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The following information was obtained from a review of the regulations and statutes and provided by the University of South Carolina.

Type and Citation: Statutory. S.C. CODE 59-112-10 and related provisions. Residency policies at post-secondary state educational institutions* are governed by the South Carolina Commission on Higher Education regulations and statutory requirements.

Requirements for Resident Classification: South Carolina domicile for tuition and fee purposes may be established by independent persons and their dependents who reside in and have been domiciled in South Carolina for a period of no less than twelve months with an intention of making a permanent home in the state.

Where independent persons (a) with minimum 12-month SC domicile or (b) meeting the full-time employment provision (See exception #3, below) are living apart from their spouses, or where such people and their spouses are separated or divorced, the spouses and dependents of such independent persons shall have domiciliary status for tuition and fee purposes only under the following circumstances: 1) if the spouse requesting domiciliary status for tuition and fee purposes remains domiciled in South Carolina although living apart or separated from the employed spouse; 2) if the dependent requesting domiciliary status for tuition and fee purposes is under the legal custody or guardianship, as defined below, of an independent person with SC domicile; or if such dependent is claimed as an income tax exemption by the parent not having legal custody but paying child-support, so long as either parent retains SC domicile.

The residence and domicile of a dependent minor (one who has not reached age 18) shall be presumed to be that of his/her parent. "Parent" shall mean the natural or adoptive father or mother; or, if one parent has custody, the parent having custody; or a guardian or other legal custodian of such person, where circumstances indicate that such arrangement was not created primarily for the purpose of conferring SC domicile for tuition and fee purposes.

Marriage of a nonresident to a person domiciled in South Carolina does not automatically confer resident status and may not be deemed the sole factor in residency determination. A nonresident may acquire resident status by fulfilling the requirements listed above or by marrying a SC domiciliary who is independent and supports the nonresident as a dependent.

Noncitizens and nonpermanent residents, including refugees, asylees and parolees, and their dependents, who have been admitted to the U.S. for permanent residence and have thereafter physically resided and established permanent residence in South Carolina for at least 12 months immediately prior to the date that classes begin for the applicable term may be entitled to resident classification. Nonresident aliens present in the U.S. under the terms of visa classification A, G, K, or N who can demonstrate permanent residence for at least 12 months while holding such visas may be entitled to resident classification.



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Notwithstanding the other provisions in the statute, dependent persons who have been domiciled with their families in South Carolina for a period of not less than three years immediately prior to their enrollment may enroll in state-supported institutions of higher learning at the in-state rate and may continue to be enrolled at such rate even if their parents, spouses or guardians upon whom they are dependent move their domicile from the state.

Evidence of Domicile, Including but not Limited to: The following may be considered convincing evidence of intent to establish permanent residence in South Carolina: 1) registering to vote and voting in SC elections; 2) obtaining a SC driver's license, or if not a driver, a SC identification card; 3) obtaining SC vehicle registration; 4) paying SC income taxes as a state resident, including income earned outside South Carolina from the date residence is established; 5) offer and acceptance of full-time employment in SC; 6) designating SC as state of legal residence on military records; 7) licensing for professional practice in SC; and 8) ownership of principal residence in South Carolina. The absence of these indicia in other states or countries is required before a student is eligible to pay in-state rates.

Exceptions to the 12-month Domiciliary Requirement: 1) Members of the U.S. Armed Forces and their dependents stationed in South Carolina on active duty [When such personnel are ordered away from the state, their dependents may continue to pay in-state fees for an additional 12 months. Such persons (and their dependents) may also be eligible for 12 months after their military discharge, provided they have resided in SC for at least 12 months immediately preceding the discharge and they have demonstrated an intent to establish a permanent home in South Carolina, even when not enrolled in a state institution at the time of discharge.]; 2) full-time faculty and administrative employees of SC state institutions, their spouses and dependent children; 3) residents for fewer than 12 months with full-time SC employment, and their dependents, if they have taken the steps to establish a permanent home in the state and continue to work full-time; 4) retired persons, receiving a pension or annuity, who have resided and been domiciled in SC for less than one year, as long as they maintain SC residence and domicile; 5) students from other states participating in Academic Common Market programs; and 6) persons on terminal leave who have established SC residency may be eligible for in-state rates even if domiciled in the state for less than one year, if they present documentary evidence from their employer showing they are on terminal leave. Such evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity upon retirement.

Temporary Absence from the State: South Carolina residency law states that the words "*residence*" or "*reside*" shall mean continuous and permanent physical presence within the State, provided that temporary absences for short periods of time shall not affect the establishment of residence. A South Carolina resident's temporary absence from the state does not necessarily constitute loss of SC residence unless the resident has acted inconsistently with the claim of continued South Carolina residence during the absence. The burden is on the



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resident to show retention of South Carolina residence during the absence from the state. Steps a person should take to retain SC resident status for fee and tuition purposes would include continued use of a South Carolina permanent address in all records; satisfying SC resident income tax obligations which include reporting for tax purposes income earned in another state or country; retaining SC voter's registration; voting by absentee ballot; and maintaining SC driver's license and vehicle registration. SC residents (and their dependents) who serve in the military may continue to be eligible to pay in-state fees as long as they continuously claim SC as their state of legal residency during their military service.

- * These include: Clemson University, Coastal Carolina U, South Carolina State U, The Citadel, University of South Carolina, Winthrop College, Lander College, Francis Marion College, College of Charleston, Medical U of South Carolina, and South Carolina Technical Colleges.

For specific institutional requirements, contact:

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