

**COLORADO SCHOOL OF MINES**  
*Office of Legal Services***RESIDENCY AND TUITION CLASSIFICATION GUIDELINES**

The state of Colorado partially subsidizes the cost of tuition for all students whose domicile, or permanent legal residence, is in Colorado. Each CSM student is classified as either an "in-state resident" or a "non-resident" at the time of matriculation. These classifications are based upon information furnished by each student on his or her application for admission to CSM.

The specific requirements for establishing residency for tuition classification purposes are prescribed by state law (Colorado Revised Statutes § 23-7-101, *et seq.*). Because Colorado law governs Colorado residency status, the fact that a student might not qualify for in-state status in any other state does not guarantee in-state status in Colorado. Moreover, it is presumed that a student classified as a non-resident at the time of matriculation who seeks to establish Colorado domicile while registered at CSM seeks Colorado domicile not solely for tuition purposes. The student can rebut this presumption and be deemed an in-state resident only by a showing of *clear and convincing* evidence of his or her eligibility for this status.

**Petitioning for In-State Tuition Classification**

A continuing, non-resident student who believes that he or she has become eligible for in-state tuition due to events that have occurred subsequent to his or her initial enrollment may file a Petition for In-State Tuition Classification with the Registrar's Office. This petition is due in the Registrar's Office no later than the first day of the semester for which the student is requesting in-state residency status. The registrar will make the initial decision regarding the student's eligibility for in-state status. This decision can be appealed by petition to the Tuition Classification Review committee. For more information about this process, please contact the Registrar's Office.

**Summary of Statutory Requirements**

In-state or resident status requires domicile in Colorado for one year or more immediately preceding the beginning of the semester for which in-state status is sought. "Domicile" means a person's true, fixed, and permanent home and place of habitation. It is the place where the individual intends to remain and to which he intends to return when he leaves. Establishment of a new domicile in Colorado occurs when an individual is physically present in Colorado and does not intend to return to the state in which he or she was formerly domiciled (or to acquire a domicile at some other place outside of Colorado). The domicile of an unemancipated minor is the same as the parent or guardian with whom he or she resides. Students over the age of 22 years, students commencing a post-baccalaureate degree program, and emancipated minors are qualified to determine their own domicile. "Emancipated minor" means a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor, are under no duty to support the minor and have made no provision for the support of such minor.

**Domicile**

Pursuant to Colorado law, the following may be considered as **evidence of Colorado domicile**:

- Payment of Colorado income tax;

- Employment in Colorado (other than that normally provided to students on a temporary basis by CSM or other temporary employment);
- Ownership of residential real property in Colorado;
- Graduation from a high school located in Colorado;
- Continued residence in the state of Colorado during periods when not enrolled as a student or during periods between academic sessions;
- Acceptance of future permanent employment in the state of Colorado;
- Vehicle registration in Colorado; and
- Any other factor peculiar to the individual that tends to establish the necessary intent to make Colorado a Permanent home.

No single factor or combination of these factors may be considered conclusive evidence of domicile. Moreover, because domicile is defined as a true, fixed and permanent home, individuals who are present in Colorado on a temporary basis, e.g., for the purpose of completing a degree, cannot establish domicile by merely taking these actions.

The following may be considered as **evidence of domicile in another state**:

- Failure to comply with any Colorado law imposing a mandatory duty upon a domiciliary or resident of this state;
- Maintenance of a home in another state;
- Payment of income tax in a state other than Colorado;
- Prolonged absence from Colorado, except for the purpose of military or governmental service, when the absence is due to a temporary relocation required as a condition of employment, or when the student has been out of state for less than three years and his or parent or legal guardian was and continues to be a resident of Colorado;
- Return to one's former residence for a substantial portion of the time during periods when not enrolled as a student, or between academic sessions;
- Vehicle registration in another state; and
- Any other factor peculiar to the individual that tends to establish the fact that his or her permanent home is in another state.

## **Emancipation**

The following may be considered as **evidence of emancipation**, although none of these items, other than marriage, may be considered as *conclusive* evidence of emancipation:

- An affidavit from the parents stating their relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor;
- Entry into the military service by the minor;
- Failure of the parents to provide financial support to the minor, coupled with the evidence that the minor is independently able to meet his or her own financial obligations, including the cost of his or her education;
- A minor's marriage; and
- Any other factor peculiar to the individual that tends to establish that he or she is independent of his or her parents.

