

Virginia domicile is important for students at public and private institutions. Generally, state financial aid programs and in-state tuition are reserved for Virginia domiciliaries. This publication is designed to introduce students to key concepts concerning domicile. **Specific inquiries about domiciliary determination should be directed to the institution a student plans to attend.**

▲ BASIC REQUIREMENTS

An individual must demonstrate residence in Virginia and an intent to remain in Virginia indefinitely to establish domicile in Virginia. After meeting the requirements to establish domicile, a person must continue to be domiciled in Virginia for at least 12 months preceding the first day of classes.

▲ DOMICILIARY INTENT

Several factors are used to determine if a person demonstrates intent to remain in Virginia indefinitely. A college or university may ask for information from you or your parents about the following factors:

Continuous residence in Virginia	Military records
Social and economic ties	Employment in Virginia after graduation
Ownership of real property	State to which income taxes are paid
Sources of financial support	Voter registration and actual voting
Current employment in Virginia	Driver's license
Motor vehicle registration	

▲ DEPENDENT AND INDEPENDENT STUDENTS

A dependent student is a student who received substantial financial support from his or her parents or legal guardian. If you are under age 24 on the first day of classes, an institution will automatically classify you as a dependent student unless you:

- are married,
- are a veteran or active-duty member of the U.S. armed forces,
- are a graduate or first-professional student,
- are a ward of the court or were a ward of the court until age 18,
- have no adoptive or legal guardian when both parents are deceased, or
- have legal dependents other than a spouse.

A college or university in Virginia looks at the parents' domicile if a dependent student is eligible for in-state tuition or state financial aid programs.

If you are under 24 and do not meet any of these six conditions, the only way you can be classified as an independent student is if you convince the institution that you are financially self-sufficient.

If you are not classified as a dependent student, you may establish your own Virginia domicile.

▲ MARRIED STUDENTS

A married person may establish domicile like any other student. A person's domicile is not automatically altered by marriage. However, if a student receives substantial support from his or her spouse, the student may claim domicile through the spouse. In such cases, the college or university will look at the spouse's domicile to determine if the student is eligible for in-state tuition or state financial aid programs. **You must inform the institution if you wish to claim domicile through your spouse.**

▲ MILITARY MEMBERS, SPOUSES, AND DEPENDENTS

To encourage members of the U.S. military to establish Virginia domicile, the one-year continuous domicile is not required for military members and for dependent spouses and children claiming domicile through the military member.

To initiate payment of Virginia income taxes, military members should contact their military pay offices.

The spouse of a military member may qualify for in-state tuition by establishing Virginia domicile, by claiming dependency on the military member who has established Virginia domicile, or through an exception provision [Section 23-7. 4:2 (A) of the Code of Virginia]

If you, your spouse, or parent is/are a member of the military, contact the institution you are interested in attending for more information.

▲ ALIENS

The fact that an individual is a citizen of another country does not automatically disqualify that person from establishing domicile in Virginia. If you are not a U.S. citizen, you will need to present your immigration documentation to the institution.

It is very difficult for undocumented aliens to establish domicile in Virginia. Lack of legal immigration status is a very strong indication that the student does not intend to remain in Virginia indefinitely.

Common Questions About Establishing Domicile

▲ What is “substantial financial support”?

Substantial financial support means financial support in an amount as much or more than what is required to qualify the individual to be listed as a dependent on tax returns (50% or more of the student’s support).

▲ Can I establish domicile while I am a student?

Yes. However, mere physical presence or residence primarily for educational purposes does not make a student a Virginia domiciliary. If you leave Virginia for vacations and summer work, you will have an even more difficult time proving that you intend to stay in Virginia.

▲ If I am financially dependent on my spouse, can I establish my own domicile?

Yes. Married persons may establish domicile in the same manner as unmarried persons by showing intent to stay in Virginia and maintaining domicile for 12 months. A married person does not automatically have the same domicile as his or her spouse, even if the individual is financially dependent on the spouse. A person who is married and is financially dependent on his or her spouse has the option of claiming the spouse’s domicile if the student chooses to do so.

▲ What if I disagree with a college or university’s determination of my domicile?

Each public institution of higher education has established an appeals process for students who question a decision on eligibility for in-state tuition. A student who wishes to appeal an institution’s final decision may have the case reviewed in circuit court. Decisions concerning student eligibility for the Tuition Assistance Grant Program may be appealed to the State Council of Higher Education for Virginia.

Other Ways to Qualify for In-State Tuition

If you are a student at a public institution and you do not establish domicile in Virginia, you might still qualify for in-state tuition if you are:

- A nonmilitary student whose parent or spouse is a member of the military,
- A student who lives outside Virginia but who works or whose parent works in Virginia,
- A student participating in a degree program included in the Academic Common Market,
- A high school student who is in a dual-enrollment program at a community college;
- A University of Virginia’s College at Wise student who resides in Kentucky and who lives within 50 miles of the University’s College at Wise, or
- A student attending college through a special arrangement contract entered by your employer and the institution you plan to attend.

Please contact the college or university you plan to attend to obtain more information on qualifying for in-state tuition.

**SCHEV (STATE COUNCIL OF HIGHER
EDUCATION FOR VIRGINIA)**

101 North Fourteenth Street
Richmond, Virginia 23219
Phone: (804) 225-2137
Fax: ((804) 371-8017
TDD: (804) 371-8017
Web: <http://www.schev.edu>

The State Council of Higher Education for Virginia does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services

The material presented is not to be considered all inclusive. Nothing in this publication is intended to amend existing law or policy with regard to eligibility for in-state tuition rates.

(Rev. 09/02)