US EB-5 Concurrent Filing: What F-1, OPT and H-1B Applicants Need to Know

Globevisa outlines EB-5 concurrent filing mechanisms, EAD/AP timelines, and CSPA age-out considerations for US-based non-immigrant visa holders.



The U.S. Capitol Building. Any future extensions or adjustments to the EB-5 Regional Center program will depend on the ongoing U.S. legislative process.

Dimension	Consular Processing	Concurrent Filing
Maintenance of Status	Must depart the U.S. upon status expiration, or rely on F-1/H-1B to barely maintain status.	Filing the I-485 immediately grants AOS (Adjustment of Status) protection; legal stay is maintained even after the original visa expires.
Work Authorization	Strictly restricted; tied to employer and specialty occupation under F-1/OPT or H-1B.	Upon EAD approval, free to work in any industry across the U.S., change employers, or start a business independently.
Travel Flexibility	Departing the U.S. during processing may result in abandonment of the immigrant intent, posing significant risks.	Upon Advance Parole approval, international travel becomes smooth and unrestricted.

Note: A Combo Card is a combined EAD and Advance Parole document. Depending on adjudication progress, they may be issued separately or as a combined card; however, their functions are identical.

A detailed comparison of Consular Processing and Concurrent Filing, highlighting how U.S.-based applicants benefit from AOS protection, unrestricted work authorization, and travel flexibility.

SG, SINGAPORE, September 23, 2026 /EINPresswire.com/ -- For F-1 students, OPT participants, H-1B visa holders currently in the United States, and families with long-term US residency plans, maintaining current legal status and smoothly transitioning to a permanent status is a primary consideration. Since the implementation of the EB-5 Reform and Integrity Act of 2022 (RIA), eligible US-based applicants have been able to file their EB-5 immigrant petition and status adjustment application concurrently, provided there is no visa backlog (indicated as "Current" in the Visa Bulletin).

Founded in 2002 and headquartered in Singapore, Globevisa Group is an international consulting firm with over 20 years of experience in cross-border identity planning, having served more than 120,000 clients and families. Based on its practical experience, Globevisa provides professional insights into the logic of EB-5 concurrent filing, status transition mechanisms, and related compliance matters, offering a reference for applicants planning their US EB-5 journey.

Current Status and Transition Considerations for F-1, OPT, and H-1B Visas

Through its US immigration consulting services for clients across various regions, Globevisa observes that applicants studying or working in the US often need to coordinate graduation, employment, and long-term residency within limited visa validity periods. Different non-immigrant statuses entail varying time constraints.

- F-1 and OPT Time Limits: Upon graduation, eligible international students typically receive up to one year of Optional Practical Training (OPT), while those in STEM fields may apply for an additional 24-month STEM OPT extension. If applicants fail to secure their next status arrangement within this timeframe, they must re-evaluate their options, such as pursuing further education, changing their status, or departing the United States.
- H-1B Employer Reliance and Policy Shifts: The H-1B is a non-immigrant status tied to a specific employer. It is subject to a lottery system, where the selection rate is correlated with salary levels; higher salaries generally yield higher selection probabilities. In the event of unemployment, eligible H-1B holders typically have a grace period of up to 60 days to find new employment, subject to individual authorizations. In 2026, the US government continues to adjust H-1B policies, proposing that employers pay a $103,000 application fee for certain H-1B applicants. Consequently, applicants must remain attentive to how these policy changes might impact their employment prospects.
- EB-2 and EB-3 Retrogression Factors: Before reaching the six-year maximum validity of their visa, H-1B holders can apply for an EB-2 or EB-3 green card through employer sponsorship. However, actual waiting times are influenced by the applicant's country of birth, priority date, and current visa availability. As of September 2026, retrogression persists for mainland China-born and India-born applicants in the EB-2 and EB-3 categories.

Core Characteristics of the US EB-5 Concurrent Filing Mechanism

Addressing the time constraints of these non-immigrant visas, a key focus for Globevisa when evaluating EB-5 projects is whether the applicant's current status can transition seamlessly into their immigrant application timeline.

Under US immigration law, eligible US-based applicants can file Form I-526E (Immigrant Petition by Regional Center Investor) and Form I-485 (Application to Register Permanent Residence or Adjust Status) concurrently, provided the Visa Bulletin shows no retrogression for the EB-5 RIA reserved categories. Depending on their circumstances, they can simultaneously file Form I-765 for an Employment Authorization Document (EAD) and Form I-131 for Advance Parole (AP). Forms I-526E and I-485 form the core of "concurrent filing," while Forms I-765 and I-131 are ancillary applications tied to the I-485.

It is important to note that concurrent filing primarily alters the application sequence and timeline for specific US-based applicants. It does not imply that all EB-5 applicants must wait outside the US, nor does it mean that filing an I-485 automatically extends an existing F-1, OPT, or H-1B status.

As of September 2026, the US Department of State's Visa Bulletin indicates that all three EB-5 reserved categories—Rural, High Unemployment, and Infrastructure—remain "Current." Thus, eligible applicants under the EB-5 RIA can still take advantage of concurrent filing.

