

# *Residency Status Policy*

## **Policy Information**

---

**Policy Owner:** EVP/VPAA

**Approved by:** [Official Title of Approval Authority]

**Date Approved:** 05/20/2021

**Effective Date:** 07/24/2021

**Date Amended (most recent):** 05/20/2021

**Targeted Review Date:** 07/24/2026

**Contact:** jparrott@uillinois.edu

## **Purpose**

---

The purpose of this policy is to provide guidance regarding the determination of residency status of a person for admission and tuition purposes.

## **Scope**

---

Persons applying for admission and for determination of residency status for tuition purposes.

## **Background**

---

The University of Illinois System serves the people of Illinois through a shared commitment to excellence in teaching, research, public service, economic development and healthcare, and is assisted by funding derived from state of Illinois tax revenue. As a state tax-assisted institution, the U of I System through its three universities (Urbana-Champaign, Chicago and Springfield), with some exceptions, extends preference in admission and tuition to residents of the state of Illinois—that is, to persons whose circumstances conform to the system’s definition of resident status stated below.

In general, except as otherwise provided in this policy, a person must be domiciled in Illinois for at least 12 consecutive months immediately preceding the first day of classes for the term for which residency is sought to be classified as a resident by the U of I System. Domicile is the place where an individual has established their true, fixed, and permanent home for reasons other than educational objectives. It is the place an individual has an intent to remain indefinitely and to return when not called elsewhere for labor, studies, or other special or temporary purposes. A person has but one domicile at any time. Mere physical presence in Illinois, regardless of how prolonged, is insufficient to establish residency without existence of action and intention to make the place a permanent residence and principal home.

The person seeking in-state residency status has the burden of establishing that they satisfy the requirements and standards set forth in this policy. The rules, factors, and procedures enumerated in this policy will be considered by the U of I System in determining residency status. The system’s definition of residency may be different from the definitions developed by other universities and agencies. Thus, the fact that a person pays taxes and votes in Illinois does not in itself establish

residence in Illinois under this policy, but will be considered as set forth in this policy. The system's determination of resident status applies both to admission and payment of tuition to its three universities.

This policy is subject to change from time to time at the discretion of the U of I System. Persons holding nonresident status are subject to rules in effect when their petitions seeking Illinois residency are filed. Nothing in these rules shall be applied retroactively to reverse in-state residency status previously granted under former rules or regulations.

### **Statement of Policy**

---

The following rules are used to determine the resident classification of a person for admission and tuition purposes. A person is eligible to be classified as a resident if they meet the requirements of a resident under any of the following categories.

A. Dependent Students. A dependent person's domicile is presumed to be that of their parent(s) or legal guardian<sup>1</sup> who has actual legal custody of such person or administers the property of such person, unless the person is independent, as defined below, and establishes a separate domicile. In the case of a divorce or legal separation, if either parent meets the residency requirements, such person will be considered a resident.

Unless otherwise stated in these rules, a dependent person will be classified as a resident if their parent or legal guardian has been domiciled in Illinois for at least 12 consecutive months immediately preceding the first day of classes for the term for which residency is sought. Except as otherwise set forth in these rules, the domicile of a parent or legal guardian will be determined based on the factors for determining residency set forth below.

A dependent student may be classified as a resident without meeting the 12-month residency requirement within Illinois if their parent or legal guardian resides in Illinois and the parent or legal guardian relocated to Illinois for full-time, permanent, self-sustaining employment prior to the start of the first day of classes for the term for which residency is sought. Illinois taxes must be withheld on any compensation for such employment. To retain residency status under this paragraph, the parent or legal guardian must continue to reside in Illinois and be employed with Illinois taxes withheld until the 12-month residency requirement is met. If the parent or legal guardian no longer resides in Illinois or is no longer employed with Illinois taxes withheld prior to the 12-month residency requirement, the dependent student shall be classified as a nonresident effective the next term after the change that resulted in loss of residency status under this paragraph. For the dependent student to be classified as a resident under this paragraph, the dependent student must submit a Petition for Determination of Residency Status, which must include proof of continued residency in Illinois and continued employment with Illinois taxes withheld, each term until the 12-month residency requirement is met.

