

ADMINISTRATIVE MEMORANDUM

SUBJECT 1985 amendments to the residence Manual;
substitute pages

NUMBER 224

DATE September 13, 1985

By recent action of the Board of Governors of The University and the State Board of Community Colleges, the residence Manual has been amended in several respects. With this Administrative Memorandum are provided substitute pages to the residence Manual of 1983 (as previously amended September 1984) that incorporate the changes recently approved by the respective Boards. Notable among these changes are the following:

- (1) Amendments implementing Section 154 of Chapter 757, Session Laws of 1985, which changes the tuition collected for enrollment by certain military service members from the in-state tuition rate to the out-of-state tuition rate, subject to reduction below the out-of-state rate where military tuition assistance is available to credit toward the out-of-state amount.
- (2) Amendments implementing Section 1 of Chapter 39, 1985 Session Laws, adding the requirement that dependent relatives who were made eligible for the in-state tuition rate under G.S. 116-143.3(c) in 1984, to qualify for that benefit now, must have complied with the requirements of the Selective Service System, if applicable.
- (3) Incorporation of appeal decisions of the State Residence Committee making clear that the common law presumption that a minor's domicile follows the parents and the prima facie evidence rule of G.S. 116-143.1(e) (that the domicile of the parents of an applicant for in-state tuition status is prima facie evidence of the applicant's domicile) are distinct provisions of the law and the Manual, having differences, as well as similarities, that must be carefully considered to render an accurate residency classification in many cases.
- (4) Reference to new alien documents issued by the Immigration and Naturalization Service that have relevance to residency determination.

Supplemental guidance with respect to amendment items (1) and (2), above, may be found in Administrative Memorandum Number 221 (dated August 2, 1985), which served as provisional guidance pending Board action in September 1985 to amend the residence Manual. However, the Manual of September 1985 is the primary regulatory document of the Boards with respect to residency classification for tuition purposes.

A current Manual is the residence Manual of September 1983 (heavy white paper cover with a vertical gold-colored panel and loose-leaf pages with three-hole punch) amended by insertion of substitute (or additional) pages marked "(Revision #1, 9/84)"

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and then insertion of pages marked "(Revision #2, 9/85)." The first revision followed by the second revision should be accomplished according to the filing instructions that accompany the respective revisions.


With standard three holes punched in the revised pages, the Manual may be retained in a ring-binder until further revised or removed for copying. When a Manual is provided by your institution to persons within or outside the institution, the Manual copy should always have been updated as described above or the Manual in its original wrapping should be accompanied by all substitute pages issued, with the Filing Instructions attached.

Requests by the institutions for more copies of the Manual should continue to be addressed to:

Librarian, General Administration
The University of North Carolina
P. O. Box 2688
Chapel Hill, NC 27515-2688 Courier 311

Such requests, within the limits of available copies, will be filled by return of Manuals accompanied by current, revised pages.

Please distribute copies of this Administrative Memorandum to appropriate personnel at your institution as soon as practicable.



William Friday

Attachment

Filing Instructions for Revision #2, 9/85
to Residence Manual

Remove and discard old pages numbered

Title page (Revision #1, 9/84)

ii (Revision #1, 9/84)

5 and 5.1 (Revision #1, 9/84)

18

31 (Revision #1, 9/84)

37 to 37.3 (Revision #1, 9/84)

38 (Revision #1, 9/84)

59.1 (Revision #1, 9/84)

62

65 and 66

68 to 71 (Revision #1, 9/84)

Insert new pages numbered

Title page (Revision #2, 9/85)

ii (Revision #2, 9/85)

5 and 5.1 (Revision #2, 9/85)

18 (Revision #2, 9/85)

31 and 31.1 (Revision #2, 9/85)

37 to 37.6 (Revision #2, 9/85)

38 (Revision #2, 9/85)

59.1 and 59.2 (Revision #2, 9/85)

62 (Revision #2, 9/85)

65 and 66 (Revision #2, 9/85)

68 to 72 (Revision #2, 9/85)

