PETITION TO BECOME A MISSISSIPPI RESIDENT FOR TUITION PURPOSES

This petition will not be accepted unless copies of ALL required relevant documents are attached. Please return to Ashley Peterson in the Office of the Registrar in 278 Garner Hall. You may contact her by email at anp489@msstate.edu or by phone at 662.325.2662 if you have any questions.

*Petitions must be signed & notarized and received in hand by the Office of the Registrar on or before the last day a student may register without penalty. (See semester deadline dates below.) Petitions will not be approved for the current semester/term after that date. The petitioner may resubmit the petition for the next future semester he or she will attend.

Nonresidents may petition Mississippi State University for a change of residency classification. Mississippi State Law requires a person must reside in the state continuously for a period not less than 12 months following their 21st birthday.

A person must provide documentary evidence as to completing the minimum residency requirement of 12 continuous months. The most recent dated document will be used to determine the start of the 12 continuous months. The list of required documents can be found on the next page.

*Deadline for Spring 2021: January 13, 2021
*Deadline for Summer 2021: June 3, 2021
*Deadline for Fall 2021: August 25, 2021

Updated 4/5/2021
A person must provide proof that they have obtained all of the following items proving Mississippi residency and have held all for a period of no less than 12 months on all the following:

- 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 per state law to register vehicles.)
- Driver’s license held (Persons moving into the state on a permanent basis have 60 days per state law 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.
STEPS TO BECOME A MISSISSIPPI RESIDENT FOR TUITION PURPOSES:

A. SUMMER TERMS AND FALL SEMESTER

If you are petitioning for your Mississippi residency to be effective for the start of SUMMER TERMS AND FALL SEMESTER

You must be at least 22 years of age. You must physically reside in the state 12 months or longer after your 21st birthday AND hold all of the following Mississippi documents for the 12 months prior to submission of a petition application:

- Show Mississippi residence used for state/federal tax returns, loans, W2s, etc. Provide copy of last received W2 form, if any.
  Provide copy of first page of previous year’s Mississippi State Tax Return address and dependent information.
  Provide copy of first page of previous year’s Federal Tax Return address and dependent information.
  If under age 24, must provide copy of first page of parent’s previous year’s Federal Tax return showing dependent and address information.
  (If applying for Summer or Fall, must have copies of previous year’s tax returns, i.e., applying for Summer 2021 or Fall 2021, you must have copies of 2020 tax returns.)
- Motor Vehicle registration
- Driver License
- Voter Registration
- Location of bank accounts
- International students must have resident alien card issued by INS.
B. SPRING SEMESTER

If you are petitioning for your Mississippi residency to be effective for the start of SPRING SEMESTER

You must be at least 22 years of age. You must physically reside in the state 12 months or longer after your 21st birthday AND hold all the following Mississippi documents for the 12 months prior to submission of a petition application:

- Show Mississippi residence used for state/federal tax returns, loans, W2s, etc.
  Provide copy of last received W2 form, if any.
  Provide copy of first page of student’s previous year’s Mississippi State Tax Return address and dependent information.
  Provide copy of first page of student’s previous year’s Federal Tax Return address and dependent information.
  If under age 24, must provide copy of first page of parent’s previous year’s Federal Tax return showing dependent and address information.
  (If applying for Spring, you must have copies of previous year’s tax returns, i.e. applying for Spring 2021, provide copies of your 2019 tax returns).

- If your residency cannot be based on the last tax returns filed and is based on residency changes since January 1 and you were 24 years of age or less as of last December 31, you must also:

  1) Provide a notarized sworn affidavit from your parents that they have not provided 50% or more of your support for the last year and that they will NOT claim you as a dependent on the Federal and/or State tax return when they file their tax returns.
  2) Provide a notarized sworn affidavit that you will file a Federal and/or Mississippi State Tax Return (if you are required to file) and that you will not be claimed as a dependent on your parent’s tax returns.
  3) Agree to provide copies of your personal tax returns and your parent’s returns when completed no later than April 15. MSU has the right to retroactively charge out-of-state tuition if tax returns are not provided.

