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This brochure was published by the Office of Admissions, University of Colorado at Denver, Campus Box 167, P.O. Box 173364, Denver, CO 80217-3364. The information on the following pages is intended only to characterize the basic components of residency classification. Questions regarding specific circumstances should be addressed to the Tuition Classification Officer at 303-556-2627.

The University of Colorado has a strong institutional commitment to the principles of diversity and takes action to achieve that end. The university does not discriminate in its educational and employment programs and activities on the basis of race, color, national origin, sex, age, disability, creed, religion, or veteran status.

May 2004
Residency Classification

The requirements for establishing residency for tuition purposes are defined by statute of the State of Colorado (Title 23, Article 7, C.R.S. 1973) as amended.

Section I

An individual must have been domiciled in Colorado for one calendar year before he or she is entitled to in-state tuition. A domicile is a person's true, fixed and permanent home. Having a domicile in Colorado involves more than mere physical presence or "residence" in the state. A person may have several places of residence but can have only one true domicile at any given time. If one is establishing residency for tuition purposes on his/her own, s/he must be either 22 years of age or emancipated at the beginning of the one year waiting period. Emancipation means complete self-support and financial independence. Marriage is an automatic act of emancipation. The one year rule applies to everyone without exception.

Student Responsibility

At all times in the classification procedure, it is the student's responsibility to present all requested information and to meet the appropriate deadlines. Failure to provide all requested documents will render the petition invalid. The petitioner's signature (at the end of the form) must be notarized. It is the responsibility to notify the Office of Admissions within 10 working days of any event which might affect the student's tuition classification status whether from out-of-state to in-state or the reverse.

There are very strict guidelines and timetables for submission of petitions for changes of classification to in-state. Petitions submitted after the first day of class will not be considered for that term. New for Fall 2006 and future semesters:

The Colorado State Legislature passed HB1023, which requires the University to gather additional information for any student who applies for and receives any form of federal, state or local public benefits, including in-state tuition and merit, need, or other institutional financial assistance through a state institution of higher education. Any student who has not applied for financial aid by filing the FAFSA, or applied for the College Opportunity Fund must also sign an affidavit stating that he/she is lawfully present in the United States and present appropriate identification to the Registrar’s Office in order to receive benefits.

You can find more information as well as the affidavit at: www.cudenver.edu/Admissions/Registrar/House+Bill+1023/default.htm

Establishing Domicile

There is no formula or checklist to follow in establishing domicile. In order to establish a domicile for tuition purposes both physical presence and intent to create a Colorado domicile must have been established and dated one year prior to the first day of classes. Determination of domicile is a subjective decision requiring analysis of each petitioner's individual evidence of domicile, not a checklist or formula to be blindly followed. When the last necessary connection with the state is dated, the one year waiting period begins, at the end of which the applicant qualifies for in-state tuition.

Domicile for tuition purposes has two parts:

1. Physical presence within the state must be documented at least one year prior to establishing residency. Leases and rent receipts may be used to prove physical presence, however, they do not qualify as legal connections with the state.
Establishing Domicile Cont’d
2. Intent to make Colorado one's true, fixed, and permanent home and place of habitation. This intent must be shown by objective evidence of physical connections with the State of Colorado such as:

- Driver's License
- Automobile License Plates
- Voter Registration - Though voting is not required by law, it is nonetheless an indicator of one's intent to create a domicile.
- Permanent, full-time, off-campus employment and payment of Colorado state income taxes through the filing of Colorado state Income tax returns by a person whose income is sufficient to be taxed are considered highly persuasive evidence of intent to make Colorado one's permanent home.
- Ownership of property in Colorado that is your primary residence
- Professional Licenses

Generally, physical presence plus one legal connection to the state will not be sufficient to establish domicile.

Bank accounts, seeking medical or dental care, or marrying or divorcing in the state are matters of convenience because one happens to be present in the state and are not legal connections with the state that prove intent to make Colorado one's permanent home.

Emancipated and Un-emancipated Minors

A person must be emancipated before he or she can establish a domicile separate from the domicile of the parents.

Emancipation for tuition purposes takes place automatically when a person turns 22 years of age, marries, or matriculates in a graduate program. Domicile must then be established in Colorado, and the person must wait one year before gaining in-state status for tuition purposes.

A person who is unmarried and under 22 years of age at the beginning of the one year waiting period and who wishes to claim "emancipated minor" status must prove that he or she is completely self-supporting and financially independent of his or her parents.

The following conditions constitute evidence of emancipation, but no one criterion can be considered conclusive evidence of emancipation:

1. Affidavit from parents (found in the petition) stating parental relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor, with documentation of the fact that the minor has not been claimed as a tax deduction on income tax returns. Emancipation under these circumstances is the act of the parent and not of the child. If there is a duty to support the minor, for instance, a court order in a divorce decree, there is no evidence of emancipation.

2. Evidence that the parents have provided no financial support coupled with proof that the minor can independently meet all of his or her own expenses including the cost of education. (PLUS loans constitute financial support from the parents.) The minor cannot receive loans from parents nor can a minor receive a gift of money one day and claim to be emancipated the next day.

3. Entry into the military service.

Trust funds established for the minor must show documentation of when the trust fund was set up, by whom, for what purpose, and the last date that money was put into the fund.
**Four Year Rule**

Students whose parents maintain a Colorado domicile for four years and then establish domicile elsewhere, will remain eligible for in-state tuition if:

a. The parents leave Colorado after the student completes his or her junior year of high school and if the student enrolls at a Colorado public college or university within three years and six months after the parents leave Colorado. The student need not remain in Colorado when the parents leave or be emancipated from the parents.