A MANUAL
TO ASSIST THE PUBLIC HIGHER EDUCATION
INSTITUTIONS OF NORTH CAROLINA
IN THE MATTER OF
STUDENT RESIDENCE CLASSIFICATION
FOR TUITION PURPOSES

Revised September 1985

(Revision #2, 9/85)

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The 1981 General Assembly, in addition to amending subsection (j) as indicated, enacted a new subsection (l) to facilitate the reacquisition of resident tuition status by persons who had ceased enrollment or graduated while enjoying in-state status, had then abandoned North Carolina domicile, but within 12 months of abandonment had reacquired North Carolina domicile and maintained the reacquired domicile into re-enrollment at an institution of higher education. Subsection (l) provides that such persons need not meet the 12-month durational requirement to reacquire in-state tuition status for the re-enrolled term or any subsequent term while the reacquired domicile is continuously maintained. The benefit of this subsection, however, is available for use only once by any one person.

The 1984 General Assembly enacted a new section, G.S. 116-143.3, to make eligible for the in-state tuition rate any member of the armed services while abiding (living) in this State incident to active military duty. The privilege was made available also to any dependent relative of a member of the armed services upon the condition that the dependent relative share in North Carolina the abode of the service person and that the service person qualify for the benefit. In 1985 the General Assembly revised the tuition benefit for the service member so that the tuition actually charged would be the out-of-state tuition amount reduced to the extent that the out-of-state tuition exceeds an amount derived by a statutory formula that factors in any payments to the enrolling institution by the service member's employer by reason of the enrollment. Also in 1985 the General Assembly added the requirement that to enjoy the in-state tuition benefit, a dependent relative must meet any applicable

requirements of the Selective Service System. Continuing from the 1984 act are these conditions: (1) that neither the service person nor a dependent relative is relieved of meeting pertinent admissions requirements of the enrolling institution; (2) that the benefit of the law is limited to potentially receiving a tuition rate lower than the out-of-state rate and that a person receiving the reduced tuition benefit solely because of G.S. 116-143.3 shall not qualify for or be the basis for conferring the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (l); and (3) that if the service person who supports a dependent relative receiving the benefit of G.S. 116-143.3 leaves his or her North Carolina abode during the academic year, the dependent relative may complete that academic year at the in-state tuition rate.

The full texts of G.S. 116-143.1 and 116-143.3 are set forth in Appendix A.

B. Purpose of Manual.

The purpose of this manual is to articulate rules and regulations and set forth collateral law essential to the effective implementation of G.S. 116-143.1 and 116-143.3 and to provide guidance to each institution and its students in meeting their respective responsibilities under the law as to classification of persons by residence for tuition purposes.

G.S. 116-143.1 and G.S. 116-143.3, in their successive revisions, necessitated the development and revision of this manual to insure faithful and effective implementation of the statutes. The public higher education community, in discharging its responsibilities under G.S. 116-143.1, understands that the precepts of "due process" and "equal protection of the laws" dictate that a rigorous classification inquiry be undertaken to insure as fully as possible that persons who are not legal residents for tuition purposes of North Carolina

appealed by the institution to an institutional appeals agent or body designated by the institution's chief executive officer. Only the institution's chief executive officer or his or her duly appointed agent shall have the authority to enter an institutional appeal. If an initial residence classification is appealed by the institution to the institutional appeals agency and the initial residence classification is confirmed upon that appeal, the initial classification may not be further appealed by the institution to the State Residence Committee. This limitation upon institutional appeals shall not prohibit institutional inquiry to the State Residence Committee for purposes of general advice or other assistance.

G. State Residence Committee.

1. **Composition.** The State Residence Committee shall consist of one individual appointed by the President of The University of North Carolina from the staff of the Office of General Administration of the University; one individual appointed by the President of the Community College System from the staff of the System; six institutional representatives appointed by the President of The University; six institutional representatives appointed by the President of the Community College System; and one member who shall be an attorney from State government and appointed by the two Presidents.