- Motor vehicle registration
- Driver License
- Voter Registration
- Location of bank accounts
- International students must have resident alien card issued by INS.
IMPORTANT NOTICE TO STUDENTS WHO WISH TO APPLY FOR MISSISSIPPI RESIDENCY FOR TUITION AND FEE PURPOSES

Updated July 11, 2006 to include HHI, Residency Policy and 37-103-25 Mississippi Law Changes

THIS IS A TWO-PAGE SYNOPSIS OF THE COMPLETE MISSISSIPPI RESIDENCY LAW STARTING ON PAGE 8.

Students MUST COMPLETE their residency determination request on or before the last day a student may register without penalty. Residency determinations turned in on or after this date will be reviewed to start the following semester. Residency determinations will not be made retroactive to cover past semesters/terms.

Students will be classified as a resident or nonresident primarily based on:

Their age (minor or adult)

Dependent status (determined by Federal tax return)

Place of Birth (if born in Mississippi) see section 37-103-25 below. (Eff. Aug 28, 2005)


and

Time and Proof of Residence in Mississippi (an adult MUST have resided within Mississippi for a minimum of 12 months and MUST NOT have entered the state primarily to attend an educational institution).

The full set of Mississippi Laws pertaining to residency determination may be found starting on page eight (8) of this document and are an updated (July 11, 2006) version of the material also found in Academic Operating Policy 31.02 Legal Resident Status and on page 9 of the current catalog. MSU is required to follow the Laws of the State of Mississippi, and the Registrar’s Office staff is authorized to make inquiries into a person’s residency status and to require documented proof establishing residency in Mississippi.

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.

We have summarized the residency information and have divided it into two sections: (1) for students who are minors or dependents of parents or guardians and (2) those students who are old enough to establish their own residency in their own right having lived on their own since age 21 or 23 for one year – depending on the time their dependency status ended. Again, the complete set of residency laws start on page 8.
IMPORTANT NOTICE - CONTINUED

MINOR (up to age 21) OR DEPENDENT STUDENT (up to age 23 if claimed as dependent on last Federal Tax Return):

Legal Residence of a Minor. For purposes of determining whether a person pays out-of-state or in-state tuition for attendance at universities, community and junior colleges, the residence of a person less than twenty-one (21) years of age is that of the father, the mother or a general guardian duly appointed by a proper court in Mississippi. If a court has granted custody of the minor to one (1) parent, the residence of the minor is that of the parent who was granted custody by the court. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent’s death, unless the minor lives with a general guardian duly appointed by a proper court of Mississippi, in which case his residence becomes that of the guardian. A student who, upon registration at a Mississippi institution of higher learning or community college, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four (4) years of secondary school attendance shall not be required to pay out-of-state tuition. This section shall not apply to the residence of a person as it relates to residency for voter registration or voting. § 37-103-7, Mississippi Code of 1972. Legal Residence of a Minor. Effective July 1, 2005.

ADULT STUDENT OVER 21 – NOT CLAIMED as a DEPENDENT STUDENT:

Legal Residence of an Adult. The residence of an adult is that place where he or she is domiciled; that is, the place where he or she actually resides with the intent of remaining there indefinitely, or of returning there permanently when temporarily absent. § 37-103-13, Mississippi Code of 1972. Legal Residence of an Adult.

Residence Status of a Married Person. A married person may claim the residence of his or her spouse, or may claim independent resident status as any other adult. § 37-103-15, Mississippi Code of 1972. Residence Status of a Married Person.

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 first day of class of the term for which the student is applying for residency.

