



South Carolina
Commission on Higher Education
Access | Affordability | Excellence

South Carolina Residency Workshop

SC Commission on Higher Education Staff
Summer 2026

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Disclaimer!

The presentation will cover the current residency regulation, and will address each section in some way. While every individual line of the regulation may not be addressed, every section is represented in the presentation. Red indicates point of emphasis in regulation, and changes that are now in place for the 2026-27 academic year.



New Residency Regulation Effective May 2026

Timeline and Background

- CHE staff made requests for institutional concerns and proposed changes to the residency regulation on October, 10, 2024.
- A draft regulation was generated and circulated to an advisory group of state residency officers on February 5, 2025.
- CHE staff sent the draft regulation to all institutions for feedback on August 27, 2025. Based on the feedback from this review by the institutions, and with assistance from staff from the SC General Assembly, a revised draft of the regulation was created.
- The advisory group of residency officers met again on September 24, 2025 to review the current draft of the regulation, and provide commentary and additional feedback.
- After all feedback was received, and sent to legislative staff to review, the current draft version of the residency regulation was reviewed at a statewide meeting on October 9, 2025.

New Residency Regulation – Highlights

Topic	Key Change
Dependent Residency*	Residency determinations may now be based on one South Carolina resident parent or legal guardian.
Intent to Establish Residency	Applicants must demonstrate a minimum number of residency intent items. Four intent items are now required.
Driver's License Requirement	Timeline to obtain a South Carolina driver's license reduced to 45 days to align with state law.
Vehicle Registration*	Only one vehicle must be registered in South Carolina for residency purposes.
Independent Status	Clarifies that state income taxes may be reviewed when determining financial independence.
Divorced/Separated Parents	Institutions may consider alternate-year tax filing arrangements when reviewing dependency.
Remote Employees	Clarifies how remote employees working for companies with a South Carolina location may qualify for residency exceptions.
Faculty & Administrative Employees	Public college faculty and administrative employees may qualify for the 12-month residency exception.
Visa & Permanent Status	Students receiving in-state rates under an approved visa may continue receiving in-state rates after obtaining permanent residency without interruption.
Appeals & Flexibility*	Institutions have greater flexibility in residency appeals and evaluating residency intent documentation.
Transcript Holds	Institutions may not withhold transcripts solely due to unpaid balances.



SOUTH CAROLINA RESIDENCY

4 ITEMS OF INTENT REQUIRED

The South Carolina General Assembly approved updates to the Residency Regulations effective **May 18, 2026**. The South Carolina Commission on Higher Education (CHE) developed this resource to help institutions better understand the regulatory changes, align with state law, and support consistent residency determinations for students across South Carolina.



Applicants must show a minimum of **FOUR (4)** items from the list below to demonstrate intent to become a South Carolina resident.

1



SOUTH CAROLINA DRIVER'S LICENSE

Obtain a South Carolina driver's license within **45 days** of establishing residency.

2



VEHICLE REGISTRATION

Register at least **one (1)** vehicle in South Carolina within 45 days of establishing residency.

3



DOMICILE & PERMANENT HOME

Establish a domicile and maintain a permanent home in South Carolina. (e.g., own or rent)

4



FINANCIAL INDEPENDENCE

Be financially independent for South Carolina income tax purposes (when applicable).



IMPORTANT TO KNOW:

- The items above are a **minimum requirement**. Institutions may consider additional evidence.
- All items must show **intent** to make South Carolina your permanent home.



This graphic is a tool to help you understand the residency process. **It is not all-inclusive and does not guarantee residency status.**



Colleges and Universities determine a student's residency based on the documentation students and families provide with their application.



Each institution's residency determination process will include an **Appeal** option for students.



CHE and their staff **do not** determine students' residency status.



This graphic is a tool to help you understand the process and in **no way** can be used to determine a student's residency status.



Typical Steps to a Residency Determination

- After Student has Indicated if They are Independent or Dependent

Moves into State and Establishes Domicile

- Establishes Domicile - Rent/Lease/Own - Need paperwork in file for audit purposes

Check Important Documents

- 45 Days from date of signature on domicile to register a vehicle
- 45 Days from date of signature on domicile to relinquish out of state license (as of Fall 2023)
- Taxes/Divorce Decree/LES

Check for Exceptions

- Active duty military
- Retirees
- Faculty at Public Colleges/Universities
- Working Full-time in SC
- Veterans and covered individuals using specific education benefits

Wait 12 months

- If no exceptions are met, then 12 months from date of domicile. The next academic term of attendance will be first term of eligibility for in-state rates

* CHE staff's primary role in this process is to provide guidance to institutions as they make their decisions.

