



## U.S. Citizenship and Immigration Services

# Special Instructions for B-1/B-2 Visitors Who Want to Enroll in School

## Is it permissible to enroll in school while in B-1/B-2 status?

No, it is not. The regulations, at 8 CFR 214.2(b)(7), specifically prohibit a course of study in the United States while in B-1 or B-2 status.

Before enrolling in a course of study, individuals who are in B-1 or B-2 status must first acquire F-1 (academic student) or M-1 (vocational student) status. Enrolling in a course of study while in B-1/B-2 status will result in a status violation. Individuals in B-1 or B-2 status, who have violated their nonimmigrant status by enrolling in a course of study, are not eligible to extend their B status or change to F-1 or M-1 status. These regulations provide no exceptions.

## How can I obtain F-1 or M-1 status?

If you currently hold B-1 or B-2 nonimmigrant status and would like to enroll in a course of study, you may apply to change to either F-1 or M-1 student status if:

- You have not yet enrolled in classes;
- Your current status has not expired; and
- You have not worked in the United States without employment authorization.

To change your nonimmigrant status from B-1 or B-2 to F-1 or M-1, you must file a [Form I-539, Application to Extend/Change Nonimmigrant Status](#) and include the required fee and documents listed in the instructions.

**You must maintain your B-1 or B-2 status while your Form I-539 is pending.** You will need to file a second Form I-539, with a separate fee, to request an extension of your B-1 or B-2 status if:

- *Your current status will expire more than 30 days before the initial F-1 or M-1 program start date. We may approve your Form I-539 change of status request only if you are maintaining your B-1/B-2 status up to 30 days before your program's initial start date. If your status will expire more than 30 days before your F-1 or M-1 program's initial start date, you must file a second Form I-539 requesting to extend your B-1 or B-2 status. If you do not file this extension request on time, we will deny your Form I-539 request to change to F-1 or M-1 status. Please check our processing times to determine if you need to file a request to extend your B-1/B-2 status.*
- *Your F-1 or M-1 program start date is deferred to the following academic term or semester because we did not make a decision on your Form I-539 change of status application before your originally intended F-1 program start date. You must file a second Form I-539 in order to bridge the gap in time between when your current status expires and the 30 day period before your new F-1 program start date.*

Because extending your current stay in B-1 or B-2 status and changing from B-1 or B-2 to F-1 or M-1 status are two distinct benefits, you must pay a separate filing fee for each request. See the User Fee Statute, 31 U.S.C. 9701.

## Please Note:

AILA Doc. No. 17041131. (Posted 4/11/17)

- If you enroll in a course of study before we approve your Form I-539 change of status application, you will be ineligible to change your nonimmigrant status from B 1/B-2 to F-1 or M-1.
- If you apply to extend your B-1/B-2 status and you have already enrolled in a course of study, we will deny your extension request because you will have violated your status.

### **If You Are Not Eligible to Change Your Status**

If you are not eligible to change your nonimmigrant status to F-1 or M-1 while in the United States, you may apply for an F-1 or M-1 visa at a U.S. consulate. For information about consular processing, please visit the Department of State's website at [www.state.gov/travel](http://www.state.gov/travel). For information about the Student and Exchange Visitor Program (SEVP), please visit the SEVP website at [www.ice.gov/sevis](http://www.ice.gov/sevis) or the Study in the States website at <https://studyinthestates.dhs.gov/>.

We encourage all students and prospective students to work closely with their designated school official (DSO) to coordinate the timing of applying for change of status and enrolling in a course of study.

Last Reviewed/Updated: 04/05/2017