2. **Responsibilities.** The responsibilities of the State Residence Committee shall be:

a. To decide cases appropriately appealed to it from a State institution of higher education;

b. To evaluate the administrative practices and substantive rules associated with implementation of State law relating to residential classification for tuition purposes and to make recommendations,

(3) If one parent is deceased, the minor's domicile is that of the surviving parent.

(4) If the parents are divorced or legally separated, the minor's domicile is that of the parent to whom custody of the minor has been awarded by court order.

(5) If no custody has been granted by virtue of court order, the domicile of the minor is that of the parent with whom he or she lives.

(6) If the minor lives with neither parent, in the absence of a custody award, the domicile of the minor is presumed to remain that of the father, again, subject to rebutting evidence.

(7) If the minor lives for a part of the year with each parent, in the absence of a custody award, the domicile of the minor is presumed, rebuttably, to remain that of the father.

(8) If a minor is an orphan and has no court-appointed guardian of the person, the minor's domicile is that of the person with whom he or she lives; otherwise, the minor's domicile remains at the place where he or she last acquired a domicile through a parent or court-appointed guardian of the person.

(9) If legal adoption of a minor has occurred, the minor's domicile is that of the adoptive parents, subject to the foregoing rules concerning relationships between husband and wife vis-a-vis the domicile of a child.

The foregoing principles pertain to the domicile of a minor by reason of strong common law presumption and should be contrasted to the prima facie evidence rules of G.S. 116-143.1(e), which pertain to all persons

irrespective of age but which are rebuttable. Similarly, the proviso of G.S. 116-143.1(e), which renders the prima facie rules inoperative in specified circumstances, would yield to the common law presumption if in conflict with it.

Under G.S. 116-143.1(j) and (k) two narrowly defined subclasses of minors are conferred special, favorable treatment in the residence/tuition context sometimes at variance with the nine foregoing legal principles.

actual establishment and maintenance of a separate and independent place of residence.

Whether the student claims statutory or common law emancipation, the facts supporting its realization must be presented by the claimant in the process of residency classification.

c. Policy concerning members of the armed forces.

(1) Qualification as a resident for tuition purposes under G.S. 116-143.1. The domicile of a person serving in the armed forces is not necessarily affected by assignment in or reassignment out of North Carolina. Such a person may establish domicile for self and dependents by the usual requirements of residential act plus intent. All the residency evidence is collected and assessed. In the military context this may include the State of Legal Residence Certificate (DD Form 2058), residency information on the Leave and Earnings Statement, and the "home of record." However, the weight to be given the home of record may vary greatly depending upon how recently the home of record was declared and with what branch of service the individual is affiliated. (Some branches do not permit a change in a previously declared home of record.)

(2) Eligibility to be charged less than the out-of-state tuition rate under G.S. 116-143.3. One who does not qualify under this Manual as a resident for tuition purposes may yet be eligible to be charged tuition reduced below the out-of-state rate. By reference to G.S. 116-143.3 and to conditions established pursuant to G.S. 116-143.3 by the respective Boards of the institutions of higher education, the conditions for being a beneficiary are these:

(a) Members of the armed services. If otherwise qualifying under the statute, members of the armed services are eligible to be charged less than the out-of-state rate to the extent that the out-of-state tuition amount is greater than the sum of the following: (1) any amounts payable by the employer of the service member to the enrolling institution or the service member by reason of the enrollment plus (2) the in-state tuition amount less the in-state tuition amount multiplied by the percentage of the out-of-state tuition amount payable by the service member's employer to the institution or the service member. The effect of this formula is to set the tuition to be actually collected for the service member's enrollment at no more than the out-of-state tuition rate nor less than the in-state tuition rate, with the precise tuition payment being set, in part, with reference to the amount of the out-of-state tuition rate payable by the service member's employer. Where the tuition amount due under the formula to be collected is less than the out-of-state rate, the amount by which the out-of-state tuition rate exceeds tuition collections due from the service member and his or her employer is "forgiven" (waived). The total collections due under the statutory formula will, in fact, be less than the out-of-state tuition rate where either (1) funds from the service member's employer are available to pay (or reimburse for) at least some, but not all, the tuition cost or (2) there are no employer funds available for any part of the tuition cost (in which case the service member pays only the in-state tuition amount).

