

3.17.5 Documented Foreign Nationals

Documented foreign nationals may attend as postsecondary students if they have appropriate educational visas. These individuals are eligible for in-state classification if they become lawful permanent residents, have resided in Oklahoma for at least 12 consecutive months, and meet domicile requirements as set forth in this policy.

Documented foreign nationals who are present in the U.S. with visas that allow full-time employment for extraordinary ability in sciences, arts, education, business, athletics, as an executive, manager, or specialist of a treaty nation company operating in the U.S. are eligible for out-of-state tuition waivers as long as they remain in full-time working status. Dependents of these documented foreign nationals who are lawfully present in Oklahoma based on the documented foreign national's visa are also eligible for out-of-state tuition waivers.

3.17.6 Undocumented Students

In accordance with Title 70, O.S., Section 3242 (2007) (also known as HB1804 of the First Regular Session of the 51st Legislature), an individual who cannot present to the institution valid documentation of United States nationality or an immigration status permitting study at a postsecondary institution but who:

- Graduated from a public or private Oklahoma high school;
- Resided in this state with a parent or legal guardian while attending classes at an Oklahoma public or private high school in this state for at least two (2) years prior to graduation; and
- Satisfies admission standards for the institution.

Individuals who meet the above requirements are eligible for enrollment and/or out-of-state tuition waivers if that individual:

- A. Provides the institution with a copy of a true and correct application or petition filed with the United States Citizenship and Immigration Service (USCIS) to legalize the student's immigration status, or
- B. Files an affidavit with the institution stating that the student will file an application to legalize his or her immigration status at the earliest opportunity the student is eligible to do so, but in no case later than:
 - (1) One (1) year after the date on which the student enrolls for study at the institution, or
 - (2) If there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the USCIS provides such a formal process, and
- C. If the student files an affidavit pursuant to subsection B. above, presents to the institution a copy of a true and correct application or petition filed with the USCIS no later than:
 - (1) One (1) year after the date on which the student enrolls for study at

- the institution, or
- (2) If there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the USCIS provides such a formal process, which copy shall be maintained in the institution's records for that student.

D. Any student who completes and provides the institution with a copy of a true and correct application or petition filed with USCIS to legalize the student's immigration status shall not be disqualified on the basis of the student's immigration status from any scholarships or financial aid provided by this state as long as the student meets the following:

- Graduated from a public or private Oklahoma high school;
- Resided in this state with a parent or legal guardian while attending classes at an Oklahoma public or private high school in this state for at least two (2) years prior to graduation; and
- Satisfies admission standards for the institution.

E. This policy shall not impose any additional conditions to maintain eligibility for an out-of-state tuition waiver at a postsecondary educational institution within The Oklahoma State System of Higher Education on a student who was enrolled in a degree program and first received an out-of-state tuition waiver and/or access to state scholarships at that institution during the 2006-2007 school year or any prior year.

3.17.7 Military Personnel

Members of the armed forces who provide evidence that they are full-time active duty in the armed forces stationed in Oklahoma or temporarily present through military orders shall be immediately classified upon admission as in-state status along with their spouse and dependent children. Further, when members of the armed services are transferred out-of-state, the member, their spouses and dependent children shall continue to be classified as in-state as long as they remain continuously enrolled.

Former full-time active military personnel who remain in Oklahoma after their service may retain their in-state status without the 12 month requirement if they establish domicile as defined in this policy.

3.17.8 Full-Time Professional Practitioner or Worker

A U.S. citizen or Lawful Permanent Resident who provide evidence of having come to Oklahoma to practice a profession on a full-time basis, conduct a business full time, or work on a full-time basis shall be immediately classified as in-state status along with the individual's spouse and dependents without the 12 month domiciliary requirement so long as they continue in such full-time employment capacity or until such time that they independently establish in-state status as described in section 3.17.3 of this policy.