Section 62-600 Rates of Tuition and Fees

- A. Resident classification is an essential part of **tuition and fee determination, admission regulations, scholarship eligibility, and other relevant policies of the state**. It is important that institutions have fair and equitable regulations that can be administered consistently and are sensitive to the interests of both students and the state. The Commission on Higher Education hereby establishes regulations for the Statute Governing Residency for Tuition and Fee Purposes to be applied consistently by all South Carolina institutions of higher education. These regulations do not address residency matters relating to in county categories used within the State's technical colleges.

What this means

Every S.C institution that awards state scholarship or grants, regardless of type, has the responsibility of making residency decisions. It is important that proper training is given to all residency officers so that they can make correct determinations.

Section 62-600 Rates of Tuition and Fees

B. Institutions of higher education are required by the Statute to determine the residence classification of applicants: as established in Section 59-112-80 of the S.C. Code of Laws. The initial determination of one's resident status is made at the time of admission. The determination made at that time, and any determination made thereafter, prevails for each subsequent semester until information becomes available that would impact the existing residency status and the determination is successfully challenged. The burden of proof rests with the students to show evidence as deemed necessary to establish and maintain their residency status.

What this means

Institutions should ask for any documentation they feel necessary to render a fair decision.

62-602. Definitions

M. “Resident” for tuition and fee purposes is defined as an independent person who has abandoned all prior domiciles and has been domiciled in South Carolina continuously for at least twelve months immediately preceding the first day of class of the term for which resident classification is sought and for whom there is a demonstration of intent from section 62-605 C, that supports the establishment to make South Carolina the state of residence at least twelve months on/before the first day of classes for the term in which residency is being sought, not withstanding other provisions of the Statute

62-602. Definitions

H. “Independent Person or parent, spouse or guardian of the dependent person” is defined as one in his/her majority (eighteen years of age or older) or an emancipated minor, whose predominant source of income is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial, educational or student loans in the name of the independent person and provided by an insured and federally regulated financial entity, or payments made in accordance with court order and for the purposes of determining residency for tuition and fees. An independent person:

1. Must provide more than half of his or her support, which shall include the institutional cost of attendance as defined by Title IV, during the twelve months immediately prior to the date that classes begin for the semester for which resident status is requested;

62-602. Definitions

2. Cannot claim the domicile of another individual as their own for the purposes of establishing intent to become a South Carolina resident;
3. Must have established his/her own domicile and provide documentation of establishing his/her own domicile for twelve months to include documentation of renting a domicile if applicable, prior to receiving in-state tuition and fees; and
4. Cannot be claimed as a dependent or exemption on the federal and state (when applicable) tax return of his or her parent, spouse, or guardian for the year in which resident status is requested.

62-602. Definitions

C. "Dependent Person" is defined as one whose predominant source of income or support is from payments from a parent, spouse, or guardian, who claims the dependent person on his/her/their federal and state (when applicable) income tax return. In situations where the dependent is submitting the tax return of joint filers, the residency and income of both filers should be considered. However, in cases where the institution determines S.C. residency has been established by one parent or legal guardian, the residency determination of the institution may be based solely on one parent or legal guardian. In the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, a dependent person can be defined as one who qualifies as a dependent or exemption on the federal and state (when applicable) income tax return of the parent, spouse, or guardian. A dependent person is also one for whom payments are made, under court order, for child support and the cost of the dependent person's college education. A dependent person's residency is presumed to be that of the person upon whom they are dependent.

62-603 Establishing Residency, Citizens and Permanent Residents.

A. Independent persons, or the parent, spouse, or legal guardian of dependent persons, who have physically resided and been domiciled in South Carolina for twelve continuous months immediately preceding the date the classes begin for the semester for which resident status is claimed may qualify to pay in state tuition and fees. The twelve month residency period starts when the independent person establishes the intent to become a South Carolina resident per Section 62 605 entitled “Establishing the Requisite Intent to Become a South Carolina Domiciliary.” The twelve month residency period begins with the establishment of domicile, in conjunction with the determination that intent to establish residency is present, as determined by the institution. Absences from the State during the twelve month period may affect the establishment of permanent residence for tuition and fee purposes.

Scenario

“Good Morning Gerrick,

I have a case I need your help on. Here are the details

- Mom lives in NC
- Mom has domicile, vehicle and license in NC for work
- Family filed married, jointly, in SC
- Dad has domicile and license in SC

I want to consider them out-of-state, but the SC taxes and parent are throwing me off.”

