Residency for Tuition Purposes

Regulations For Determination of Residency for Tuition Purposes

Residency requirements are subject to change by the Board of Regents and/or the Nebraska State Legislature.

Preamble

Pursuant to Article VII, Section 10 of the Constitution of the State of Nebraska, and Neb. Rev. Stat., 85-501 and 85-502 (1980 Supp.), the university has been authorized to develop regulations and make determinations regarding Nebraska residency for tuition purposes. These regulations provide the basis upon which university staff shall determine, on a uniform intercampus basis, whether an individual qualifies as a Nebraska resident for tuition purposes.

It should be emphasized the statutes provide a set of minimum standards which will govern a determination of resident status for tuition purposes only. In some instances, it will be possible an individual may qualify as a “resident” of Nebraska for one purpose (such as securing a Nebraska driver’s license) and still not meet the standards established by the Board of Regents for resident tuition status. Individuals seeking a Nebraska residency determination for tuition purposes should, therefore, carefully study all aspects of the law and these regulations before seeking resident tuition status.

Who Should Apply for Residence?

All applicants for admission to the University of Nebraska should be aware recent arrivals to the state may be classified as residents for most intents and purposes and still be non-residents for tuition purposes under University of Nebraska Board of Regents residency policy (revised 1994). Therefore, when first applying for admission, all students who did not graduate from a Nebraska high school or who have not lived in Nebraska for a period of time long enough to determine resident status may be considered non-residents until evidence is shown of having completed all requirements for resident tuition.

A change in resident status for tuition purposes is not granted automatically. Students who have been classified as non-residents must submit a Application for Residence Classification and all applicable support documentation before resident status can be determined. A student applying for residence for any semester or term beginning with the Fall Semester 1995-1996 will be required to have established a home in Nebraska at least 12 months since their most recent Nebraska residency start date prior to the term or semester for which resident status is sought. Any individual who has moved to Nebraska primarily to enroll in a post-secondary institution in Nebraska will be considered a non-resident for tuition purposes for the duration of his/her attendance.

The university reserves the right to question and/or request a residency application and supporting documentation from any individual who wishes to be considered for resident tuition status.

How and When Do You Apply for Residence?

Students who have been classified as non-residents but believe they qualify for resident status should review the various categories outlined in the section Residence Tuition Categories. After determining the appropriate category, each applicant should: (1) complete and submit an Application for Residence Classification, (2) provide photocopies of appropriate support documentation, and (3) apply within the published time period. (Note: Merely changing residence information on any other university form will not change your resident status.)

Applications for residence for a specific semester or summer session can be submitted to the Office of Admissions prior to the first day of classes for that period of enrollment. The last day to qualify for residency for a specific term is the last day of the registration “add period.” The last day to apply for residency (including the submitting of all supporting documentation) is the end of the third week of classes for the semester for which the tuition was charged. For summer sessions, the application deadline is the end of the first week of classes.

All students must register and enroll in classes for the term in which residency in sought. Failure to register for the term for which residency is sought will result in the cancellation of the residency application.

Applications determined to be incomplete after the last day to apply will be voided. To apply for a subsequent semester or term, one must submit a new application and provide appropriate updated support documentation.

What Regulations Determine Residence?

Students’ rights to become residents for tuition purposes at the University of Nebraska are determined according to provisions of the Nebraska Revised Statutes (reissued 1987). In accordance with these statutes, the university has been authorized to develop regulations and to make decisions regarding Nebraska residence for tuition purposes. These regulations provide the basis upon which the Director of Admissions or the Director’s designee determines whether students qualify as Nebraska residents for tuition purposes.

Individuals seeking residence for tuition purposes need to attest to the accuracy of their statements and will be required to have their applications signed before a notary public. If it is subsequently determined that the information on an application has been falsified, the applicant may be subject to disciplinary action by the university before the individual will be permitted to continue to enroll at the university. Such disciplinary action will be determined on an individual basis, and may include measures such as disciplinary probation or suspension, expulsion from the university, or reimbursement to the university for the difference between the tuition paid and the non-resident tuition rate.

Appeals

Individuals who believe they have incorrectly been denied residence for tuition purposes may appeal the decision through the Residency Committee.

Definition of Terms

For the purpose of these regulations, the following definitions shall apply:

Resident Fees: The resident tuition rate as set by the Board of Regents and applicable to the academic program in which an individual intends to enroll.

