Why India's wealthiest families are in a rush to apply for US Green Cards

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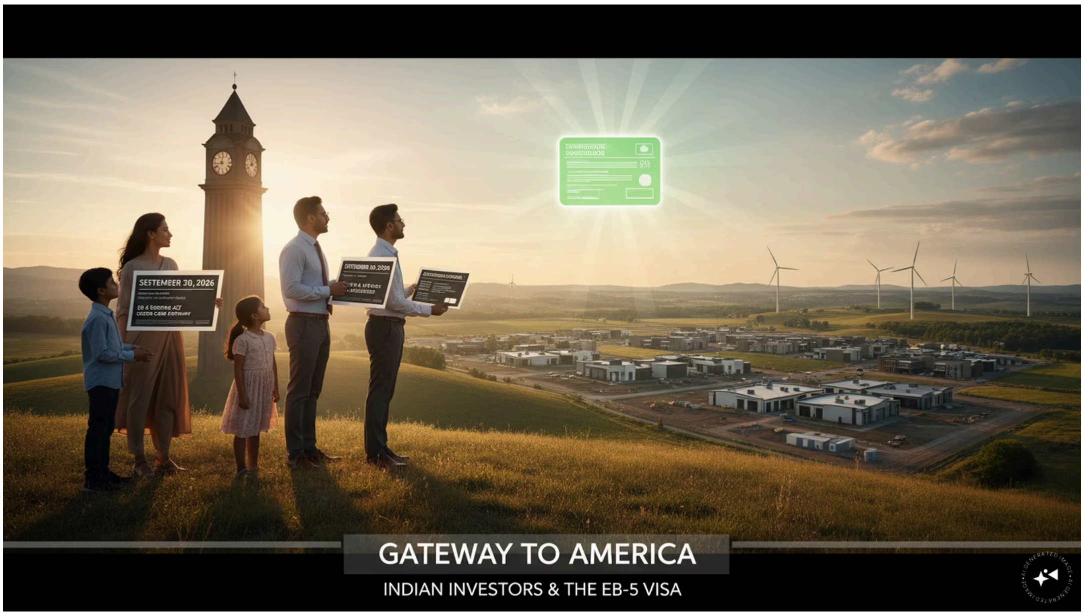
ACCESS

A little-known September 30 deadline under the EB-5 investor visa programme could shape Green Card plans for wealthy Indian families—even though the programme itself isn't ending.



One date has become the most important in US immigration for Indian investors this year: September 30, 2026.

Most people familiar with the EB-5 Immigrant Investor Visa Program already know the basics: invest in a US project, create American jobs, and receive a Green Card for yourself and your immediate family. But fewer people know that the 2022 EB-5 Reform Act added valuable protections for investors, including faster approvals for rural projects and adjustment of status, which allows applicants to receive a work permit and travel permit within months while their Green Card application is pending.

One of these protections is set to expire on September 30, 2026: grandfathering—the guarantee that an application submitted before the deadline will be judged under today's rules, regardless of what Congress changes afterward. Other benefits introduced under the 2022 reforms, such as priority processing for certain project categories, may or may not survive beyond that date. Investors who apply before September 30 can lock in these advantages with certainty.

The good news is that we do not anticipate a lapse in the EB-5 program itself. Under current law, the more than three-decade-old program is authorised through September 2027, and its track record supports that confidence. Since 1990, EB-5 has created more than 1.35 million American jobs and channelled over $50 billion in foreign investment into the US economy—a record that has earned consistent bipartisan support. What is genuinely at risk after September 30 is not the program itself, but the certainty of the rules that may apply.

For Indian families, the stakes are especially high. Indians now account for 23% of all EB-5 applications worldwide, and the investor profile has broadened well beyond legacy wealth. It now includes H-1B professionals stuck in Green Card backlogs, sometimes for more than a decade; returning NRIs who want US residency as an option for their children; and families with children studying at American universities who are planning several steps ahead. For all of them, September 30 is not an abstract policy deadline—it is a practical one.

File before September 30 and an application will be assessed under the 2022 Reform Act in full. File afterward, and provisions such as priority processing or adjustment of status may remain in place—or they may not. Congress could extend them, modify them or allow them to lapse. That uncertainty is the real risk, and applying before the deadline is the only way to eliminate it.

The timeline also makes the deadline more urgent than it may appear. Verifying the source of funds—a crucial step—typically takes 60 to 90 days. Immigration attorneys are already reporting a surge in applications as the deadline approaches, while high-quality EB-5 projects are filling up quickly. Moving capital out of India, including compliance with the Liberalised Remittance Scheme (LRS) and FEMA regulations, adds another step that cannot be rushed.

In conversations with families across Mumbai, Delhi, Bengaluru, Chennai, Pune and Hyderabad, I find that most are aware of the deadline but underestimate how much preparation the process requires. Filing an application before September 30 is not the final step—it is one of the first. Due diligence, project selection and capital transfers that precede the filing can take months.

There is also a financial reason to act now, separate from the policy risk. The current EB-5 minimum investment is $800,000 for rural and targeted employment area projects. That threshold is linked to US inflation and is expected to increase to roughly $930,000-$940,000 in January 2027, meaning families who apply now could avoid investing an additional $130,000-$140,000.

There is active lobbying in Washington to extend these provisions. Even so, the prudent approach is to treat September 30 as an important deadline. Waiting for an extension that may not arrive in time is not a risk worth taking on a decision of this magnitude.

Structured well, EB-5 remains one of the few pathways to US permanent residency that does not depend on employer sponsorship or an annual lottery. That has always been its appeal for Indian families navigating a backlogged immigration system. It is not the right option for everyone, and families should carefully weigh their long-term goals and the costs involved. Those who act now will have a wider choice of quality projects, more time to prepare documentation, and the protections introduced under the 2022 reforms. Families who wait may still have all three—or none of them.

(The author is Managing Director, Commercial at LCR Capital Partner. Views are personal)