Answer

- Under the old regulation, the family would be considered out of state.
- The language added to the new regulation allows for the residency to be based on one parent.
- You could look at the case and make a determination based on the S.C. parent as long as the information suggests that parent is a resident.

62-603 Establishing Residency, Citizens and Permanent Residents.

B. The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person's support and claims or, only in the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, qualifies to claim the dependent person as a dependent for federal income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian.

IRS Tests for Dependency

Qualifying Child

- Relationship - Your child, stepchild, foster child, grandchild, siblings, half-siblings, step-siblings, niece or nephew
- Age – under 19 or student up to 24 and younger than filer
- Residency – lived with you more than half the year
- Support – You must provide more than half person's support
- Joint Return – child can't file joint return for year

Qualifying Relative

- Not a Qualifying Child of yours or another taxpayer
- Member of Household or Relationship – Lives with you or related to you in a legal manner
- Gross Income – makes less than \$5,200 for year (2026)
- Support – You must provide more than half person's support

**No age restriction on Qualifying relative*

62-603 Establishing Residency, Citizens and Permanent Residents. (Continued)

Items that a parent or legal guardian shall provide to demonstrate residency include the following:

(1) Possession of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until a valid South Carolina driver's license is obtained;

(2) Possession of a valid South Carolina vehicle registration card for at least one vehicle the independent person is in sole or partial ownership of. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s). Independents persons who do not own vehicles should notify the institution;

(3) Maintenance of an established and primary domicile in South Carolina;

(4) Filing South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed.

The institution shall require the four items listed above to make a determination of resident classification. The institution may require additional documentation and information, in conjunction with the items listed above, when making determinations on resident classification if insufficient or incorrect information has been submitted.

62-603 Establishing Residency, Citizens and Permanent Residents.

C. In the case of divorced or separated parents, the resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes (consideration may be given for claiming status over a two year period to allow for alternate year claiming stipulations); or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his/her college tuition and fees.

What does this mean?

There are three ways that a child of divorced or separated parents can gain in-state tuition and fees:

1. The SC parent is a resident and claims the child on taxes; or
2. There is a joint custody agreement and one of the parents is a SC resident; or
3. The SC resident parent is responsible for paying court ordered child support AND the cost of college.

Scenario

“Hey Gerrick,

Question real quick –

I have a student who is being claimed as a dependent on Dad’s Alabama Taxes. Mom and Dad were never married but they do have a joint custody agreement that will expire next week on the student’s 18th birthday. Mom lives in SC and the student lived with Mom most of the year. Can I use the Joint Custody agreement to satisfy South Carolina Residency in the case of divorces/separated parents?”

Answer

- Yes.
- Dad claiming in Alabama does make this one interesting, but the joint custody allows the residency to be based on the mom.
- Would you look at the situation differently because the parents have never been married?

Examples of Documentation for Verification

- Document of legal separation.
- Divorce Decree showing custodial agreement.
- Copies of income taxes.
- Copies of legal documentation of child support and determination of who shall pay cost of college.

Note: Documents from a notary public do not count as examples for verification

62-605. Establishing the Requisite Intent to Become a S.C. Domiciliary

A. Resident status may not be acquired by an applicant or student while residing in South Carolina for the primary purpose of enrollment in an institution or for access to state supported programs designed to serve South Carolina residents. An applicant or student from another state who comes to South Carolina usually does so for the purpose of attending school. Therefore, an applicant or student who enrolls as a non-resident in an institution is **presumed** to remain a non-resident throughout his or her attendance and does not qualify under any of the residency provisions.

B. If a person asserts that his/her domicile has been established in this State, the individual has the burden of proof. Such persons must provide to the designated residency official of the institution to which they are applying any and all evidence the person believes satisfies the burden of proof. The residency official will consider any and all evidence provided concerning such claim of domicile, including the four listed items of intent in 62-605(C), and will evaluate the evidence that intent to become a South Carolina resident has been established.

62-605. Establishing the Requisite Intent to Become a S.C. Domiciliary

(1) Possession of a valid South Carolina driver's license, or if a non driver, a South Carolina identification card. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until a valid South Carolina driver's license is obtained;

(2) Possession of a valid South Carolina vehicle registration card for at least one vehicle the independent person is in sole or partial ownership of. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s). Independents persons who do not own vehicles should notify the institution;

(3) Maintenance of an established and primary domicile in South Carolina;

(4) Filing South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed.

The institution shall require the four items listed above to make a determination of resident classification. The institution may require additional documentation and information, in conjunction with the items listed above, when making determinations on resident classification if insufficient or incorrect information has been submitted.

