

## **FACT SHEET: PATHWAYS FOR PROVING IDAHO RESIDENCY**

Relevant Law and Regulations. The statutory and regulatory provisions relevant to residency determinations may be found at:

- Idaho Code Section 33-3717B (institutions other than community colleges)
- Idaho Code Section 33-2110A (community colleges)
- IDAPA 08.01.04

A student enrolling in one of Idaho's 4 year public institutions or Eastern Idaho Technical College (collectively "Institution(s)") may prove classification as an Idaho resident for tuition purposes by meeting the criteria for one of the following options.

1. Dependent Student: Any student who has one or more parent(s)/legal guardian(s) ("parent/guardian") who is domiciled in Idaho and provides at least 50% of the student's financial support. The parent/guardian must have maintained a bona fide domicile in Idaho for at least 12 months prior to the term in which the student is applying for residency.
2. Independent Student: Any student receives less than 50% financial support from a parent/guardian; has continuously resided in, and maintained a bona fide domicile in Idaho for purposes other than education for at least 12 months prior to the term in which the student is applying for residency.
3. Graduate of an Idaho High School. Any student who is a graduate from an accredited Idaho high school, is domiciled in Idaho, and who enrolls in an Institution within six years immediately following secondary school graduation regardless of the domicile of the student's parent or guardian (except if a non-US citizen (*see*, definition of non-resident below)).
4. Completed 6 Years of Elementary and Secondary Education in Idaho. Any student who completed 6 years of elementary and secondary education in Idaho, is domiciled in Idaho, and matriculates at an Institution within 6 years following completion of secondary education.
5. Married to an Idaho Resident. Any student who is married to a person who is classified, or eligible for classification, as an Idaho resident for the purpose of attending an Institution, except that a student who was enrolled as a full-time student in any term during the 12 month period before the term in which the student proposes to enroll as a resident student must independently establish domicile.

6. Armed Forces. Any student, the spouse of the student, or the parent/guardian of a dependent student who meets one of the following criteria:
  - a. Member of the Armed Forces who entered service as an Idaho resident, has maintained Idaho resident status, but is stationed outside of Idaho on military orders.
  - b. Member of the Armed Forces stationed in Idaho on military orders.
  - c. Officer or enlisted member of the Idaho National Guard.
  - d. Member who has been separated, under honorable conditions, from the Armed Forces after at least 2 years of service
    - i. Who at the time of separation designated Idaho as the intended domicile, and within 1 year of the date of separation enters an Institution; or
    - ii. Who listed Idaho as the home of record in service, and within 1 year of the date of separation enters an Institution; or
    - iii. Who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident student, such person must actively establish domicile in Idaho within 1 year of registration at an Institution.
  
7. Member of the following Idaho Native American Indian Tribes. Members of the following Idaho Native American Indian Tribes “whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho”:
  - a. Coeur d’Alene;
  - b. Shoshone-Paiute;
  - c. Nez Perce;
  - d. Shoshone-Bannock;
  - e. Kootenai; or
  - f. Eastern Shoshone

#### Becoming an Idaho Resident.

The establishment of domicile in Idaho by a person formerly domiciled outside of Idaho has occurred for residency purposes if the person is present in Idaho primarily for purposes other than educational.

If a student has been enrolled at an Institution full time during the prior 12 months, the student is presumed to be in Idaho primarily for educational purposes and is a non-resident. Such period of enrollment is not counted toward the establishment of a domicile in Idaho unless the student can provide proof of full-time employment in Idaho for the prior 12 month period and the filing of an Idaho state resident income tax return for the prior tax year.

### Domicile.

Domicile is an individual's true, fixed and permanent home and place of habitation; it is the place where the individual intends to remain and expects to return to when leaving without establishing a new domicile elsewhere. Residency for a dependent student is based on the domicile of the student's parent/guardian. Residency for an independent student is based on the domicile of the independent student or the student's spouse.

Domicile may be proved by:

1. The filing of Idaho state income tax return covering a period of at least 12 months before the term in which the student proposes to enroll as a resident student and permanent full-time employment (30 hours per week, or 120 hours per month) or the hourly equivalent in Idaho for a period of at least 12 months before the term in which the student proposes to enroll as a resident student; or
2. If you weren't attending school full-time in the prior year, proving at least five of the following type of criteria for 12 months before the term for which residency is sought:
  - a) Ownership or leasing of a residence in Idaho;
  - b) Registration and payment of Idaho taxes or fees, other than sales or income tax;
  - c) Registration to vote in Idaho;
  - d) Holding an Idaho driver's license or ID card;
  - e) Evidence of abandonment of a previous domicile;
  - f) Establishment of accounts with Idaho financial institutions;
  - g) Other similar factors such as:
    1. Enrollment of dependent children in Idaho elementary or secondary schools
    2. Acceptance of permanent employment in Idaho
    3. Documentation of need to care for relative in Idaho
    4. Utility statements
    5. Employment documentation

### **IMPORTANT DEFINITIONS**

Non-resident. A non-resident student is any student who:

1. Does not qualify for residency under the above options; or
2. Attends an Institution with financial assistance from another country or governmental unit or agency thereof, such non-residency continuing for 1 year after completion of the term for which such assistance is last provided; or
3. Is not a citizen of the United States, unless the student can provide verification of lawful presence in the United States. "Lawful presence" is verified through the means set forth in Idaho Code, 67-7903. A non-citizen student who can provide verification of lawful presence in the United States must meet one of the seven pathways to establish residency set forth above.

Continuously Resided means has maintained a physical presence in Idaho for 12 consecutive months. An independent student must have continuously resided in Idaho for the 12 months prior to the term for which residency is sought. Evidence of physical presence in Idaho might include: utility statements; rental agreement; bank statements; documentation from Idaho employer, etc.

Primarily Educational Purposes means enrollment in 12 or more credit hours in any term during the past 12 months.

Armed Forces means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, and the reserve forces of those groups and does not include the National Guard or any other reserve force.