

BUSINESS BROKER BRIEFING

EB-5 Deadlines in 2026: What Business Brokers Need to Know

How immigration timing can affect international buyers, transaction structure,
and deal readiness

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Why 2026 matters for EB-5 transactions

EB-5 is entering an important planning window. For business brokers working with international buyers, immigration timing can affect how a deal is structured, how quickly it moves, and whether a buyer can proceed.

The EB-5 program can provide a path to permanent residence for qualifying foreign investors who make the required investment in a U.S. commercial enterprise and satisfy job-creation and other requirements.

Key planning date: September 30, 2026 is the current statutory grandfathering date for qualifying petitions filed under the EB-5 Reform and Integrity Act. Investors considering EB-5 should obtain current legal advice well before that date.

The September 30, 2026 grandfathering provision

A qualifying EB-5 petition filed on or before September 30, 2026 may receive statutory protection against later expiration of the Regional Center Program. That protection can matter if Congress later changes, extends, or restructures the program.

Although the Regional Center Program is currently authorized through September 30, 2027, the grandfathering date arrives one year earlier. Waiting until after September 2026 can therefore introduce a different level of legislative risk.

Investment amounts may adjust in 2027

Current EB-5 minimum investment amounts are \$800,000 for investments in a targeted employment area or qualifying infrastructure project and \$1,050,000 otherwise. The statute provides for inflation adjustments beginning January 1, 2027. Buyers should confirm the applicable amount and rules when planning a filing.

What brokers may see in the market

International buyers may compare EB-5 with the E-2 treaty investor visa. The two categories serve different goals: EB-5 is an immigrant pathway tied to investment and job creation, while E-2 is a temporary visa available only to nationals of treaty countries and has different ownership and operational requirements.

- Some buyers may prioritize EB-5 because it can lead to permanent residence.
- Others may explore E-2 because it may involve a lower investment and a different filing timeline.
- The right option depends on nationality, source of funds, business structure, family goals, timing, and the buyer's intended role.

Direct EB-5 and Regional Center EB-5

Regional Center investments can use approved economic methodologies to count indirect job creation and are often more passive from the investor's perspective. Direct EB-5 generally requires the new commercial enterprise to create qualifying jobs directly and may involve a more active operating role.

Neither approach is automatically better. The project, documentation, investor goals, and risk profile should be reviewed with qualified immigration and financial professionals.

Do not wait to document source of funds

A well-prepared EB-5 filing can take months. Counsel may need to trace the lawful source and path of investment funds, review the investment structure and project materials, and coordinate evidence from several countries or accounts.

- Identify the source of each portion of the investment.
- Preserve bank, tax, sale, gift, inheritance, loan, and transfer records.
- Avoid unexplained transfers or last-minute changes in the funding path.
- Allow time for translations, corporate records, and third-party documents.

A practical checklist for business brokers

A broker does not determine immigration eligibility. The broker can add value by recognizing immigration-sensitive issues early and referring the buyer to qualified counsel before commercial terms become difficult to revise.

- Ask whether U.S. immigration is part of the buyer's transaction goal.
- Encourage immigration review before finalizing a letter of intent, purchase agreement, deposit, or closing schedule.
- Keep the purchase price, investment amount, financing, escrow, and source-of-funds narrative consistent.
- Identify whether the buyer expects an active operating role or a more passive investment.
- Coordinate the commercial calendar with realistic document-preparation and immigration timelines.
- Never promise that a business or investor "qualifies" for EB-5 or E-2.

About proposed "Gold Card" alternatives

Investors may encounter discussion of alternative investment-based immigration programs. Announcements, litigation, agency implementation, and statutory authority can change quickly. A proposed or newly announced program should not be treated as a substitute for individualized advice about existing visa categories.

For any time-sensitive filing, verify current law, agency guidance, visa availability, filing fees, and investment thresholds before relying on a deadline or dollar amount.

The takeaway

If EB-5 may be part of a buyer's strategy, early planning preserves options. It gives the investor more time to evaluate the project, document funds, structure the transaction, and understand the relationship between immigration timing and the commercial deal.

Jessica Weiss works with brokers and investors to coordinate immigration strategy with transaction execution so that avoidable timing and documentation problems are identified early.

Important legal notice

This guide provides general information as of May 2026 and is not legal, tax, investment, or financial advice. It does not create an attorney-client relationship. Laws, agency policies, fees, visa availability, deadlines, and investment amounts can change. Prior results do not guarantee a similar outcome. Consult qualified professionals about a specific transaction.