To illustrate, assume that the out-of-state tuition rate for a full-time student is \$1,800 per semester; assume that the in-state tuition rate for a full-time student is \$200 per semester; and assume that the armed service employing the service member has established a program of covering 75%

of enrollment or education costs. The tuition collected for the enrollment would be the out-of-state tuition charge forgiven (or waived) as follows:

DETERMINING THE TUITION DUE

75% of the out-of-state charge (\$1,800)	\$1,350
plus \$200 minus (.75 times \$200)	+ <u>50</u>
THE TUITION DUE	\$1,400

DETERMINING THE WAIVER

Out-of-state tuition charge	\$1,800
minus the tuition due	- <u>1,400</u>
TUITION WAIVED PER SEMESTER	\$ 400

The out-of-state tuition rate, then, would be satisfied through collection of \$1,400 in tuition payment and waiver of the \$400 balance. (As a practical matter, the enrolling institution will likely collect from the service member personally only that part of the \$1,400 not covered by the employer's obligation with respect to the out-of-state tuition rate. In the example the employer would be responsible for \$1,350 so the service member might properly tender payment of \$50 and a military voucher or agreement obligating the service member's employer for 75% of tuition charges, to be paid subsequent to the authorized registration.)

Enjoyment of reduction of the out-of-state amount, as illustrated, is further conditioned as follows:

[1] The beneficiary must be a member of the "armed services" as defined by G.S. 116-143.3(a), that is, a member of the United States Air Force, Army, Coast Guard, Marine Corps, Navy, North Carolina National Guard, or a Reserve component of the foregoing.

[2] The beneficiary must be abiding (living) in North Carolina incident to active military duty. The duty must be performed at or from a duty station in North Carolina.

[3] The beneficiary must qualify for admission to the institution at which the benefit is sought.

(b) Dependent relatives of members of the armed services. If otherwise qualifying under the statute, dependent relatives of members of the armed services are eligible to be charged the in-state tuition rate. The benefit of the in-state rate is conditioned as follows:

[1] The beneficiary must be the dependent relative of a service member who concurrently satisfies the conditions of (a)[1] and [2], above.

[2] The dependent relative must be sharing the service member's abode in North Carolina; provided, that a dependent relative after becoming eligible for the benefit may continue to be eligible for the in-state rate during the remainder of the academic year in which the supporting service member moves his or her abode from North Carolina.

[3] The dependent relative must qualify for admission to the institution at which the benefit is sought.

[4] The dependent relative must have complied with the requirements of the Selective Service System, if applicable. Under federal law all male United States citizens born on or after January 1, 1960, who are 18 but not yet 26 years old must register with the Selective Service System. Further information concerning those required to register and those exempt from registration is set forth at Appendix E.

(c) Definitions. In determining eligibility for the benefits of G.S. 116-143.3, the following definitions shall pertain:

[1] The term "abode" means the place where a person actually lives, whether temporarily or permanently; the term "abide" means to live in a given place.

[2] A service member is deemed to have moved his or her abode from North Carolina when he or she either (1) voluntarily ceases living in North Carolina other than for vacation or leave purposes or (2) involuntarily is absent from the State under military orders; provided that duty on routine maneuvers and exercises and temporary assignments shall not be deemed to cause a change in above.

[3] The term "dependent relative" means any of the following who has military "dependent" status under a sponsoring service member:

- [a] The spouse of the service member,
- [b] A son or daughter of the service member, or a descendant of either,
- [c] A stepson or stepdaughter of the service member,
- [d] A brother, sister, stepbrother, or stepsister of the service member,
- [e] The father or mother of the service member, or an ancestor of either,
- [f] A stepfather or stepmother of the service member,
- [g] A son or daughter of a brother or sister of the service member,
- [h] A brother or sister of the father or mother of the service member, or
- [i] A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the service member.

