

Understanding the EB 5 Program's Critical Deadlines: What Investors Need to Know

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The EB-5 Immigrant Investor Program continues to be one of the most reliable pathways for families seeking permanent residency in the United States through investment. But with the passage of the EB-5 Reform and Integrity Act (RIA), timing has become more important than ever. Two key dates—September 30, 2026, and September 30, 2027—now shape the strategic landscape for investors. Understanding the difference between these deadlines can help you protect your immigration process, secure your place in line, and avoid unnecessary risk.

History of the EB-5 Immigrant Investor Program

The EB-5 Immigrant Investor Program was created by Congress in 1990 to stimulate the U.S. economy through foreign investment and job creation, offering eligible investors and their families a path to permanent residency in exchange for investing in a new commercial enterprise that creates at least 10 full-time U.S. jobs. In 1992, Congress introduced the Regional Center Program, allowing investors to participate in pooled, federally designated projects and count indirect job creation, which dramatically expanded the program's reach and popularity. Over the decades, EB-5 has undergone significant reforms, most notably the 2022 EB-5 Reform and Integrity Act, which modernized oversight, increased investment thresholds, and introduced strong integrity measures.

September 30, 2026, Grandfathering Deadline

Under the RIA, any EB-5 Regional Center petition filed on or before September 30, 2026, receives powerful “grandfathering” protection. This means:

- USCIS must continue processing your petition even if the EB-5 Regional Center Program expires in the future
- Your case remains valid under the rules in place at the time of filing
- You are shielded from political uncertainty, program lapses, or regulatory changes that could otherwise disrupt your immigration process

For many families, this date represents the safest window to file. Submitting an I-526E petition before the 2026 deadline locks in today's requirements and ensures your case cannot be altered by future program interruptions.

September 30, 2027, Program Authorization Deadline

The EB-5 Regional Center Program is currently authorized through September 30, 2027. Investors may still file after the 2026 grandfathering deadline and before the 2027 program expiration. However, filings made between October 1, 2026, and September 30, 2027, do not receive the same guaranteed protection.

If Congress fails to reauthorize the program after 2027:

- Petitions filed after September 30, 2026, may be paused or left unprocessed
- Investors could face delays, uncertainty, or the need to refile under new rules
- Investment thresholds or program requirements could change

In short, you can file until 2027, but only filings made by 2026 are guaranteed protection.

Why Investors Should Act Before 2026

Filing before the September 30, 2026, grandfathering deadline offers several advantages:

- Guaranteed case processing, regardless of future political developments
- Earlier priority dates, which matter for investors from backlogged countries
- Protection from future rule changes, including potential increases in investment amounts
- Reduced risk of delays caused by last-minute filing surges

Given the long-term nature of the EB-5 process, securing stability early is often the most prudent choice.

Investment total increases and potential fee increase in 2027

January 1, 2027, is another critical date for potential EB-5 investors, as at that point, the USCIS can increase the investment totals under RIA. In addition, new fees and changes to the program are also possible.

What This Means for You

If you are considering the EB-5 program, the next 18–24 months represent a uniquely important window. Filing before the 2026 deadline provides the strongest legal protections available under current law. Filing after that date remains possible but carries more uncertainty.

Whether you are just beginning your EB-5 journey or evaluating project options, now is the time to understand your timeline and prepare your strategy.