

# RESIDENCY REGULATIONS (condensed)

(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 (18 or older) or the student (under 18) 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 residence 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 resident 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 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
- 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
- F. Veterans eligible to use Post 9/11 GI Bill® or Montgomery GI Bill® Active Duty educational benefits, who live in Hawai'i, and enroll at the University within three years of discharge from a period of active duty service of 90 days or more.

- G. Individuals eligible to use transferred Post 9/11 GI Bill® education benefits, who live in Hawai'i, and enroll at the University within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.
- H. Individuals eligible to use transferred Post 9/11 GI Bill® education benefits, who live in Hawai'i, and whose transferor is a member of the uniformed service who is serving on active duty.
  - I. Individuals eligible to use education benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who live in Hawai'i.
  - J. Individuals using educational assistance under the Vocational Rehabilitation and Employment (VR&E) (chapter 31) program and who live in Hawai'i.
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. At the time of publication, these included the following:

American Samoa  
Commonwealth of the Northern Marianas  
Cook Islands  
Federated States of Micronesia  
Futuna  
Kiribati  
Nauru  
Niue  
Rapa Nui (Easter Island)  
Republic of Palau  
Republic of the Marshall Islands  
Solomon Islands  
Tokelau  
Tonga  
Tuvalu  
Vanuatu  
Wallis

This list is subject to change. For a current list, eligibility and documentation requirements, please contact the Admissions Office of the campus you are applying to.

## MISREPRESENTATION

A student or prospective student who provides incorrect information on any form or document intended for use in 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.