NON U.S. CITIZENS (ALIEN STATUS) IN US ON NON-STUDENT VISA:

The same rules apply to NON U.S. Citizens for Legal Residence of a Minor or adult depending on the person’s status (except having to show U.S. voter registration).
PETITION FOR MISSISSIPPI RESIDENCE CLASSIFICATION

PERSONAL DATA

1. Name as listed on institutional records:

Last                  First                  Middle/Maiden

2. Student ID Number: ______________________ or SSN (not required): ___________ - ________

3. Date of Birth: ______________________

4. Address: ______________________

5. Phone Number: ______________________

6. If married,

a. Name of spouse: ______________________

b. Place of marriage: ______________________

c. Date of marriage: ______________________
   (Attach copy of the marriage certificate)

d. Occupation and place of employment of spouse: ______________________

e. Residence status of spouse: ______________________

For MSU only:
(Updated August 31, 2016)

Action:   ( ) Approved*   ( ) Disapproved*   Effective Date: ___________

________________________  __________________________
Date                                      Registrar

*See attached letter
EMPLOYMENT DATA

List all employment for past two years:

<table>
<thead>
<tr>
<th>Dates From (Mo/Yr)</th>
<th>To (Mo/Yr)</th>
<th>Employer</th>
<th>City/State</th>
<th>Full Time</th>
<th>Part Time*</th>
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*If less than full-time (40 hrs/week), indicate number of hours

EDUCATIONAL DATA

1. Date of first enrollment at Mississippi State University ____________ Semester, 20 ______.

2. Date of most recent registration at Mississippi State University ____________ Semester, 20 ______.

3. Educational attendance for the past four years:

<table>
<thead>
<tr>
<th>From (Mo/Yr)</th>
<th>To (Mo/Yr)</th>
<th>Institution</th>
<th>City/State</th>
<th>Full or Part Time</th>
<th>Residency Status</th>
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PERSONAL STATEMENT

1. I hereby submit this petition requesting in-state status for fee-payment purposes for ____________ semester 20 ______.

2. I claim that my permanent residence in Mississippi began on ____________ month/day/year.

3. I am claiming ____________ County Mississippi as my official county of residency.

4. My former permanent residence was the state of ____________________________.

5. My absences from Mississippi (other than vacation or visitation of two weeks or less) after the date I claim my permanent residence in Mississippi.

<table>
<thead>
<tr>
<th>From: (Mo/Day/Yr)</th>
<th>Absence To: (Mo/Day/Yr)</th>
<th>Location Visited City/State</th>
<th>Reason for Absence</th>
</tr>
</thead>
</table>
6. In the space provided below, and if necessary, continued on an attachment to this petition, provide a clear and complete statement covering the following items and any other facts and circumstances which, in your opinion, establish your legal residence in Mississippi.
   a. Purpose in coming to/remaining in Mississippi.
   b. When you decided to become a legal resident of Mississippi.
   c. Immediate and long-range plans.
   d. Reasons why you expect to move out of the state after completing your studies or to remain in Mississippi indefinitely.

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**HOUSING INFORMATION**

1. Present type of housing: (circle one)
   
   House       Dorm       Apartment       Room       Other (specify)

2. Date of lease or purchase of home: 
   (Attach copy of warranty deed if purchasing home).

3. If renting, length of lease:

4. Please list your dwelling addresses for the past four years. (Include current address).

<table>
<thead>
<tr>
<th>From (Mo/Yr)</th>
<th>To (Mo/Yr)</th>
<th>Street Address</th>
<th>City/State</th>
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</table>
1. Mississippi individual Income Tax Return:
   (Attach copy of most recent state of Mississippi individual Income Tax Return and W-2 Form)

2. Taxes paid to other states during the past four years: (indicate state and year)

3. Residence as shown on Federal Income Tax Return for most recent year:
   (Attach copy of Federal Tax Return and W-2 Form)

4. County in Mississippi to which property tax was paid during most recent tax year.
   (Attach copy of tax receipt)

5. Were you claimed by your parent(s) as a dependent for State/Federal individual income tax purposes in the most recent calendar year? Yes _____ No _____ If yes, in what state were you claimed by your parent(s)?