B. Independent Students. To establish independence, a person must show that they have gainful,

---

<sup>1</sup> Under Illinois law, there is a presumption that those who have reached 18 years of age are no longer minors and no longer have legal guardians. Thus, unless a student has legal documentation stating otherwise, the University will presume that those 18 years of age and older have reached the age of majority and do not have legal guardians for the purposes of obtaining in-state residency tuition.

permanent employment or other financial resources for more than fifty percent of the income sufficient to provide for tuition, fees, and normal living expenses, *e.g.*, food, clothing, housing, and transportation. Financial resources and income earned as a result of university enrollment, such as educational loans, graduate assistantships, or student employment, are not considered evidence of independence or residency. A person who is dependent upon their parent(s) or other person in authority, other than a spouse, for financial support shall not be considered independent for the purpose of these rules.

Unless otherwise stated in these rules, an independent person will be classified as a resident if they are independent and domiciled in Illinois for at least 12 consecutive months immediately preceding the first day of classes for the term for which residency is sought. Physical presence in Illinois for the predominant purpose of attending any institution of higher education will not be counted in determining the 12-month period of residence; nor shall absence from Illinois for the predominant purpose of attending any institution of higher education deprive a person of resident status. For purposes of the 12-month period, the person has the predominant purpose of attending any institution of higher education if the person is enrolled at any institution of higher education more than half-time. Except as otherwise set forth in these rules, the domicile of an independent student will be determined based on the factors for determining residency set forth below.

C. Married Students. Unless otherwise stated in these rules, a person will be classified as a resident if their spouse has been domiciled in Illinois for at least 12 consecutive months immediately preceding the first day of classes for the term for which residency is sought. The student must be married prior to the first day of the term in which Illinois residency is sought and meet any other applicable deadlines under this policy. Except as otherwise set forth in these rules, the domicile of a spouse will be determined based on the factors for determining residency set forth below.

A married student may be classified as a resident without meeting the 12-month residency requirement within Illinois if their spouse resides in Illinois and the spouse relocated to Illinois for full-time, permanent, self-sustaining employment prior to the start of the first day of classes for the term for which residency is sought. Illinois taxes must be withheld on any compensation for such employment. To retain residency status under this paragraph, the spouse must continue to reside in Illinois and be employed with Illinois taxes withheld until the 12-month residence requirement is met. If the spouse no longer resides in Illinois or is no longer employed with Illinois taxes withheld prior to the 12-month residence requirement, the married student shall be classified as a nonresident effective the next term after the change that resulted in loss of residency status under this paragraph. For the married student to be classified as a resident under this paragraph, the student must submit a Petition for Determination of Residency Status, which must include proof of continued employment with Illinois taxes withheld, each term until the 12-month residence requirement is met.

D. Non-U.S. Citizens. A person who is not a citizen of the United States may establish resident status as provided in these rules, unless the person holds a visa which precludes an intent to permanently reside in the United States. Except as provided in Section E of the rules, noncitizens may commence establishment of residency with notification of permanent residency status by the United States Citizenship and Immigration Services, as evidenced by receipt of the Permanent

Resident Alien card (green card) or approved I-797 Notice of Action, provided the person meets and complies with all the applicable requirements of these rules.

E. Attendance at Illinois High School. A person (U.S. citizens and noncitizens) will be considered a resident if the person meets all the following criteria:

1. attended high school in Illinois for at least three years as of the date the individual graduated from high school or received the equivalent of a high school diploma;
2. graduated from an Illinois high school or received the equivalent of a diploma in Illinois;
3. resided with parents or guardians while attending an Illinois high school;
4. if not a United States citizen or permanent resident of the United States, the person provides an affidavit stating the applicant will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and
5. if the above criteria are all met, but the person subsequently establishes a residence in another state before enrolling at one of the universities, the person is not eligible for residency under this rule.

For more information about the requirements for residency under this paragraph, please refer to 110 ILCS 305/7e-5. Affidavit forms are available from campus Admissions offices or on this website. Submission of this affidavit form is subject to the same deadlines as for the Petition for Determination of Residency Status.

