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Text contains those laws in effect on September 15, 2024

**From Title 8-ALIENS AND NATIONALITY**

CHAPTER 12-IMMIGRATION AND NATIONALITY

SUBCHAPTER II-IMMIGRATION

Part V-Adjustment and Change of Status

**Jump To:**[Source Credit](#)[Miscellaneous](#)[Amendments](#)[Effective Date](#)**§1258. Change of nonimmigrant classification**

(a) The Secretary of Homeland Security may, under such conditions as he may prescribe, authorize a change from any nonimmigrant classification to any other nonimmigrant classification in the case of any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain that status and who is not inadmissible under [section 1182\(a\)\(9\)\(B\)\(i\) of this title](#) (or whose inadmissibility under such section is waived under [section 1182\(a\)\(9\)\(B\)\(v\) of this title](#)), except (subject to subsection (b)) in the case of-

- (1) an alien classified as a nonimmigrant under subparagraph (C), (D), (K), or (S) of [section 1101\(a\)\(15\) of this title](#),
- (2) an alien classified as a nonimmigrant under subparagraph (J) of [section 1101\(a\)\(15\) of this title](#) who came to the United States or acquired such classification in order to receive graduate medical education or training,
- (3) an alien (other than an alien described in paragraph (2)) classified as a nonimmigrant under subparagraph (J) of [section 1101\(a\)\(15\) of this title](#) who is subject to the two-year foreign residence requirement of [section 1182\(e\) of this title](#) and has not received a waiver thereof, unless such alien applies to have the alien's classification changed from classification under subparagraph (J) of [section 1101\(a\)\(15\) of this title](#) to a classification under subparagraph (A) or (G) of such section, and
- (4) an alien admitted as a nonimmigrant visitor without a visa under [section 1182\(l\) of this title](#) or [section 1187 of this title](#).

(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of [section 1101\(a\)\(15\) of this title](#).

(June 27, 1952, ch. 477, title II, ch. 5, §248, 66 Stat. 218 ; Pub. L. 87-256, §109(d), Sept. 21, 1961, 75 Stat. 535 ; Pub. L. 97-116, §10, Dec. 29, 1981, 95 Stat. 1617 ; Pub. L. 99-603, title III, §313(d), Nov. 6, 1986, 100 Stat. 3439 ; Pub. L. 103-322, title XIII, §130003(b)(3), Sept. 13, 1994, 108 Stat. 2025 ; Pub. L. 104-208, div. C, title III, §301(b)(2), title VI, §671(a)(2), Sept. 30, 1996, 110 Stat. 3009-578 , 3009-721; Pub. L. 109-162, title VIII, §821(c)(1), Jan. 5, 2006, 119 Stat. 3062 .)