6. Sources of support during the preceding 12 months in estimated percentage of total support:

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Parents</td>
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<td>Spouse</td>
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<tr>
<td>Loans</td>
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<tr>
<td>Employment during school term</td>
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<tr>
<td>Savings</td>
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<td>Summer employment</td>
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<tr>
<td>Trust Funds</td>
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<td>Relatives</td>
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<tr>
<td>Gifts</td>
<td></td>
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<tr>
<td>Student financial aid</td>
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<tr>
<td>Other (specify)</td>
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</table>

7. If supported by trust fund, state to which the trust fund pays income taxes:

8. a. State/Federal education guaranteed loans now held or have been applied for:

    __________________________________________________________
    __________________________________________________________
    __________________________________________________________

   b. Guaranteed through which state:

    __________________________________________________________

   c. Date obtained/requested:

    __________________________________________________________

   d. Dates(s) renewed:

    __________________________________________________________
MISCELLANEOUS DATA

1. Mississippi professional and occupational licenses held:

<table>
<thead>
<tr>
<th>Professional/Occupational</th>
<th>Type</th>
<th>Date Issued</th>
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2. a. Do you regularly operate a motor vehicle? Yes____ No____
b. This vehicle is registered to __________________ in the state of __________________
   (list all names on title)
   If not Mississippi, date of registration ____________________________.
c. If vehicle is registered in Mississippi, date of first registration: (Attach copy of most recent vehicle registration or Mississippi title)

3. a. Date most recent valid driver’s license obtained: (Attach copy) ____________________________
b. If Mississippi license, number of consecutive years valid Mississippi driver’s license held: __________________
c. If holding motor vehicle driver’s license in another state, name state and give expiration date and date obtained ____________________________.

4. Location of all checking/savings accounts and other banking business such as loans: (Attach documentation to include your name and address & bank name and address)

   Name of bank(s)  City/State

   ____________________________

   ____________________________

5. Date of last voter registration: (attach copy of voter registration card)

   month/day/year  county/state

   ____________________________

PARENTAL/FAMILY INFORMATION

1. Name and address of Parents:

   ____________________________

   ____________________________

   ____________________________
2. If parents are/were ever legal residents of Mississippi, give address and dates of residence:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Street Address</th>
<th>City/State</th>
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3. If applicable, name and address of court-appointed legal guardian:

   __________________________________________

   a. Dates of Mississippi residence for legal guardian:
   __________________________________________

   b. Date of guardianship appointment:
   __________________________________________

   c. Name of court:
   __________________________________________
      (Attach copy of court order)

DATA ON NON-U.S. CITIZENS

1. Country of citizenship
   __________________________________________

2. Visa Type:
   __________________________________________

3. Date received visa or resident alien card allowing permanent residence in the U.S.:
   __________________________________________
   (Attach copy of this visa or resident alien card)
SIGNATURE LEGAL ONLY IF DONE IN THE PRESENCE OF A NOTARY

* __________________________________________
Signature of Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME, IN MY PRESENCE, THIS _____ DAY OF ______________, 20___.

____________________________
Notary Public

*THE PETITIONER SHOULD NOTE BEFORE SIGNING THAT ANY WILLFULLY FALSE STATEMENTS MADE HEREIN MAY RESULT IN DISCIPLINARY ACTION INCLUDING POSSIBLE DISMISSAL FROM THE UNIVERSITY AND/OR CRIMINAL PROSECUTION PURSUANT TO MISSISSIPPI CODE § 37-103-27.

