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Why September 30, 2026, is a critical deadline for EB-5 investor visa applicants

The EB-5 Reform and Integrity Act created new requirements for the EB-5 immigrant visa category and the Regional Center Program.

Written by [Sunil Dhawan](#)

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US immigration laws permit foreign investors to invest in U.S. businesses and create jobs for U.S. workers in exchange for a green card, legalizing their status in the country, under EB-5 program.

A crucial deadline is earning for the EB-5 investors. US attorneys are urging foreign nationals eyeing the investor visa route to a green card to act fast. This

grandfathering cutoff time can help them maintain their chances and apply for the EB-5 visa under current conditions.

The EB-5 visa program has a strong legal and Congressional backing. Congress in 1990 created the EB-5 Program to stimulate the U.S. economy through job creation and capital investment by foreign investors. In 1992, Congress created the Immigrant Investor Program, also known as the Regional Center Program, which sets aside EB-5 visas for participants who invest in commercial enterprises associated with regional centers approved by USCIS based on proposals for promoting economic growth.

On March 15, 2022, President Biden signed the EB-5 Reform and Integrity Act as part of the Consolidated Appropriations Act, 2022, which created new requirements for the EB-5 immigrant visa category and the Regional Center Program. Immigrant visas are authorized under the Regional Center Program through September 30, 2027.

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EB-5 Program Deadline

As the deadline approaches, US attorneys are urging investors interested in the EB-5 visa program to act quickly. "For EB-5 readers specifically, one date we are watching closely is September 30, 2026. The Regional Center program is currently authorized through September 30, 2027, but many EB-5 practitioners are treating September 30, 2026 as the key grandfathering cutoff for investors who want added protection if the program later faces changes," says Shilpa Menon, Managing Director, Commercial at **LCR** Capital.

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"In practical terms, that means families considering EB-5 should not view this as an open-ended process. For many, the most important step now is not simply deciding whether they want a green card, but deciding early enough to preserve their best options," adds Menon.

The EB-5 investor visa program's scheduled sunset is September 30, 2027. If Congress extends the program, the minimum qualifying investment will increase, as the RIA mandates USCIS to adjust this minimum for inflation starting January 2027. Currently, for EB-5 petitions filed on or after March 15, 2022, the minimum capital requirement is \$1,050,000 or \$800,000 if investing in a targeted employment area or infrastructure project, and will automatically increase on January 1, 2027, and every 5 years thereafter.

"For Indian families considering EB-5, September 30, 2026 is the boundary between filing under today's rules and filing under a future framework. The date does not apply to EB-1, EB-2, or EB-3 applicants, whose cases are governed by the monthly Visa Bulletin and standing immigration law," says Nicholas A. Mastroianni II, President & CMO, USIF.

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What is EB-5 investor visa program

EB-5 investor visa program is a popular route for foreign nationals to live and stay in United states as a lawful permanent resident. US immigration laws permit foreign investors to invest in U.S. businesses and create jobs for U.S. workers in exchange for a green card, legalizing their status in the country, under EB-5 program.

"The September 30, 2026 grandfathering deadline is the most consequential date on the calendar for anyone evaluating EB-5. Filing by that date preserves the right to complete the process under today's rules, including today's \$800,000 investment amount. The RIA requires USCIS to adjust the minimum investment for inflation beginning January 2027, which means petitions filed after grandfathering ends will be subject to a higher amount," informs Mastroianni .

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