F. Previous Parental/Legal Guardian Residency with Job Transfer. The minor child of a parent or legal guardian who has been transferred by an employer to a location outside the United States will be considered a resident, as long as the transferred parent or legal guardian resided in Illinois for at least twelve months immediately prior to such a transfer and the minor child enrolls in a state-supported Illinois college or university within five years from the time their parent or legal guardian was transferred to a location outside the United States. For purposes of these rules, “Illinois college or university” means “the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Northeastern Illinois University, Illinois State University, Northern Illinois University, and Western Illinois University.”

G. Military Service. A person who is on active military duty and stationed in Illinois will be deemed a resident as long as the person remains stationed in Illinois. This status shall be extended to the person’s spouse and dependent children. The U of I System may verify residency status under this rule for each term and require supporting information and documentation. Subject to the paragraph below, a person who is no longer on active military duty or stationed in Illinois shall be classified as a nonresident effective the next term after the change that resulted in loss of residency status under this rule.

If a person is on active military duty and is stationed outside of Illinois, but they were stationed in Illinois for at least 3 years immediately prior to being reassigned outside of Illinois, then the person, their spouse or dependents will be deemed a resident as long as that person, their spouse or dependent (i) applies for admission to the U of I System’s universities within 18 months of the person on active military duty being reassigned or (ii) remains continuously enrolled.

If a person is utilizing benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 or any subsequent variation of that Act, then that person will be deemed a resident for that semester. The system may verify residency status under this rule for each term and require supporting information and documentation.

H. Staff Members. Staff members of the U of I System, its universities, and of allied agencies, and faculties of state-assisted Illinois universities (as defined in Section F above), holding an appointment of at least one-quarter time, and their spouses and dependent children, shall be treated as residents. The term “staff member” as used in these rules means a person appointed to a faculty, academic professional, or permanent civil service position for a specific amount of time at a salary or wage commensurate with the percentage of time required. The appointment shall require service for not less than three-fourths of the term. For purposes of residency, the term "staff member" shall not apply to persons employed on an hourly basis in an academic capacity, nor to persons on leave without pay; nor to residents at the University of Illinois Hospital & Health Sciences System. The U of I System may verify residency status under this paragraph for each term and require supporting information and documentation. A person who no longer meets the requirements for residency under this paragraph shall be classified as a nonresident effective the next term after the change that resulted in loss of residency status under this paragraph.

I. Nonresident Teachers. Nonresident teachers in the private and public elementary and secondary schools in Illinois holding an appointment of at least one-quarter time shall be assessed at the resident rate if required to pay tuition, except this rule shall not apply if the nonresident teacher exclusively teaches online courses. This privilege also extends to the summer session immediately following the term of appointment. Any nonresident teacher who qualifies for resident tuition as described above shall become subject to nonresident tuition for the entire term if the school appointment is vacated prior to completion of three-fourths of the term in question. Resignation or cancellation of the appointment prior to the close of the spring term also cancels the eligibility for the resident tuition privilege in the following summer term.

## **Factors in Determining Residency**

---

The following circumstances, although not exhaustive, have probative value in support of a claim for resident classification, including the establishment of domicile and whether presence in Illinois is for reasons other than educational objectives. The existence of one or more of these factors will not require a finding of resident status, nor shall the non-existence of one or more require a finding of nonresident status. All applicable factors will be considered in combination and the residency determination will be based on consideration of all pertinent circumstances. Resident status will not result from acts which are required or routinely done by persons in the state temporarily or which are merely auxiliary to the fulfillment of educational objectives.

A. Continuous physical presence in Illinois for other than educational purposes.

B. If the person is present in another state or country, proof of continued Illinois domicile, including evidence that the person has not acquired a domicile in another state, has maintained a

continuous voting record in Illinois, and has filed regular Illinois resident state income tax returns during absence from the state.

B. Domicile in Illinois of a spouse or a parent(s) or guardian legally responsible for the person.

C. Voting or registration for voting in Illinois.

D. Illinois driver's license or identification card and automobile registration.

E. Payment and filing of Illinois income/property taxes and/or ownership of property in Illinois during the tax year or partial tax year immediately preceding the term for which the person is requesting resident classification. The filing of an Illinois state income tax form, or filing a form without substantial Illinois income earned, will not be judged as a significant criterion for residency classification.

