



**DENMARK  
TECHNICAL COLLEGE**

ADMINISTRATIVE POLICY #03.50.02.02 (2020) RESIDENCY POLICY

**Policy Title:** Residency Policy

**Policy Type:** Administrative

**Policy Number:** ADM Policy #03.50.02.02 (2020)

**Legal Authority:** Section 59-53-30 of the 1976 Code of Laws of South Carolina as Amended

**State Board Policy:**

**Approval Date:** May 20, 2020

**Responsible Office:** Office of Enrollment Management

**Responsible Executive:** Vice President for Student Services

**Applies to:** Students

**POLICY STATEMENT:**

The initial residency classification is determined at the time of admission based on South Carolina Law and Commission on Higher Education regulations at [www.che.sc.gov](http://www.che.sc.gov).

Military personnel may present orders for local active duty and may need to provide additional documentation for dependents who are not listed on orders.

In determining the legal residency status of a student, South Carolina law differentiates between students who are independent and those who are still dependent on a parent or guardian. If the student is dependent, state law provides that the student is *presumed* to have the same residency status as the parent or guardian on whom he/she is dependent. S.C. Reg. § 62-603(B) specifically provides that "the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian." Therefore, in the typical case, where a student is dependent on a parent or guardian, that student's residency is *presumed* to be that of the parent or guardian.

Where the student is dependent on a parent or guardian who has an undocumented immigration status, the preliminary residency decision will typically be that the student qualifies as a "non-resident alien." According to Commission regulations, a "non-resident alien" is defined as "a person who is not a citizen or permanent resident of the United States. By virtue of their non-

resident status 'non-resident aliens' generally do not have the capacity to establish domicile in South Carolina." S.C. Reg. § 62-602(K).

However, *where that student is also a United States citizen*, state law only presumes that the student is a "non-resident alien" like the parent or guardian on whom he/she is dependent. That presumption is *rebuttable*, and the burden remains on the student to rebut that presumption, if possible, by presenting evidence to establish that he/she is entitled to in-state residency status notwithstanding the undocumented status of his/her parent or guardian.

A dependent student seeking classification as a South Carolina resident will not be automatically disqualified from receiving in-state tuition because of the citizenship or immigration status of their parent(s) or guardian(s). Staff should advise students that the immigration or citizenship status of a student's parents(s) or guardian(s) will not automatically disqualify them from receiving these benefits. For U.S. citizen students with undocumented parents or guardians, state-issued identification documents and other typical indicia of residency may not be available to the parents. In such cases, staff should work with the student to obtain alternate proof of the parents' residence and domicile in South Carolina, including but not limited to the other documents listed in S.C. Code Reg. § 62-605(C), as well as utility bills, lease documents, medical and school records, and other records that may indicate domicile. No particular document or combination of documents shall be conclusive in every case; rather, in all cases, regardless of the citizenship or immigration status of the parents or guardians, staff shall endeavor to determine whether South Carolina is the true, fixed, principal residence and place of habitation as set forth in S.C. Code Ann. § 59-112-10(D), based on the information and documentation submitted by the student. In all cases, the student has the burden of proving fulfillment of the requirements for in-state tuition and attendant benefits.

To resolve a residency status, complete the residency application and submit it to the Admissions office by the last business day before your first term begins.

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## **CONTACT(S)**

The Enrollment Management Office officially interprets this policy and is responsible for obtaining approval for any revising. Any questions regarding this policy should be directed to the Enrollment Management Office.

## **STAKEHOLDER(S)**

College community; more specifically, students and faculty

## **TITLE: POLICY CONTENTS PUBLICATION**

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the Vice President of Student Services will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;
- Post the policy on the College's webpage and all other related webpages, in the student handbook, and the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary.

## **REVIEW SCHEDULE**

- Next Scheduled Review: May 20, 2022
- Approval by College Cabinet, May 20, 2020
- Revision History: N/A
- Supersedes: N/A

## **RELATED DOCUMENTS**

*There are no related documents associated with this policy.*

## **FORMS**

*There are no forms associated with this policy.*

