

What if I am a minor?

Persons under the age of 18 are considered minors under the law. A minor's residence is presumed to be the same as his/her parents' or legal guardian's. The residence decision for students under 18 is based upon the legal residence of the parents or legal guardian. In the event that a non-custodial parent is a legal resident of New Mexico, the minor student will be classified as a resident.

You must be at least 19 years old to establish residency apart from your parents or guardians. With the sole exception of automatic legal emancipation upon marriage, a minor is presumed to share his parents' or legal guardian's residence, unless the minor presents to the appropriate institution official written evidence sufficient to justify (as a conclusion of law) a finding of the minor's emancipation.

Frequently Asked Questions

- 1. How is the residency status determined for my parent or guardian when my classification depends upon my parent or guardians residence?**
The residency status of a parent or guardian is determined according to the same requirements outlined for individuals in this brochure.
- 2. Are there any programs I might be participating in that have special restrictions concerning residency eligibility?** Yes. Students participating in tuition reciprocity, WRGP or WICHE student exchange programs are ineligible to establish residency. Students may not begin to establish residency until after discontinuing any of these programs.
- 3. What if I am not a U.S. citizen?** Immigrants, refugees, and international students, who are lawfully in the U.S., have obtained permanent status from the Department of Homeland Security (DHS), or non-citizens serving active duty in the armed forces of the U.S may establish residency for tuition purposes. Any non-citizen entering an institution of higher education on a non-immigrant visa

(i.e. student, diplomatic, visitor, or visiting scholar), including spouses and dependents, are classified as non-residents.

- 4. Must all these requirements be met before the semester starts in order to qualify for resident tuition that semester?** Yes. Petitions for resident status will not be approved unless all requirements are met before the first day of classes for that term. Until you are officially classified as a resident, you must proceed as a non-resident. Tuition and fees must be paid on time at the non-resident rates.
- 5. If I fail to petition and I am charged non-resident tuition after I am eligible for a change of status, can I receive a refund of the difference between non-resident and resident tuition retroactive to the date I was eligible?** No. It is the student's responsibility to petition for a change of resident status. By not petitioning, you waive your right to recover the difference.
- 6. Can I lose my classification as a resident and be reclassified as a non-resident?** Yes. You can lose your status in the following two ways: 1) acting to establish legal residence in another state or 2) the institution finds that resident status was granted on the basis of false or misleading information.

For more information or interpretation, contact the New Mexico Higher Education Department or the admissions office or registrar's office at your institution.

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Establishing New Mexico Residency, Eligibility for Reduced Tuition Rates or In-State Tuition



State of New Mexico
Higher Education Department

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To qualify for New Mexico residency for tuition purposes you must:

This brochure has been provided to assist you in understanding residency law for tuition purposes, as defined by the New Mexico Higher Education Department, [NMSA 1978, Section 21-1-4].

Residency for tuition purposes is determined at the time of admission.

If you are a non-resident you may apply for residency by obtaining a "Petition for Resident Tuition Classification" from the appropriate institutional office. The form should be completed and returned to the institution, along with appropriate documentation listed in this brochure. A change in residency classification is never automatic and it is always the student's responsibility to initiate the process.

Once a petition has been submitted, the petition is reviewed and a decision is made as quickly as possible.

If you are denied residency, you may amend your petition with additional information in support of your cause. If the amended petition is denied, you may appeal to the institution's board of appeals for residency.

While requirements for residency must be completed before the first day of classes or the institutions census date, the deadline for a petition for residency is the institutions census date. A petition received after this date will not be considered. Check with your institution for deadlines.

The full residency for tuition purposes policy is available at www.hed.state.nm.us or contact your institution for more information.

All persons, regardless of immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a general educational development (GED) certificate in New Mexico shall be eligible for resident tuition rates and state funded financial aid.

Financial Independence Requirement

1. Only individuals who are financially independent may establish residency regardless of age. A student cannot be approved for residency who is financially dependent upon the parents or legal guardian who are non-residents of NM. Dependency will be based on the previous tax year for residency purposes. If you are under the age of 23 at the time of application for residency, a copy of your parents' or guardians' 1040 or 1040A U.S. income tax form for the previous tax year may be required. If you are shown to be a dependent on this tax form, you will not be considered financially independent. (See Minor section for more information.)
2. Sign a written declaration of intent to relinquish residency in any other state and establish residency in NM.
3. Physically reside in the state for 12 consecutive months immediately preceding the term for which classification is requested. NOTE: A student must be at least 19 years old to complete the 12 month requirement. (See Minors section)

AND

4. Have evidence of any two of the following:
 - If you are financially dependent, a copy of the parents' or guardians' previous year income tax information showing you as a dependent and the parents' address as New Mexico (See Financial Independence Requirement Section);
 - A New Mexico high school transcript issued in the past year confirming attendance at a NM public or private high school within the past 12 months;
 - A transcript from an online high school showing a New Mexico address confirming attendance within the last 12 months;
 - A New Mexico driver's license or ID card with an original date of issue or a renewal date issued prior to the first day of the term or semester;
 - Proof of payment of New Mexico state income tax for the previous year;
 - Evidence of employment within the state of New Mexico;
 - New Mexico vehicle registration;
 - Voter registration in New Mexico;
 - Proof of residential property ownership in New Mexico;

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- A rental agreement within New Mexico;
- Utility bills showing the applicant name and a New Mexico address;
- Other evidence which would reasonably support the individual's intent to establish and maintain New Mexico residency.

The following individuals may also receive a waiver of non-resident tuition and are not required to complete the 12 month duration requirement. Sufficient documentation will be required for each:

- An individual married to a legal resident of NM.
- Spouse and dependent children of a person who has moved to NM and has obtained permanent full-time employment.
- Non-resident members of the U.S. armed forces, and their spouse and dependents stationed on active duty in NM.
- Active service members of the U.S. armed forces who were legal residents of New Mexico prior to entering service may retain their NM residency.
- Active participating members of the New Mexico National Guard and their spouse and dependents.
- Individuals, their spouses and dependents who move to NM for retirement purposes.
- Members of an Indian nation, tribe or pueblo located wholly or partially in NM, regardless of residence.
- Part-time students enrolled for six hours or less during a regular semester.
- During summer sessions, non-resident tuition may be waived according to the institution's tuition policy.
- Texas residents who reside within a 135 mile radius of an institution.
- Colorado and Arizona residents tuition reciprocity participants selected by eligible institutions based on criteria set by each eligible institution.
- Any student receiving a state-funded athletic scholarship from a NM public postsecondary institution.