

## Exceptions to 12-Month South Carolina Residency Requirement

### Residents with Full-Time Employment and their Dependents

Persons who reside, are domiciled, and are full time employed with an employer that is physically located in the State and who continue to work full time until they meet the twelve-month residency requirement (and their dependents) are eligible to pay in state tuition and fees, provided that they have taken the requisite steps to establish permanent residency in the State. To request a 12-month residency exception on the basis of full-time employment\* in South Carolina, the following documents **are required in addition to the applicable resident application and ALL supporting documentation. If filing as a dependent, complete the Dependent application. If filing as an Independent, complete the Independent application.** Applications approved under this exception are conditional and require full-time employment\* to be maintained until the 12-month residency requirement has been fully satisfied. Failure to maintain full-time employment\* during the establishment period will result in loss of in-state tuition benefit for ALL conditionally approved terms.

Letter on employer's letterhead/stationery or notarized (if self-employed\*) that details the following:

1. the effective date of your employment in South Carolina
2. your employment status (full-time, part-time, varied, seasonal)
3. the number of hours you consistently work per week
4. your eligibility for full-time benefits

Your most recent paystub

\*Full time employment is defined as employment that consists of at least thirty-seven- and one-half hours a week on a single job in a full-time status, with gross earnings of at least minimum wage. A person who works less than thirty-seven- and one-half hours a week but receives or is entitled to receive full time employee benefits shall be considered to be employed full time if such status is verified by the employer. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence (from a physician) that they satisfy their prescribed employment specifications in order to qualify as having full time employment.

*Note: Persons who are self-employed should provide a notarized statement certifying the foregoing information and attach a photocopy of their South Carolina business license and proof of income in accordance with the full-time employment definition.*

## Retired Persons and their Dependents

Retired persons who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in state rates if they maintain residence and domicile in this State. Persons on terminal leave may also be considered under this exception, if they present documentation from their employer showing their terminal leave status, including the beginning and ending dates for their terminal leave period and proof that they will receive a pension or annuity when they retire.

If you are requesting an exception to the 12-month residency requirement on the basis of retirement to South Carolina, the following documents **are required in addition to the applicable resident application and ALL supporting documentation. Complete the Dependent Residency Application, if filing based on being a dependent of someone. If Independent, complete the Independent Residency application.:**

- Proof of pension or annuity payment/direct deposit, including withholdings of *applicable* SC state tax
- Retirement statement or employer letter verifying retirement and reflecting South Carolina address

## Covered Individuals Receiving Specific Education Benefits

Covered individuals living in South Carolina, who are enrolled in a public institution of higher education and receiving educational assistance under Chapter 30, Chapter 31, and Chapter 33, Title 38 of the United States Code, are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. For purposes of this subsection, a covered individual is defined as:

- (a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;
- (b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subitem;
- (c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;
- (d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code; or
- (e) a person who is entitled to and is receiving assistance under Section 3102(a), Title 38 of the United States Code.

A covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution.

**\*Applicants seeking approval under this category will need to contact the representative for Financial Aid and Veteran Services to verify their eligibility. If approved, students will be classified as out-of-state veterans and charged rates equivalent to in-state.**

### **Military Personnel and their Dependents**

Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty and their dependents are eligible to pay in state tuition and fees. When such personnel are transferred from the State, their dependents may continue to pay in state tuition and fees as long as they are continuously enrolled or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student's previous institution in order to certify the student's eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty (and their dependents) may also be eligible to pay in state tuition and fees as long as they are continuously enrolled after their discharge from the military, provided they have demonstrated an intent to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the twelve month "physical presence" requirement for them or their dependents to qualify to pay in state tuition and fees.

Please submit the South Carolina Residency Military Application and required supporting documentation.