Non-resident Fees: The non-resident tuition rate as set by the Board of Regents and applicable to the academic program in which an individual intends to enroll.

Legal Age: The age of majority (19 and older) set by Nebraska statute.

Emancipated Minor: An individual who by virtue of marriage, financial status or for other reasons has become independent of his or her parent(s) or guardian(s).

Established Home: The place of abode in Nebraska an individual continuously maintains a primary place of residence and where he/she is habitually present.
Legal Residence: The place of domicile or permanent abode as distinguished from temporary residence.

Dependent (qualifying child): A person who is claimed as a dependent for federal income tax purposes by a parent, guardian or spouse.

Residence Tuition Categories
For further reference within this document, all residency categories require the student, spouse and/or parent/guardian be either a U.S. citizen or a person who has been granted permanent resident, asylee or refugee status by the Immigration and Naturalization Service.

A. Legal Age or Emancipated Minor: A person of legal age (19 or older) or an emancipated minor who, for a period of 12 months, has established a home in Nebraska where he or she is habitually present, and shall verify by documentary proof that he or she intends to make Nebraska his or her permanent residence. An emancipated minor is a person who by virtue of marriage, financial status or other reasons, has become independent of his or her parents or guardians. **Note:** An individual who moves to Nebraska primarily to enroll in a post-secondary institution in Nebraska will be considered a non-resident for tuition purposes for the duration of his or her attendance. Additionally, an individual claiming Nebraska resident status under this category will not be granted such a determination if he or she has claimed resident status in any other state within the past 12 months. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent.

B. Dependent Minor: A minor (less than 19 years of age) whose parent/guardian has established a home in Nebraska where they are habitually present with the bona fide intention of making Nebraska their permanent place of residence. There is no minimum period of residence for the parent/guardian under this category. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent and a signed copy of parent’s/guardian’s most recent federal income tax return as proof the applicant is a dependent.

C. Legal Age Dependent: A person of legal age (19 - 24) who is a (qualifying child) dependent for federal income tax purposes of a parent/legal guardian who has established a home in Nebraska. There is no minimum period of residence for the parent/guardian under this category. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent and proof that the applicant is a dependent.

D. Married to a Nebraska Resident: A person shall be required to verify he/she is married to an individual who, prior to the marriage, had already established a home in Nebraska. The spouse must also meet all standard qualifications for residency for tuition purposes. There is no minimum period of residence for the applicant under this category. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent; provide a copy of your valid marriage license.

E. Asylee, Refugee or Permanent Resident Alien: An individual who has become a permanent resident alien of the United States of America, has been granted asylee or refugee status, or has applied for such status and has established a home in Nebraska for a period of at least 12 months. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent. Asylees or refugees must provide a photocopy of Form I-94 or other appropriate documentation which must verify asylee or refugee status has been granted or applied for. Permanent Resident Aliens must provide a photocopy of Form I-551.

F. University or State College Staff Member or Dependent/Spouse: A staff member or the dependent or spouse of a staff member of the University of Nebraska or one of the Nebraska state colleges. The employee must be PERMANENT and have at least part-time (.5 FTE) employment status. Instructions: Provide Affidavit of Intent, and submit verification from the human resources/personnel office indicating employment date and status. If qualifying by dependent or spouse status, proof of dependent/spouse status must be provided.

G. Active Duty Military and Dependents: A person on active duty with the armed services of the United States of America who has been assigned a permanent duty station in Nebraska, maintains Nebraska as their permanent home of record, or claims Nebraska for income tax purposes, or the spouse or dependent of an individual who has been assigned permanent duty station in Nebraska. Instructions: Provide official documentation from the military personnel office indicating active duty and permanent duty station in Nebraska. A person who is a dependent of a Nebraska resident on active military duty will be granted resident tuition status if he/she verifies he/she is a spouse or a dependent for federal income tax purposes of an individual meeting the qualifications. Instructions: Provide an Affidavit of Intent, and official documentation from the military personnel office indicating active duty and verifying that Nebraska is the state of legal residence.

H. Nebraska High School Graduate/ Nebraska Dream Act: A person who is a graduate of a Nebraska high school and who meets the requirements of Nebraska law found in Neb. Rev. Stat. §85-502(8):

a. Graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state;

b. Resided in this state for at least three years before the date the student graduated from the high school or received the equivalent of a high school diploma;

c. Registered as an entering student in the state post-secondary education institution not earlier than the 2006 fall semester; and

d. Provided an affidavit stating he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.