[4] The term "academic year" means the period of

time commencing with the first day of classes of the fall semester, term, or quarter of an institution of higher education and ending with the last day of the semester, term, or quarter immediately preceding the succeeding fall semester, term, or quarter of that institution.

[5] The term "amounts payable to the institution or the service member from the service member's employer by reason of enrollment" means amounts from a federal or state government in whose employ the service member is present in North Carolina and which amounts are available only as military education assistance to satisfy, or reimburse for, tuition charges by the enrolling institution with respect to the service member.

(d) Procedural conditions.

[1] Eligibility to be charged less than the out-of-state tuition rate under G.S. 116-143.3 must be established through submission to the pertinent institution of an application similar to that set forth in Appendix D.

[2] The required application for a reduced tuition rate must be submitted in proper order before the first day of classes of the first enrolled term of each academic year for which the benefit of G.S. 116-143.3 is sought. This means that the benefit once awarded does not self-renew for subsequent academic years but must be reacquired prior to the first enrolled term of subsequent academic years. Failure to make proper application prior to the commencement of the first enrolled term of a given academic year means that the enrolled term next following the submission of a proper application is the earliest term to which the benefit may apply.

[3] Appeals from determinations of eligibility for a reduced tuition rate under G.S. 116-143.3 may be taken as prescribed in paragraph III.F., above, with respect to residence status classifications under G.S. 116-143.1.

[4] Receipt of the benefit of a reduced tuition rate under G.S. 116-143.3 alone may not provide the basis for receiving or conferring on another the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (l).

d. Policy concerning federal personnel. The domicile of a person employed by the Federal Government is not necessarily affected by assignment in or reassignment out of North Carolina. Such a person may establish domicile for self and dependents by the usual requirements of residential act plus intent.

e. Policy concerning aliens. Aliens whether classified as "immigrant" or "nonimmigrant" are subject to the same considerations as citizens in the determination of residency status for tuition purposes unless either of the following pertains:

(1) The alien abides in the United States under a visa conditioned at least in part upon intent not to abandon a foreign domicile. B, F, H, and J visas are so conditioned. (The F visa is for students; the J visa is issued to students, researchers, and professors as well as others participating in programs of the Secretary of State.)

(2) The alien abides in the United States under a visa issued for a purpose so restricted as to be fundamentally incompatible with the assertion by the alien of bona fide resident intent. C, D, and M visas are deemed under this manual to be so restricted. (The C visa is issued to an alien for purposes of transit into and out of the United States; the D visa is issued to alien crewmen of vessels or aircraft for purposes incident to crew service; the M visa is issued for the period of time needed to complete a course of study.)

An alien is deemed to abide in the United States under a visa identified or described in subsection (1) or (2), above, even if it has been physically surrendered to Immigration authorities, until the alien is issued by Immigration authorities a document described in the next paragraph.

Documentation of absence of the visa restrictions identified above may include the following:

- (1) possession of an A, E, G, I, K, or L visa or an immigrant visa;
- (2) possession of Form I-151 or Form I-551 (both entitled Alien Registration Receipt Card);
- (3) possession of Form I-181b (Memorandum of Creation of Record of Lawful Permanent Residence);
- (4) possession of Form I-94 (Arrival-Departure Record) endorsed to show parole status or refugee status;

116-143.3. Tuition of personnel in the armed services. --

(a) For purposes of this section the term "armed services" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing. The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.

(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate, provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate.

(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the North Carolina Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission at an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall

continue to be eligible for the in-State tuition rate during the remainder of that academic year.

(d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.

(e) A person charged less than the out-of-State tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (l).

