

General Guidelines to Law Students for Residency Reclassification

Residency reclassification for tuition purposes is governed by Section 1009.21 of the Florida Statutes. It is the norm that a student who comes to Florida for the purpose of receiving an education is not normally eligible for reclassification. Reclassification for tuition purposes requires clear and convincing documentation that supports permanent legal residency in Florida for at least twelve (12) consecutive months rather than temporary residency for the purpose of pursuing an education. Law students requesting reclassification must complete the residency reclassification form.

You must ensure that you have no attachments to another state. Therefore, all your addresses in the PantherSoft student system must reflect Florida Addresses. A request to have your address updated can be submitted through your **my.fiu.edu** portal and selecting the following options:

Student Tools → Student E-Forms → College of Law → Change of Address Form

Additional Documents:

To be considered a *Florida Resident for Tuition Purposes* the claimant has the burden of proof, through the submission of official and/or legal documents, that there are sufficient permanent ties to Florida. The following documents should be submitted with the student's reclassification application to provide clear and convincing documentation that justifies permanent residency in the state of Florida:

- Proof of application to the Florida Bar.
- A signed and notarized affidavit to the effect that you intend to take the Florida Bar and practice in the Florida state (page 7).

This application is for continuing students who wish to request reclassification from “non-resident for tuition purposes” to “Florida resident for tuition purposes.” For initial residency classification for all new and readmitted students, refer to <http://admissions.fiu.edu/>.

STUDENT INFORMATION

Student’s Name: _____ Panther ID: _____

Date of Birth: _____ Student’s Email: _____ @fiu.edu
(All residency correspondence will be sent here.)

Term Applying for Reclassification: _____ First FIU Term: _____

Have you previously applied for a change of residency? Yes, _____ No
(Term previously applied for reclassification.)

Are you a U.S. Citizen? Yes No

Are you a permanent resident alien or a legal alien granted indefinite stay by DHS? Yes No

(Required: Copy of alien registration card or verification of visa status. Eligible visa categories: A, E, G, H-1B, H-1C, I, K, L, N, NATO 1-7, O-1, R, S, T, U, V, parolees, refugees, or those holding asylum).

J visa holders are not eligible to establish residency for tuition purposes unless they meet the Exceptions Category listed in this application. Students who hold an F-1 visa are not eligible for in-state tuition. F-1 students who have applied for permanent residency must submit an I-485 and obtain an Acknowledgement Statement from International Student and Scholar Services.

International Student and Scholar Services
Modesto A. Maidique Campus, GC 355, (305) 348-2421
Biscayne Bay Campus, WUC 363, (305) 919-5813.

For Office Use Only:

OneStop Stamp

Staff Name: _____
Staff Initials: _____
Date: _____

The evidentiary requirement for reclassification goes beyond that for an initial classification, because these individuals have previously been determined to be out-of-state residents. An individual who is initially classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes only if that individual, or his or her parent if that individual is a dependent, presents clear and convincing documentation that supports permanent legal residency in this state for 12 consecutive months. To be considered a "Florida Resident for Tuition Purposes" the claimant has the burden of proof, through the submission of official and/or legal documents, that there are sufficient permanent ties to Florida, and when the student is the Claimant that enrollment at FIU is "incidental." If the student is the Claimant, they will not normally meet this requirement once they are consecutively enrolled at FIU.

An individual who is classified as a non-resident for tuition purposes and who marries a legal resident of the state and becomes a legal resident may become eligible for reclassification by submitting proof of his/her legal residency, evidence of his/her marriage to a legal resident, and evidence of his/her spouse's legal residence in Florida for at least 12 consecutive months immediately preceding the application for reclassification. The individual does not have to satisfy the requisite 12-month qualifying period.

Residency for tuition purposes is governed by the Florida State Statute 1009.21 and the Board of Education Rule 6A-10.044, Florida Administrative Code.

Florida International University will evaluate all documents submitted and is authorized to make decisions regarding residency for tuition purposes within the bounds of the law. This document is provided as an informational resource and in no way replaces or supersedes Florida State Statute 1009.21, Board of Education Rule 6A-10.044, or the Board of Governors Rule. The Florida Residency Requirements for Tuition Purposes are available online at <http://www.flbog.edu>.

Florida International University cannot make exceptions to the guidelines set forth by the state. This includes exceptions based on financial hardship or other extenuating circumstances.

