
RESIDENCY REGULATIONS FOR ADMITTED STUDENTS

(The residency rules and regulations may be subject to change)

Students who do not qualify as bona fide residents of the State of Hawai'i, according to the University of Hawai'i rules and regulations in effect at the time they register, must pay the nonresident tuition. An official determination of residency status will be made prior to enrollment. Applicants may be required to provide documentation to verify residency status. Once classified as a nonresident, a student continues to be so classified during his/her term at the college until he/she can present clear and convincing evidence to the residency officer that proves otherwise.

Some of the more pertinent University residency regulations follow. For additional information or interpretation, contact the residency officer in the Admissions Office. The complete rules and regulations are available at the Admissions Office.

DEFINITION OF HAWAII RESIDENCY

A student is deemed a resident of the State of Hawai'i for **tuition purposes** if the student (19⁺ or older) or the student (under 19⁺) and his/her parents or legal guardian have:

- (1) **Demonstrated intent** to permanently reside in Hawai'i (see below for evidences);
- (2) **Been physically present** in Hawai'i for the 12 consecutive months prior to the first day of instruction, and subsequent to the demonstration of intent to make Hawai'i his/her legal residency; and
- (3) The student, whether adult or minor, has **not been claimed as a dependent for tax purposes** for at least 12 consecutive months prior to the first day of instruction by his/her parents or legal guardians who are **not** legal residents of Hawai'i.

To demonstrate the intent to make Hawai'i your legal residency, the following evidence apply:

- A. Filing Hawai'i resident personal income tax return.
- B. Voting/registering to vote in the State of Hawai'i.

Other evidence, such as permanent employment and ownership or continuous leasing of a dwelling in Hawai'i, may apply, but **no single act is sufficient to establish residency in the State of Hawai'i**.

Other legal factors in making a residency determination include:

- A. The 12 months of continuous residency in Hawai'i shall begin on the date upon which the first overt action (see evidences) is taken to make Hawai'i the permanent residence. Residence will be lost if it is interrupted during the 12 months immediately preceding the first day of instruction.
- B. Residency in Hawai'i and residency in another place cannot be held simultaneously.
- C. Presence in Hawai'i primarily to attend an institution of higher learning does not create residence status. **A nonresident student enrolled for 6 credits or more during any term within the 12-month period is presumed to be in Hawai'i primarily to attend college. Such periods of enrollment cannot be applied toward the physical presence requirement.**
- D. The residency of unmarried students who are minors follows that of the parents or legal guardian. Marriage emancipates a minor.
- E. Resident status, once acquired, will be lost by future voluntary action of the resident inconsistent with such status. However, Hawai'i residency will not be lost solely because of absence from the State while a member of the United States Armed Forces, while engaged in navigation, or while a student at any institution of learning, provided that Hawai'i is claimed and maintained as the person's legal residence.

BOARD OF REGENTS EXEMPTIONS

1. **Nonresidents may be allowed to pay resident tuition if they qualify as one of the following:**
 - A. United States military personnel and their authorized dependents (as defined by the Armed Services) during the period such personnel are stationed in Hawai'i on active duty.
 - B. Members of the Hawai'i National Guard and Hawai'i-based Reserves.
 - C. Full-time employees of the University of Hawai'i and their spouses and legal dependents (as defined under Internal Revenue Service rules).
 - D. East-West Center student grantees pursuing baccalaureate or advanced degrees.
 - E. Hawaiians, descendants of the aboriginal peoples that inhabited the Hawaiian Islands and exercised sovereignty in the Hawaiian Islands in 1778.
2. **Citizens of an eligible Pacific Island district, commonwealth, territory, or insular jurisdiction, state or nation which does not provide public institutions that grant baccalaureate degrees may be allowed to pay 150% of the resident tuition. These resident tuition include the following:**

| | |
|--|-------------------------------------|
| American Samoa | Niue |
| Commonwealth of the Northern Marianas | Republic of Palau |
| Cook Islands | Republic of the Marshall Islands |
| Federated States of Micronesia | Solomon Islands |
| Futuna | Tokelau |
| Kiribati | Tonga |
| Nauru | Tuvalu |
| New Caledonia | Vanuatu |
| | Wallis |

MISREPRESENTATION

A student or prospective student who provides incorrect information on any form or document intended for use in the determination of residency status for tuition purposes will be subject to the requirements and/or disciplinary measures provided for in the rules and regulations governing residency status.

APPEAL PROCESS

Residency decisions may be appealed by contacting the residency officer for information on how to initiate an appeal.

*The age of majority is 18 years. However, a person between the ages of 18 and 19, unless emancipated, cannot claim residency solely on the basis of himself/herself because he/she does not have the minimum 12 months residency which commences on his/her 18th birthday. Therefore, the applicant must claim a portion of the required 12 months on the basis of his/her parent or legal guardian.

