

Just 7 days to EB-5 ‘grandfathering’ deadline: What Indian investors can still do



Indian investors looking to get a [US Green Card](#) through the [EB-5 investment programme](#) have seven days to file their applications if they want a specific protection against a possible future shutdown of the programme. The deadline is September 30, 2026.

The EB-5 programme allows foreign investors to seek [US permanent residency](#) by investing in a qualifying US business that creates at least 10 full-time jobs for eligible US workers. One route, known as the Regional Center Program, allows investors to participate through government-approved regional centre projects.

September 30 does not mean the EB-5 programme is ending. The Regional Center Program is currently authorised through September 30, 2027. Instead, September 30, 2026 is the deadline for qualifying Regional Center investors to file Form I-526E and receive a legal protection known as “grandfathering” under the 2022 EB-5 law, according to immigration law firm Fragomen.

Hence, an investor who files a qualifying application by September 30 gets protection if the Regional Center Program faces a funding or authorization lapse in the future. Fragomen said USCIS and the US Department of State would continue processing such protected applications even if the programme later loses congressional authorisation.

For investors who already have their project selected and their source-of-funds documents and application substantially ready, the immediate priority is to complete and submit the petition correctly. Those starting from scratch, however, may not have enough time to prepare a complete application in seven days.

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Suresh Rajan, founder and executive chairman, LCR Capital Partners, told Financial Express Digital that USCIS needs to have the petition in hand by September 30. He advised investors to aim to send a complete I-526E “overnight on September 29 at the very latest”.

Rajan also warned against submitting a weak application simply to beat the deadline. Since August 5, 2026, USCIS can deny certain petitions without first asking for additional evidence. “An investor who files a thin application to beat the date is not necessarily buying time; they could be buying a denial,” he said.

What exactly does September 30 deadline protect?

The September 30 deadline relates to grandfathering protection, not the end of EB-5. Under the 2022 law, qualifying investors who file their I-526E by the deadline can receive protection if the Regional Center Program later faces a lapse or interruption in congressional authorisation.

Fragomen said USCIS and the Department of State would continue processing protected petitions under the grandfathering provisions even if the programme later loses authorisation. “September 30 is not the end of EB-5,” Rajan said. “It is the sunset of the grandfathering provision in the Reform and Integrity Act,” he said.

That means an investor filing after September 30 does not automatically lose access to EB-5. However, they would not receive the specific grandfathering protection linked to filing by that date.

The bigger issue for Indian investors: Visa availability

The deadline should also not be confused with getting a US Green Card. The US Department of State said in June that all available EB-5 unreserved visas chargeable to India for fiscal year 2026 had already been issued. The annual limits reset on October 1, when fiscal year 2027 begins.

Therefore, filing an I-526E before September 30 does not guarantee immediate visa issuance or Green Card approval. The September 30 filing deadline protects against a particular programme-authorisation risk. It does not remove annual visa limits, guarantee petition approval or eliminate investment risks.

What should investors do in the final seven days?

For investors who already have a project selected and their paperwork substantially prepared, the priority should be reviewing the petition, checking supporting evidence and ensuring that the filing reaches USCIS on time.

One of the most important areas is the source of funds – proving where the EB-5 investment money came from and how it moved from its original source into the investment.

For Indian families, the money could come from property sales, gifts, business income or loans against securities. Each source needs a documentary trail.

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Rajan said, “The most damaging mistake is filing a raw application.” He added, “Source of funds documentation is the heart of an EB-5 petition.”

That documentation could include bank statements, tax records, property-sale documents, gift records, business records and loan documents.

Rajan said putting together such documentation normally takes weeks rather than days, making it difficult for an investor starting from scratch to build a reliable petition in the final week.

Where is the investment money?

The location of the funds can also affect how quickly an investor can complete the process. “Investors whose money is already in the US are in a far stronger position to file this month,” Rajan said.

For money held in India, investors may also need to account for foreign-exchange rules and the process of transferring the funds overseas. Rajan referred to India’s Liberalised Remittance Scheme, under which a resident individual can remit up to \$250,000 abroad in a financial year, subject to applicable rules.

This means the final seven days look very different for different investors. Someone with a selected project, documented funds and a nearly completed I-526E may still be able to complete the filing. Someone who has not selected a project or established the source and movement of funds may not have enough time.

Don’t let the deadline decide the project

The pressure to meet September 30 could also create another risk: choosing an EB-5 project simply because its paperwork can be completed quickly. “The second mistake is letting the calendar choose the project,” he said.

He said the project ultimately determines how the investor’s capital is repaid, whether the required jobs are created and how the immigration process progresses.

Investors therefore need to consider the project’s structure, job-creation plan, repayment terms and the background of the developer or sponsor rather than making the decision solely around the deadline.

Should investors rush if they are not ready?

Rajan said families that have not yet started may be better served by taking additional time to prepare a proper filing rather than compressing the entire process into the remaining days. “Families who have not yet started are almost always better served by

filing correctly before the end of December than by compressing the work into the next seven days.”

The key distinction, therefore, is between being ready to file and simply wanting to file before the deadline.

For an investor with a selected project, documented lawful funds, completed forms and professional review already in place, the remaining days are primarily about completing and delivering the petition correctly.

For someone starting from scratch, rushing could result in an incomplete application.

The September 30 deadline does not guarantee a Green Card, I-526E approval or visa availability for Indian applicants. What it can provide to a qualifying Regional Center investor is the statutory grandfathering protection under the 2022 law, provided the petition is properly filed by the deadline.

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