EAD and Advance Parole (AP) Mechanisms After I-485 Filing

Following the submission of an I-485, eligible applicants may apply for an EAD and Advance Parole. These two applications address employment authorization and specific travel arrangements, respectively, and are not automatically approved upon filing the I-485.

Actual Processing Times: Based on Globevisa's recent EB-5 service records, EAD and Advance Parole applications often require a waiting period of several months. Actual processing times vary depending on the application type, case specifics, and current US Citizenship and Immigration Services (USCIS) processing speeds. Consequently, applicants whose F-1 OPT is nearing expiration must proactively calculate the time gaps between their various applications.
Scope of Use and Precautions:
1.Employment Authorization Document (EAD): Once an I-485-based EAD is approved, the applicant's employment authorization is no longer solely restricted to the F-1 OPT framework or H-1B employer sponsorship. However, specific work arrangements must still comply with EAD authorization conditions.
2.Advance Parole (AP): Departing the United States before Advance Parole is approved may result in the I-485 application being deemed abandoned. While legal exceptions exist for applicants maintaining certain valid non-immigrant statuses and meeting specific conditions, Globevisa advises applicants to seek personalized evaluations based on their current status and I-485 standing before traveling abroad.

US EB-5 Planning Priorities for Different Applicant Profiles

When evaluating US EB-5 projects, Globevisa leverages its local direct-service network, legal compliance expertise, and project risk management experience to outline the planning priorities for applicants with different statuses.

1.F-1 Students, OPT, and STEM OPT Holders
For applicants who were not selected in the H-1B lottery or whose OPT is expiring, the US EB-5 program serves as a viable option for long-term identity planning, provided visas are available in the relevant EB-5 category.

Globevisa emphasizes the importance of conducting a case-by-case assessment of immigrant intent issues, factoring in their entry background, current F-1 status records, and future plans, rather than relying strictly on the colloquial "90-day rule." Additionally, the EB-5 program maintains stringent requirements for investment funds and documentation. Applicants must prepare their Source of Funds (SOF) and path of funds materials well in advance.

2.H-1B Visa Holders
The H-1B visa carries a "dual intent" provision, allowing holders to pursue immigrant applications while complying with relevant requirements.

If an applicant receives an I-485-based EAD, their work authorization is no longer contingent upon H-1B employer sponsorship. However, this does not automatically nullify the employer-specific constraints of the H-1B status itself. Eligible spouses and unmarried children under 21 can be included as derivative applicants in the immigration petition and apply for their own work authorizations based on their respective eligibilities.

3.Aging-Out Concerns for Dependent Children (Child Status Protection Act - CSPA)
For families with children approaching the age of 21, Globevisa highlights the necessity of conducting a CSPA age assessment as early as possible. CSPA age calculations involve visa availability, the Final Action Dates in the State Department's Visa Bulletin, and the "seek to acquire" requirement. The industry generally holds two perspectives: one asserts that filing the I-485 locks in the child's age, while the other suggests the age is only locked upon I-526E approval.

Therefore, for children who may be approaching or exceeding the age limit, evaluations must incorporate specific filing dates and visa availability. If a child ultimately cannot participate as a derivative applicant, they may be assessed for an independent US EB-5 application or other immigration pathways based on their individual qualifications.

Globevisa's Insights on EB-5 Policy Cycles and Planning

An EB-5 application involves more than just the investment amount; it encompasses project structure, job creation, source of funds, status adjustment, and family member eligibility. Globevisa advises applicants to monitor the following policy milestones:

- January 1, 2027: Under current law, the standard minimum EB-5 investment is $1.05 million, while the minimum investment for targeted employment areas (TEAs) or infrastructure projects is $800,000. Starting January 1, 2027, these amounts will automatically adjust based on the Consumer Price Index for All Urban Consumers (CPI-U) mechanism, with subsequent adjustments every five years. The exact new figures will be subject to official US government announcements.
- September 30, 2027: Current legislation authorizes the Regional Center Program until September 30, 2027. Any subsequent extensions or adjustments will depend on the US legislative process.

Given policy cycles and visa validity limits, early compliance assessments help applicants strategically schedule their applications. Globevisa currently offers over 180 immigration and wealth management programs globally, with a service network spanning more than 50 countries

and regions and over 800 full-time employees. For the US EB-5 program, Globevisa's services cover front-end project screening, preparation of source of funds and path of funds documentation, as well as post-landing support such as family settlement, corporate structuring, and cross-border wealth management.

For applicants undergoing F-1, OPT, or H-1B status transitions, or those seeking long-term US status planning for their families, It is crucial for applicants to undergo a comprehensive evaluation based on individual status, family structure, financial readiness, and visa availability in the respective EB-5 category, rather than relying solely on a single policy milestone to determine their immigration strategy.

About Globevisa Group
Established in 2002 in Singapore, Globevisa Group is a premier wealth management and cross-border identity advisor for HNWIs. With 50+ global branches and 800+ in-house experts, the firm ensures institutional-grade risk control. Globevisa has successfully delivered citizenship, residency, and relocation solutions to 120,000+ clients across 120+ countries, ensuring barrier-free global mobility.

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