All applicants should submit the Residency Reclassification Application no later than the first day of classes of the term for which Florida residency is sought. These dates can be found online on our Academic Calendar, <http://onestop.fu.edu>.

**REQUESTS SUBMITTED AFTER THE PUBLISHED DEADLINE ON THE COLLEGE OF LAW
ACADEMIC CALENDAR WILL BE CONSIDERED FOR THE FOLLOWING TERM.**

A person may be a "legal resident" of Florida, as outlined in Florida State Statute 222.17, and also be considered a "non-resident for tuition purposes" under Florida State Statute 1009.21. Residence in Florida must be for the purpose of maintaining a bona fide domicile in Florida, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education. ***Living in and/or attending school in Florida will not, in itself establish legal residence. All supporting documents must be dated at least twelve months prior to the first day of class*** for the term in which the student is requesting reclassification. No single document shall be considered conclusive. It is the applicant's responsibility to provide and establish the facts that justify classification as a Florida resident for tuition purposes.

Submission of this application does not guarantee reclassification. Approved residency reclassification applications will not be applied retroactively to previous terms. Changes in residency classification are approved for future semesters only. **All sections of this form must be completed and signed by the applicant/claimant. Supporting documentation is required and should be attached to the application.**

Applicants will receive notification by FIU e-mail regarding the decision for reclassification. Please direct your questions to residency@fiu.edu.

I acknowledge that I have read and understand the information on this page. I understand that changing my residency status may impact my scholarships and other financial aid awards (REQUIRED):

Student's Name: _____

Student's Signature: _____ **Date:** _____

Residency for tuition purposes is based **solely on one individual/claimant**. Independent or dependent status is important because it determines whose documentation is required in the reclassification process. A **dependent student** claims Florida residency through a parent, while an **independent student** claims Florida residency with himself/herself as the claimant.

Independent: A student who provides more than 50 percent of his/her support (cost of enrollment). A person may also be independent if he/she meets one or more of the following criteria:

- Student is married.
- Student is at least 24 years of age by the first day of classes for the term seeking reclassification.
- Student is currently serving in the United States Armed Forces (U.S. Air Force, U.S. Army, U.S. Coast Guard, U.S. Marine Corps, and the U.S. Navy) or is a veteran.
- Student has dependents (children) and provides more than half of their support.
- Student is pursuing a master or doctoral degree during the term in which student is seeking reclassification.
- Student is or was (until age 18) a ward of the court.
- Both of the student's parents are deceased.
- Student is classified as an Independent person by the Financial Aid Office.

Dependent: A person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

Students who are dependent on or claimed as a federal tax exemption by parents who live outside Florida are presumed to be legal residents of the same state as their parents and are not eligible for in-state tuition. Monetary gifts, personal loans or financial support in the form of room, board, or other expenses from the student's parents, other relative, a significant other, or friends demonstrates that the student lacks independence and is financially dependent upon others.

Please select **ONE** of the following list by placing an "X" in the box to the left:

	I am an independent person and have maintained legal residence in Florida for at least 12 months. No one claims me as a dependent. Signed copy of your most recent tax return with W-2s may be requested. If you are under the age of 24, signed copies of your parent's most recent tax return may be requested.
	I am a dependent person and my parent/legal guardian has maintained residence in Florida for at least 12 months. "Parent" means either or both parents of a student, any guardian of a student, or any person in a parental relationship to a student. Signed copy of your parent or legal guardian's most recent tax return may be requested.
	I am a dependent person who has resided for three years with an adult relative other than my parent or legal guardian, and my relative has maintained legal residence in Florida for at least 12 months. However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately before the child's initial enrollment in an institution of higher education, provided the child has resided continuously with such relative for the 3 years immediately before the child's initial enrollment in an institution of higher education, during which time the adult relative has exercised day-to-day care, supervision, and control of the child. Signed copy of relative's tax return for the past 3 years may be requested.
	I am married to a person who has maintained legal residence in Florida for at least 12 months. I have established legal residence and intend to make Florida my permanent home. Signed copy of your spouse's most recent tax return and marriage certificate may be requested.

CLAIMANT INFORMATION

Name of Claimant: _____ Date of Birth: _____

Claimant is: Student Parent Spouse Other _____

Claimant's Legal Permanent Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Is the Claimant a U.S. Citizen? Yes No

(Copy of Passport, Birth Certificate, Naturalization, or Voter's Card, if applicable)

Is the Claimant a permanent resident alien or a legal alien granted indefinite stay by DHS? Yes No

(Copy of alien registration card or verification of visa status, if applicable. Eligible visa categories: A, E, G, H-1B, I, K, L, N, O-1, R, NATO 1-7, S, T, U, V, parolees, refugees, or those holding a protected status or asylum).

