INA: ACT 248 - CHANGE OF NONIMMIGRANT CLASSIFICATION

Sec. 248. [8 U.S.C. 1258] <u>21</u> (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 <u>212(a)(9)(B)(i)</u> (or whose inadmissibility under such section is waived under section <u>212(a)(9)(B)(v))</u>, <u>11</u> except <u>21</u> (subject to subsection (b)) in the case of-

- (1) an alien classified as a nonimmigrant under subparagraph (C), (D), (K), or (S) of section **101(a)(15)**,
- (2) an alien classified as a nonimmigrant under subparagraph (J) of section **101(a)(15)** 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 101(a)(15) who is subject to the two-year foreign residence requirement of section 212(e) 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 101(a)(15) 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 **212(I)** or section **217**.
- (b) <u>2/</u> 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 <u>101(a)(15)</u>.

FOOTNOTES FOR SECTION 248

INA: ACT 248 FN 1

FN 1 Amended by § 301(b)(2) of IIRIRA.

INA: ACT 248 FN 2

FN 2 Section <u>821(c)(1)</u> of Public Law 109-162, dated January 5, 2006, amended section 248 of the Immigration and Nationality Act by adding paragraph designation (a), making technical amendments to newly designated paragraph (a), and by adding a paragraph (b).