Scenario

“Hello Dr. Hampton!

I have a question for you and need some clarification. I have a student situation with residency where the student is stating that they have a SC license, owns a home in SC and they pay taxes but they also state that they are listed as a dependent on taxes for their parents in North Carolina. I have never encountered that before I wanted to know if you have some advice or some guidance on this issue.”

Resident? Yes or No?

Response

The claiming of the student on taxes would suggest the student is still a dependent of GA residents. I think that's one of the major pieces for residency, especially as we transition to the new regulation. I do think though that it would be good to get an explanation from the student as to why they're still being claimed if they're stating they're independent.

An appeal option should always be given. It looks as if the majority of the indicia point to SC residency. Through an appeal, other options could be brought into consideration.

62-602 Definitions

D. “Domicile” is defined as the true, fixed, primary residence and place of habitation. It shall indicate the place where a person intends to remain, or to where one expects to return upon leaving without establishing a new domicile in another state. For purposes of this section, one may have only one legal domicile. One is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for student at institutions shall be presumed not to be a place of principal residence, as residency in such housing is by its nature temporary. In cases where domicile is being rented or leased, the institution may determine the appropriate value for the type of domicile being rented in the identified area.

62-606. Maintaining Residence

A. A person's temporary absence from the State does not necessarily constitute loss of South Carolina residence unless the person has acted inconsistently with the claim of continued South Carolina residence during the person's absence from the State. The burden is on the person to show retention of South Carolina residence during the person's absence from the State. **A person who obtains indicia in another state after leaving the state is demonstrating intent to be a resident of that state.** Steps a person should take to retain South Carolina resident status for tuition and fee purposes include:

- (1) Continuing to use a South Carolina permanent address on all records;
- (2) Maintaining South Carolina driver's license;
- (3) Maintaining South Carolina vehicle registration;
- (4) Satisfying South Carolina resident income tax obligation. Individuals claiming permanent residence in South Carolina are liable for payment of income taxes on their total income from the date that they established South Carolina residence. This includes income earned in another state or country (ex. Individual who crosses state lines to work daily).

62-606. Maintaining Residence

B. Active duty members of the United States Armed Forces and their dependents are eligible to pay in state tuition and fees as long they continuously claim South Carolina as their state of legal residence during their military service. Documentation will be required in all cases to support this claim, including an official Leave and Earnings Statement (LES) demonstrating South Carolina as the member's state of legal residence. South Carolina residents who change their state of legal residence while in the military lose their South Carolina resident status for tuition and fee purposes.

62-609 Exceptions

A. Persons in the following categories qualify to pay in state tuition and fees without having to establish a permanent home in the state for twelve months. Persons who qualify under any of these categories must meet the conditions of the specific category on or before the first day of class of the term for which payment of in state tuition and fees is requested. The following categories apply only to in state tuition and do not apply to State supported scholarships and grants. Individuals who qualify for in state tuition and fees under the following exceptions do not automatically qualify for LIFE, SC HOPE or Palmetto Fellows Scholarships. However, where all scholarship & grant timelines related to residency and academic requirements are met, persons in categories (1), (3) and (4) may qualify for state scholarships or grants:

62-609 Exceptions

(1) “Military Personnel and their Dependents”: Members of the United States Armed Forces **who are permanently assigned in South Carolina on active duty and their dependents** are eligible to pay in state tuition and fees. When such personnel are transferred from the State, their dependents may continue to pay in state tuition and fees as long as they are continuously enrolled or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution.

62-609 Exceptions (Continued)

Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty (and their dependents) may also be eligible to pay in state tuition and fees as long as they are continuously enrolled after their discharge from the military, **provided they have demonstrated an intent to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.** Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the twelve month “physical presence” requirement for them or their dependents to qualify to pay in state tuition and fees.

What does this mean?

- Active duty military members stationed in SC and their dependents are eligible for instate tuition and fees. When they are transferred away, their dependents can maintain instate tuition and fee status as long as they remain continuously enrolled.

Scenario

“Gerrick! Need your help, please! Military family! Resident? Yes or No?”

- Student is a senior at a local high school and has been there three years
- Student has a SC driver's license and is registered to vote in SC
- Student has been working and paying SC taxes
- Student lives with grandparents. Father is a Navy Chaplain who PCS'd somewhere else after Chaplain School at a SC installation. Student wanted to stay in SC to finish high school.
- Student was accepted to a SC College, but recently informed he doesn't qualify for a LIFE scholarship because he is a dependent and his father filed taxes in another state.
- High school graduation was May 21st. If student doesn't qualify as a resident for a LIFE scholarship as a high school senior, they cannot reapply for it.
- Father and son are doing all the right things to support our state and country, but the son is disqualified for a LIFE scholarship.”

