL-53 standards.](#) Students need to have lawful presence or coded as unlawful presence.

Questions Related to Rules 13.198 and 13.199 – Reclassification & Errors in Classification

7. Documentation submitted after the census date

If a student does not provide the required documentation by the census date but submits it later during the same term:

- Should this situation be treated as a reclassification (Rule 13.198)? [For the next term.](#)
- Or as a classification error (Rule 13.199)? [Can be reclassified for next term or in favor of the student.](#)
- May we update their residency status for that same term after the census date, or must such changes be effective only for the next term? [Depends on situation. If it is the fault of the institution \(error\), immediately. If it is on the fault of the student not completing the residency process in the set deadlines for the term, the updated residency decision will be active for the next term. Deadlines and the updating process needs to be agreed to by the Residency Officer\(s\), Registrar, and Bursar /Billing Office.](#)

Questions Related to Rule 13.200 – Liability for Errors in Classification

8. Registration holds and blocking enrollment

When a student is initially classified as resident and later correctly reclassified as out-of-state:

- Does Rule 13.200's prohibition on requiring payment of unpaid tuition as a condition for subsequent enrollment prevent us from blocking registration while we resolve the residency issue? [This should be discussed by the Residency Officer\(s\), Registrar, and Bursar/Billing Office at each Institution to determine their SIS / CRM capabilities and holds.](#)
- What actions are permissible to ensure we address residency discrepancies and potential unpaid nonresident tuition without violating this prohibition? [Students need to be identified in the admissions process upfront that have discrepancies and issued the Out of State, International or Non-resident rate \(Whichever is highest\) until the Core Residency Questionnaire with supporting documentation or the Texas Driver's License "Verifying Lawful Presence" DL-53 standards are met and reclassified.](#)