

# TUITION CLASSIFICATION (RESIDENCY)

The requirements for establishing residency for tuition purposes are defined by Colorado law. See Colorado Revised Statutes 23-7-101 et. seq (<https://higherred.colorado.gov/colorado-residency-statutes/>).

The statutes require that a qualified individual must be domiciled in Colorado twelve (12) consecutive months immediately preceding the term for which resident status is claimed.

An individual is "qualified" by virtue of adulthood and emancipation at age 22, marriage, or enrollment in a post-baccalaureate graduate or professional degree program. Once emancipation is established, the domicile period (12 months) may begin. An unemancipated minor is qualified through the residency of his or her parents or legal guardians.

Initial residency tuition classification at the University of Colorado Anschutz Medical Campus is determined based on information students provide on the Initial Residency Verification Form. This form is administered by each individual school and program admissions office. Only students who are admitted to a program at the University of Colorado Anschutz Medical Campus are eligible to fill out this form.

After filling out the form, students are initially classified as Resident, Nonresident or Under Review. Students in Under Review status may receive follow up communication from the Registrar's Office requesting further information or supporting documentation for tuition classification. Any questions may be addressed by emailing [TuitionClassification@CUAnschutz.edu](mailto:TuitionClassification@CUAnschutz.edu).

## Emancipation

A person must be legally emancipated before he or she is "qualified" to establish a domicile separate from the domicile of one's parents.

Emancipation for tuition purposes takes place automatically when a person turns 22 years of age, or marries, or commences a post-baccalaureate degree-granting program. Once emancipated, the clock starts for establishing domicile (physical presence and intent) and the student must wait 12 months to become eligible for in-state tuition.

A person who is unmarried and under 22 years of age at the beginning of the one-year waiting period and who wishes to claim "emancipated minor" status must prove that he or she is completely self-supporting and financially independent of his or her parents or legal guardian(s).

The following constitutes evidence of emancipation; however, no one criterion, taken alone, can be considered conclusive evidence of emancipation.

- Affidavit from parents or legal guardian(s) (found on the back page of the petition) stating relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as of the duty to support the minor, with documentation of the fact that the minor has not been claimed as a tax deduction on income tax returns. (If a minor claims emancipation as of August 1 of a given year, and the parents have supported the minor from January 1 to August 1, the minor may be claimed for that given year, since the parents provided more than half of the support of the minor for that year.) Emancipation under these circumstances is the act of the parent and not of the child. If there is a duty to support the minor, as, for instance, a court order in a divorce decree, there is no emancipation.

- Lack of any financial support provided by the parents (including trust funds), coupled with proof that the minor can independently meet all of his or her own expenses, including the cost of education.
- Entry into military service.

Unemancipated minors may qualify for in-state tuition only when their parent(s) or legal guardian(s) are domiciled in Colorado.

An unemancipated child of divorced or separated parents can be immediately classified as in-state if either parent has been domiciled in Colorado the requisite period of time, regardless of which parent was granted custody or duty to support the minor by court decree. The parent in this instance is always the one to complete the petition for in-state classification, based on the parent's domicile and connections with the state.

## Establishing Domicile

An individual must have been domiciled in Colorado for a minimum of one calendar year before he or she can be determined to be a Colorado resident for tuition purposes. A domicile is a person's true, fixed and permanent home. Having a domicile in Colorado involves more than mere physical presence in the state. A person may have several places of residence but can have only one true domicile at any given time.

In order to establish domicile for tuition purposes, there must be:

1. physical presence for at least 12 months within the state of Colorado
- AND
2. demonstrated intent to make Colorado one's permanent home.

Intent is demonstrated by several kinds of connections (i.e. legal connections) with the state dated one year prior to the beginning of classes.

For School of Medicine and School of Dental Medicine applicants there is a different reference date for residency determination. It is the date of selection for admission. The date of selection is the date by which students must have established at least one year of Colorado domicile. The date of selection is applied during the same year the student intends to matriculate. The date of selection for the School of Medicine & School of Dental Medicine is July 1st. More information on unique legislation governing residency for the School of Medicine and Dental Medicine is available here (<http://catalog.ucdenver.edu/cu-anschutz/financial-information/residency-tuition-classification-accountable-students/accountable-student-information/>).

## Preparation for Petitioning to Become a Colorado Resident

Steps to take at least 12 months in advance of the first day of the term in which you wish to become a Colorado resident for tuition purposes include the items listed below. It is strongly recommended that students retain any/all copies of their efforts, including appointment confirmations with government offices or other entities, as demonstration of their timely efforts to establish Colorado domicile.

