

**APPENDIX A TO
ARKANSAS HEALTH EDUCATION GRANT PROGRAM RULES
AND REGULATIONS**

**GUIDELINES FOR DETERMINING ARKANSAS RESIDENCY
FOR PURPOSES OF ELIGIBILITY FOR THE
ARKANSAS HEALTH EDUCATION GRANT PROGRAM
UNDER AUTHORITY OF ARKANSAS CODE
ANNNOTATED SECTIONS 6-4-104—107, 6-81-1101,
AND 6-81-1103**

I. PURPOSE

The purpose of this Appendix is to provide guidance to the Arkansas Department of Higher Education (the “Department”) in determining whether individuals applying to receive financial assistance under the Arkansas Health Education Grant Program (the “Program”) are residents of the State of Arkansas.

Unless otherwise indicated, all capitalized terms used herein shall have the same meanings ascribed thereto in the Rules and Regulations to which this Appendix is attached.

II. RESIDENCY GUIDELINES

a. A person should be classified as a state resident for Program purposes only if his or her legal residence is located in Arkansas. This means that Arkansas is the legal place of residence of the person for all purposes and that the person demonstrates by good faith acts the intent to make Arkansas his or her permanent home. Legal residence in Arkansas is required for at least six continuous months prior to application in order to be classified as a resident for Program purposes. Mere physical presence in Arkansas is not sufficient to establish residency or demonstrate future intent.

b. A bona fide residence is a home of apparent true, fixed and permanent nature, a place of actual residing for all purposes of living that may be distinguished from a temporary sojourn in this or another state as a student. The person claiming residence in Arkansas must provide evidence of permanent connection with the State of Arkansas and demonstrate the expectation of returning to this state and remaining a resident of this state.

c. The legal residence of a person less than 18 years of age and unmarried without dependents, or an unmarried dependent without dependents who has not yet attained the age of 24 is legally that of (a) the parent(s); or (b) the parent to whom custody has been awarded by judicial decree; or (c) the parent with whom the person resides if there has been a separation without a judicial decree; or (d) the legal

adoptive parent(s); or (e) the natural or legal guardian with whom the person resides.

d. The legal residence of a person 18 years of age or older, or under 18 years of age and married or with dependents, or between 18 and 24 years of age and married or with dependents shall be determined on the basis of his or her own residence.

e. To acquire a legal residence in Arkansas, a person must have established a legal home of permanent character, resided in Arkansas for six continuous months and have no present intention of changing residence to a location outside of Arkansas.

f. Persons who are otherwise not residents of Arkansas may not establish legal residence in Arkansas by the mere fact of receiving mail at an Arkansas address or postal box.

g. Members of the armed forces who are stationed in Arkansas pursuant to military orders, along with their un-emancipated minors or unmarried dependents without dependents who have not yet attained the age of 24, are entitled to classification as in- state residents for Program purposes.

h. Determination of legal residence for Program purposes shall be based on review by the Department of all relevant circumstances which together may reasonably demonstrate legal residence and state of mind regarding residency intent. In making such a determination, the Department shall utilize the information provided by an individual in an affidavit made under oath on a form provided by the Department or through any additional information requested by the Department.