Florida law allows some applicants who have not maintained a bona fide domicile in Florida for the requisite 12 month period to be classified as a Florida Resident. Please review the **Exception Categories** listed below **and mark any that apply by placing an "X" in the box to the left.** If you do not qualify under an Exception Category, please leave this section blank.

<input type="checkbox"/>	I am a full-time instructional or administrative employee, employed by a Florida public school, community college or institution of higher education , or I am the employee's spouse or dependent child .	Required: Copy of employment verification.
<input type="checkbox"/>	I am a full-time employee of a state agency or political subdivision of the state whose student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or correction training.	Required: Copy of enrollment verification and/or approved tuition waiver form.
<input type="checkbox"/>	I was previously enrolled at a Florida state institution and classified as a Florida resident for tuition purposes. I abandoned my Florida domicile less than 12 months ago and am now re-establishing Florida legal residence.	Required: Evidence of previous enrollment as a resident (benefit applies only once).
<input type="checkbox"/>	I am a member of the armed services of the United States and I am stationed in Florida on active military duty pursuant to military orders, or whose home of record is Florida, or I am a member's spouse or dependent child.	Required: Copy of military orders or DD2058 showing home of record.
<input type="checkbox"/>	I am part of the Latin American/Caribbean Studies Program .	Required: Copy of scholarship papers.
<input type="checkbox"/>	I am a qualified beneficiary under the terms of the Florida Prepaid College Program (s. 240.551, F.S.).	Required: Copy of most recent Florida prepaid recipient card or
<input type="checkbox"/>	I am living on the Isthmus of Panama and have completed 12 consecutive months of college work at the F.S.U. Panama Canal Branch , or I am the student's spouse or dependent child.	Required: Copy of enrollment verification and marriage certificate or proof of dependency.
<input type="checkbox"/>	I am a Southern Regional Educational Board's Academic Common Market graduate school.	Required: Certification letter from state coordinator.
<input type="checkbox"/>	I am a McKnight Fellowship recipient.	Required: Verification from graduate studies.
<input type="checkbox"/>	I am an active member of the Florida National Guard who qualifies under s.250.10(7) and (8) for the tuition assistance program.	Required: National Guard Documents.
<input type="checkbox"/>	I am an active duty member (or the spouse of a member) of the Armed Services of the United States attending a public community college or university within 50 miles of the military establishment where the member is stationed, if such a military establishment is in a county contiguous to Florida.	Required: Military documents.

	I am an active duty member (or spouse or dependent child of a member) of the Canadian military residing or stationed in Florida under the North American Air Defense (NORAD) agreement, attending a public community college or university within 50 miles of the military establishment where the member is stationed.	Required: Military documents.
	I am a U.S. citizen living outside the U.S. who is teaching at a Department of Defense Dependent School or in a American International School and who has enrolled in a graduate level educational program which leads to a Florida teaching certificate.	Required: Proof of enrollment in qualifying program.
	I am an active duty member (or spouse or dependent child of the member) of a foreign nation's military who is serving as a liaison officer, residing or stationed in Florida and attending a community college or state university within 50 miles of the military establishment where the member is stationed.	Required: Military documents.

Residency Process and Documentation Documents supporting the establishment of residency for tuition purposes must be dated, issued, or filed 12 months prior to the first day of classes of the term for which reclassification is sought. All documentation is subject to verification. You should submit as much evidence of your Florida residency as possible. No single piece of documentation will be considered conclusive and the burden of proof is on the student to show: (1) residency in the state was not merely temporary or incident to enrolling in a college or university located in Florida and (2) residency in Florida that meets 12 month requirement. All submitted documentation will become part of the reclassification request record and will not be returned.

(1) Why did you move to the State of Florida? The state statute is very specific about who is and who is not eligible to pursue reclassification. If the primary reason you moved to the State of Florida was to pursue an education, you are not eligible for reclassification. As stipulated in Section 1009.21(2)(a)2, F.S., "it is imperative that the required 12-month qualifying period be for the purpose of maintaining a bona fide domicile rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education." In other words, if you moved to Florida just to get an education from Florida International University, you are not eligible for reclassification. To answer this question, you will need to provide an affidavit/statement for your move to the State of Florida along with appropriate supporting documentation.