Response

The military exception only calls for being permanently stationed in SC on active duty. The father is no longer stationed here in S.C., so we will need to see if they have another tie to S.C. that helps (S.C. reflected on LES or true residency). Otherwise, the college could explore an independent scenario (seems unlikely). The institution would not be able to base the residency on grandparents in the current situation.

62-609 Exceptions Continued

(2) “Faculty and Administrative Employees with Full-Time Employment and their Dependents:” Full-time faculty and administrative employees of South Carolina state-supported colleges and universities, their spouse and their dependents are eligible to pay in-state tuition and fees.

Note 1: The dependent does not have to attend the same SC Institution as their parent or guardian.

Note 2: These individuals would not qualify for State Scholarships or Grants until intent to be a SC resident was established.

62-609 Exceptions Cont'd

(3) “Residents with Full Time Employment and their Dependents:” Persons who reside, are domiciled, and are full time employed with an employer that is physically located in the State and who continue to work full time until they meet the twelve month requirement and their dependents are eligible to pay in state tuition and fees, provided that they have taken steps to establish a permanent home in the State. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled (“Establishing the Requisite Intent to Become a South Carolina Domiciliary”). Individuals with remote work with a company that has a physical presence in South Carolina may qualify for this provision, provided they can provide the following:

- (a) verification of full time employment from the home company;
- (b) documentation of the number of hours worked per week or entitlement to full time benefits;
- (c) documentation of the beginning date of employment;
- (d) documentation of the physical address of South Carolina office or facility; and
- (e) a copy of the employee’s most recent paystub.

62-602.(E) Full time employment

“Full-time employment” is defined as employment that consists of at least thirty seven and one half hours a week on a single job in a full-time status, with gross earning of at least minimum wage. However, a person who works less than thirty seven and one half hours a week but receives or is entitled to receive full time employee benefits shall be considered to be employed full-time if such status is verified by the employer. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they satisfy their prescribed employment specifications in order to qualify as having full-time employment.

Examples of Documentation for Verification

- Copies of pay stubs – Evidence based on an income stream
- W-2
- Current letter of full-time employment or part-time enrollment with full-time benefits

Note: Two part-time jobs do NOT equal one full-time job

62-609 Exceptions Continued

(4) “Retired Persons and their Dependents:” Retired persons with taxable retirement income received as monthly/quarterly/annual disbursements from a retirement account, or who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in state rates if they maintain residence and domicile in this State. All retirement income must show South Carolina income tax withholdings prior to the first day of classes for the term in which residency is being sought. Social Security is not considered as a type of eligible retirement income. Persons on terminal leave who have established residency in South Carolina 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. The evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity when he/she retires. Steps an independent person must take to establish residency in South Carolina are listed in Section 62 605 entitled (“Establishing the Requisite Intent to Become a South Carolina Domiciliary”).

62-609 Exceptions Cont'd

(5): **Covered Individuals Receiving Specific Education Benefits:** Covered individuals living in South Carolina, who are enrolled in a public institution of higher education and receiving educational assistance under Chapter 30, Chapter 31 and Chapter 33, Title 38 of the United States Code, are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. For purposes of this subsection, a covered individual is defined as:

62-609 Exceptions Cont'd (NEW)

- a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;
- b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subitem (a);
- c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard; or

62-609 Exceptions Cont'd (NEW)

- d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code
- e) A person who is entitled to and receiving rehabilitation benefits under (38 U.S.C. § 3102(a)) who lives in the state in which the institution is located (regardless of his/her formal State of residence).

*As of July 1, 2025, with the enactment of the General Appropriations Bill for 2025-26 (via proviso), Chapter 35 recipients are now considered a new category of covered individuals.

62-609 Exceptions Cont'd (NEW)

A covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the in-state institution receiving the covered individual shall verify the covered individual's eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution.

62-607 Effect of Change of Residency

A. Notwithstanding other provisions of this section, any dependent person of a legal resident of this state who has been domiciled with his/her family in South Carolina for a period of **not less than three years immediately prior to his/her enrollment** may enroll at the in state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State. The student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters. Transfers within or between South Carolina colleges and universities of a student seeking a certificate, diploma, associate, baccalaureate, or graduate level degree does not constitute a break in enrollment.

62-602. (H) - Definition of “Immediately prior”

- H. “Immediately Prior” is defined as the period of time between the offer of admission and the first day of class of the term for which the offer was made, not to exceed one calendar year.

