

NEXT GENERATION

Why timing matters: four clocks every family should know

None of these clocks is set by the family, and none can be paused. Knowing where each one stands is the difference between choosing a date and having one chosen for you.

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KEY TAKEAWAYS

- A child is covered as a derivative only while under 21. Statutory age protection exists, but it is conditional and should not be relied on without advice.
- In the September 2026 Visa Bulletin the reserved EB-5 categories were current for India and the unreserved category was not, so a project's category matters for Indian-born families.

- Minimum investment amounts are scheduled to be adjusted from 1 January 2027, and the Regional Center Program is authorised through 30 September 2027. Neither date should be assumed to move.

Most of the families we meet have thought carefully about whether to pursue US residence. Fewer have thought about when. This note describes four separate timelines that bear on that question, in the order in which they usually matter to a family with teenage children.

Clock one: a child approaching 21

An EB-5 petition covers the investor's unmarried children under 21. A child who turns 21 at the wrong moment may no longer qualify as a derivative, and would then need a route of their own.

US law softens this in a specific way. Under the Child Status Protection Act, a child's age for immigration purposes can, in defined circumstances, be calculated by subtracting the time a petition was pending from the child's actual age at the point a visa becomes available, provided the child seeks to acquire the visa within the period the statute allows. The effect is that time spent waiting for USCIS to decide the petition may not count against the child. The protection is real, but it is conditional, it interacts with visa availability, and it has been the subject of changing agency guidance. It is not something to rely on without advice.

The practical consequence is simple. For a family whose eldest child is in the final years of school, the date of filing is a decision with a consequence, and the first question for counsel is what that date needs to be.

Clock two: category selection for Indian-born applicants

US immigrant visas are limited by category and by country of birth. When demand from one country exceeds the share available, applicants born there wait for a visa number to become available, and the wait is published each month in the Department of State's Visa Bulletin.

The 2022 reforms created reserved EB-5 categories for investments in rural projects, high-unemployment projects and infrastructure projects, alongside the unreserved category for everything else. In the September 2026 Visa Bulletin, the three reserved categories were current for all countries, including India. The unreserved category was unavailable for India. The bulletin also warned that demand in the unreserved category could require further limits before the end of the fiscal year.

For an Indian-born investor, that distinction is not academic. Two families investing the same sum in the same month could face very different waits depending on which category their project falls into. Category is therefore one of the first

filters in project selection, not the last.

> Visa Bulletin categories move monthly. A category that is current in one bulletin may retrogress in the next. The position described here is that of the September 2026 bulletin, and it should be checked against the current bulletin and with counsel before any decision.

Clock three: the January 2027 investment adjustment

The EB-5 Reform and Integrity Act of 2022 set the minimum investment at US$800,000 for targeted employment area and infrastructure projects and US$1,050,000 otherwise, and provided for those amounts to be adjusted for inflation, with the first adjustment scheduled from 1 January 2027 and further adjustments at five-year intervals thereafter.

The exact adjusted figures will be published by USCIS. What can be said now is that the direction is upward, and that a family filing after the adjustment should expect a higher minimum than a family filing before it. The relevant date is generally the date the investment is made and the petition filed, which is one reason the source-of-funds work described in our US Residency page is best begun early rather than late.

Clock four: the Regional Center authorisation horizon

Most EB-5 investments are made through regional centers, which pool investor capital into a project and count the jobs it creates, including indirect and induced jobs. The Regional Center Program exists by statute and is currently authorised through 30 September 2027.

Congress has reauthorised the programme many times, sometimes at the last moment and once, in 2021 and 2022, after a lapse of several months. The 2022 Act included provisions intended to protect investors whose petitions were already on file if the programme were to lapse again. Even so, a family should treat 30 September 2027 as a date on the calendar, not as a formality, and should not plan on an extension that has not yet happened.

Reading the four clocks together

Put side by side, the four clocks point the same way. A family with a child in the last years of school, born in India, and intending to invest through a regional center, has reasons connected to the child's age, to visa category, to the investment amount and to the programme's authorisation to settle the question of timing sooner rather than later. That does not mean acting hastily. It means starting the fit assessment and the source-of-funds work early enough that, when the family is ready to decide, the calendar still allows a choice.

What this note does not say

It does not say that any child will be protected from ageing out, that any category will remain current, what the adjusted investment amounts will be, or whether the Regional Center Program will be extended. Those are matters of law, of monthly agency decisions and of Congress. It says only that these dates exist, that they are known, and that they are worth planning around.

SOURCES

EB-5 Reform and Integrity Act of 2022 (Division BB of the Consolidated Appropriations Act, 2022, Public Law 117-103): investment amounts, inflation adjustment, reserved visa categories and Regional Center Program authorisation.

Child Status Protection Act, 8 U.S.C. § 1153(h), and USCIS Policy Manual, Volume 7, Part A, Chapter 7 (Child Status Protection Act).

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

US Citizenship and Immigration Services, "EB-5 Immigrant Investor Program", uscis.gov.

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