If the parent, guardian or conservator with whom the student resided ceases to reside in this state, such student shall not lose his or her resident status under this subsection if the student has a bona fide intention to make this state his or her permanent residence. For the purposes of this section, documentary proof of a Nebraska resident shall consist of documentation the individual has established a home or residence in Nebraska; an official transcript from the Nebraska high school the individual graduated from indicating the individual graduated from that school (or the equivalent high school diploma).

I. Former University/State College Resident Student: A person who has been enrolled at the University of Nebraska or one of the Nebraska state colleges as a resident for tuition purposes, and re-enrolls within two (2) years of the last date of enrollment and is residing in Nebraska. There is no minimum period of residency for the individual under this category. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent, and a statement from the university or the state college indicating resident classification.

J. Native Americans: A person not residing in Nebraska who is a member of a Native American tribe which is indigenous to or has historically migrated to or from the State of Nebraska. A list of these tribes is available in this catalog (see “Native Americans”). Instructions: Provide documentation attesting to the applicant’s affiliation with one of the qualifying tribes.

K. Recruited or Transferred Employees: Individuals who, because of their special talents and skills, were recruited to Nebraska for full-time employment in the state, or were transferred to Nebraska by a business entity, and the spouses or dependents of such individuals are exempted from the 12-month domicile rule. There is no minimum period of residence for the individual under this category. Instructions: Provide Documentation 1 and 2 and an Affidavit of Intent, and furnish a letter from the employer indicating permanent full-time employment status, the employee was either recruited or transferred to Nebraska by the business, date of
initial employment in Nebraska and proof of dependent/spouse status if applicable.

L. Nebraska High School Graduate-Veteran: A person who has served the military who has been honorably discharged, is a graduate of a Nebraska high school, and has established a home in Nebraska with the intent to make Nebraska a permanent residence. There is no minimum period of residence for individuals in this category.

M. Military Veteran or Dependent/Spouse: A person who has served in the military and has been off active duty for three (3) years or less, or a dependent or spouse of such a veteran, if the person is registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska. In-state residency is preferred status for military veterans and dependents rather than benefits pursuant to 38 U.S.C. 3317 (the Yellow Ribbon program). There is no minimum period of residence for individuals in this category.

N. Nebraska National Guard: A person currently serving in the Nebraska National Guard.

Native Americans
The following have been identified as Native American tribes that are indigenous to or have historically migrated to or from the State of Nebraska. Members of these tribes who live outside the State of Nebraska qualify for in-state tuition rates upon providing documentation of membership.

- Arapaho
- Arikara
- Northern Cheyenne
- Southern Cheyenne
- Comanche
- Crow
- Hidatsa
- Jicarilla Apache
- Iowa
- Kickapoo
- Kiowa
- Mandan
- Missouri
- Omaha
- Otoe
- Pawnee
- Ponca
- Potawatomi
- Sac and Fox
- Dakota Sioux
- Lakota Sioux
- Nakota Sioux
- Santee Sioux
- Winnebago

Documentation
The appropriate required documentation as identified under each residence category must be provided with the completed Application for Residence Classification for Tuition Purposes. Original documents will not be accepted; please furnish only legible photocopies. Submitting appropriate documents in an organized and chronological order will aid in the decision-making process. The university reserves the right to request the student provide additional documentation in support of an Application for Residency.

Documentation 1 (Proof of Home)
To be completed by applicants in category A, B, C, D, E, H, I, K or L. Some categories indicate required proof of an established home in Nebraska for at least 12 months since the most recent Nebraska residency start date. A combination of the following documentation may be accepted.

- Current lease agreements (covering the entire 12 months)
- Canceled checks or proof of payment for rent
- Documentation showing residence in a home owned in Nebraska
- Notarized Landlord Verification Form or other notarized documentation approved by UNO’s residence officer

Documentation 2 (Supporting Documents)
To be completed by applicants in category A, B, C, D, E, H, I, K, L, M and N. When applying as a dependent, documentation might be required in the parent, guardian or spouse’s name instead of applicant as indicated. At least three of the following support documents must be obtained and kept current:

- Nebraska driver’s license
- Nebraska voter’s registration (voter’s registration card or certificate)
- Checking or Savings bank account (voided personal check or bank statement)
- Nebraska vehicle registration (pink slip, NOT title)
- Employment showing Nebraska state income tax withheld (most recent pay stub showing name and Nebraska employer)
- Nebraska state income tax return for the most current year (or W-2 form with latest paycheck showing state income tax withheld.)
- The University Residency Office may require additional documentation for residency consideration.