62-607 Effect of Change of Residency

B. If a dependent or independent person voluntarily leaves the state, and information becomes available that would impact the existing residency status, **eligibility for in state rates shall end on the last day of the academic session during which domicile is lost. Application of this provision shall be at the discretion of the institution involved.** However, a student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters.

Scenario

Hi,

I am a prospective student at a SC college and I have a question about residency. I am a SC resident and my parents have been living here for 7 years. I want to enroll for my undergrad at in state tuition, but my parents are planning to move to a different state around the time I will be in my 2nd year in college. My parents will be paying for my tuition so I will be considered a dependent. If my parents move before I graduate and my residency depends on them, will they have to pay out of state for my remaining two years?

Answer

It will depend on this institutions procedure for determining how students who change their residency after enrollment are evaluated.

The regulation determines that residency would be lost the next terms, but gives ultimate discretion to the institution of if in-state classification would be maintained.

62-604 Non Resident Aliens, Non Citizens, and Non Permanent Residents.

A. Except as otherwise specified in this section or as provided in Section 62-609 (1) & (2), **non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out of state rate.** Non-resident aliens may be entitled to resident, in state classification once they have been awarded permanent resident status by the United States Citizenship and Immigration Services (USCIS) and meet all the statutory residency requirements provided that all other domiciliary requirements are met. Time spent living in South Carolina immediately prior to the awarding of permanent resident status does not count toward the twelve month residency period, **with the exception of time spent in an eligible, unexpired, and CHE approved VISA classification at the time permanent status was awarded, to receive in state residency status.** Certain non resident aliens present in the United States in specified visa classifications are eligible to receive in state residency status for tuition and fee purposes as prescribed by the Commission on Higher Education. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

What does that mean?

- Non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out-of-state rate. (We removed the word “Independent” in this last update)
- Non-resident aliens may be entitled to in-state residency once they have received their Green card and met the SC Residency requirement.
- Unless you were in a approved CHE Visa for in-state tuition at the time of awarding, time spent waiting for permanent resident status (time prior to getting your Green card) does not count towards the 12 month physical presence requirement.

What does that mean?

- Certain VISA classifications are entitled to in-state tuition and fees.
- Note: Student who are granted I-485 Pending status, as well as students in the US on Temporary Protective Status, are NOT green card holders and therefore cannot be considered SC Residents.

Scenario

- I am needing your assistance and guidance once again with a residency issue involving a Deferred Action student that is interested in attending York Technical College. Are there any provisions or regulations that speak to DACA students' qualification for receiving in-state tuition in South Carolina.
- We have reviewed the state regulation referencing SC Illegal Immigration in the CHE Residency resource guide; but it does not provide direction for Deferred Action students. Any information or guidance you can provide regarding the classification of these students will be greatly appreciated. Can DACA students be classified as residents? I look forward to your response.

Response

- While a DACA student may be admitted to a SC institution after their status has been verified with the Federal Government, they would not be eligible for in-state classification.

Approved Visa Classification Descriptions

- A-1 Highest diplomatic officers and their families
- A-2 Staff under diplomatic officers and their families
- E-2 Investor assisting in operating an enterprise who also invests a large amount of capital (and their families)
- G-1 Principal representatives to international organizations (and their families)
- G-2 Other representatives of foreign governments or international organizations (and their families)
- G-3 Representatives of foreign governments (and their families)
- G-4 Officers and employees of international organizations (and their families)

Approved Visa Classifications - Continued

H-1B	Temporary Professional Workers
H-2A	Temporary Agricultural Workers
H-2B	Temporary workers whose skills are needed in the U.S.
H-3	Trainees or participants in a special education exchange program
H-4	Dependents of H-1, H-2, H-3 employees
K-1	Fiancée or Fiancé of U.S. Citizens*
K-2	Child of Fiancée or Fiancé of U.S. Citizens*
L-1	Intra-company transfers, i.e., managers or executives who have worked abroad for branch of U.S. firm
L-2	Dependents of L-1 visa holder
N-8	Parent of alien child accorded special immigrant status
N-9	Child of an alien parent accorded special immigrant status

<https://travel.state.gov/content/visas/en/immigrate.html> - Link to the U.S Department of State, Bureau of Consular Affairs's VISA page.

