

Institution determines student a non-resident

Student bears the burden of proof in requesting reclassification

Choose one of the following options for proving Idaho residency for tuition purposes

Dependent Student

Student receives more than 50% of financial support from parent/guardian who has been domiciled in Idaho for prior 12 months

Independent Student

Student receives less than 50% of financial support from parent/guardian; has been domiciled and physically resided in Idaho for purposes other than educational for 12 months prior to the first day of the term

Idaho Elementary/Secondary Student

Student graduated from Idaho high school, or completed 6 years of elementary and secondary school in Idaho, is domiciled in Idaho, and is matriculating within 6 years immediately following high school graduation

Married to an Idaho Resident, except a student who was enrolled as a full time student during the 12 months before the term in which the student proposes to enroll as a resident student must independently establish residency

Armed Forces (U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or the reserve forces of those groups)

Student is a member, spouse or dependent child of a member of the Armed Forces ("AF") and the member:

- 1) Entered the AF as an Idaho resident, has maintained Idaho residency but is stationed outside of Idaho;
- 2) Is stationed in Idaho on military orders;
- 3) Is in the Idaho National Guard;
- 4) Separated honorably from AF after at least 2 years of service and at time of separation designated Idaho as intended domicile or has Idaho as home of record in service, and enrolls within 1 year of date of separation;
- 5) Is an AF veteran, served for at least 2 years, separated under honorable conditions, and moved to Idaho for the purpose of establishing domicile and will take steps to establish domicile in Idaho within one (1) year of registration at this institution

Idaho Native American Tribe(s)

Member of one of the following Idaho Native American Tribes: Nez-Perce, Coeur d'Alene, Shoshone-Paiute, Kootenai, Shoshone-Bannock, Eastern Shoshone

“Domicile” means the “individual’s true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere.” Idaho Code, 37-3717B(1)(a). The establishment of a new domicile in Idaho by a person formerly domiciled elsewhere has occurred if the person is physically present in Idaho for purposes other than educational. The statutory presumption is that a student who is enrolled full time in any term during a twelve (12) month period prior to the term for which residency is sought shall be presumed to be in Idaho for primarily educational purposes. The statutory presumption is rebutted if the student can provide proof of full time employment in Idaho for 12 months before the term for which residency is sought and the filing of an Idaho state resident income tax return for the prior tax year.

Factors for determining domicile (timeframe: prior 12 months):

1. Permanent full-time employment or the hourly equivalent thereof in Idaho.

Or

5 of the following, if you were not attending school full-time in the prior year:

1) Ownership or leasing of a residence in Idaho

2) Registration and payment of Idaho taxes or fees, other than sales or income tax, including registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property

3) Registration to vote for state elected officials in Idaho at a general election

4) Holding of an Idaho’s driver’s license or state-issued identification card

5) Evidence of the abandonment of a previous domicile.

6) Establishment of accounts with financial institutions in Idaho

7) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such a domicile.

And

2. Filing of Idaho state income tax return covering

A "nonresident student" is:

A student who does not meet the requirements for providing Idaho residency

A student attending an Idaho Institution with financial assistance provided by another country or governmental unit or agency thereof

A person who is not a citizen of the United States of America, unless the person can provide proof of lawful presence in the United States. "Lawful presence" is verified through the means set forth in Idaho Code, 67-7903.

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