
India Per-Country Limit Reached in the EB-5 Unreserved Category

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The State Department, working in close collaboration with U.S. Citizenship and Immigration Services, has issued all available immigrant visas in the Employment-Based Fifth Preference (EB-5) unreserved category for applicants chargeable to India for fiscal year (FY) 2026.

The Immigration and Nationality Act (INA) limits the number of employment-based preference immigrant visas that may be issued within a fiscal year. Specifically, INA 203(b)(5) provides that the annual limit for EB-5 visas is 7.1 percent of the worldwide employment limit, of which 68 percent is available for unreserved visa categories (C5, T5, I5, R5, RU, NU). Additionally, the EB-5 Reform and Integrity Act of 2022 specifies that unused EB-5 reserved visas from FY 2024 may be made available in the EB-5 unreserved categories for FY 2026. Finally, INA 202(a)(2) establishes that natives of any single foreign state may not receive more than seven percent of the total of employment-based and family-sponsored visas, which is prorated among the different visa categories under INA 202(e).

Since all available EB-5 unreserved visas for applicants chargeable to India in FY 2026 have been used, embassies and consulates may not issue visas in these categories for the remainder of the fiscal year. The annual limits will reset with the start of the new fiscal year (FY 2027) on October 1, 2026. At that point, embassies and consulates may resume issuing immigrant visas in this category to qualified applicants.