The following may be considered as **evidence of non-emancipation**:

- A parent's claiming of a minor as a dependent for the purpose of income taxation;

- A student's receipt of and reliance on gifts, loans, or proceeds from an *inter vivos* trust regardless of the date of receipt thereof and whether such funds are proffered by the parents, another relative, or a friend of the minor.
- The minor's continued residence in the home of his or her parents (temporary visits excepted); and
- Any other factor peculiar to the individual that tends to establish that he or she lacks independence and is dependent upon his or her parents.

## **Military Personnel**

Members of the United States armed forces may be eligible to obtain in-state status after being domiciled in Colorado for 12 continuous months and complying with the tuition classification statutes or, notwithstanding the length of residency, upon moving to Colorado on a permanent change-of-station basis. Moreover, any member of the military forces of Canada stationed in Colorado, or the dependent of any such member, qualifies for in-state tuition status at any institution of higher education in this state. However, no member of the Canadian military will be deemed to be stationed in this state unless he maintains a full-time principal residence in Colorado. Moreover, in-state tuition status for Canadian military personnel or their dependents will terminate at the conclusion of the current semester upon transfer to any station outside of this state.

## **Olympic Athletes**

An athlete who otherwise would not be classified as an in-state student for tuition purposes may qualify for in-state status if the athlete is in residence and in training at the U.S. Olympic Training Center at Colorado Springs.

## **Foreign Nationals**

A foreign national, notwithstanding an intention to return to his or her country of origin or ineligibility to establish domicile in the United States pursuant to federal law, is eligible for classification as an in-state student after one year of Colorado residence if the primary purpose of the foreign national's residence in Colorado is other than for his or her education or for the education of a family member. The Colorado Commission on Higher Education has determined which nonimmigrant alien categories are subject to this provision. Nonimmigrants in the following categories cannot qualify for in-state tuition: F-1, F-2, H-3, H-4 (if the visa holder is the spouse or child of an H-3), J-1, and J-2 (if the J-1 visa holder is a student or trainee), M-1 and M-2. Individuals who are lawful permanent residents or who are admitted as refugees are eligible to establish domicile for tuition purposes.

## **WICHE Program Participants**

The Western Interstate Commission for Higher Education ("WICHE") promotes the sharing of higher education resources among the participating western states. Under this program, residents of Alaska, Arizona, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming who are enrolled in qualifying graduate programs may be eligible for in-state tuition classification. Check the Graduate Bulletin or contact the Office of Graduate Studies to find out which academic programs currently qualify.

PETITION FOR IN-STATE TUITION CLASSIFICATION

IMPORTANT: Indicate the semester for which you are petitioning.

SEMESTER \_\_\_\_\_ YEAR \_\_\_\_\_

Freshman \_\_\_\_\_ Transfer \_\_\_\_\_ Graduate \_\_\_\_\_ Non-Degree \_\_\_\_\_ Returning \_\_\_\_\_

Student's Name \_\_\_\_\_

CWID No. \_\_\_\_\_ Social Security No. \_\_\_\_\_

Address for Reply \_\_\_\_\_  
Street City State Zip Code  
Phone No(\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

Age Birthdate Marital Status Date Married Maiden Name

\*\*\*\*\*

Residency classification for tuition purposes is governed by Colorado Revised Statutes 1973, 23-7-101 et seq., (as amended). The statute provides that the burden of proving a Colorado domicile rests squarely upon the petitioner. It is the petitioner's responsibility to provide adequate written information and supportive documentation as required by the registering authority of this institution. The determination of domicile for tuition purposes will be made by the registering authority of this institution on the basis of the written information and supportive documentation supplied with this petition.

You must answer each of the following questions and attach all required documents. Failure to include any required document will render the petition invalid. If the student is under 22 and is unemancipated, or if the student has turned 22 during the last twelve months and was not previously emancipated, then the parent or court-appointed legal guardian of the student, rather than the student, must complete this petition. If a parent or court-appointed legal guardian completes this petition, then the information provided must reflect the situation of the parent or court-appointed legal guardian rather the student's situation. However, in the case of a previously unemancipated student who has turned 22 during the past twelve months, documentation about the student's status since turning 22 should be provided in addition to the information about the parent or guardian.

\*\*\*\*\*

All documentation must be received by the petition deadline, the first day of class for any given session. Documents become the property of CSM and will not be returned.