DELIVER COMPLETED PETITION TO:

OFFICE OF THE REGISTRAR
MISSISSIPPI STATE UNIVERSITY
278 GARNER HALL

OR BY MAIL TO:

ASHLEY PETERSON
MISSISSIPPI STATE UNIVERSITY
OFFICE OF THE REGISTRAR
P.O. BOX 5268
MISSISSIPPI STATE, MS 39762

DATE PETITION GIVEN TO STUDENT:
A REPRINT OF THE MISSISSIPPI LAW (CODE) of 1972
ESTABLISHING LEGAL RESIDENT STATUS
For TUITION PURPOSES

Students are classified as in-state or out-of-state for the purpose of paying University fees. The Office of Admissions and Scholarships 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 otherwise have 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 state laws, court decisions and Institutions of Higher Learning 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:

No student may be admitted to any institution of higher learning as a resident of Mississippi unless his residence has been in the State of Mississippi preceding his/her admission. Residence shall be as defined in Mississippi Code Sections 37-103-7 and 37-103-13 unless excepted in this chapter. § 37-103-3, Mississippi code of 1972. Residency requirement for purpose of being admitted as state resident; definition of residence.

A person who has entered the State of Mississippi from another state and enters an educational institution is considered a nonresident. Even though he/she may have been legally adopted by a resident of Mississippi, or may have been a qualified voter, or landowner, or may otherwise have sought to establish legal residence, such a person will still be considered as being a nonresident of Mississippi if he/she has entered this state for the purpose of enrolling in an educational institution. § 37-103-5, Mississippi Code of 1972. Residence of person entering state for purpose of attendance at educational institution.

Legal Residence of a Minor. For purposes of determining whether a person pays out-of-state or in-state tuition for attendance at universities, community and junior colleges, the residence of a person less than twenty-one (21) years of age is that of the father, the mother or a general guardian duly appointed by a proper court in Mississippi. If a court has granted custody of the minor to one (1) parent, the residence of the minor is that of the parent who was granted custody by the court. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent’s death, unless the minor lives with a general guardian duly appointed by a proper court of Mississippi, in which case his residence becomes that of the guardian. A student who, upon registration at a Mississippi institution of higher learning or community college, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four (4) years of secondary school attendance shall not be required to pay out-of-state tuition. This section shall not apply to the residence of a person as it relates to residency for voter registration or voting. § 37-103-7, Mississippi Code of 1972. Legal Residence of a Minor. Effective July 1, 2005.

Removal of Parents from Mississippi. If the parents of a minor who is enrolled as a student in an institution of higher learning move their legal residence from the State of Mississippi, the minor is immediately classified as a nonresident student. § 37-103-11, Mississippi Code of 1972. Removal of Parents from Mississippi.
Legal Residence of an Adult. The residence of an adult is that place where he or she is domiciled; that is, the place where he or she actually resides with the intent of remaining there indefinitely, or of returning there permanently when temporarily absent. § 37-103-13, Mississippi Code of 1972. Legal Residence of an Adult.

Residence Status of a Married Person. A married person may claim the residence of his or her spouse, or may claim independent resident status as any other adult. § 37-103-15, Mississippi Code of 1972. Residence Status of a Married Person.

Children of Parents Who are Employed by Institutions of Higher Learning. Children of parents who are members of the faculty or staff of any institution under the jurisdiction of the board of trustees may be classified as residents without regard to the residence requirement of twelve (12) months, for the purpose of attendance at the institution where their parents are faculty or staff members. Full-time faculty and staff are also considered residents. Children or spouses of full-time faculty and staff are not automatically considered residents for tuition purposes at the College of Veterinary Medicine. § 37-103-9, Mississippi Code of 1972. Children of Parents Who Are Employed by Institutions of Higher Learning.

Military Personnel Assigned an Active Duty Station in Mississippi. Members of the armed forces and members of the Mississippi National Guard on extended active duty and/or stationed within the State of Mississippi, except those military personnel whose active duty assignment in the State of Mississippi is for educational purposes, may be classified as residents, without regard to the residence requirement of twelve (12) months, for the purpose of attending state-supported institutions of higher learning and junior colleges of the State of Mississippi. Resident status of such military personnel who are not legal residents of Mississippi, as defined under “Legal residence of an adult” shall terminate upon their reassignment for duty in the continental United States outside the State of Mississippi. §37-103-17, Mississippi Code of 1972. Military Personnel Assigned an Active Duty Station in Mississippi (amended).