Sample documentation:

There are many reasons for relocating to Florida other than for an education. One commonly given reason is for employment. To prove this, you will need to provide an affidavit/statement that you moved to the state for employment; you will also need to provide proof of permanent full-time employment for at least 30 hours per week for a 12-month period immediately preceding your request for reclassification. This proof can be a signed letter on company letterhead from your employer or consecutive earning statements. A copy of your W-2 will also be required.

Another commonly given reason is for immediate family ties. Perhaps you have relatives that live in the state, e.g. your grandmother or grandfather. For documentation of immediate family ties, provide verifiable documents to substantiate the immediate family member tie and provide two acceptable forms of proof evidencing that the immediate family member meets the length resident of the State of Florida. At least one of documents must come from the first tier of acceptable proofs below.

Other – since moving to the State of Florida is a personal choice, there can be any number of reasons that you might provide to justify moving here. As such, the documentation will vary, but often, it comes in the form of a personal statement. Please keep in mind that your reason cannot be for educational purposes or you will automatically be ineligible for reclassification. It is also difficult to justify your move to the state for other than educational reasons, if you immediately start school as a full-time student upon moving to the state.

Examples of evidence that may assist in substantiating residency for maintaining a bona fide domicile may include: permanent full-time employment for the previous 12 months, immediate relatives currently living in Florida for the previous 12 months, purchase of a permanent home used as the primary place of residence for the previous 12 months, or part-time enrollment in a Florida higher education institution during the previous 12 months.

- (2) Evidence of legal residency and its duration shall include clear and convincing documentation that residency in this state was for a minimum of 12 consecutive months prior to a student's reclassification request and that ties to the claimant's former state were severed. **It is recommended that you submit as many required documents as possible to justify your claim of Florida residency for tuition purposes;** however, no claim of residency will be valid without a least one of documents from the first tier of acceptable proofs below and at least three documents total. **No single piece of evidence shall be conclusive, and FIU reserves the right to request additional documents beyond the minimum of three (per F.S. 1009.21) to ensure clear and convincing evidence of Florida residency.**

At least one of the following must be submitted:

- A Florida voter's registration card.
- A Florida driver's license.
- A State of Florida identification card.
- A Florida vehicle registration.
- Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
- Proof of a homestead exemption in Florida.
- Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.
- Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period. (Permanent full-time employment is consecutive employment in a permanent job for a minimum of 12 months prior to the semester of qualification rather than a series of temporary jobs.)

The documents may include one or more of the following:

- A declaration of domicile in Florida (pursuant to Section 222.17, F.S., the date that an applicant shall be deemed as establishing residency for 12 months is the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to the Clerk).
- A Florida professional or occupational license.
- Florida incorporation.
- A document evidencing family ties in Florida.
- Proof of membership in a Florida-based charitable or professional organization.
- Utility bills and proof of 12 consecutive months of payments (electric or water **ONLY**).
- A lease agreement and proof of 12 consecutive months of payments.
- An official state, federal, or court document evidencing legal ties to Florida.

I _____ hereby declare that I have read the foregoing document and that the facts stated in it are true and further affirm the authenticity of the information provided on all pages of this Residency Reclassification Application. I understand that any false or misleading information on this Residency Reclassification Application, or provided in support of this Reclassification Application, will subject me to penalties pursuant to section 837.06, Florida Statutes, for making a false statement. I give permission for the institution to review or examine any and all documents and records, including those accessible electronically, which may assist in support of my status as a Florida resident for tuition purposes.

Signature of Student or Claimant: _____ **Date:** _____



RESIDENCY AFFIDAVIT FORM

I CERTIFY AND AFFIRM AS A STUDENT AT THE FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW THAT FLORIDA IS MY ONLY STATE OF RESIDENCE. I INTEND TO TAKE THE FLORIDA BAR EXAMINATION AND TO PRACTICE IN THE STATE OF FLORIDA.

Panther ID: _____

Print Name: _____

Signature: _____

Date: _____

THIS DOCUMENT MUST BE NOTARIZED PRIOR TO SUBMISSION:

State of Florida

County of _____

I certify this is a true and correct copy of _____ in the
Document

Possession of _____
Name of Person

Who is either known personally to me or who has provided the following identification.

Dated

Signature of Notary Public