Residency

The University of South Carolina is required by state law to determine the resident classification of all applicants interested in claiming South Carolina as their state of legal residence for the purpose of accurately assessing tuition and fees. Initial determinations are made by the Residency Officer for students at the time of their admission. The burden to provide documentation for any legal residency determination rests with the student. Students are required to provide all evidence necessary to document that they have completed the steps required to establish and/or maintain eligibility for claiming South Carolina as their state of legal residence. If a student moves to South Carolina for the purpose of attending school, and is enrolled as a non-resident, then he or she will be presumed to remain a non-resident throughout his or her attendance and does not qualify under any of the residency provisions.

SC State Scholarships

Once accepted, SC resident will be informed how to submit their residency application. It is important that all SC residents, (for tuition purposes), submit their residency application as soon as possible. All SC residents will be listed as resident pending; until they submit their application and proof of residency documents are received. State scholarships are determined by your residency, so please submit early, before you register for classes.

State Laws and Regulations

For more information about the laws and regulations that govern the University of South Carolina’s residency eligibility determinations, please visit the South Carolina Commission on Higher Education website, or the South Carolina Legislature website.

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By state law, legal residency may not be acquired by an individual while they are residing in South Carolina for the primary purpose of attending the University of South Carolina.

For the purposes of determining a student's state of legal residence, students are typically categorized in one of two ways. Students are either financially Independent or financially Dependent. Note: these designated categories are specific to the state guidelines governing South Carolina’s legal residency eligibility. This should not be confused with the federal guidelines governing financial aid eligibility.

1. Financially Independent students are those who provide the MAJORITY of their own support. That support may come from earnings or income from employment, investments, or payments from grants, scholarships, commercial loans or payments made in accordance with a court order and some, but not all, trusts.

2. Financially Dependent students are those who do not provide the MAJORITY of their own support. The majority of support for these students is typically provided by a parent, spouse, or
guardian, who claims the student on his or her federal income tax return. In the case of those individuals who are supported by family members that do not earn enough reportable income for taxation purposes, a dependent individual can be defined as one who qualifies as a dependent or exemption on the federal income tax return of the parent, spouse, or guardian. A dependent individual is also one for whom payments are made, under court order, for child support and the cost of the dependent individual's college education.

**Independent Individuals**

If you are financially independent, your residency is based on whether you have physically resided, and been domiciled, in South Carolina for the twelve (12) continuous months immediately preceding the date classes are scheduled to begin for the semester in which you wish to claim South Carolina as your state of legal residence. You must also meet the following applicable requirements (Note: No single indicator will be considered conclusive evidence of primary residence):

1. Statement of full time employment
2. Designating South Carolina as state of legal residence on military record;
3. Possession of a valid South Carolina Driver's License, or if a non-driver, a South Carolina Identification Card (Note: Failure to comply with state law requiring residents to obtain this within 90 days of establishing intent to become a South Carolina resident will reset the beginning date of residency eligibility to the date on which the appropriate document is obtained.);
4. Possession of a valid South Carolina Vehicle Registration Card (Note: Failure to comply with state law requiring residents to obtain this within 45 days of establishing intent to become a South Carolina resident will reset the beginning date of residency eligibility to the date on which a South Carolina Vehicle Registration Card is obtained.);
5. Maintenance of domicile in South Carolina;
6. Paying South Carolina income taxes as a "Resident" during the previous tax year, including income earned outside of South Carolina from the date on which intent is being claimed;
7. Ownership of principal residence in South Carolina; and
8. Licensing for professional practice (if applicable) in South Carolina.

The absence of indicia in other states or countries is required before an independent individual is eligible to pay in state rates. Therefore, you must not be in possession of a driver's license or vehicle registration certificate issued by another state.

