RESIDENCY FOR TUITION PURPOSES
AT THE UNIVERSITY OF HAWAI`I

Frequently Asked Questions

Why do the campuses of the University of Hawai`i charge both resident and nonresident tuition?

The University of Hawai`i (UH) is the state's public institution of higher learning. Public institutions are partially supported by state taxes. Therefore, UH, like all other public universities in the nation, may charge nonresidents a higher tuition, since nonresidents do not contribute to the state's tax base.

What is residency for tuition purposes?

Residency for tuition purposes is not the same as residency for other purposes, such as obtaining a Hawai`i driver’s license. Residency for tuition purposes is synonymous with the legal concept of domicile. A person’s domicile is the place where that person lives permanently and returns to after any absence. You can have only one domicile at any given time.

How can I pay resident tuition?

To be considered a resident for tuition purposes, you must:

a) have been physically present in Hawai`i for at least 12 consecutive months prior to the first day of instruction; and

b) not have been claimed as a dependent for tax purposes by a nonresident parent or guardian, unless, in the case of divorced or legally separated parents, the parent legally claims the dependent and the other parent and student meet the Hawai`i residency requirements.

I am a minor. Must I still meet residency requirements?

If you are under the age of 18, your residency status will be based on your parents or legal guardian.

How do I prove that I am a resident?

The determination of residence requires a finding of objective fact, or physical presence, as well as subjective fact, which is the intent to establish domicile in Hawai`i while giving up any prior domicile.

The following actions are the most important. No single action is conclusive. The University will consider all actions to determine your residency status.

1) Filing a Hawai`i resident personal income tax form
2) Voting/Registering to vote in Hawai`i
3) Proof of employment in Hawai`i
4) Ownership or continuous lease of a residence in Hawai`i

Any other actions that could prove domicile in Hawai`i are also considered.

If I am a nonresident, can I attend school and establish residency at the same time?

Presence in Hawai`i primarily to attend an institution of higher learning shall not create resident status. A nonresident student enrolled for six credits or more per term shall be presumed to be in Hawai`i primarily for educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in Hawai`i.

Can non-U.S. citizens be residents?

Only aliens legally in the U.S. be consent of the U.S. government may be allowed to establish domicile in Hawai`i. This includes permanent residents (green cards).

Those persons in the U.S. on temporary visas, such as student, tourist, or visitor visas cannot be residents, since their stay in the U.S. is temporary, and their legal domicile is their home country.

I am an exchange student. Can I become a resident?

No. As an exchange student, you are a resident of somewhere other than Hawai`i. You can begin to establish Hawai`i residency only after you have terminated your exchange program.

Are there any exceptions to the residency requirements?

Yes. The UH Board of Regents has established exemptions which allow certain nonresident to pay the resident tuition. Only the following apply:

1) Members or the U.S. armed forces and their authorized dependents stationed in Hawai`i on active duty
2) Members of the Hawai`i National Guard and Hawai`i-based reservists
3) Full-time employees of the UH and their dependents
4) East-West Center student grantees pursuing baccalaureate or advanced degrees at the UH
5) Native Hawaiians, descendents of the aboriginal peoples that inhabited the Hawaiian Islands in 1778

In addition, the UH Board of Regents also allows citizens of certain Pacific islands which do not have public institutions that grant baccalaureate degrees to pay 150% of the resident tuition.

If I am classified as a nonresident but believe that I am indeed a resident, can I contest my nonresident classifications?

Yes, there is an appeal process available. You would first have to pay the nonresident to register, then file an appeal, which will be heard by the UH Residency Appeals Board. If the Board finds that you are indeed a resident, the nonresident tuition differential will be refunded to you.

If the Board finds that you are a nonresident, you decide to withdraw from classes, your tuition will not be refunded to you.

Office of the Vice President of Student Affairs 10/07
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 (prior to the start of the term of change).

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 HAWAI‘I RESIDENCY

A student is deemed a resident of the State of Hawai‘i for tuition purposes if the student (19* or older) or the student (under 19*) 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, descendents of the aboriginal peoples that inhabited the Hawaiian Islands and exercised sovereignty in the Hawaiian Islands in 1778

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 Mariana Islands
   Cook Islands
   Federated States of Micronesia
   Futuna
   Kiribati
   Nauru
   Niue
   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.

*The age of majority is 18 years. However, a person between the ages of 18 and 19, unless emancipated, cannot claim residency solely on the basis of himself/herself because he/she does not have the minimum 12 months residency which commences on his/her 18th birthday.