17. Why and when did you move your home to North Carolina? (reason) _____ (date) _____
18. When and from what state or foreign country did you move your home and legal residence to North Carolina? Moved from _____ on (date) _____
19. When do you claim that you began your legal residence (domicile) in North Carolina? (date) _____
20. Your marital status: single _____ married _____ (date) _____
 divorced _____ (date) _____ separated _____ (date) _____
 legal separation _____ (date) _____ widowed _____ (date) _____
 marriage annulled _____ (date) _____
21. If married, your spouse's name _____
 Occupation _____ Employer _____
 Permanent home address _____
 since (date) _____ Last previous permanent home address outside N.C. _____
 from (date) _____ to (date) _____
 Present legal residence (domicile) is (State) _____
 since (date) _____

22. List in chronological order to date of this application all places you have spent at least 7 consecutive days during the past three years, including vacations and places lived:

	Place	Dates (from)	(to)	Purpose
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

If married, list in chronological order to date of this application all places your spouse has spent at least 7 consecutive days during the past three years, including vacations and places lived:

	Place	Dates (from)	(to)	Purpose
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

23. Who (including yourself) last claimed you as an exemption on State and/or Federal income tax returns, for what tax year, and in what state filed?

- a) On State return for _____ tax year, filed in (State) _____
 Name _____ Relationship to you _____
- b) On Federal return for _____ tax year, filed in (State) _____
 Name _____ Relationship to you _____
- c) Is it the present intention of anyone (including yourself) to claim you as a dependent on State and/or Federal income tax returns for the current tax year? (Yes) _____ (No) _____ If so, who? _____
 Relationship to you _____ With respect to tax returns to be filed in what state(s)? _____

24. Name each state or foreign country (1) where you did any of the following within the last 24 months or (2) if not done in the last 24 months, where such acts were last done. (Provide month, day, and year of each such act; if never done, write "never.")

Legal residence most recently claimed on DD Form 2058 (State of
Legal Residence Certificate) _____

Date DD Form 2058 was completed _____

Address upon discharge _____

Place to which mileage paid upon discharge _____

- b) Places (states or foreign country) and dates where each of the following acts (1) was performed by each such person within the last 24 months or (2) if not done in the last 24 months, where such person last did each act. (If never done, write "never.")

(State or foreign country) (Month/Day/Year)

Voted _____

Registered to vote _____

Served on jury duty _____

Acquired driver's license _____

Filed State income tax return _____

(If this was an N.C. return, did the taxpayer show on the return that he/she was a NONresident of N.C. for any period of the tax year? ___ yes ___ no. If yes, what period? _____)

(If this was not an N.C. return, did the taxpayer show on this return that he/she was a RESIDENT of N.C. for any period of the tax year? ___ yes ___ no. If yes, what period? _____)

(State or foreign country) (Month/Day/Year)

Filed state intangible tax return _____

Listed personal property for taxation _____

Acquired ownership of property for use as principal dwelling _____

Inclusive dates of such property ownership from (date) _____ to (date) _____

Registered / licensed motor vehicle(s) _____

Claimed you as an exemption on _____

State income tax return _____

Federal income tax return _____

32. If you are an alien, answer and complete the following appropriately:

a) I possess a valid, current visa (Yes) _____ (No) _____
My visa has the designation of _____ (A, B, C, D, E, F, G, H, I, J, K, L, or M plus a number). (Note. B, C, D, F, H, J, and M visas reflect a presence in the United States not sufficient to support a bona fide claim to North Carolina legal residence.) My visa was issued as of _____ (date).

b) I possess a valid, current Form I-151 or I-551 (Alien Registration Receipt Card). (Yes) _____ (No) _____. Its Registration Number is _____; it reflects my entry into the United States as an immigrant on _____ (date).

c) I possess a valid, current Form I-181b (Memorandum of Creation of Record of Lawful Permanent Residence). (Yes) _____ (No) _____. It reflects my entry into the United States as an immigrant on _____ (date).