* There is a 90 day marriage or green card stipulation that the student must fulfill for the K Visas

Scenario

Dr. Hampton,

- I'm reaching out to request clarification after a conversation I had today with a student and his parent.
- They became permanent residents in February 2025, and while all other residency requirements appear to be met, they will not have reached the 12-month mark by the time classes begin in January 2026. They are not eligible for an exemption.
- The parent mentioned that they previously held K-1 and K-2 visas and stated that the time they spent in the U.S. under those visas could count toward the 12-month residency requirement. She said that she had worked with Tim Scott and this was explained to her. Could you please confirm whether the regulation allows time spent in the U.S. on a K-visa to be applied toward residency?
- Thank you for your help and clarification.
- Resident? Yes or No?

Response

- Under the old regulation they would not.
- Now, under the new regulation, the time spent in an eligible VISA could be counted towards the 12 month requirement.

62-611. Incorrect Classification

- A. Persons incorrectly classified as residents are subject to reclassification and to payment of all non resident tuition and fees not paid. If incorrect classification results from false or concealed facts, such persons may be charged tuition and fees past due and unpaid at the out of state rate. The violator may also be subject to administrative, civil, and financial penalties. Until these charges are paid, such persons will not be allowed to graduate from a South Carolina institution.
- B. Residents whose resident status changes are responsible for notifying the Residency Official of the institution attended of such changes.

62-612. Inquiries and Appeals

- A. Inquiries regarding residency requirements and determinations should be directed to the institutional residency official.
- B. Each institution will develop an appeals process to accommodate persons wishing to appeal residency determinations made by the institution's residency official. Each institutions appeal process should be directed by that institution's primary residency officer, in conjunction with those individuals who practice the application of State residency regulations on a daily basis. The professional judgment of the residency officer and administrators will constitute the institutional appeal process. Neither the primary residency official nor appellate official(s) may waive the provisions of the Statute governing residency for tuition and fee purposes.

What does this mean?

Each institution is responsible for developing an appeal process for students wishing to appeal institutional residency decisions.

While CHE can be contacted for assistance with interpretation of an existing regulation or statute during the institutional residency process, the institution will make the final determination of residency classification.



Special Topics



South Carolina Illegal Immigration Reform Act

SC Illegal Immigration Reform Act

SECTION 17. Chapter 101, Title 59 of the 1976 Code is amended by adding:

