STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
Domicile Guidelines

Section 02. Determining eligibility for in-state tuition.

C. The institution shall then determine, on the basis of the information furnished by the applicant, whether domicile has been clearly and convincingly established in Virginia for the requisite one-year period. If the date of the alleged entitlement is, for example, September 1, 2008, then domicile must have been established in Virginia no later than September 1, 2007, and continued for the entire year.

1. An independent student or emancipated minor must establish by clear and convincing evidence that for a period of at least one year immediately prior to the date of alleged entitlement, the student was domiciled in Virginia and had abandoned any previous domicile.

2. A dependent student or unemancipated minor must establish by clear and convincing evidence that for a period of least one year immediately prior to the date of alleged entitlement, the parent or legal guardian through whom the student claims eligibility was domiciled in Virginia and had abandoned any previous domicile.

a. A dependent student is rebuttably presumed to have the domicile of the parent or legal guardian listing claiming the student as an exemption for federal or state income tax purposes, currently and for the tax year prior to the date of alleged entitlement, or providing the student with substantial financial support.

b. A dependent student aged 18 or over may seek to demonstrate a domicile independent of such parent or legal guardian regardless of financial dependency; however, the student is presumed to have the same domicile as his parents or legal guardian unless he can show to the contrary by clear and convincing evidence.

A dependent student is presumed to have the domicile of a parent or legal guardian; however, this presumption may be rebutted only if the student can provide clear and convincing evidence that a unique circumstance exists demonstrating that the student has a domicile separate from a parent or legal guardian.

c. If a dependent student has successfully rebutted the presumption of having the domicile of a parent or legal guardian, the institution shall review the domicile of the dependent student. This review may include collection of household documents if needed to verify student’s physical presence and the student’s primary purpose for residing within the Commonwealth. The actual domicile of the parent or legal guardian is immaterial to the review.

d. No student should be denied in-state tuition solely due to the legal status of a parent or legal guardian.