

residency classification

VSAC



for students applying for
VSAC grants

Introduction

This publication provides key information about VSAC's residency classification process. The material included here is for informational purposes only and should not be considered as all-inclusive. There is no central state office responsible for determining residency classification. Public colleges and universities also make residency classification decisions. To inquire about an institutional residency classification process, or to explain special circumstances, individuals should contact the institution(s) that they plan to attend.

VSAC's residency requirements set forth conditions for students' being considered as "in-state" for VSAC grant-awarding purposes. Although individuals may be considered state residents for voting and other legal purposes after being in the state for a short period of time, the residency requirements outline additional requirements that must be met to be classified as "in-state" for VSAC grant-awarding purposes.

Classification procedures

Initial classification

The initial residency classification is made by a member of the VSAC grant staff. The classification is based on the information provided on the Vermont grant application.

Changes in classification

If, based on the Vermont grant application, a student's Vermont residency status appears to be in question, the student is asked to complete a residency questionnaire. The residency questionnaire is reviewed by a grant counselor, and a determination of residency is made. Applicants are notified in writing of the decision.

Appeal procedures

The process for appealing the grant counselor's residency decision includes an opportunity to petition a panel of representatives and provide supporting documentation for review and resolution. The individual is notified in writing of the decision made by the appeals committee. If the appeal is denied, the reason(s) will be included in the letter. The decision of the appeals committee is final.

Deadlines

VSAC will respond to an appeal within 30 days.

NOTE: The information provided in this publication is intended to give an overview of the residency classification process in Vermont. **All questions about a specific circumstance or practices of a particular college or university should be directed to that institution.**



Vermont Student Assistance Corporation

10 East Allen Street, PO Box 2000

Winooski, VT 05404

Toll-free **800-642-3177**

In the Burlington area **655-9602**

Visit our Web site at www.vsac.org

E-mail us at info@vsac.org

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Common questions

Q. Who sets the rules and procedures for considering individuals as in-state students for grant-awarding purposes?

A. The VSAC residency requirements are based on a state law that addresses the issue of in-state determination for grant-awarding purposes. These requirements are approved by the VSAC Board of Directors.

Q. How long must I live in Vermont before I can be considered “in-state” for grant-awarding purposes?

A. By law, an in-state student or student’s parents must be domiciled in Vermont for 12 or more continuous months immediately preceding the first day of classes of the period for which a grant is sought.

Q. What is domicile?

A. “Domicile” is the legal term used to describe the place where a person has chosen to make a fixed and permanent home. Domicile includes physical presence and intent, and must be established for the 12 months prior to the first day of classes. An established domicile may or may not, by itself, be enough to satisfy Vermont residency requirements.

Q. What is physical presence?

A. Physical presence refers to the place where a person lives. A person can have only one legal residence considered as physical presence for residency classification purposes. An individual can establish proof of physical presence by providing rent receipts, lease agreements, home ownership papers, or statements from landlords.

Q. What is intent?

A. Intent, together with physical presence, establishes domicile. Intent, however, is more difficult to establish and prove. Several factors can be used to determine if intent has been established. No one factor alone is sufficient to measure intent. It is the responsibility of the individual to provide as much information and documentation as appropriate to support intent.

Factors considered include:

- payment of Vermont state income tax as a resident
- permanent, full-time, off-campus employment
- withholding of Vermont state taxes from wages
- obtaining a Vermont Motor Vehicle Operator’s License or a valid Vermont ID for identification purposes
- obtaining Vermont license plates for your car
- registering to vote in Vermont
- ownership of residential (not vacation or investment) property in Vermont
- any other factors that tend to establish intent to make Vermont one’s permanent home

The more evidence an individual can provide, the easier it is to determine whether or not the individual has established intent. No one set of criteria is applied to an individual. It is the responsibility of the individual to document specific circumstances.

Q. If I marry a Vermont resident or live with a relative who is a Vermont resident, am I considered an in-state student?

A. Not necessarily. Each individual must establish his or her own domicile as prescribed by the requirements.

Q. If I came to Vermont to go to school, can I establish domicile if I’m still enrolled but want to stay in Vermont?

A. Ordinarily, no. Students will normally be considered out-of-state for the duration of their education program, even if they temporarily discontinue their studies.

Q. If I started school within a year of moving to Vermont, will I ever be considered a Vermont resident?

A. In most cases, no. Many students move to Vermont and decide to stay after completing their education. However, they are not considered Vermont residents if a primary purpose of moving to Vermont is to obtain a postsecondary education.

Q. My home state no longer considers me a resident. Doesn’t Vermont have to consider me a resident?

A. No. Vermont will look at each individual case based on the law and requirements. Students who move frequently, for example, may not have residency in any state for the purposes of financial aid.

Q. If a student moves to Vermont and doesn’t attend school for a year, does this mean he or she qualifies as a resident?

A. It may or may not. He or she would still need to prove domicile and fully satisfy the requirements.

Q. Why are there complex rules and requirements for establishing residency?

A. VSAC grant funds come from Vermont taxpayers. It is very important to the Vermont Legislature that the beneficiaries of these dollars be needy Vermonters.

Q. Is the residency classification decision at one institution transferable to another institution?

A. No. You must petition separately at each institution and at VSAC. VSAC and your college may have different residency classifications.

Q. What will happen if I grew up in Vermont but my parents have recently moved out-of-state?

A. Normally a dependent student is considered a resident of the state where his or her parents reside. However, based on individual circumstances, it may be possible to retain your Vermont residency.

Q. Are non-U.S. citizens capable of establishing in-state classification?

A. Non-U.S. citizens are legally capable of establishing a domicile when they have been granted the status of lawful permanent resident by U.S. Citizenship and Immigration Services. The date used to begin to establish domicile is the date the application for permanent visa was accepted. This date should be documented with a photocopy of the immigrant card itself. In addition, a limited group of non-immigrant classifications are capable of establishing in-state status, but that group does not generally include student visas.

Q. What if I disagree with a residency classification decision?

A. VSAC has an established appeal procedure, with reasonable deadlines, that an individual must follow. The decision made by VSAC in the appeal process is final. Subsequent appeals require legal action.