

# Seeking US Green Card by investment through EB-5 Visa? Apply before Sept 30, 2026 deadline and watch out for these red flags

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For every Indian family considering a United States [green card through investment](#), 30 September 2026 is a deadline hard to forget. Miss it, and the rules governing your application may change drastically, and the minimum investment, currently \$800,000, rises by at least \$100,000 from 1 January 2027.

The [EB-5 Investor Visa](#) Programme allows a foreign national to invest in a qualifying US project, create 10 jobs, and get permanent residency visa in just six-to-nine months through the rural project route. Created in 1990, the programme ran, lapsed, and was reauthorised repeatedly over the years.

The most vital reform came in 2022, when the EB-5 Reform and Integrity Act (RIA) modernised oversight, tightened compliance, raised investment thresholds, and introduced new visa categories for rural and highunemployment projects. It also embedded three dates into the law that now define the urgency facing every Indian investor applying the programme.

## The grandfathering deadline

File your application before 30 September 2026 to lock in today's rules for the whole journey. Source-of-funds standards, investment structure, job-creation criteria, all frozen at the point of filing, regardless of what the Congress does later. Nicholas Mastroianni III, President and CMO of US Immigration Fund, an EB-5 regional centre, says filing before this date secures two forms of certainty: filing framework and investment amount.

A 2022 rule stands out for Indians already in the US as it transformed EB-5 demand among H-1B holders: file the petition to get a work permit and travel authorisation within six months. No need to wait for the green card itself.

## Price hike on 1 January 2027

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The RIA has a mandatory, statutory inflation adjustment calculated from 2022. Sandeep Wadhwa, Chairperson, FAY EB-5 Investment Group, estimates the rural investment minimum to rise from \$800,000 to about \$900,000, with standard urban projects rising from \$1,050,000 to at least \$1,200,000.

## The programme sunset

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At present, the EB-5 Regional Centre Programme is till 30 September 2027.

Investors can technically file between October 2026 and September 2027, but without grandfathering protection. Any legislative change, reauthorisation condition, or programme lapse after 30 September 2026 will apply to their case. Varun Singh, MD, XIPHIAS Immigration, says: “For highnet-worth families, unpredictability in filing framework is itself a material cost.” As per Rohit Bhardwaj, Country Head at Henley & Partners, “For families with children on student F-1 visas or professionals on H-1B visa, this date is a critical focal point.”

The deadline also creates conditions in which investors make costly mistakes. Documentation bottleneck is the most immediate. With immigration attorneys overloaded, preparation for source-offunds—the forensic audit carried out by the US Citizenship and Immigration Services (USCIS) on each dollar invested—takes 60-90 days today, up from the earlier four-week norm. Shilpa Menon, Managing Director—Commercial, LCR Capital Partners, notes, “Anybody who wants to get into the September deadline has to start today.”

Since July 2025, USCIS also requires documentation of future instalments, not just capital already deployed. “Suppose you sell a property today. You have to show the sale-purchase agreement, deed, money hitting your account, capital gains tax paid. But you also have to go back to when you bought the asset, maybe 15-20 years,” explains Menon.

The bad-project risk is equally real. As the filing window narrows, weaker projects rush in to capture volume from families short on time for due diligence. “There will be a lot of garbage projects out there. Just because there is a September deadline, you should not invest anywhere,” warns Menon.

Treat any project marketing guaranteed returns or risk-free outcomes as a red flag. An EB-5 investment is not a fixed-income product or a guaranteed deposit. It is an investment in a business or real estate project, with annual returns typically being 0.25-2%.

“The real differentiator is the quality of the sponsor, the project’s ability to preserve and return investor capital and a disciplined exit strategy,” says Wadhwa. If a project fails to create the mandated 10 jobs per investor, the visa itself can be invalidated.

EB-5 Investor Visa guide

Three key dates

30 Sep 2026

Grandfathering deadline

File before this date to lock in current rules, source-of-funds standards, and minimum \$800,000 investment amount

1 Jan 2027

Mandatory price hike

Statutory inflation adjustment kicks in. Visa cost for rural projects rises to ~\$930k–940k. Urban projects to ~\$1.2 million.

30 Sep 2027

Programme sunset

EB-5 Regional Centre Programme currently authorised until this date. No grandfathering protection for filings after 30 September 2026.

Rural vs urban projects

| Factor                                      | Rural (Reserved)                                              | Urban (Unreserved)                                             |
|---------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------|
| Minimum investment                          | <div><div></div><div>\$800,000<br/>(₹7.55 crore*)</div></div> | <div><div></div><div>\$1,050,000<br/>(₹9.9 crore*)</div></div> |
| India FY2026 quota                          | Open                                                          | Exhausted                                                      |
| Processing time                             | 6–9 months                                                    | 2+ years                                                       |
| Quality supply                              | Very limited                                                  | Wider choice                                                   |
| Developer interest                          | Low (margins thinner)                                         | High                                                           |
| Risk of bad projects                        | Higher near deadline                                          | Moderate                                                       |
| *As per USD conversion rate on 26 June 2026 |                                                               |                                                                |

Red flags

Things to be wary of when selecting an EB-5 project, which is a US business or development that accepts pooled investment from foreign nationals seeking a green card through the EB-5 programme.

**PROMISE** of guaranteed returns, guaranteed green card, or “risk-free” investment.

**PRESSURE** to wire capital before sourceof- funds is cleared by immigration attorney

**PROJECT** is undeveloped land with no existing operations, no revenue track record, no proven market.

**REGIONAL** centre with no completed projects on record or unclear investor protection structure.

**THIN** job-creation cushion. Ask for economic assessment report and how many jobs above the

minimum the project creates.

**NO** independent fund administrator — developer controlling their own fund releases is a structural risk.

## Go rural, but carefully

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Most Indian investors have few options left now. The EB-5 Unreserved category, standard urban projects, is exhausted for them for FY2026. The Rural and High-Unemployment Area projects is the only viable path.

The case for rural is straightforward: the same \$800,000 threshold, priority processing, and a green card in six-to-nine months versus two or more years for urban projects.

But quality supply is thin. The best investor protection in EB-5 is not found in legal documents, but in the quality of the project. “Investors should seek experienced sponsors with substantial equity at risk, existing operating businesses or cash-flowing assets, independent fund administration, independently verified job creation with a comfortable buffer above the required minimum, and complete transparency throughout the investment lifecycle,” says Wadhwa.

## Paper trail

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Documentation challenges for Indian investors include property sale proceeds (requiring a chain of records tracing back to the original purchase), family business capital, gifted or inherited wealth, and stock compensation like RSUs and ESOPs.

Biographic documents, passports, marriage certificates, visa stampings, qualifications, and employment records are also required. On the funding side, because the Liberalised Remittance Scheme (LRS) caps individual remittances at \$250,000 per year, most families combine LRS remittances across multiple members and financial years to reach the full \$800,000, a process that requires advance planning.

Bhardwaj’s advice: starting the process early is essential “to avoid unnecessary stress and risk to families dependent on the successful outcome of an EB-5 petition as we enter July, and less than three months left till the cutoff date kicks in”.

For an H-1B professional facing a 12-year queue, EB-5 makes sense. But the deadline rewards neither the hasty nor the hesitant. Mastroianni’s rule of thumb: don’t commit more than half your net worth, and clear it with your financial, tax, and legal advisors first.

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