   OR

b. The student maintains continuous Colorado domicile. The student need not be emancipated. This provision will generally be met if the student continues to reside in Colorado after the parents leave or if the student resides outside the state only temporarily (for example, to attend college or for military service) while maintaining Colorado domiciliary connections such as voter registration and income tax filing.

**Legal Guardians**

If a minor wishes to claim that he or she has a legal guardian in Colorado, he must provide a court order granting the guardianship of the minor. The court will have to certify that the appointment was not made to qualify the minor for residency status.

**Section II**

**Classification Procedures**

**Initial Classification**

The initial classification of any student enrolling at the University of Colorado at Denver is made by a staff member in the Office of Admissions. This determination is based on information supplied in the application for admission.

**Changes in Tuition Classification**

Students who have been initially classified as non-resident and feel they meet the requirements for in-state tuition should call the Tuition Classification Officer at 303-556-2627. The student may be requested to complete a Residency Petition Form which is available in the Admissions Office at 1250 14th Street, in the annex; the Service Center in the North Classroom building; or on the CU Denver website at www.cudenver.edu. The burden of proof rests upon the student who has the responsibility to submit the completed petition with required documentation. Only photocopies of requested documents should be submitted with the petition because all information submitted becomes part of the student's file and cannot be returned to the student.

**New for Fall 2006 and future semesters:**

The Colorado State Legislature passed HB1023, which requires the University to gather additional information for any student who applies for and receives any form of federal, state or local public benefits, including in-state tuition and merit, need, or other institutional financial assistance through a state institution of higher education. Any student who has not applied for financial aid by filing the FAFSA, or applied for the College Opportunity Fund must also sign an affidavit stating that he/she is lawfully present in the United States and present appropriate identification to the Registrar’s Office in order to receive benefits.

You can find more information as well as the affidavit at:

www.cudenver.edu/Admissions/Registrar/House+Bill+1023/default.htm
Deadlines

Completed petitions may be returned to the Office of Admissions as early as 90 days prior to the first day of classes of the semester for which the student desires a change in classification, but no later than the first day of classes for that semester. If additional information is required a letter will be sent to the student asking for the missing documents. The additional information required must be submitted within 10 working days of receipt of the letter. Residency decisions which are not challenged or appealed within the time allowed for challenges will remain final.

Appeals

Any student who is denied in-state tuition classification by the Tuition Classification Officer may appeal that decision to the Residency Appeals Committee. The Residency Appeals Committee is composed of a representative from each University of Colorado campus. A student wishing to appeal a decision should contact the Registrar's Office for instructions. The decision of the Residency Appeals Committee is final. Residency appeals must be submitted, in writing, to the Office of the Registrar (303-556-2734) no later than 10 working days after the student receives the Tuition Classification Officer's decision. There will be no retroactive changes in classification.

Frequently Addressed Points

There are many different kinds of residency. A person can be a resident for voting purposes or motor vehicle law purposes and still not be a resident for tuition purposes because each kind of residency is governed by a separate state statute. Because there is no uniform federal legislation governing tuition classification, each state is free to enact its own law. The fact that a student does not qualify for resident tuition in any other state is irrelevant to a determination of the status in Colorado because the status is governed solely by the Colorado statutes.

The tuition statute places the burden of proving domicile upon the student, not the University.

A student may leave the state for vacations or for summer work in another state during the one year waiting period, only if domicile has been clearly established. To retain in-state status, one must maintain the Colorado connections such as a driver's license, license plates, and voter registration. If claiming to be an emancipated minor, one must maintain this emancipated status. Additionally, any out-of-state income should be claimed on one's Colorado state income tax return at the end of the year.

Marriage to a resident does not automatically qualify the student for in-state tuition. Colorado has passed a state Equal Rights Amendment to the Colorado Constitution which means that each person is treated equally. Each person, male or female, must qualify based on his or her own legal connections with the state.

A student does not have to be employed in order to gain in-state tuition, however, permanent, full-time employment is one indication of intent to make Colorado your permanent home.

A student may be enrolled in school during the one year waiting period.

In-state tuition is not a right, but a privilege, and a person's status can be changed to non-resident if it is shown that an error was made and that the student does not qualify for in-state tuition.

Non-U.S. citizens are legally capable of establishing domicile when they have been granted the status of lawful permanent resident by the office of U.S. Citizenship and Immigration Services. The date used for purposes of establishing a domicile is the date the application for permanent resident was accepted by the office of U.S. Citizenship and Immigration Services. This date should be documented with a photocopy of the permanent resident card. The one year rule will now apply to the visa date, physical presence, and documented intent to create a Colorado domicile.

In addition, students on certain types of visas may be eligible to establish residency for tuition purposes.
For questions and further information please contact:

Tuition Classification Officer
University of Colorado at Denver
1250 14th Street, Annex
Campus Box 167, PO Box 173364
Denver, CO 80217-3364
Phone: 303-556-2627
Fax: 303-556-4838

Equal Opportunity/Nondiscrimination

The University of Colorado has a strong institutional commitment to the principles of diversity and takes action to achieve that end. The university does not discriminate in its educational and employment programs and activities on the basis of race, color, national origin, sex, age, disability, creed, religion, or veteran status.

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