

How Many EB-5 Visas are There?

Article By:

Kate Kalmykov

Every fiscal year (October 1st – September 30th), approximately 140,000 employment based immigrant visas are made available to qualified applicants. These employment based visas once approved serve as the basis for an individual's green card application once approved. Spouses and minor children under 21 years of age may accompany or follow-to-join employment based immigrants.

Employment based immigrant visas are divided into five preference categories. The EB-5 category is allotted 7.1% of the yearly worldwide limit of employment based immigrant visas. This translates to approximately 10,000 immigrant visas per year in the EB-5 category. The 10,000 figure includes derivative visas for the spouses and minor children of investors. The regional center pilot program allocates 3,000 green cards each year for individuals who invest in USCIS designated regional centers. In stakeholder meetings, USCIS has confirmed that the 3,000 is not a limit, just the amount reserved specifically for regional center based petitions. Likewise, of the 10,000 immigrant visas available for investors, 3,000 are set aside for EB-5 cases located in targeted employment areas.

Within each employment based immigrant visa preference category, each country can only use 7% of the annual total of immigrant visas each year. When the demand in a particular preference category exceeds the available supply, a backlog can develop. China and India far exceed the maximum annual number of visas allotted to them each year in the EB-2 and EB-3 category and as such have extremely lengthy backlogs.

Though the maximum amount of EB-5 visas has never been used and no country has reached its quota limit, usage has certainly risen. To compare, in 2006 only 502 visas were used. In 2011, 3,463 visas were issued. IIUSA has compiled a resource listing of EB-5 visa statistics available [here](#) that demonstrate usage trends over the past five years. If this rate continues, the cap for the EB-5 visas may be reached in the next couple of years. It will be interesting to continue to monitor the EB-5 regional center reauthorization efforts to see if an increase in numbers will make its way into the pilot program extension bill.

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