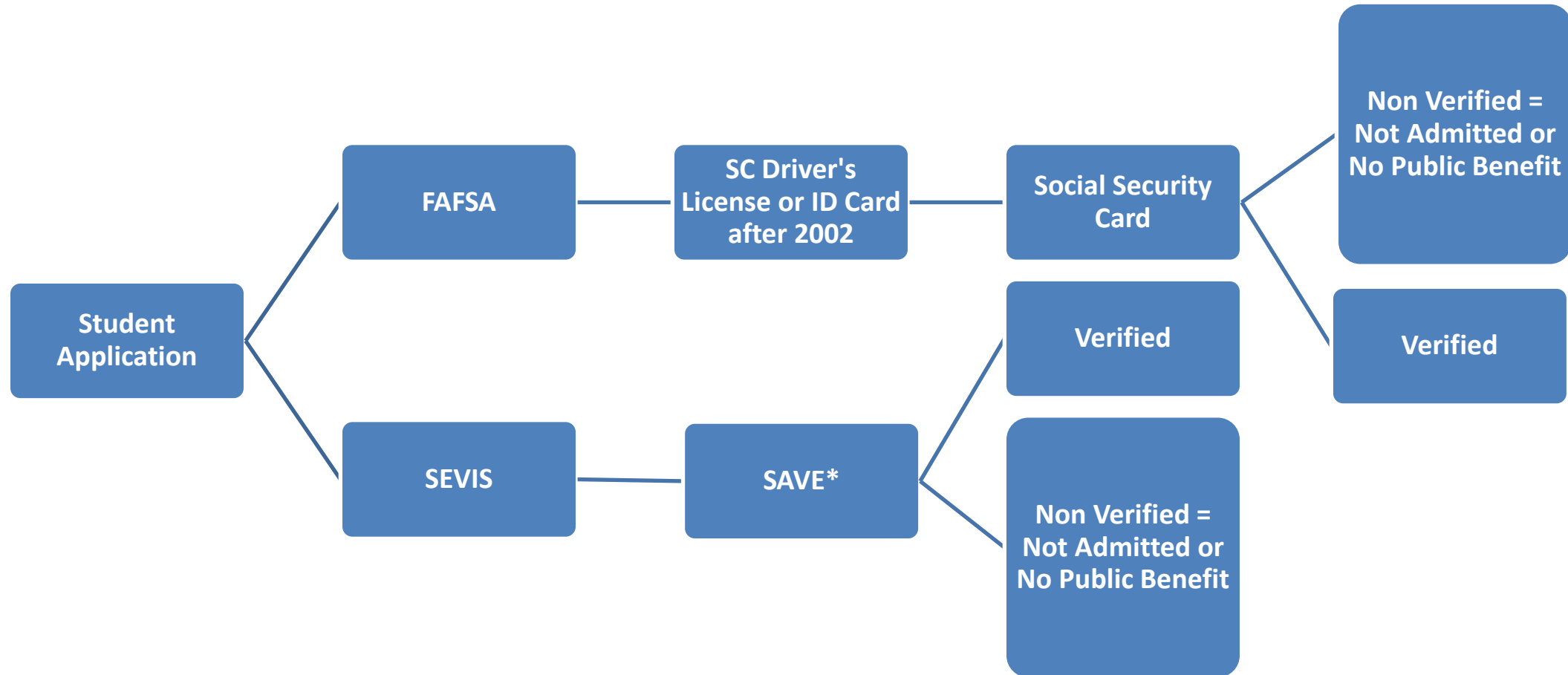
Section 59-101-430

(A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State, as defined in Section 59-103-5. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 U.S.C. Section 1373(c).

SC Illegal Immigration Reform Act

(B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

SC Illegal Immigration Reform Act Recommended Process for Verification



CHE GUIDANCE REGARDING US CITIZEN CHILDREN WITH UNDOCUMENTED PARENTS

CHE Guidance Re: US Citizen Children with Undocumented Parents

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."

CHE Guidance Re: US Citizen Children with Undocumented Parents

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).

CHE Guidance Re: US Citizen Children with Undocumented Parents

However, *where that student is also a United States citizen*, the Commission recommends that the analysis should not stop there. In that circumstance, the Commission recommends that the student should be informed that state law only presumes that he/she 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 that student is entitled to in-state residency status notwithstanding the undocumented status of his/her parent or guardian.

CHE Guidance Re: US Citizen Children with Undocumented Parents

The Commission recommends that the following information may be obtained from the student to form the basis for the determination by the college or university that the U.S. citizen student may be granted in-state residency status:

1. Years that the student has resided continuously in South Carolina.
2. Official high school transcript(s) showing whether the student graduated from a South Carolina high school and showing years of attendance at a South Carolina high school.
3. Possession by the student of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card.

CHE Guidance Re: US Citizen Children with Undocumented Parents

4. Possession of a valid SC vehicle registration if the student owns a motor vehicle.
5. Proof that the student filed South Carolina tax returns as a resident for prior tax years.
6. Proof that the parent or guardian on whom the student is dependent filed South Carolina tax returns as a resident for prior tax years.
7. Other proof that the parent or guardian on whom the student is dependent is living in South Carolina, including evidence of employment in South Carolina, a lease showing a rental home or apartment in South Carolina, utility bills, and the like.

CHE Guidance Re: US Citizen Children with Undocumented Parents

This list is not intended to be exhaustive, and no single piece of evidence is necessarily conclusive. However, the Commission recommends that the institutional residency official weigh the evidence to make a determination whether the U.S. citizen student is domiciled in South Carolina. Students with an undocumented parent or guardian should not gain any advantage over other students whose parent or guardian on whom they are dependent qualify as a "non-resident," such as a resident of another state or country. However, a U.S. citizen student who can establish domicile in South Carolina should not be denied in-state residency status on the basis of his/her parent's undocumented status.

CHE Guidance Re: US Citizen Children with Undocumented Parents

The Commission further recommends that a U.S. citizen student who is denied in-state residency status by the institutional residency official should be advised of his/her right to appeal that decision to the institution's residency appeal committee.

CHE Guidance Re: US Citizen Children with Undocumented Parents

The Commission further recommends that the ultimate residency decision reached by the institutional residency official, and as applicable, the residency appeal committee, should be fully documented. The residency decision reached by the college or university shall be final. There is no appeals process by which the Commission will review and reverse or modify the residency decision reached by the college or university. Likewise, to the extent it has the authority, the Commission will not impose any sanction on the college or university for its residency decision made with regard to students who are United States citizens but are dependent on a parent or guardian who has an undocumented immigration status

Items on the CHE Website Pertaining to SC Residency

<https://www.che.sc.gov/Students,FamiliesMilitary/PayingForCollege/ResidencyConsiderations.aspx>

- Residency Law & Residency Regulation (Effective as of May 27, 2022)
- Sister-State Agreements
- Approved Visa Classifications
- Frequently Asked Questions
- June 15th Presentation on Act 11 of 2015
- CHE Guidance pertaining to US Citizen Children with Undocumented Parents

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