

# Legal Resident Status

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Students are classified as in-state or out-of-state for the purpose of paying University fees. The Office of the Graduate School will make the initial classification at the time a student's application for admission is processed. The burden of proof for establishing residency resides with the applicant. If a student misrepresents his or her status, he or she shall be responsible for paying the fees he or she would have otherwise been required to pay and will be subject to disciplinary action or dismissal from school. The University Registrar is authorized to change a student's residence status upon receipt of evidence that the student is improperly classified.

The following Institutions of Higher Learning and Mississippi State University policies apply in determining the residential status of students for the purpose of enrolling and paying fees at a state-supported institution of higher learning:

- **Institutions of Higher Learning**  
<http://www.ihl.state.ms.us/board/downloads/policiesandbylaws.pdf> Paragraphs 610 and 611.
- **Mississippi State University**  
<http://www.msstate.edu/dept/audit/3102.html> Academic Operating Policy AOP 31.02 Legal Resident Status

## **Petition for Change of Residency Classification.**

A person who enters the State of Mississippi from another state and enters an educational institution is considered a non-resident. Any person who has after attaining the age of twenty-one (21) and has since their twenty-first birthday established residency and resided within the State of Mississippi for twelve (12) consecutive months may: (1) upon sworn affidavit and other representation, and (2) who can prove financial independence, petition for a change in residency classification for the purposes of fees and tuition assessment.

Residency changes are not retroactive, and the following conditions apply:

1. The institution may make reasonable inquiry into the validity of the petitioner's claim.
2. A petition for change of residency must be received **prior to the last day** a student may register without penalty of the term for which the student is applying for residency.

## **Factors Regarding Residency.**

Although domicile and residency for educational purposes are largely matters of intention, this intention is determined objectively from the facts and circumstances surrounding a claim of in-state residency. Some of the factors relevant to determining residency include:

- Actual physical residence of habitation
- Length of time at actual physical residence - Residence used for income tax, loan, banking and other purposes
- Voter registration
- Motor vehicle registration (Persons moving into the state on a permanent basis have 30 days to register vehicles.)
- Driver's license held (Persons moving into the state on a permanent basis have 60 days to acquire driver's licenses.)
- State to which personal income taxes or other taxes paid
- Status of income sources
- Location of bank, savings and other accounts

## **Responsibility for Reporting Change.**

It is the individual student's responsibility to report immediately to the Registrar any change which will affect his or her residence status under these regulations.

## **Institutions of Higher Learning (College Board) and University Policies Concerning Nonresident Tuition.**

In addition to state laws and regulations, the University has established certain IHL Board approved regulations concerning the payment of non-resident tuition. Mississippi State University (except the College of Veterinary Medicine) may waive a percentage of the non-resident tuition for the following groups of students:

1. Those who are currently awarded athletic scholarships.
2. Those who are currently awarded band scholarships.
3. Those who are currently awarded choral scholarships.
4. All graduate students holding assistantships. (Rules applicable to these awards may be found in the Graduate Catalog or in the Graduate Assistant Handbook. Both publications are available on the MSU Web: <http://www.grad.msstate.edu/about/>)

5. Children of Mississippi State University alumni. (Application deadline is April 1) (For this purpose, an alumnus or alumna is defined as one who has earned a minimum of 48 MSU undergraduate credit hours or 30 MSU graduate credit hours of course work or received a degree from Mississippi State University.) Graduate students must maintain a B (3.0) grade point average to continue eligibility for this award. STUDENT AFFAIRS OP 91.178: Policy on Out-of-State Tuition Waivers is available on the MSU Web: <http://www.msstate.edu/dept/audit/PDF/91178.pdf>.
6. Non-resident students who are certified participants in The Academic Common Market.