

Residency Requirements for Fee Purposes

Policy, Guide, and Questionnaire

The Montana University System classifies all applicants for admission and students as either in-state or out-of-state. This classification affects fee determinations for admission to the campuses and admission to programs of limited enrollment. The basic rules for making the classification are found in Board of Regents' residency policy (<https://mus.edu/borpol/bor900/940-1.pdf>). Each residency determination is based on the unique set of facts found in an individual's case. If you have questions concerning your residency status, be sure to contact the unit to which you are applying for admission or at which you are already enrolled. Generally, the Admissions Office or the Registrar's Office will be able to assist you.

Guide to Montana Residency Policy (https://mus.edu/Prepare/College/Student_Guide_to_Residency_Pol.pdf) (PDF)

Residency Questionnaire (https://mus.edu/Prepare/College/Residency_Questionnaire.pdf) (PDF)

How and when is a student's residency status determined?

A student's initial residency classification is made during the admissions process based on information provided on the student's admission application. If you are a new applicant and have questions about your initial residency determination, please contact the admitting office at the campus where you applied.

If you are classified as non-resident and believe that you qualify as a resident for tuition purposes, you must seek reclassification with the campus. The campus will determine your in-state or out-of-state status based on a questionnaire and supporting documentation. You must meet the requirements for residency on or before the fifteenth instructional day for the school term for which reclassification is sought. It is your responsibility to meet any filing deadlines that are imposed by your campus.

The burden of proof rests with the student to provide clear and convincing evidence of satisfying Montana residency requirements. Submitting a questionnaire does not guarantee classification as a resident for tuition purposes. No determinations regarding a request for reclassification are made verbally, and the outcome of your request for reclassification will be communicated to the student (and not the parent).

A student may appeal an initial classification decision or a reclassification decision.

Requirements to establish Montana residency:

With certain exceptions, a person must be domiciled in Montana to be eligible for in-state status. Domicile requires both physical presence in Montana and evidence of the intent to stay. Evidence of intent to stay includes registering a vehicle in Montana, obtaining a Montana driver's license or identification card, and registering to vote in Montana.

Students *cannot* meet the domicile test for Montana residency for tuition purposes when:

- Attending a non-Montana based school as a resident of the state in which the school is located.
- Paying taxes in another state as a resident of that state.
- Maintaining an out-of-state driver's license or identification card.
- Maintaining a vehicle registration from another state for a vehicle owned or operated in Montana.
- Maintaining voter registration in another state.

- Holding a visa or other classification that does not allow permanent residence in the United States.

Applicants should determine which pathway applies to them: a pathway based on domicile, or a pathway based on an exception to the domicile test. If you are granted in-state status under a pathway based on an exception to the domicile test, in-state status generally will be lost if you no longer meet the requirements for the exception. Consequently, if you can also meet the requirements for in-state status under a pathway based on domicile, it is to your advantage to be classified based on domicile rather than on an exception.

The pathways to residency include (*denoting a pathway based on domicile):

- Dependent student*
- Independent student*
- Professional Student Exchange Program (PSEP) applicant*
- Professional Program Student*
- Graduate of Montana High School
- Montana University System Employee
- Full-time employee in Montana
- Service Member
- Incarcerated Student

Please review the Guide to Montana Residency Policy (https://mus.edu/Prepare/College/Student_Guide_to_Residency_Pol.pdf) to determine if you meet one of the pathways to residency. If no pathway applies to you, and exceptional circumstances exist, you may file an affidavit of intent to establish residency. Exceptional circumstances include, for example, seeking refuge from domestic violence or remaining in Montana as a minor when a parent moves from Montana to establish residency elsewhere. Filing an affidavit of intent does not guarantee resident classification.

Applicable presumptions:

All students must provide evidence to demonstrate in-state residency for tuition and fee purposes. When considering evidence for residency classification, several presumptions apply:

- A student not classified as in-state is a non-resident for tuition and fee purposes.
- The domicile of a minor is that of the person's parent or guardian.
- An individual cannot establish residency or domicile if absent from Montana for more than 30 days during the 12-month period.
- An individual cannot establish residency or domicile if obtaining a loan, financial assistance, scholarship, or any benefit requiring residence in another state.
- An individual abandons in-state status if absent from Montana for 12 or more months.
- An individual cannot establish residency or domicile while in Montana primarily for purposes of education; and
- An individual cannot establish residency for tuition purposes while registered for more than half of a full-time credit load.

If a presumption applies to you, you must overcome the presumption with clear and convincing evidence. In general, it is difficult to overcome a presumption. Because each case is unique, the evidence that is sufficient to overcome a presumption will vary. If you are planning to take a full-time credit load or to be outside of Montana for more than 30 days during the applicable residency period, you should discuss the matter with the campus to determine how your decision may affect your residency status.