\*\*\*\*\*

Name of person completing this form \_\_\_\_\_

Address \_\_\_\_\_

Street City State Zip Code

Phone No.(\_\_\_\_) \_\_\_\_\_

Relationship to Student \_\_\_\_\_

If you are the court-appointed legal guardian of the student, you must enclose: (1) a copy of the court decree or letters of guardianship, whichever is appropriate; (2) a statement from the court that the parents, if living, do not provide substantial support to the minor child; and (3) a statement from the court that appointed you guardian certifying that the primary purpose of such appointment is not to qualify the student as a resident for tuition purposes.

- Yes No
1. Are you a citizen of the United States?.....\_\_\_ \_\_\_
- If not, a. Do you hold an immigrant visa?.....\_\_\_ \_\_\_
- b. Date visa issued \_\_\_\_\_
- c. Type of visa \_\_\_\_\_
- d. Please attach a photocopy of your immigrant card

2. List all specific dates of physical presence in Colorado.
- a. FROM: \_\_\_\_/\_\_\_\_/\_\_\_\_ TO: \_\_\_\_/\_\_\_\_/\_\_\_\_
- Month Day Year Month Day Year
- FROM: \_\_\_\_/\_\_\_\_/\_\_\_\_ TO: \_\_\_\_/\_\_\_\_/\_\_\_\_
- Month Day Year Month Day Year

b. Please attach proof of your presence in Colorado for the past twelve months. (i.e., photocopies of rent receipts, canceled rent checks, or lease/letters from landlords).

- Yes No
3. Did you file a Colorado state income tax return in the last twelve months?.....\_\_\_ \_\_\_

- a. List exact years for which you have filed Colorado returns:
- \_\_\_\_\_
- b. List exact years for which you have filed returns in another state: \_\_\_\_\_
- c. If you did not file a Colorado return in the past twelve months, please state reason(s): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- d. Is Colorado income tax currently being withheld? .....\_\_\_ \_\_\_
- e. Attach signed photocopies of Colorado (not federal) income tax returns for the past two years. Submit W-2 forms if Colorado returns were not filed.

4. List all employment for the past two years. Attach a statement from all Colorado employers during the past year indicating exact dates of employment, whether you were hired on a permanent or temporary basis, and whether it was/is full-time or part-time

a. \_\_\_\_\_  
 Employer (Company Name)

---

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 FROM: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TO: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
           Month Day Year                   Month Day Year

b. \_\_\_\_\_  
 Employer (Company Name)

---

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 FROM: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TO: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
           Month Day Year                   Month Day Year

c. \_\_\_\_\_  
 Employer (Company Name)

---

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 FROM: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TO: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
           Month Day Year                   Month Day Year

5. Have you accepted future employment in Colorado? ..... Yes No  
 \_\_\_\_\_ \_\_\_\_\_

a. Effective date of future employment: M\_\_\_\_ D\_\_\_\_ Y\_\_\_\_  
 b. Attach a photocopy of contract or other proof.

6. Are you registered to vote? ..... Yes No  
 \_\_\_\_\_ \_\_\_\_\_

a. In what state? \_\_\_\_\_  
 b. Date of last registration: M\_\_\_\_ D\_\_\_\_ Y\_\_\_\_  
 c. If registered in Colorado, attach a photocopy of Certificate of Registration from County Clerk.

7. Have you operated a motor vehicle in the past twelve months in Colorado? ..... Yes No  
 \_\_\_\_\_ \_\_\_\_\_

a. Approximate dates: \_\_\_\_\_

8. Have you owned a motor vehicle within the past twelve months? ..... Yes No  
 \_\_\_\_\_ \_\_\_\_\_

a. In what state was/is it licensed? \_\_\_\_\_  
 b. Exact dates of Colorado motor vehicle registration during the past two years: \_\_\_\_\_  
 c. Please attach photocopies of all Colorado vehicle registration showing the exact dates of registration for the past two years.

NOTE: If you do not currently own a motor vehicle, but have owned one which was registered in Colorado in the past two years, please attach photocopies of these registrations, or verifying proof from the County Clerk and Recorder's office.



\*\*\*\*\*

Complete the following questions ONLY IF (a) you are under 22 years of age and emancipated, or (b) you have turned 22 in the past twelve months and were emancipated prior to turning 22. If not applicable, proceed to question #16.

\*\*\*\*\*

15. a. Please attach copies of your parents' federal income tax returns covering the period of your emancipation and have your parents complete Section 18.

b. List all financial support provided to you by your parents during the past fifteen months.

Month	_____	Year	_____	Amount	_____
Month	_____	Year	_____	Amount	_____
Month	_____	Year	_____	Amount	_____

c. List the last year your parents claimed you as a dependent on their federal income tax return:

\_\_\_\_\_

d. List your parents' home address and the dates you resided there in the past two years.

