

MIAMI UNIVERSITY, Oxford, Ohio

FREQUENTLY ASKED QUESTIONS ABOUT OHIO RESIDENCY FOR TUITION PURPOSES

What are the requirements for establishing Ohio residency for tuition purposes?

In general, a student must demonstrate that s/he meets all of the criteria in one of the following sections:

- C 1:** A dependent student whose spouse or at least one of whose parent or legal guardian has been a resident of the State of Ohio for all other legal purposes for 12 consecutive months or more immediately preceding the enrollment of the student in an institution of higher education.
- C 2:** An independent person who has been a resident of Ohio for all other legal purposes for at least 12 consecutive months immediately preceding his or her enrollment in an institution of higher education and who is not receiving, and has not directly or indirectly received in the preceding 12 consecutive months, financial support from persons or entities who are not residents of Ohio for all other legal purposes.
- C 3:** A dependent child of a parent or legal guardian, or the spouse of a person who, as of the first day of a term of enrollment, has accepted full-time self-sustaining employment and established domicile in the State of Ohio for reasons other than gaining the benefit of favorable tuition rates.
- E 1:** An independent person who is living and is gainfully employed on a full-time or part-time and self-sustaining basis in Ohio and who is pursuing a part-time program of instruction at an institution of Higher education shall be considered a resident of Ohio for these purposes.
- E 2:** A person who enters and currently remains upon active duty status in the United States military service while a resident of Ohio for all other legal purposes and his other dependents shall be considered residents of Ohio for these purposes as long as Ohio remains the state of such person's domicile.
- E 3:** A person on active duty status in the United States military service who is stationed and resides in Ohio and his or her dependents shall be considered residents of Ohio for these purposes.
- E 4:** A person who is transferred by his employer beyond the territorial limits of the fifty states of the United States and the District of Columbia while a resident of Ohio for all other legal purposes and his or her dependents shall be considered residents of Ohio for these purposes as long as Ohio remains the state of such person's domicile as long as such person has fulfilled his or her tax liability to the State of Ohio for at least the tax year preceding enrollment.
- E 5:** A person who has been employed as a migrant worker in the State of Ohio and his or her dependents shall be considered a resident for these purposes provided such a person has worked in Ohio at least four months during each of the three years preceding the proposed enrollment.
- E 6:** A person who was considered a resident under this rule at the time the person started a community service position as defined under this rule, and his or her spouse and dependents, shall be considered as residents of Ohio while in service and upon completion of service in the community service position (VISTA, Americorps, City Year, Peace Corps or working for an elected or appointed public official for a period of time not exceeding 24 consecutive months).
- E 7:** A person who returns to the state of Ohio due to marital hardship, takes or has taken legal steps to end a marriage, and reestablishes financial dependence upon a parent or legal guardian (receives greater than 50% of his or her support from the parent or legal guardian), and his or her dependents shall be considered residents of Ohio.
- E 8:** A person who is a member of the Ohio National Guard and who is domiciled in Ohio, and his or her spouse and dependents, shall be considered residents of Ohio while the person is in Ohio National Guard service.
- E 9:** A person who is eligible, or whose benefits have been exhausted or have expired, for benefits under the Post 9/11 Veterans Educational Assistance Act of 2008 or any prior federal act establishing veteran's educational benefits, who has been honorably discharged or released from service, who, as of the first day of a term of enrollment, is domiciled in Ohio and during the first twelve months of domicile in this state immediately preceding enrollment completed an approved community service position or during the course of study accepts a community service position approved by the Chancellor or participates in a n internship or cooperative education program established by the Chancellor or the college or university to which the person has been accepted, and his or her spouse and dependents, shall be considered residents of Ohio for these purposes as long as Ohio remains the state of such person's domicile.