- d) Immediately before I received my Form I-151 (or Form I-551 or Form I-181b) I possessed a valid current visa. (Yes) _____ (No) _____. This was an immigrant visa. (Yes) _____ (No) _____. This was a visa with letter designation of _____. My visa was issued as of _____ (date).
- e) I possess a valid, current Form I-94 (Arrival-Departure Record) Parole Edition. (Yes) _____ (No) _____. The parole date on the form is _____.
- f) I possess a document issued by Immigration authorities (letter, form, certificate, etc.) that shows that I will later be issued one or more of the documents described above. (Yes) _____ (No) _____. Its effective date is _____. Identify _____. (Attach a copy if permitted by Immigration law. If not, be prepared to display the document for inspection upon request.)
- g) I possess a document issued by Immigration authorities not identified above that supports my claim to resident tuition status. (Yes) _____ (No) _____. Its effective date is _____. Identify _____. (Attach a copy if permitted by Immigration law. If not, be prepared to display the document for inspection upon request.)
33. Describe any other circumstances, events, or acts, specifying their place and date, that you feel support your claim to North Carolina residence for tuition purposes.

APPENDIX C

Notice to Student

Your current residency classification, for purposes of applicable tuition rates, is required to be changed if, since original establishment of your current classification, your state of legal residence has changed.

(1) If you currently are classified as a nonresident for tuition purposes, it is your right to petition for a change in classification to that of resident if you claim that you are now and, for at least the twelve-month period immediately preceding the date of such petition, have been a legal resident of the State of North Carolina. If it is determined that in fact you have been a legal resident for the required twelve-month period, the effective date of change in applicable tuition rates shall be the beginning of the academic term next following the date of application for tuition change, provided, that a change in billing rate may be made retroactive to the beginning of an academic term during which application was made if the twelve-month period is found to have been satisfied as of the beginning of that term.

(2) If you currently are classified as a resident for tuition purposes, it is your obligation to petition for a change in classification to that of a nonresident if you have reasonable basis for believing that change in facts requires such a change in classification. Failure to fulfill this obligation may result in appropriate disciplinary action including, but not necessarily limited to, cancellation of enrollment. If it is determined that in fact you have become a nonresident, the effective date of change in applicable tuition rates shall be the next semester, quarter, or term following the date of change in facts which required the change in classification, unless you are deemed eligible to further enjoy the in-state tuition rate under the statutory twelve-month grace period.

If you claim eligibility, as a member of the armed forces or a dependent relative of such a member, to be charged a tuition rate less than the out-of-state rate under G.S. 116-143.3, you must submit the appropriate application prior to the first day of classes of the first term of enrollment in each academic year for which you claim the tuition benefit.

Copies of the applicable North Carolina law and Institutional regulations which govern these determinations are available in the _____

_____ for inspection upon request. You are responsible for being familiar with the contents of these two sources of regulation.

APPENDIX D

Application for the Benefit of a Reduced Tuition Rate as a Member of the Armed Services or Dependent Relative Thereof at _____ (Institution)

Under North Carolina General Statutes Section (G.S.) 116-143.3 certain members of the armed services and their dependent relatives may be eligible to be charged a tuition rate less than the out-of-state rate whether or not they qualify as residents for tuition purposes under G.S. 116-143.1. The pertinent law and implementing regulations are available for inspection in the

and may be examined upon request. Included among the requirements are that the member of the armed services and a relative claiming the benefit through a member be living together in North Carolina incident to the supporting member's active military duty and that the applicant for the benefit qualify for academic admission at the pertinent institution.

This application, in proper order, must be submitted prior to the first day of classes of the first term of enrollment in each academic year for which the reduced tuition benefit is claimed.

DIRECTIONS

- 1. Respond to all questions within the part of the form that you are to complete. If any question is not applicable to your situation, write "Not Applicable" or "N/A."
2. Print or type all responses. If necessary, write "see attached" in the space provided, and use separate additional sheets, numbering your responses the same as the corresponding question and stapling or taping these sheets to this application form.
3. Be completely accurate to the best of your knowledge and understanding. Knowing falsification of your responses may subject you to disciplinary action including dismissal from the institution. When "date" is requested, give day, month, and year.
4. Sign and date this application where indicated to make those acknowledgments and certifications necessary to render this a viable application.
5. Attach the required affidavit(s). (See Part I, items 10 and 11, or Part II, item 11, as appropriate.)