**Dependent Individuals**

If you are financially dependent, your residency is based on the legal residency of the person upon whom you are dependent. As such, the person upon whom you are dependent must have physically resided, and been domiciled, in South Carolina for twelve (12) continuous months immediately preceding the date classes are scheduled to begin for the semester in which you wish to claim South Carolina as your state of legal residence. The person upon whom you are dependent must also meet the following applicable requirements (Note: No single indicator will be considered conclusive evidence of primary residence):
1. Designating South Carolina as state of legal residence on military record;
2. Possession of a valid South Carolina Driver's License, or if a non-driver, a South Carolina Identification Card (Note: Failure to comply with state law requiring residents to obtain this within 90 days of establishing intent to become a South Carolina resident will reset the beginning date of residency eligibility to the date on which the appropriate document is obtained.);
3. Possession of a valid South Carolina Vehicle Registration Card (Note: Failure to comply with state law requiring residents to obtain this within 45 days of establishing intent to become a South Carolina resident will reset the beginning date of residency eligibility to the date on which a South Carolina Vehicle Registration Card is obtained.);
4. Maintenance of domicile in South Carolina;
5. Paying South Carolina income taxes as a "Resident" during the previous tax year, including income earned outside of South Carolina from the date on which intent is being claimed;
6. Ownership of principal residence in South Carolina; and
7. Licensing for professional practice (if applicable) in South Carolina.

The absence of indicia in other states or countries is required before the parent, spouse or guardian that claims a dependent individual is eligible to pay in state rates. Therefore, you must not be in possession of a driver's license or vehicle registration certificate issued by another state.

**Exceptions** If you are an independent person, or the dependent of an independent person that meets the eligibility criteria for any of the following categories, you may qualify to pay in state tuition and fees without having to establish a permanent home in the state for the twelve (12) continuous months immediately preceding the date classes are scheduled to begin for the semester in which you wish to claim South Carolina as your state of legal residence. The following categories apply only to in state tuition and do not apply to state supported scholarships and grants. Individuals who qualify for in state tuition and fees under the following exceptions do not automatically qualify for Life, SC Hope or Palmetto Fellows Scholarships.

1. "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. Such individuals (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.
2. "Faculty and Administrative Employees with Full Time Employment and their
Dependents": Full time faculty and administrative employees of South Carolina State supported colleges and universities and their dependents are eligible to pay in state tuition and fees.

3. "Residents with Full Time Employment and their Dependents": Individuals who reside, are domiciled, and are full time employed in the state and who continue to work full time until they meet the twelve (12) month requirement and their dependents are eligible to pay in state tuition and fees, provided that they have taken steps to establish a permanent home in the state. Residents with Full Time Employment and their Dependents are evaluated by the same criteria described above in the sections entitled "Independent Individual" and "Dependent Individual".

4. "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 who have established residency in South Carolina may be eligible for in state rates even if domiciled in the state for less than one year if they present documentary evidence from their employer showing they are on terminal leave. The evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity when he/she retires.

**Changes to Your State of Legal Residence** Occasionally, a student has documented his or her South Carolina residency but then must move to another state or, the person upon whom the student is dependent must move out of South Carolina. This might change a student's residency status, depending upon the circumstances of that move. It is important to contact the Vice Chancellor of Enrollment Services when these situations arise and document the new situation so that the student will not have a financial hold placed upon his or her registration, transcript or diploma.

**Appeals**

If you disagree with the decision made by Legal Residency, you are entitled to request an appeal. Students who appeal residency decisions must provide a letter informing Legal Residency that they would like to appeal the rendered decision. The letter must include:

1. A summary of the case; and,
2. A statement specifying the residency provision under which the appellant is attempting to claim South Carolina as their state of legal residency.

