



MONTANA UNIVERSITY SYSTEM  
OFFICE OF COMMISSIONER OF HIGHER EDUCATION

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**MONTANA UNIVERSITY SYSTEM | COMMISSIONER'S DIRECTIVE**

**RE: BOR Policy 940.1 – Residency Policy**

**EFFECTIVE DATE: March 9, 2016**

**BOR POLICY REFERENCES: 940.1**

Non-U.S. Citizens with visa or other classifications that provide them the ability to reside permanently in the United States are eligible to acquire in-state status for higher education purposes under Board of Regents' Policy 940.1. In order to be classified in an in-state status, these individuals must also conform to the procedures set forth in Board of Regents' Policy 940.1 in establishing their intent to become a resident of Montana. In other words, the ability to remain permanently in the U.S. is a necessary prerequisite to obtaining in-state status, but it is insufficient standing alone to obtain in-state status.

Individuals with the following visa types are presumed to have the ability to obtain in-state status:

- A
- DV
- E
- G
- H1
- H4
- I
- K
- L
- T
- V

Individuals in lawful permanent resident status, or in asylee or refugee status are also presumed to have the ability to obtain in-state status.

The applicable period of continuous domicile required by Board of Regents' Policy 940.1 cannot begin to run until the individual has made formal application for one of the visas listed above or for classification in one of the statuses listed above. An individual cannot be classified in an in-state status until he or she has been granted one of the eligible statuses' listed above and has demonstrated the intent to become a Montana resident in accordance with the policy.

Individuals with temporary, non-immigrant visas are generally unable to obtain in-state status as the nature of those visas are inconsistent with the intent required under Board of Regents' Policy 940.1 This generalized rule applies regardless of the duration of the visa or the number of times it is or can be renewed.

*Directives are official interpretations and guidance issued by the Commissioner of Higher Education; they remain in effect as system directives until withdrawn or revised by the Commissioner or superseded by action of the Board of Regents.*

Non-U.S. Citizens who are residing lawfully in the United States, including but not limited to those here on TN visas, are eligible for the exceptions listed in Section H of Board of Regents' Policy 940.1.

A handwritten signature in black ink, appearing to read "Clayton T. Christian". The signature is fluid and cursive, with the first name "Clayton" and last name "Christian" clearly distinguishable.

Clayton T. Christian  
Commissioner of Higher Education