William S. Richardson School of Law

| RESIDENCY DECLARATION FOR ADMITTED STUDENTS | | | | | | | | | |
|--|--|---------------------------|--|---|--|---|--|--|--|
| STUDENT IDENTIFICATION NUMBER <small>(Use Social Security Number or see Instructions)</small> | | LAST NAME | | FIRST | | MIDDLE INITIAL | | GENDER <input type="checkbox"/> FEMALE <input type="checkbox"/> MALE | |
| CURRENT OR LOCAL MAILING ADDRESS: STREET NO. CITY OR PROVINCE STATE OR COUNTRY | | | | UNTIL-DATE | | ZIPCODE | | PHONE | |
| SEMESTER ENTERING <input type="checkbox"/> FALL 2010 <input type="checkbox"/> SPRING 2011 | | BIRTHDATE MM DD YY | | CITIZENSHIP <input type="checkbox"/> UNITED STATES <input type="checkbox"/> OTHER-SPECIFY COUNTRY _____ | | FOREIGN APPLICANT—VISA STATUS <input type="checkbox"/> STUDENT VISA (F-1 OR J-1) <input type="checkbox"/> IMMIGRANT VISA DATE & NO. <input type="checkbox"/> OTHER (Specify) | | | |
| <p>A I claim legal residency in _____ from ____/____/____ to ____/____/____ on the basis of <small>(specify which state or country)</small></p> <p><i>(check one box only)</i></p> <p><input type="checkbox"/> Myself (I am 19 or older) <input type="checkbox"/> Parent (I am under 18) <input type="checkbox"/> Legal guardian (Submit copy of court order appointment) <input type="checkbox"/> Myself and parent</p> | | | | | | | | | |
| <p>B Indicate if any of the following exemptions apply to you (documentation required):</p> <p><input type="checkbox"/> I am a full-time faculty or staff member of the University of Hawai'i, or a spouse or legal dependent of such a person. <small>(Attach employment contract). Name and UH number of faculty or staff member (if not applicant) _____</small></p> <p><input type="checkbox"/> I am a Hawaiian and not a Hawai'i resident. <small>(Attach an official copy of your birth certificate, and, if necessary, that of your parents/grandparents documenting Hawaiian ancestry)</small></p> <p><input type="checkbox"/> I am a member or authorized dependent of a member of the U.S. Armed Forces, on active duty, stationed in Hawai'i. <small>(See item F.)</small></p> <p><input type="checkbox"/> I am a member of the Hawai'i National Guard or Hawai'i based Reserves. <small>(See item F.)</small></p> <p><input type="checkbox"/> I am a citizen of _____ which has no public institution of higher education granting baccalaureate degrees. <small>(See Exemption 2 on page 1. Attach University of Hawai'i Official Certification of Domicile Form on page 4.)</small></p> | | | | | | | | | |
| If you claim Hawai'i residency, complete Sections C, D and E and Sign Section G. | | | | | | | | | |
| <p>C Check one box even if you are an adult and independent:</p> <p><input type="checkbox"/> I am not claimed as a dependent on my parents/legal guardian's personal income tax form for 2009.</p> <p><input type="checkbox"/> I am claimed as a dependent on my parents/legal guardian's personal income tax form for 2009 and my parents/legal guardians are legal Hawai'i residents. (If you checked this box, the parent or legal guardian who claims you as a dependent must complete Section E.)</p> <p><input type="checkbox"/> I am claimed as a dependent on my parents/legal guardian's personal income tax form for 2009 and my parents/legal guardians are not legal Hawai'i residents.</p> | | | | | | | | | |
| <p>D Last publicly supported institution of higher education attended, if any (including current enrollment at a University of Hawai'i campus):</p> <p>_____ Atended from ____/____/____ to ____/____/____ <small>(specify name of institution) (state or country) (month/day/year) (month/day/year)</small></p> <p>Indicate tuition paid: <input type="checkbox"/> Resident <input type="checkbox"/> Nonresident <input type="checkbox"/> Resident, due to exemption from nonresident tuition (specify type of exemption) _____</p> | | | | | | | | | |

OFFICIAL CERTIFICATION OF DOMICILE

COMPLETE ONLY IF YOU QUALIFY FOR STATUTORY EXEMPTION #2 ON PAGE 1.

A. To be completed by the Applicant

Passport Number _____ Issued on _____ Expires on _____

Type of Visa _____ Date of Entry _____ Port of Entry _____

Visa Expiration Date _____

B. To be completed by one of the following:

- (1) Government official authorized to determine the domicile status of natives and foreign nationals;
- (2) United States consular official;
- (3) United States Notary Public to whom the student must show his/her passport and visa (if student is presently in the United States); or
- (4) University of Hawai'i Campus Residency Officer to whom the student must show his/her passport and visa (if student is presently in the State of Hawai'i).

This certification must also bear the official's signature and the official seal of the institution, consulate, or notary public.

This is to certify that _____
(name of applicant)

is a citizen of _____ and is domiciled at _____
(country) (country)

_____ since _____ according to the records that I have examined.
(district/state) (month/year)

Place official seal of government, consular official, or notary public in this area.

Signature

Printed Name

Official Title or Position

Institution or Division

Date