1. Retain your lease and rent receipts if you rent your home. If you have purchased a home, make sure to keep your paperwork and deed available. Proof of contract date and closing date are required. These documents will need to be attached to your petition to demonstrate at least 12 months of continuous physical presence.

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2. Obtain your Colorado driver's license as soon as you move to Colorado. Do not wait because your previous license has not expired, or because you do not currently drive, or because you believe you don't have time.
3. Register to vote in Colorado (normally at the same time you obtain your driver's license).
4. Register all vehicles titled in your name in Colorado as soon as you move to Colorado. Do not wait because your previous state's license plates have not expired, or because you do not use your vehicle every day, or because you can't get to the county office. If you must make an appointment to receive service at your county office, retain the appointment information including the day that you made the appointment.
5. File Colorado Income Tax Forms on your Colorado employment at the appropriate time. It is also helpful to retain your paystubs showing Colorado tax withholding.
6. Plan to fill out the In-State Tuition Petition approximately three months before the first day of class of the semester for which you are applying.

These are the most important elements that will demonstrate your domicile for the purposes of Colorado residency and in-state tuition.

Permanent, full-time, off-campus employment and payment of Colorado State income taxes are considered highly persuasive in the petition process. Student employment or temporary work is not considered as persuasive. It is the actual official acceptance of employment that forms the connection with the state. Income earned in another state by a resident of Colorado is taxable in Colorado.

ANY connections maintained with any other state during the 12-month period for establishing domicile is considered evidence of non-domicile in Colorado, and negative intent to make Colorado one's permanent home.

Other factors that may be helpful in the petition process include

- continuous physical presence in Colorado during periods when not enrolled or during periods between academic sessions
- obtaining licensure or certification in the State of Colorado

It is the student's responsibility to be fully informed of the laws of Colorado that govern any of the "connections" made in establishing domicile, including vehicle ownership and operation, voter registration, payment of income tax, property ownership, etc. Noncompliance with these laws establishes a negative presumption of intent to make Colorado one's permanent home and will be weighed against any affirmative evidence of Colorado domicile.

### Evidence Indicating Domicile Outside of Colorado

Indicators that the student is not a Colorado resident include:

- receipt of WICHE or WUE funding
- failure to pay Colorado State income tax
- filing a nonresident Colorado tax return
- failure to comply with any law imposing a mandatory duty on a permanent resident of Colorado such as failure to register a vehicle or obtain a driver's license within the time period required by law
- return to your former state of residence for any period of time during summer or other periods of time when not attending classes
- maintenance of a home in another state

- prolonged absence from Colorado, except for military or civilian government service or temporary absences required by an employer
- voting or registering to vote in another state
- applying for a loan or receiving college funding from another state where domicile in that state is a condition of the funding

## Exceptions and Special Circumstances

### Four-Year Rule

Students whose parents maintain a Colorado domicile for four years and then establish domicile elsewhere, will remain eligible for in-state tuition if:

- a) The parents leave Colorado after the student completes his or her junior year of high school and if the student enrolls at a Colorado public college or university within three years and six months after the parents leave Colorado. The student need not remain in Colorado when the parents leave or be emancipated from the parents.

OR

- b) The student maintains continuous Colorado domicile. The student need not be emancipated. This provision generally will be met if the student continues to reside in Colorado after the parents leave or if the student resides outside the state only temporarily (for example, to attend college or for military service while maintaining Colorado domiciliary connections such as voter registration and income tax filing.

### Members of American Indian Tribes with Historical Ties to Colorado

Under the Colorado American Indian Tribes In-State Tuition Act (effective Fall 2021), a student who would not otherwise qualify for in-state tuition and who is a registered member of one of the federally recognized American Indian tribes with historical ties to Colorado, as designated by the Colorado Commission of Indian Affairs in partnership with History Colorado (see list below), is eligible to be classified as an in-state student for tuition purposes.

A full list of eligible tribes and documentation required is available on the the Office of the Registrar's website (<https://www.cuanschutz.edu/registrar/residency/future-students/#ac-members-of-american-indian-tribes-with-historical-ties-to-colorado-2>).

### Military Service

#### MILITARY EXCEPTION

Students should consult with Veteran and Military Student Services (VMSS) for more information regarding current legislation and necessary documentation. Current information is also available at the VMSS web resource page on residency at: <http://www.ucdenver.edu/life/services/Veteran/BenefitsInformation/Process/Residency/Pages/default.aspx>.