Additional documentation might be required for categories waiving the 12-month domicile rule or other special circumstances.

Affidavit of Intent
Individuals requesting resident tuition status shall be required to complete a notarized affidavit outlining the reasons under which they believe they qualify and attesting to the accuracy of their statements. Completion of a falsified affidavit shall subject the individual to possible university disciplinary action.

Proof of Dependent and/or Spouse Status
If an individual is trying to qualify for residency status based upon dependent or spouse status (sections B, C, D, F, G, K, M or N), documentation proving this status must be provided. Dependents of a parent/guardian must provide a signed copy of the parent’s/guardian’s most recent federal income tax return as proof the applicant is a dependent (qualifying child). If applying based upon spouse’s status, a copy of the marriage certificate must be provided. Dependents or spouses of active duty military should provide a copy of the military orders of the spouse, parent or guardian verifying dependent status.

Fraudulent Residency Documentation
The university reserves the right to deny or revoke admission, including dismissal from the university, if any residency information is given falsely or withheld on the application for admission or if transcripts/documents submitted in support of an application for admission or to obtain residency are discovered to be altered or fraudulent.

Nebraska State Income Tax Credit
Individuals who do not qualify for resident tuition status and/or reside outside of Nebraska but pay Nebraska income tax, and the spouses or dependents of such individuals, are entitled to tuition credit upon documented evidence of such payment to the State. The tuition credit granted shall equal the amount of Nebraska income tax paid for the
immediately preceding calendar year except that the remaining obligation cannot be less than the amount of the resident tuition.

Applications for the Nebraska State Income Tax Credit are available at UNO’s Cashiering/Student Accounts Office, 109 Eppley Administration Building, 402.554.2324. Specific qualifications and guidelines regarding the tax credit are provided on the applications.

Pursuant to Article VII, Section 10 of the Constitution of the State of Nebraska, and Neb. Rev. Stat., 85-501 and 85-502 (1980 Supp.), the university has been authorized to develop regulations and make determinations regarding Nebraska residency for tuition purposes. These regulations provide the bases upon which university staff shall determine, on a uniform intercampus basis, whether an individual qualifies for resident tuition purposes.

Severability
If any section of these regulations or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Midwest Student Exchange Program
The University of Nebraska Omaha (UNO) participates in the Midwest Student Exchange Program (MSEP), an interstate initiative established by the Midwestern Higher Education Compact to increase educational opportunities for students in its member states. This program serves residents from Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio and Wisconsin.

Students that are academically qualified are awarded scholarships to help offset the costs of out-of-state tuition. For more information visit the UNO Advantage Scholarship.

Metropolitan Advantage Program (MAP)
Tuition Reduction Program for Eligible Iowa Students
UNO students who are U.S. citizens or permanent residents, and currently reside in or graduated from a high school located in one of eleven Iowa counties - Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby or Woodbury - and who also meet UNO’s admission requirements are eligible to receive a reduced tuition rate. Included for eligibility consideration are students of Iowa school districts with high schools which reside in a county other than, but whose district boundaries include areas in the participating counties, regardless of their county of residence. Transfer students who are currently full-time and residing on one of the Iowa community college campuses may be eligible. Metropolitan Advantage Students will pay 150 percent of resident tuition. MAP rates apply only to courses taken on the UNO campus.

In addition to the Metropolitan Advantage Program, UNO also offers academically qualified Iowa undergraduate students an opportunity to reduce tuition further through the Maverick Advantage Scholarship. For more information visit the UNO Advantage Scholarship.

Contact Information
If you have questions regarding residency or for more information about the residence regulations, contact the offices listed:

Undergraduate Students
Office of Admissions
University of Nebraska at Omaha
6001 Dodge Street, Eppley Administration Building 111
Omaha, NE 68182-0286
Phone: 402.554.2393

Graduate Students
Office of Graduate Studies
University of Nebraska at Omaha
EAB 203
6001 Dodge Street
Omaha, NE 68182-0209
Phone: 402.554.2341