New students appealing their nonresident status at the time of their admission should apply for residency at their admitting office. Regional Campus students can submit their application and documentation at their campus to be forwarded to the Residency Officer. Current and former students Miami University students should apply for residency at the Office of the University Registrar. The application is available at: www.muohio.edu/registrar - Click link to Ohio Student Residency, then link to Reclassification Application. Application materials and all appropriate documentation must be submitted by the following deadlines in order to be reviewed for the term reclassification is desired:

Spring Semester: December 15

Summer Semester: April 15

Fall Semester: July 15

What documentation do I need to submit to apply for residency?

Application instructions vary depending on how you are applying for residency. In general, you must submit a *notarized Request for Resident Classification for Tuition Purposes* form. In addition to the *Request for Resident Classification for Tuition Purposes* form, you must submit documentation for all sources of income used during the 12-month period you have been trying to establish residency as well as other required documentation. Instructions for completing the *Request for Resident Classification for Tuition Purposes* form and the required documentation that is to be submitted are listed on the form.

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If my parents or spouse move to Ohio, when am I eligible to become a resident?

You may be eligible for "instant residency" if you are dependent upon a parent or spouse who is working full-time and has established domicile in Ohio as of the beginning of the term for reasons other than gaining the benefit of a state-supported education. See Instant Residency (C-3) in the application handout for information on how to apply for this type of residency.

How do I know if I am a dependent student?

A "dependent" shall mean a student who was claimed by at least one parent or guardian as a dependent of that person's Internal Revenue Service tax filing for the previous tax year.

If I am moving to Ohio to attend Miami University as a graduate student and will be on a fellowship or assistantship, does my spouse qualify for "instant residency?"

No. To be eligible for instant residency, a student must be dependent upon a spouse or parent who has **full-time employment** in Ohio. A graduate fellowship or assistantship is not considered full-time employment. The student could apply for regular residency once s/he lived in Ohio for 12 months. At that time, the income earned by the spouse through a fellowship or assistantship would be considered eligible income (if earned in Ohio).

Can I qualify for "instant residency" through someone other than my parent/legal guardian or spouse?

No. A student cannot qualify for "instant residency" through other relatives, fiancées, in-laws, etc. A student may only be reviewed for "instant residency" through their dependency upon a parent/legal guardian or spouse who is living and working on a full-time basis in Ohio.

Our son/daughter will be a freshman at MU this fall and we live outside the State of Ohio. What does he/she need to do to apply for residency?

The only students who are eligible to apply for a change in residency after a year are those *students who are independent and entirely self-supporting* for the twelve (12) months they live in Ohio. By self-supporting we mean that the student must demonstrate and document that their sources of funding (i.e. earnings, financial aid, savings, etc) were sufficient to meet all expenses including but not limited to tuition, rent, food, books, etc. They must have taken the necessary steps early in the 12 months to establish legal residence by obtaining an Ohio driver's license (Ohio state ID if non-driver), vehicle registration, subjection of any income to Ohio taxation.

Does marrying an Ohio resident automatically make me a resident?

Marriage to an Ohio resident does not automatically make you an Ohio resident for tuition purposes unless your spouse has been a resident of the state of Ohio for all other legal purposes for at least 12 consecutive months immediately preceding your enrollment at Miami University (C-1). If your spouse resides and is employed on a full-time self-sustaining basis in Ohio, you may be eligible to apply for instant residency (C-3). Otherwise, you would need to apply for residency on your own using the *Request for Resident Classification for Tuition Purposes* and meet the criteria for residency as an independent student.

If my legal guardian is an Ohio resident will I be considered a resident for tuition purposes?

The residency guidelines allow students to be considered residents if they have a legal guardian who is an Ohio resident. However, setting up a legal guardianship with an Ohio resident in order to qualify for residency is not permitted. The burden of proof is upon the student to show that a legal guardianship was not arranged in order for the student to gain residency. In general, the expectation will be that the legal guardianship has been in effect for at least 12 months, and that the student has been financially dependent upon the legal guardian during that time. The student's relationship and involvement with his or her parents will also be a consideration.