A hearing with the University's Legal Residency Committee will be scheduled as soon as the committee members are available to review the details of the appeal. **The University's Legal Residency Committee** The committee hears appeals from administrative decisions determining eligibility, or lack thereof, for payment of tuition at residence rates. Any student may appeal a decision to the University's Legal Residency Committee. The committee is bound by the same laws and governing regulations as are applied by the staff of Legal Residency. The only purpose of the committee is to review the facts and details of any case brought before it and evaluate the correctness of the decision made by the staff of Legal Residency. Neither the committee, nor the staff of Legal Residency, has the authority to waive any provisions of the law or the regulations.
Frequently Asked Questions

The University must abide by rules and regulations concerning SC residency, which are promulgated by the SC Commission on Higher Education. You may be asked to provide certain documents to confirm information provided on your certification form. Please note your VIP ID (included with your admissions packet) on all documents you provide. This number will help the office match them to your record. These documents will be handled in accordance with the University's policies on data security and privacy. Failure to provide the required documents may result in the assessment of Non-Resident Tuition and Fees. Additionally, the Residency Office reviews its files to determine if a student's residency status may have changed. Residency may request additional information to determine if you still meet residency eligibility requirements.

Q: How do I prove I am a resident of South Carolina?
A: Residents generally have resided in the state of South Carolina for more than 1 year, have filed state income taxes for the previous tax year, and have a current, valid driver's license or state identification card issued by the State of South Carolina. Other information that may be considered is car registration, employment, etc.

Q: How do I prove I am eligible to pay the in-state rate for tuition and fees?
A: Residents generally have resided in the state of South Carolina for more than 1 year, have filed state income taxes for the previous tax year, and have a current, valid driver's license or state identification card issued by the State of South Carolina. Other information that may be considered is car registration, employment, etc.

Q: If I have lived in SC for one year or more, does that make me eligible for in-state tuition?
A: No, nothing is automatic about residency. Students have to meet the requirements, submit their applications, and be approved before any changes are made.

Q: My parents are divorced. How does that affect my residency? What about scholarships?
A: If one of the following scenarios applies to your situation then you can claim SC residency:
   • Joint Custody and one parent is a SC resident; or
   • Parent that claims the child on income taxes is a SC resident; or
   • Parent that is SC resident is under court order to pay child support and college expenses.

If you are a dependent of a SC resident then you may be eligible for State scholarships and grants. Please consult the financial aid office regarding your eligibility.

Q: What happens if my parents are transferred out-of-state?
A: Generally, the student may continue to claim SC residency as long as he/she is continuously enrolled during all regular academic terms (fall and spring terms or their equivalent) if the family had lived in South Carolina for over three years and the move was job related.

Q: What is the difference in applying for residency as dependent or independent?
A: If a parent, guardian, or spouse provided more than half of the student's support for the past
twelve months, the student is considered dependent and it is the parent, guardian, or spouse that must meet the residency requirements. If the student provided the majority of support, then the student may be eligible to apply as independent. An independent student must have his/her own SC domicile. **Residence Hall housing cannot be used as one’s domicile, as it is temporary in nature.**
Q: Am I required to provide over 50% of my total financial support to be considered independent? A: You must provide over 50% of your total support with earnings coming from is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial loans, or payments made in accordance with court order. Total support must also be greater than total expenses.

Q: Can gifts from parents and relatives be counted as support that a student has provided? A: No. Gifts are considered money coming from elsewhere and do not count toward financial independence. Financial support must come from the sources listed in the law/regulations.

Q: Are Parent (PLUS) loans considered financial support contributed by students? A: No. PLUS loans are applied for and awarded to the parents.

Q: Are pre-paid tuition plans considered financial support provided by the parents? A: Yes. Even though pre-payment plans are in students' names, the parents contributed the funds and received the tax benefits. Therefore, they are considered funds from the parents.

Q: Can I use the money I've saved in my savings and checking accounts to establish my financial independence? A: A student may be allowed to use money saved in a savings or checking account if he/she can prove that the funds are from allowable sources. Allowable sources consist of his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial loans, or payments made in accordance with court order.

Q: Does owning property in South Carolina allow students to receive in-state tuition? A: For independent students, not by itself; the other requirements still have to be met. For parents of dependent students, SC has to be the primary state of residence.