

Nonimmigrants: Who Can Study?

General Notes: X=No; ✓=Yes Only F and M students are limited to attendance at SEVP approved schools. Nonimmigrants who are attending school incidental to their primary purpose for being in the United States may attend the school of their choice either part-time or full-time (unless otherwise noted). However, these nonimmigrants must abide by the rules of their current status and cannot extend their stay in the United States for the purposes of completing a program of study or a degree. Spouses and children who derive their status from that of the principal may not remain in the United States beyond the period approved for the principal in order to continue schooling. In most cases, children lose their derivative status at the age of 21 and must apply for a change of status to F-1 or M-1 if they wish to remain in the United States to continue their course of study.

Nonimmigrant Class	8 CFR Reference allowing spouses and children	Principal may attend school	Spouse may attend school	K-12 allowed for minor children	Post secondary allowed for unmarried minor children	Full-time study required for children 21 to 23(25) to maintain dependent status	May apply to Change Status to F-1, M-1 or J-1
A. Foreign Government Officials	214.2(a)(1)(i) & (iii)	✓	✓	✓	✓	✓1	✓
B. Visitors		X2		X3	X		✓4
C. Aliens in Transit		X					
D. Crewmen		X					
E. Treaty Traders and Treaty Investors	214.2(e)(4)	✓	✓	✓	✓		✓
F. Academic or Language Students	214.2(f)(15)	✓5	X6	✓	✓7		
G. Representatives to International Organizations	214(2)(g)(1)(iii) & (iv)	✓	✓	✓	✓	✓8	✓
H. Temporary Workers	214.2(h)(9)(iv)	✓	✓	✓	✓		✓
I. Foreign Media Representatives		✓					✓
J. Exchange Visitors	214.2(j)(1)(i)	✓	✓	✓	✓		✓9
K. Fiancé(e)s and Spouses of U.S. citizens	214.2(k)(3)	✓	✓	✓	✓		X
L. Intracompany Transferees	214.2(l)(7)(ii)	✓	✓	✓	✓		✓
M. Vocational or other Nonacademic Students	214.2(m)(17)	✓10	X11	✓	X12		✓13
N. Certain Parents and Children of section 101(a)(27)(I) Special Immigrants	214.2(n)	✓		✓	✓		✓
O. Workers with Extraordinary Abilities	214.2(o)(6)(iv)	✓	✓	✓	✓		✓
P. Artists, Athletes, and Entertainers	214.2(p)(1) and (8)(iii)(D)	✓	✓	✓	✓		✓
Q. International Cultural Exchange Visitors	214.2(q)(1)(ii)	✓	✓	✓	✓		✓
R. Religious Workers	214.2(r)(4) and (8)	✓	✓	✓	✓		✓
NATO North Atlantic Treaty Organization	214.2(s)(1) and (2)	✓	✓	✓	✓	✓14	✓
S. Witnesses and Informants	214.2(t)(3)	✓	✓	✓	✓15		X
T. Alien Victims of Human Trafficking	214.11(o)(11)	✓16	✓	✓	✓		✓
U. Alien Victims of Certain Crimes	Pending	✓16	✓	✓	✓		✓
V. Certain Second Preference Beneficiaries	214.15(a) and (g)	✓	✓	✓	✓		✓

1 Dependent children of Foreign Government Officials who are age 21 to 23 (and up to age 25 if a bilateral agreement exists) may remain in the United States with derivative status if the child attends a post-secondary school full-time. Consular officials may also issue dependent visas to other close relatives. Anyone with derivative A status may study incidental to that status.

2 Visitors may, however, engage in study that is merely avocational or recreational in nature.

3 In some cases, a B-2 child is allowed to study if accompanying a parent and the study is incidental to reason for the parent traveling to the United States. For example, missionaries may enter as a B-2 and the children may attend K-12 school while the parent is pursuing the primary purpose of the visit. The length of stay will not be extended to allow a minor child to complete a school year.

4 B nonimmigrants that apply for a change of status to an F or M nonimmigrant student may not begin attending school until the change of status is approved

5 F-1 nonimmigrants must attend an SEVP Certified School full-time.

6 An F-2 spouse may not engage in a full course of study, but may engage in study that is merely avocational or recreational in nature. To engage in a full course of study, an F-2 spouse must apply for and be granted F-1, M-1, or J-1 status.

7 An F-2 child may not engage in study at the post-secondary level, but may engage in recreational or avocational study. To study at the post-secondary level, the child must apply for and be granted F-1, M-1, or J-1 status.

8 Dependent children of Representatives to International Organizations who are age 21 to 23 (and up to age 25 if a bilateral agreement exists) may remain in the United States with derivative status if the child attends a post-secondary school full-time.

9 J-1 nonimmigrants who are subject to the section 212(e) two-year foreign residence requirement must fulfill or obtain a waiver of that requirement before they may applying for immigrant status or status as an H or L nonimmigrant. J nonimmigrants who are subject to the 212(e) 2-year foreign residence require CAN change status to F-1 status (exception: foreign medical graduate J-1's can't change status to F-1, but can consular process to F-1).

10 M-1 nonimmigrants must attend an SEVP Certified School full-time.

11 An M-2 spouse may not engage in a full course of study, but may engage in study that is merely avocational or recreational in nature. To engage in a full course of study, an M-2 spouse must apply for and be granted F-1, M-1, or J-1 status.

12 An M-2 child may not engage in study at the post-secondary level, but may engage in recreational or avocational study. To study at the post-secondary level, the child must apply for and be granted F-1, M-1, or J-1 status.

13 An M-1 cannot apply for a change of status to an F-1.

14 Dependent children of NATO Officials who are age 21 to 23 (and up to age 25 if a bilateral agreement exists) may remain in the United States with derivative status if the child attends a post-secondary school full-time.

15 Includes a married or unmarried son or daughter. There is no age limit.

16 Where the principal is under 21, their parents and unmarried siblings under 18 who are in T/U status are also allowed to study.