If my parents move out of Ohio, how is my residency affected?

The state residency guidelines have two "grandfather clauses" to address this. If your parents are Ohio residents and move out of the state while you are an enrolled resident student at Miami University, you will continue to be classified as a resident through the completion of one degree program, provided that you maintain continuous full-time enrollment. If you apply for a second-degree program (i.e. graduate), your residency will be reviewed and you will have to meet the residency criteria on your own.

Similarly, if you are a dependent student applying for admission to Miami University and your Ohio resident parents move out of the state, you will be considered a resident as long as you enroll within 12 months of the date your parents moved out of Ohio.

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I am currently considered a resident of Ohio. How is my residency affected if I leave Ohio?

The Ohio Board of Regents Guidelines allows Ohio residents 12 months out of the state before they "lose" their residency. If you leave the state for more than 12 months, you must indicate that you are a non-resident on your re-enrollment application. It is important to consider future residency implications when planning a move or extended stay outside Ohio.

Except for the past couple of years, I lived in Ohio my entire life. Shouldn't I (and/or my children and spouse) still be considered a resident?

In determining a person's eligibility for residency, the state guidelines are primarily concerned only with the 12-month period immediately preceding the term for which the student is applying for residency. The cumulative time a person lived in Ohio is not relevant if the person has been away from Ohio for more than the 12 months immediately preceding enrollment.

My parents are divorced, but one of them lives in Ohio. Does that make me a resident?

As long as a dependent student has one parent who has been an Ohio resident for at least the 12 months immediately preceding enrollment, s/he will be considered a resident whether or not the student actually lives in Ohio. In addition to submitting a completed, notarized *Request for Resident Classification for Tuition Purposes*, the student should submit documentation supporting the following:

- A notarized statement from either of the student's parents stating that they are divorced or separated
- A copy of the lease, rent checks, mortgage, etc., indicating the Ohio parent has lived in Ohio for at least the 12 months immediately preceding the student's enrollment.
- A copy of the Ohio personal income tax return filed in the past 12 months by the Ohio parent
- A copy of the federal income tax return filed in the past 12 months by the parent who claimed the student as a tax dependent

I am currently considered a non-resident and my parents, who are not residents of Ohio, claimed me as a tax dependent on their federal income tax return. Am I eligible for Ohio residency?

If you are a dependent of your parents, your residency is determined by their residency status. When a student is applying for residency as an independent student, they cannot be claimed as a tax dependent by anyone outside the state of Ohio.

How does being in the military affect my (or my children or spouse's) residency?

For individuals who are on full-time, active duty status with the military, the state has two exceptions (E-2 and E-3) in the residency guidelines:

1. If you are an Ohio resident on full-time, active duty status with the military, you and your dependents are considered residents as long as Ohio has remained your state of domicile and you have fulfilled your tax obligation to the state while on active duty.
2. If you are not an Ohio resident but are stationed in Ohio on a full-time, active duty status, you and your dependents will be considered residents for tuition purposes.

Individuals who are members of the Ohio National Guard and are living in Ohio, and their spouse and dependents, shall be considered residents of Ohio while serving in the Ohio National Guard (E-8).

If you are not considered full-time, active duty military, or in the Ohio National Guard, these military exceptions do not apply to you. For information on how to apply, see Exceptions (E-2, E-3 or E-8) in the *Request for Resident Classification for Tuition Purposes* application handout.

I was a resident of Ohio prior to volunteering/working in a community service position (Peace Corps, Vista, Americorps, City Year or for less than 24 months with an elected or appointed public official) and am now back living in the state of Ohio. Are my dependents/spouse and I still considered Ohio residents?

You may be eligible for Ohio residency under Exception E-6 as long as you remained an Ohio resident for all other legal purposes. For information on how to apply, see Exceptions (E-6) in the *Request for Resident Classification for Tuition Purposes* application handout.

If I am currently working full-time in Ohio, am I eligible for residency?

