

1974 WL 28090 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 6, 1974

***1 Re: Classification of Student Resident for the Purposes of Admission to the Medical University of South Carolina**

Mr. Michael G. Rosenblum
6 Charlestown Road
Charleston, South Carolina 29407

Dear Mr. Rosenblum:

This is to inform you that I am in receipt of your letter of January 25, 1974, in which you request that I review certain statements and documents submitted by you relative to your desire to be declared a resident of South Carolina for the purposes of tuition and admission to the Medical University of South Carolina. In the letter just referred to, you additionally request that if I concur with your view that you are a resident for the purposes of tuition and admission to the Medical University of South Carolina, I so advise Mr. Glen E. Overton, the Registrar of the Medical University of South Carolina.

The purpose of this letter is to inform you that at the present time, I do not believe that you are a resident within the meaning of the applicable South Carolina statute which governs student residency at State supported institutions. Section 22-2.2 of the Code of Laws of South Carolina (1971 Cum. Supp.) provides inter alia, that:

(A) The word 'student' . . . shall mean any person enrolled for studies in any State institution. The word 'residence' or 'reside' shall denote continuous and permanent physical presence within the State provided that temporary absence for short periods of time shall not affect the establishment of a residence. The word 'domicile' shall denote a person's true, fixed, and permanent home and place of habitation. It is the place where he intends to remain and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

. . . .

(B) South Carolina residency shall be established as follows in determinations of tuition and fees to be paid by students entering or attending State institutions.

(a) Persons who have been domiciled in South Carolina for a period no less than twelve months with an intention of making a permanent home therein . . . may be considered South Carolina residents for tuition and fee purposes at State institutions.

Your attention is directed specifically to subsection (a) of paragraph (B) of the above-quoted statute. Subsection (a) specifically requires domicile in South Carolina for a period of twelve months before a person can be considered a South Carolina resident for tuition and fee purposes at State institutions. In this regard, I have reviewed the documents which you submitted in your letter of January 25, 1974, and it is my opinion that the documents manifest an intent on your part to become a South Carolina resident at some point in time after April of 1973, and probably November of 1973. My reasoning for this conclusion is as follows:

Although some of your documents indicate that you have paid South Carolina Income Taxes for the taxable year 1971, it was not until April 30, 1973, that you acquired a South Carolina Voter Registration Certificate. Furthermore, you

did not see fit to acquire a South Carolina driver's license or a South Carolina motor vehicle registration certificate until November 13, and 15, 1973, although State law requires that residents of South Carolina acquire these documents within thirty days of becoming South Carolina residents. It is, therefore, my opinion that your residency in this State did not begin until sometime subsequent to April of 1973, and probably not until November of 1973 and, therefore, I do not believe that you presently could be considered a resident of this State within the meaning of Section 22-2.2 of the Code of Laws of South Carolina. I hope that the foregoing has sufficiently dealt with the inquiries contained in your letter of January 21, 1974.

Very truly yours,

*2 Ellison D. Smith, IV
Assistant Attorney General

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