#### MILITARY MEMBERS DOMICILED IN COLORADO

To retain domicile during an absence from Colorado due to military orders, military members must maintain Colorado as their state of legal residence for tax purposes, and voters must maintain voter registration.

Military members may retain legal residency in their original state, or they may establish a new legal residence in a state in which they reside due to military orders. They may not establish domicile in Colorado while residing elsewhere or while being physically present in the State only on a temporary basis.

Persons domiciled in Colorado for one year who enter active duty military service, and who return permanently to Colorado within six months of discharge, and their dependents, qualify for in-state tuition regardless of changes of domicile while on active duty.

### VETERANS

Students should consult with Veteran and Military Student Services (VMSS) for more information regarding current legislation and necessary documentation. Current information is also available at the VMSS web resource page on residency at: <https://www.cuanschutz.edu/veterans/benefits/residency> (<https://www.cuanschutz.edu/veterans/benefits/residency/>).

### CIVILIAN ABSENCES FROM THE STATE

Civilians who accept overseas employment, governmental or otherwise, or temporary employment in another state, or who are temporarily absent from Colorado for other reasons, must continue to file Colorado State income tax returns as residents for each and every year of their absence from the State. They must claim and pay taxes on all of their earnings, wherever earned, and will receive a credit for taxes withheld by or paid to another state. Failure to do so is sufficient evidence to determine that the individual has relinquished his or her Colorado domicile for tuition purposes.

### Permanent Resident Aliens and Visa Holders

Persons who are lawful permanent residents or who are admitted as refugees are eligible to establish domicile for tuition purposes. Nonimmigrant aliens who are residing in Colorado for purposes other than education may qualify for in-state status after one year of Colorado domicile. The nonimmigrant categories subject to this provision are determined by the Colorado Commission on Higher Education. Non-immigrants in the following categories cannot qualify for in-state tuition: F-1, F-2, H-3, H-4 (if the visa holder is the spouse or child of an H-3), J-1 and J-2 (if the J-1 visa holder is a student or trainee), M-1, and M-2.

### Asset Bill (SB13-033)

A student who does not have lawful immigration status may be classified as an in-state student for tuition purposes if:

1. the student attended high school in Colorado for at least three years immediately preceding the date the student graduates from a Colorado high school or earns a GED
2. the student is admitted to a Colorado institution of higher education or attends any institution of higher education under a Colorado reciprocity agreement within 12 months of graduation or earning a GED, and
3. the student submits an affidavit through the COF application process stating that the student does not have lawful immigration status but has applied for lawful presence or will apply as soon as the student is eligible.

Additionally, a student who does not have lawful immigration status and graduated from a Colorado high school or earned a GED prior to September 1, 2013, but was not admitted to a Colorado institution within 12 months of graduating or earning a GED, may nonetheless be qualified as an in-state student if the student has been continuously physically present in Colorado for at least 18 months prior to enrolling in a Colorado institution.

## Petitions and Appeals

The Petition for Resident Tuition Classification is an electronic form for the University of Colorado Anschutz Medical Campus current students and fully admitted students to request a change in their tuition classification and residency status. It can be accessed at the following web address: <https://www.cuanschutz.edu/registrar/residency/current-students> (<https://www.cuanschutz.edu/registrar/residency/current-students/>). Prior to submitting the petition, students should gather the information/documentation outlined in the Petitioner Documentation Guidelines ([http://catalog.ucdenver.edu/cu-anschutz/financial-information/residency-tuition-classification-accountable-students/PetitionDocumentation\\_revSept2020.pdf](http://catalog.ucdenver.edu/cu-anschutz/financial-information/residency-tuition-classification-accountable-students/PetitionDocumentation_revSept2020.pdf)).

Students who wish to change their tuition classification from non-resident to resident must fill out and submit a Petition for Resident Tuition Classification by the published deadlines. Students must have established 12 months of Colorado domicile prior to the first day of the term for which they are petitioning. Further information regarding establishing Colorado domicile is available through the Colorado Department of Higher Education.

### PETITION SUBMISSION DEADLINES

#### Fall 2022

- First day to petition - May 22, 2022
- Priority Petition Deadline - July 15, 2022
- Final Petition Deadline - August 5, 2022

#### Spring 2023

First day to petition - October 3, 2023

Priority Petition Deadline - December 2, 2022

Final Petition Deadline - December 12, 2022

#### Summer 2023

First day to petition - March 13, 2023

Priority Petition Deadline - May 1, 2023

Final Petition Deadline - May 15, 2023