You may be eligible for Conditional Residency under Exception E-1 if you are living in Ohio and employed on a full-time or part-time and self-sustaining basis.

What is Conditional Residency (E-1)?

Conditional Residency allows an independent person who is living in Ohio and is employed on a full-time or part-time and self-sustaining basis in Ohio to enroll as an in-state student for part-time studies, regardless of how long the

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individual has lived here. Conditional Residents must be able to demonstrate that they are self-supporting solely on their current employment income. All income must be subject to Ohio taxation also. *For example, if a person is working as a waiter, their tip income must be documented on a pay stub and subject to taxation to be eligible.* In determining whether or not a student qualifies for Conditional Residency, financial aid, savings, or other sources of

income (i.e. VA benefits, social security) cannot be considered as income contributing to a student's self-supporting status, but can be used over and above the amount necessary to meet expenses. Conditional Residents must be part-time students. They may not register for more than 11 credit hours if they are undergraduate students or 9 credit hours for graduate students, or they will be billed as a non-resident for all hours. See Conditional Residency (E-1) in the application handout for information on how to apply for this type of residency.

I recently returned to Ohio due to marital hardship, have sought to legally end my marriage and am financially dependent upon my parents who are residents of Ohio (they provide me with at least 50% of my financial support). Are my dependents and I considered residents of Ohio?

You may be eligible for Ohio residency under Exception E-7. For information on how to apply, see Exceptions (E-7) in the *Request for Resident Classification for Tuition Purposes* application handout.

If I'm employed and being paid cash (i.e., tip income, babysitting) is this income eligible for residency?

Employment income earned as cash is only eligible for any type of residency if it is subject to Ohio taxation. The burden of proof is on the student to provide proof that the income has been subject to Ohio taxation. Otherwise it is not eligible income.

If I am paying taxes to Ohio, doesn't that make me a resident?

Not necessarily. If you are trying to establish residency in Ohio, paying taxes in Ohio is an indicator of your intent to become an Ohio resident. However, you must meet all the residency criteria to be eligible for residency for tuition purposes. If you are paying Ohio taxes because you are currently living and working full-time in Ohio, you may be eligible for Conditional Residency (E-1).

Will I automatically become a resident for tuition purposes once I have lived in Ohio for a year?

No. Any student who has been classified as a non-resident must apply for reclassification as a resident. Even if you are a Conditional Resident, you must apply if you want to be reviewed for regular residency once you have been in Ohio for 12 months.

Are non-U.S. citizens eligible for residency for tuition purposes?

Students who are U.S. citizens, Permanent Resident Aliens, Political Asylees or Political Refugees, or students who hold an A, E, G, H, I, L, O, P, R, TC, TD or TN visa may apply to be reviewed for in-state residency according to the guidelines above. International Students who hold B, F, J, K or M visas are NOT eligible for establishing in-state residency, unless they are financially dependent upon a spouse or parent who is a bona fide Ohio resident. This is defined as a person who meets the criteria established in the Ohio Board of Regent's Guidelines and is also a U.S. citizen, Permanent Resident Alien, Political Asylee, Political Refugee, or holds an A, E, G, H, I, L, O, P, R, TC, TD or TN visa. Students whose immigration status is pending are eligible to establish Ohio residency only if their most recent immigration status was eligible to establish Ohio residency. "Financially dependent on a parent" is defined as having been claimed for tax purposes since birth.

I own property or a business in Ohio, but live in another state. Does that make my dependents or me Ohio residents for tuition purposes?

The state guidelines do not grant residency to individuals or their dependents solely on the basis that they own property or a business in Ohio.

In submitting the Request for Resident Classification for Tuition Purposes, what are some examples of acceptable income documentation?

The following are examples of some of the income documents you may submit with your *Request for Resident Classification for Tuition Purposes*: W-2 forms, pay stubs, financial aid award letters, bank statements established in your name at the start of your 12-month review period, and statements showing receipt of government benefits.