PART I. FOR APPLICANTS WHO ARE THEMSELVES SERVICE MEMBERS. (If you are not a member of the Armed Services, skip to Part II.)

- 1. Applicant's full name _____, rank _____, serial number _____.
2. Social security number (voluntary) _____.
3. Date of birth _____.
4. Check that one of the following armed services in which you are currently serving on active military duty:
U. S. Air Force _____ U. S. Marine Corps _____
U. S. Army _____ N. C. National Guard _____
U. S. Coast Guard _____ U. S. Navy _____
Is this a Reserve Component of the indicated service? Yes ___ No ___.

5. What is your permanent duty station? _____
6. What is the street address or building location at which you are currently living? _____
7. Have you been academically admitted to this institution? Yes ___ No ___.
8. Beginning with what academic term are you seeking the tuition benefit? _____
9. Do the orders by which you were assigned to active military duty in North Carolina establish a date on which that duty will cease? Yes ___ No ___.
If "Yes," what is that date? _____
10. Attach an affidavit from the appropriate military authority attesting to your duty status and location.
11. Attach an affidavit from the appropriate military authority identifying any amounts payable to this institution, or to you, from federal or state government that are military education assistance to pay tuition. This affidavit may express these amounts either as a percentage of eligible costs to be covered or as a dollar amount paid or to be paid, depending on how the authorizing regulation is worded.

PART II. FOR APPLICANTS WHO CLAIM THE TUITION BENEFIT AS DEPENDENT RELATIVES OF SERVICE MEMBERS.

1. Applicant's full name _____
2. Social Security number (voluntary) _____
3. Date of birth _____
4. What is the street address or building location at which you are currently living? _____
5. Have you been academically admitted to this institution? Yes ___ No ___.
6. Beginning with what academic term are you seeking the tuition benefit? _____
7. For the service member through whom you claim the tuition benefit, provide the following:
 - a. Full name _____
 - b. Rank _____
 - c. Serial Number _____
 - d. Date of birth _____
 - e. Branch of armed service (check one):

U. S. Air Force _____	U. S. Marine Corps _____
U. S. Army _____	N. C. National Guard _____
U. S. Coast Guard _____	U. S. Navy _____

 Is this a Reserve Component of the indicated service? Yes ___ No ___.
 - f. Permanent duty station _____
 - g. Street address or building location at which the service member currently lives _____
8. Do the orders by which the service member was assigned to active military duty in North Carolina establish a date on which that duty will cease? Yes ___ No ___ . If "yes," what is that date? _____
9. Is the service member through whom you claim the tuition benefit in receipt of orders for permanent assignment outside of North Carolina? Yes ___ No _____. If "Yes," what is the beginning date of that assignment? _____
10. What is your relationship to the service member through whom you claim the tuition benefit? _____
11. Attach an affidavit from the appropriate military authority attesting to your military dependency status and the duty status and location of the service member whose dependent you are (your sponsor).

12. Are you currently registered with the Selective Service System? Yes _____

No _____.

If "No," state why you are not so registered. (Note. All male citizens born on or after January 1, 1960, who are 18 but not yet 26 years old must register with the Selective Service System.) _____

- I hereby acknowledge that completion of Item 2 of Part I or II (Social Security number) is voluntary, is requested by the Institution solely for administrative convenience and record-keeping accuracy, and is requested only to provide a personal identifier for the internal records of this institution.
- I hereby certify that all information I have set forth herein is true to the best of my knowledge, pursuant to my reasonable inquiry where needed.
- I hereby acknowledge that the institution may verify the information set forth herein from sources accessible under law to the institution but that the institution may divulge the contents of this application only as permitted under the Family Educational Rights and Privacy Act of 1974 if I am, or have been, in attendance at this institution.

Applicant's signature

Date

Signature of parent or guardian (if applicant is under 18 years of age)

Date