Address	_____	Dates Resided (MM/YY)
	_____	From: _____ To: _____
	_____	From: _____ To: _____
	_____	From: _____ To: _____

e. List all of your sources of income (employment, loans, school sources, personal savings, trust funds and gifts from parents, relatives, and friends, etc.) since your parents ceased providing financial support.

NOTE: You must attach verifying proof and documentation for each income source during the past twelve months.

1. If your income is provided by a trust fund, furnish written documentation (such as photocopies of legal papers setting up the trust) of the purpose for which the fund was formed, the date it was established, and the dates, amounts and the persons by whom any money was added to the trust fund in the past fifteen months.
2. If you have savings they must be documented by photocopies of balance statements or passbook pages covering the entire twelve-month period.
3. If employment is used as an income source, list it in terms of yearly take home totals (as documented by W-2 forms, statements from employers, etc.) rather than in terms of wages per hour, per week, or per month.

Source	Address	Date	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

f. List and complete expenses for the past twelve months:

Room per month	_____	x 12 = Total for year \$	_____
Board per month	_____	x 12 = Total for year \$	_____
Tuition and fees per term	_____	= Total for year \$	_____
Miscellaneous per month	_____	x 12 = Total for year \$	_____



16. Supply any and all additional information you feel can help to show your intent to make Colorado your permanent home.

---

---

---

---

---

---

---

---

---

---

17. IMPORTANT: If false information or any falsified supporting document is included in this petition, the petition will be void and any determination of in-state classification based on the petition will be nullified.

I hereby swear/affirm that the answers given this petition are accurate and complete, and that all documents attached hereto are true and unaltered copies of the original documents requested. If my circumstances change, affecting the tuition status requested by this petition, I agree to notify the Admissions Office and the Office of the Registrar in writing within fifteen days after such change.

\_\_\_\_\_  
Signature of petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent or legal  
Guardian completing this form

\_\_\_\_\_  
Date

State of \_\_\_\_\_)

County of \_\_\_\_\_)

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires \_\_\_\_\_ (SEAL)

**NOTE: RESIDENCY CLASSIFICATIONS FOR TUITION PURPOSES WILL BE REVIEWED AND RE-EXAMINED PERIODICALLY. IF IT APPEARS THAT A STUDENT IS NO LONGER A RESIDENT FOR TUITION PURPOSES, THE STUDENT IS SUBJECT TO BEING RECLASSIFIED AS A NONRESIDENT AND DOCUMENTATION OF DOMICILE MAY AGAIN BE REQUIRED.**

Approval of change in residency (and tuition charges) may affect eligibility for financial assistance. Check with the Financial Aid Office for more information.

**PARENT(S) STATEMENT FOR  
MINOR CLAIMING EMANCIPATION**

18. I (We) \_\_\_\_\_, the parent(s) of  
\_\_\_\_\_ hereby swear/affirm

MINOR'S NAME

that I (we) have entirely surrendered that right to care, custody, and earnings of

\_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_. The last  
MINOR'S NAME M D Y

time this minor was claimed by me (us) as a state or federal income tax exemption was

\_\_\_\_/\_\_\_\_/\_\_\_\_ and (s)he will not be so claimed in this or subsequent years. The only  
M D Y  
support I (we) have provided to this minor since emancipation has been \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached are copies of all federal income tax returns (not W-2 forms) covering the above period of emancipation.

The emancipation referred to herein is an absolute emancipation for all purposes whatsoever, and was not done for the purpose of tuition classification.

\_\_\_\_\_  
\_\_\_\_\_  
Signature of parent(s) Date

State of \_\_\_\_\_)

County of \_\_\_\_\_)

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Signature of Notary Public

My Commission Expires \_\_\_\_\_ (SEAL)

**NOTE:** IF UPON PERIODIC RE-EXAMINATION OF AN INDIVIDUAL'S STATUS AS AN EMANCIPATED MINOR, IT APPEARS THAT HE/SHE IS NO LONGER EMANCIPATED, THE STUDENT IS SUBJECT TO BEING RECLASSIFIED AS A NONRESIDENT FOR TUITION PURPOSES. EVIDENCE THAT A MINOR IS NOT LONGER EMANCIPATED MAY INCLUDE SUPPORT BY PARENT(S) OR BEING CLAIMED AS A TAX EXEMPTION BY PARENT(S).