Children and Spouses of Military Personnel. The resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that the military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

(2) The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi within one hundred eighty (180) days of the date of death.

(3) If a member of the Armed Forces of the United States is stationed outside Mississippi and the member’s spouse or child establishes residence in Mississippi and registers with the Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.
(4) A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or non enrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person’s eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States. § 37-103-19, Mississippi Code of 1972. Children of Military Personnel. Effective July 1, 2005.

Certification of Residence of Military Personnel. A military person on active duty stationed in Mississippi who wishes to avail himself or herself or his or her dependents of these provisions must submit a certificate from his or her military organization showing the name of the military member; the name of the dependent (if for a dependent), the name of the organization of assignment and its address (may be in the letterhead); that the military member will be on active duty stationed in Mississippi on the date of registration at the state-supported institution of higher learning or junior college of the State of Mississippi; that the military member is not on transfer orders; and the signature of the Commanding Officer, the Adjutant or the Personnel Officer of the unit of assignment with signer’s rank and title. A military certificate must be presented to the registrar of the state-supported institution of higher learning or junior college of the State of Mississippi each semester or trimester at (or within ten (10) days prior to) registration each semester for the provisions hereof to be effective. § 37-103-21, Mississippi Code of 1972. Certification of Residence of Military Personnel.

Non U.S. Citizens (Alien status). All aliens are classified as nonresidents except that lawfully admitted alien students with permanent resident status, temporary resident status, or refugee status can establish Mississippi residence by meeting the same residency requirements as any U.S. Citizen. § 37-103-23, Mississippi Code of 1972. Aliens. U.S. District Court in the case of Jagnandan v. Giles, 379 F.Supp. 1178 (N.D. Miss. 1974).

Out-Of-State Tuition for Nonresidents. The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community/junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community/junior colleges of the State of Mississippi. Except as otherwise provided in this subsection, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established in the above paragraph if: (1) the nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor’s father or mother, or both, (2) the nonresident student is a veteran who served in the Armed Forces of the United States, (3) the nonresident student is domiciled in Mississippi no later than six months after the nonresident student’s separation from service, as evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community/junior college, or (4) the nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only. (BT Minutes, 12/2005) Also § 37-103-25, Mississippi Code of 1972. Effective August 28, 2005. Note: Legal Counsel determined this section provides for in-state tuition rate charges for the four categories mentioned within this section. Category 4 was for the 2005-2006 school. Category 4 was in effect at MSU for the following terms Fall 2005, Spring 2006 and ends with the conclusion of Summer 2006.
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 first day of class 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
- Place of Birth is Mississippi (Mississippi Birth Certificate)
- U.S. Veteran Documentation (DD 214 or other Military Discharge Certificate.
- 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 Studies Bulletin or in the Graduate Assistant Handbook. Both publications are available on the MSU Web: www.msstate.edu/dept/grad/publications.
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.
6. Non-resident students who are certified participants in The Academic Common Market.

Academic Common Market. Academic Common Market out-of-state tuition waivers are available for specific academic programs for students from certain states. Application must be made first with the awarding state. The student must be a legal resident of that state and approved for a specific major at MSU. Both undergraduate and graduate students are eligible to apply. A qualified student must maintain full time status. The waiver is 100 percent of out-of-state tuition and will remain at this level unless the student’s field of study changes, or a student no longer has full time status.

To be eligible for the non-resident waiver during the first semester of enrollment, applications and resident verification must be submitted to and approved by the Office of the Provost and Vice President for Academic Affairs prior to the first day of class. For more information about submission and deadlines, please contact that office at 662-325-3742.

Students seeking information on the Academic Common Market waiver should write to the Academic Common Market at the Southern Regional Education Board, 592 10th Street, N.W., Atlanta, GA 30318-5790. The Web site may be accessed at www.sreb.org/programs/acm/acmindex.asp.