



MASSACHUSETTS

The following information was provided by the University of Massachusetts - Amherst.

Type and Citation: Individual. Individual state institutions determine residency policies.

Requirements for Resident Classification: For the purpose of assessing tuition and fees, each student shall be classified as a "*Massachusetts resident*" or a "*non-Massachusetts resident*." Individuals shall be classified as a Massachusetts resident if they (or the parent of an unemancipated student) shall have resided in the Commonwealth of Massachusetts for purposes other than attending an educational institution for twelve months immediately preceding the student's entry or reentry as a student. Physical presence for this entire 12-month period need not be required as long as the conduct of the individuals, taken in total, manifests an intention to make Massachusetts their permanent dwelling place. (See *Evidence of Domicile*, below.)

Residency is not acquired by mere physical presence in the State while enrolled in a higher education institution.

"Emancipated person" shall mean persons aged eighteen years or older who are financially independent of their parents, or if under 18 years of age, a) have parents who have entirely surrendered their rights to the care, custody, and earnings of the emancipated person and are no longer under any legal obligation to support such person; or b) are legally married; or c) have no parents. If none of these circumstances apply, the person is "*unemancipated*."

"Parent" shall mean a) the person's father and mother, jointly; b) the person's mother, if the father is deceased; the person's father, if the mother is deceased; c) if a legal guardian has been appointed by a court having jurisdiction, the legal guardian; d) if neither parent is living and no legal guardian has been appointed, the person who then stands *in loco parentis* to the person; or e) if the parents are divorced, separated or unmarried, the parent who has been awarded legal custody of the person; or, if legal custody has not been awarded, the parent with whom the person lives.

Individuals registered at the University as Massachusetts as residents are eligible for continued classification as MA residents for tuition purposes (until the attainment of the degrees for which they are enrolled) during continuous attendance at the institution.

The spouse of any person who is classified or eligible for classification as a Massachusetts resident is likewise eligible for classification as a MA resident. This provision does not apply in the case of a spouse in the U.S. on a nonimmigrant visa.

Individuals who are immigrants/permanent residents of the U.S. and noncitizens who are in refugee/asylum status (or those who have applied for any of these categories) may be



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considered for MA residency for tuition purposes by meeting the same requirements for establishing residency as are required of U.S. citizens. Noncitizens must provide appropriate documentation to verify their INS status.

Evidence of Domicile, Including but not Limited to: Each case will be decided on the basis of all facts submitted with qualitative rather than quantitative emphasis. A number of factors is required for residency to determine the intention of the person to maintain permanent residence in Massachusetts; no single index is decisive. The burden of proof rests on the student seeking classification as a Massachusetts resident. The following shall be primary indicia of residency: for unemancipated persons, the residence of parents having custody within Massachusetts; certified copies of federal and state income tax returns; permanent employment in Massachusetts in a position not normally filled by a student; reliance on Massachusetts sources for financial support; and former residence in Massachusetts and maintenance of significant connections there while absent. The following shall be secondary indicia of residency, considered of less weight than the indicia listed above: continuous physical presence in Massachusetts during periods when not an enrolled student; military Home of Record; and any other material which may have a bearing on determining residency.

Others Eligible for Resident Status: 1) Active-duty members of the U.S. Armed Forces stationed in Massachusetts pursuant to military orders, their spouses and dependent children; 2) full-time faculty, professional staff, and classified staff employees of the University of Massachusetts system, their spouses and dependent children; 3) those students whose higher educational pursuits are funded by the Department of Welfare, the MA Rehabilitation Department, or any of the other Commonwealth of Massachusetts public assistance programs.

Temporary Absence from the State: Institutional responses to a College Board questionnaire indicated that residents formerly domiciled in Massachusetts and qualified for in-state residence status for tuition purposes as stated above may not lose this classification if they provide strong supporting documentation of former permanent domicile in the State immediately prior to the move overseas; maintenance of significant contacts while absent; and intent to continue permanent domicile in Massachusetts upon return. U.S. Armed Forces personnel do not lose in-state status while present in another state or country.

For specific institutional requirements, contact:

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