

U.S. RESIDENCY

What EB-5 means for families in the UAE

A plain account of the US investor programme for families who live in the Emirates, many of them of Indian origin, and who are thinking about their children's next ten years.

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KEY TAKEAWAYS

- EB-5 offers permanent residence to the investor, spouse and unmarried children under 21, through an investment that is genuinely at risk and must create at least ten full-time U.S. jobs.
- A documented, traceable source of funds is the largest piece of preparatory work, and it is where a family learns early whether the route is realistic.

- The filing date, the project's visa category and the tax position before the move are decisions to settle early with licensed counsel and tax advisers. No outcome or date is guaranteed.

Families in the UAE tend to arrive at the EB-5 conversation from the same place: a son or daughter approaching the end of school, a strong preference for American universities, and a growing awareness that a student visa is a licence to study, not a right to stay. This note sets out what the programme is, what it asks of a family, and why the questions of who applies and when are the ones to settle first.

The programme in one paragraph

EB-5 is the fifth employment-based immigrant visa category in US law. It allows a foreign national who invests a specified sum in a new US commercial enterprise, and whose investment creates at least ten full-time jobs for US workers, to obtain permanent residence, a green card, for themselves, their spouse and their unmarried children under 21. Congress created the category in 1990 and rewrote much of it in the EB-5 Reform and Integrity Act of 2022, which set the current investment levels, created reserved visa categories for rural, high-unemployment and infrastructure projects, and tightened oversight of the regional centers through which most investments are made.

What it asks of a family

Three things, in practice.

Capital, genuinely at risk. As of September 2026, the minimum investment is US$800,000 for a project in a targeted employment area (a rural or high-unemployment area) or an infrastructure project, and US$1,050,000 otherwise. An inflation adjustment is scheduled from 1 January 2027. The investment must be at risk in the ordinary commercial sense: it can be lost, and no one may guarantee its return. Families sometimes hear EB-5 described as "buying a green card". It is not. It is an investment with an immigration consequence, and it should be examined as an investment first.

A documented source of funds. USCIS requires that the invested capital was lawfully obtained, and that its path from origin to the enterprise can be traced. For a family with a business in India, income in the UAE and holdings in several places, this is the largest single piece of preparatory work, and the one most often underestimated. It is also where a family learns early whether the route is realistic.

Patience with a process the family does not control. The petition is adjudicated by USCIS. The visa is issued by the Department of State, or status is adjusted by USCIS, when a visa number is available under the monthly Visa Bulletin. Conditions are removed two years after residence begins, on proof that the jobs were created. Timelines vary, and no adviser can promise a date.

Who is covered

One petition covers the investor, the investor's spouse, and each unmarried child under 21. The child's age is assessed under specific statutory rules at fixed points in the process. In broad terms, US law provides some protection against a child "ageing out" while a petition is pending, but the protection has limits and depends on the sequence of events. For a family with a teenager approaching university, this is the reason the date of filing is a decision rather than a formality, and it is a question for licensed counsel before anything else is done.

Why families in the Emirates are looking now

Four things have come together.

- **The university calendar.** A green card in hand before a child applies to university changes how they apply, what they may pay, and what they can do in the summers and after graduation. That case is set out on our Education page.
- **The set-aside categories.** Since 2022, a share of EB-5 visas each year is reserved for rural, high-unemployment and infrastructure projects. In the September 2026 Visa Bulletin those reserved categories were current for all countries, while the unreserved category was unavailable for India. For Indian-born applicants, the category of the project chosen can decide how long the family waits.
- **The January 2027 adjustment.** The minimum investment amounts are scheduled to be adjusted for inflation from 1 January 2027. The exact figures will be published by USCIS; the direction is upward.
- **The Regional Center horizon.** The Regional Center Program is authorised through 30 September 2027. It has been extended before, and Congress may extend it again, but a family should not plan on that assumption.

> Figures above are as of September 2026 and subject to change. They are set by US law and by USCIS and the Department of State, and should be verified with licensed immigration counsel before any decision.

What "at risk" means for a family's thinking

Because the investment must be at risk, families should approach project selection with the same seriousness they would bring to any private investment: who is developing the project, how the capital is secured, how many jobs the project is expected to create relative to the number required, and what the plan is for the return of capital after the immigration purpose has been served. The regional center route is popular because it allows indirect and induced jobs to be counted and does not require the family to run a business. It does not make the investment safe.

Plan the tax position before the move

US permanent residents are taxed on worldwide income, and US estate and gift rules reach worldwide assets. The window for organising a family's affairs is the period between the first conversation and the day residence begins. That work is done by tax and wealth advisers, not by an immigration adviser, and it is described on our Family Capital page.

Where to begin

With a confidential conversation about purpose, family and timing, and an early, honest look at the source of funds. If the programme is not right, that should be said at the start. If it is, the sequence described on our US Residency page follows.

SOURCES

US Citizenship and Immigration Services, "EB-5 Immigrant Investor Program" and "EB-5 Reform and Integrity Act of 2022" pages, uscis.gov.

EB-5 Reform and Integrity Act of 2022, enacted as part of the Consolidated Appropriations Act, 2022 (Public Law 117-103).

US Department of State, Visa Bulletin for September 2026, travel.state.gov.

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