## Interpretation of Residency Requirements

### I. Definition of Terms

- A. STUDENT shall mean any person enrolled for studies in the Medical University of South Carolina.
- B. RESIDENCE or RESIDE shall mean continuous and permanent physical presence within South Carolina. (Temporary absences for short periods, e.g. vacations, shall not affect the establishment of residence.)
- C. DOMICILE shall mean a person's true, fixed, principal residence; it shall indicate the place where such person expects to remain and to which the person expects to return upon leaving without establishing a new domicile in another state. Housing provided by the university does not constitute a place of principal residence.
- D. IN-STATE RATES shall mean charges for tuition and fees established for persons who are domiciled in South Carolina according to the "STATEMENT governing South Carolina domicile." OUT-OF-STATE RATES shall mean charges for tuition and fees established for persons who are not domiciled in South Carolina according to the STATEMENT.
- E. INDEPENDENT PERSON shall mean a person in his/her majority (18 years or older) or an emancipated minor for whom 50% or more support is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, loans or payments of alimony or separate maintenance resulting from court order.
- F. DEPENDENT or DEPENDENT PERSON shall mean one for whom more than 50% financial support is from a parent, spouse, or guardian and who qualifies as a dependent on the federal tax return of the parent, spouse or guardian. DEPENDENT or DEPENDENT PERSON shall not mean a person who is the recipient of alimony or separate maintenance payments resulting from court order.
- G. MINOR shall mean a person who has not reached the age of eighteen years.
- H. EMANCIPATED MINOR shall mean a minor whose parents have entirely surrendered the right to care, custody and earnings of the minor and are no longer under any legal obligation to support or maintain the minor.
- I. PARENT shall mean a person's natural or adoptive mother or father; or if one parent has custody of the child, that parent having custody; or if there is a guardian or other legal custodian, that guardian or legal custodian. Guardianship or legal custodianship created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on the dependent person shall not be given such effect.
- J. SPOUSE shall mean husband or wife of a married person.

### II. Indicators of Legal Domicile

- A. Before applicants are eligible for in-state consideration they must reside in the state for at least twelve months after taking positive steps which reflect intent to establish a permanent home in South Carolina. Examples of evidence usually include the following:
  - 1. Financial independence from parents residing in another state or country during the 12 months immediately preceding the date of matriculation.
  - 2. Reliance on South Carolina resources for financial support.
  - 3. Designating South Carolina as the permanent address on all academic and employment records, including pertinent military records (if applicable).
  - 4. Possession of a South Carolina drivers license **(in possession for at least one year)**.
  - 5. Possession of a vehicle registration certificate **(in possession for at least one year)**.
  - 6. Verification that a South Carolina income tax return has been filed for the prior year.
  - 7. Evidence of housing occupancy in petitioner's name **(for at least one year)**. You must have a place to live (owning/renting from a third party, not a family member) for 12 months prior to the semester you are wanting in-state residency. You cannot live in university housing while establishing residency or at any point thereafter.
  - 8. South Carolina employment for at least 37.5 hours/week for at least one year or verification from employer that employment will continue for at least one year.
  - 9. Licensing for professional practice (if applicable) in South Carolina.
- B. The absence of these indicia in other states during the period for which domicile in South Carolina is asserted.

III. The source of income and employment including those times when the student is not enrolled should be in South Carolina.

IV. Credentials for residency of independent persons should be those of the applicant and not credentials of the parents.

V. Marriage to a South Carolina resident is only one indicator of in-state residency and does not automatically classify a person as possessing such.

### VI. Non-Indicators of Legal Domicile

- A. Residence status may not be acquired by an applicant or a student while residing in South Carolina for the primary purpose of enrollment in an institution or for access to state-supported programs designed to serve South Carolina residents.
- B. Persons classified as exemptions (or dependents) for federal income tax purposes of guardians or legal guardians who are domiciliaries of another state are ineligible to pay in-state tuition and fees.
- C. Merely residing in the State for twelve months is not sufficient to qualify a person for in-state tuition and fees.

- D. Foreign students are presumed not to be domiciliaries. However, certain types of visas may qualify a person for in-state. Aliens should consult with the Office of Enrollment Management regarding their individual situation.

**Note: When an applicant/student is granted residency, based on employment status, military status, or status as a full-time faculty member or dependent of a South Carolina university, he/she may be subject to an annual review of status.**