

### **8 C.F.R. § 248.1(c) – Eligibility**

(c) *Change of nonimmigrant classification to that of a nonimmigrant student.* (1) Except as provided in paragraph (c)(3) of this section, a nonimmigrant applying for a change of classification as an F-1 or M-1 student is not considered ineligible for such a change solely because the applicant may have started attendance at school before the application was submitted. deny an application for a change to classification as an M-1 student if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of nonimmigrant classification to that of an alien temporary worker under section 101(a)(15)(H) of the Act. Furthermore, an alien may not change from classification as an M-1 student to that of an F-1 student.

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=0b9d484e0d7ff14abe53315e086e9da5&rgn=div5&view=text&node=8:1.0.1.2.41&idno=8#8:1.0.1.2.41.0.1.1> (Accessed 10/11/2012)