F. Permanent or long-term gainful employment in Illinois for more than fifty percent of the income sufficient to provide for tuition, fees, and normal living expenses, *e.g.*, food, clothing, housing, and transportation. Reliance upon income earned from loans is not viewed as evidence of intent to establish residency. Employment in Illinois must be in other than graduate assistantships or student employment.

G. Establishment of a household in Illinois, including the lease of living quarters, mortgage, property deed, property title, and payment of utility bills in Illinois.

H. Admission to a licensed profession in Illinois.

I. Long-term military commitments in Illinois and/or proof that Illinois is the home of record.

J. Establishment of financial accounts at Illinois institutions.

K. Public records, for example, birth and marriage records.

L. Other official documents verifying legal, official connection with Illinois or with organizations or institutions within the state of Illinois.

M. Exclusive use of the Illinois address when home or mailing address is requested.

N. The student's future plans including committed place of future employment.

O. All present and intended future connections in Illinois and outside Illinois.

P. Severance of out-of-state ties, such as the sale of an out-of-state house.

## Procedures

---

The Director of Admissions and Records [or Director with responsibility for admissions operations], or a designee, (Responsible Official), shall determine the initial residence classification of each person at the time the person enters or re-enters the U of I System.

Each university within the University of Illinois System may implement its own procedures and practices, and are permitted to make exceptions based on local factors, so long as they are generally in line with the system-wide policy. One university's residency determination shall not be binding on another university within the University of Illinois System.

A person who is not satisfied with a determination concerning their residency classification may request that the Responsible Official reconsider the determination. For the purposes of assessment of tuition, the written initial request must be received by the Office of Admissions or Office of the Registrar by September 1 for the fall term, February 1 for the spring term, and June 1 for the summer term.

The request should include the Petition for Determination of Residency Status and all other materials which are applicable to the claim. The request and accompanying documentation will not be returned, and the person is advised to maintain a copy for their record.

If the person is still not satisfied with the determination after it has been reconsidered, the person may appeal the decision to the Director, University Academic Programs and Services. The appeal shall be in writing and shall include reasons for the appeal. The appeal must be received by the Director of Admissions or Office of the Registrar within twenty calendar days of the notice of the ruling. The appeal will then be referred to Director, University Academic Programs and Services who will convene a committee to review the appeal. A person who fails to file such an appeal within twenty calendar days of the notice of the ruling waives all claims to reconsideration for that academic session. Filing deadlines cannot be extended or waived and applications and appeals untimely filed will not be reviewed. The decision of the Director, University Academic Programs and Services shall be final in all cases.

A person may be reclassified at any time by the U of I System upon the basis of additional or changed information. If the person is classified in error as a resident student, nonresident tuition shall be assessed in the next term; if the person is classified in error as a nonresident, resident tuition shall be assessed in the term in which the classification occurs, provided the person has filed a written request for a review in accordance with these regulations.

A person who provides false information or conceals information for the purpose of achieving resident status and/or who fails to notify their university of a change of circumstances which might affect classification or reclassification from resident to nonresident status may be subject to appropriate disciplinary action, as well as other penalties which may be prescribed by law. Further information or clarification may be secured by contacting the Office of Admissions or

Office of the Registrar at the university concerned:

Office of the Registrar  
University of Illinois at Urbana-Champaign  
901 West Illinois Street, Suite 140 (MC-063)  
Urbana, IL 61801-3028  
[Contact by Email](#)

University of Illinois at Chicago  
Office of the Registrar  
University of Illinois at Chicago  
1200 West Harrison Street, Suite 1200 (MC-018)  
Chicago, IL 60607  
[Contact by Email](#)

University of Illinois at Springfield  
Office of Admissions  
University of Illinois at Springfield  
One University Plaza, MS UHB 1080  
Springfield, IL 62703-5407  
[Contact by Email](#)

## **Forms, Tools and Additional Resources**

---

Links to forms, petitions, web sites etc

## **Website Address for this Policy**

---

[Potentially [www.policies.uillinois.edu](http://www.policies.uillinois.edu)]