What types of income sources are not eligible for helping me establish in-state residency?

The following are examples of income sources, if received within the 12-month period preceding the semester residency reclassification is desired, that would make a student ineligible for residency:

- Support from individuals who are not residents of Ohio

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- PLUS loan money taken out by the student whose parents who are not residents of Ohio
- Personal loans or loans with a co-borrower from individuals who are not Ohio residents
- Savings that have not been in an account in your name for at least a year prior to your move to Ohio
- Financial aid that required you to be a resident of another state in order to receive it
- Credit card debt

Can I use savings, mutual funds, stocks, etc. as "income" for establishing residency during my 12-month residency review period?

Savings, mutual funds, stocks, etc., may be used as income during a 12-month residency review period if the account(s) and funds are determined as eligible. If you have used savings, mutual funds, stocks, etc., that are in your name, you must also prove that you had these funds in your possession **12 months prior** to the beginning of your residency review period. The residency review period is the 12 months preceding the semester you wish to be reclassified as a resident. The student must demonstrate and provide documentation proving that they had control over the funds if any other persons name is listed on the account. If another name is on the account other than the student's, eligibility of the account(s) and final determination will be decided by the office reviewing the student's residency. You will then be required to submit a **minimum of three account statements**: a copy of your account statement from **one year prior to the start of your 12-month review period**; a copy of your account statement from the **beginning of your 12-month review period**; and a copy of your **most recent account statement**. The balance from your most recent account statement will be subtracted from your account statement at the start of your 12-month review period. This "difference" in the balance is the amount you may report as savings used during your review period. This is the amount of savings, mutual funds, stocks, etc., that have been used to cover your expenses during your residency review period. The amount of savings, mutual funds, stocks, etc., that you had in your possession 12 months prior to the beginning of your residency review period is the amount that will be eligible to use as a **beginning balance** at the beginning of your review period. Students are not allowed to be "gifted" a sum of money, less than 12 months prior to the beginning of their review period, to use towards residency.

How important is it that I obtain an Ohio driver's license or register to vote in Ohio?

Obtaining an Ohio driver's license and registering to vote in Ohio demonstrate your intent to make Ohio your state of residence. Since the Ohio Board of Regents Guidelines is meant to exclude from residency those who are in Ohio for educational purposes only, transferring these items of registration at the beginning of the 12-month period while establishing residency is a way to show that you intend to become an Ohio resident.

If I own or have the use of a car, am I financially responsible for the upkeep, gas, and insurance and reporting it for residency?

Yes. Students are responsible for reporting and being financially capable of paying for the upkeep, gas, and car insurance of a car they own or have use during their residency review period.

I am currently trying to establish residency. How does leaving Ohio for the summer affect my residency application?

The expectation is that students who are in the process of establishing their residency are physically living in the State of Ohio for the 12 consecutive months prior to the semester for which they are requesting reclassification. Leaving the state for the summer or for any length of time longer than a 3-week period seriously jeopardizes your claim to Ohio residency. Students who leave Ohio for internships, study abroad, etc. during their residency review period for any period longer than three weeks must also maintain their residence in Ohio while on the internship, etc. Proof that their residence in Ohio was maintained will be required which will include, but is not limited to, copies of canceled checks for the rent payment, copies of leases, or documents proving the purchase of a home in Ohio. If documentation cannot be provided, the absence from Ohio will cause a denial of residency. In addition, any income earned while the student is out of the state of Ohio will not be eligible towards residency.

After reading the residency guidelines, I think I should have been considered a resident months ago. Can I apply for a prior semester and get a refund if I can show I was a resident then?

No. The state guidelines prohibit retroactive residency decisions. You must apply by the deadline for the semester in question in order to be reviewed for residency for that semester.

Who can I talk to for more information about residency for tuition purposes?

New students appealing their nonresident status at the time of their admission should contact their admitting office. Current and former Miami University students on all campuses should contact the Residency Office by email: residency@muohio.edu.