

## Resident Immigration Status

Revised: 06/01/22

### Applies to Conventional, FHA, VA and USDA

Loans must meet all additional Seller Guide and Agency Guidelines.

Residency Type	Definition	Eligibility
Permanent Resident Aliens (PRA) <sup>1</sup>	<ul style="list-style-type: none"> <li>Not a United States (U.S.) citizen</li> <li>Employed in the U.S.</li> <li>Lawful permanent resident of the U.S. (Green Card Holder)</li> </ul>	<ul style="list-style-type: none"> <li>Permanent Resident Aliens are underwritten with the same terms as U.S. citizens.</li> <li>Copy of Green Card (Form I-551) is required.</li> <li>For borrowers who have just recently been approved for their Green Card, but have not yet received their physical card, refer to the Adjustment of Status section below.</li> </ul>
Non-Permanent Resident Aliens (NPRA) <sup>1</sup>	<ul style="list-style-type: none"> <li>Not a United States (U.S.) citizen</li> <li>Granted the right to live and work in the U.S. on a temporary basis</li> <li>Lawful non-permanent resident of the U.S. (Visa Holder or Asylee Status Granted)</li> </ul>	<ul style="list-style-type: none"> <li>Non-Permanent Resident Aliens are underwritten with the same terms as U.S. citizens unless otherwise noted. Refer to the detailed requirements below.</li> </ul>
Deferred Action for Childhood Arrivals (DACA)	<ul style="list-style-type: none"> <li>Not a United States (U.S.) citizen</li> <li>Not a permanent or non-permanent resident of the U.S.</li> <li>Is an alien who has been granted Deferred Action for Childhood Arrivals (DACA)</li> </ul>	<ul style="list-style-type: none"> <li><b>Financing options available:</b> <ul style="list-style-type: none"> <li>Conventional: FNMA financing <u>only</u> with LTV 80% or less</li> <li>FHA with the same LTV restrictions as U.S. Citizens – Owner Occupied only and must have a valid Social Security Number</li> <li>Ineligible for Freddie Mac, VA and USDA</li> </ul> </li> <li>DACA borrowers are underwritten with the same terms as U.S. citizens unless otherwise noted. Refer to the detailed requirements below.</li> <li>Copy of Employment Authorization Document (EAD) with required Category C33.</li> </ul>
Foreign Nationals	<ul style="list-style-type: none"> <li>Not a United States (U.S.) citizen</li> <li>Periodically visits and / or resides in the U.S.</li> <li>Not a permanent resident of the U.S. (Visa Holder)</li> </ul>	<ul style="list-style-type: none"> <li><b>Not eligible for financing.</b></li> </ul>

	<ul style="list-style-type: none"> <li>Primarily have income, employment, credit and residency in a country other than the U.S.</li> </ul>	
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<sup>1</sup> For FHA, VA and USDA, all borrowers must have a Social Security number since it is required to obtain a CAIVRS reference number.


**Non-Permanent Resident Alien Requirements, including Asylee and other:**

Topic	Requirement
Occupancy and Transaction Type	<p>Conforming</p> <ul style="list-style-type: none"> <li>All occupancy and transaction types are permitted</li> </ul> <p>FHA, VA and USDA</p> <ul style="list-style-type: none"> <li>The borrower(s) must occupy the subject property as their principal residence.</li> </ul>
Acceptable Visas (must not be expired at time of closing- see expired Visa requirements below)	<p>E-1, E-2, E-3, G-1 to G-5*, H-1B, H-1C, I, L-1A, L-1B, O-1, O-2, P-1 to P-3 and TN</p> <p>FHA only</p> <p>Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau only need to evidence Citizenship with a Passport. Additional documentation issued by USCIS to evidence lawful presence or eligibility to work is not required.</p> <p>*Borrowers with a G1 to G5 Visa will require verification from their employers that the borrower does not have diplomatic immunity through the employers and/or by viewing the borrower's passport. Borrowers with Diplomatic Immunity are ineligible for financing.</p>
Expired Visa Requirements	<p>A borrower with an expired, but otherwise acceptable Visa type, is permitted with supporting documentation. Supporting documentation includes any of the following:</p> <ul style="list-style-type: none"> <li>Form I-797 which is issued when an application or petition is approved</li> <li>Form I-797C or I-797E which must not state that the application has been declined</li> <li>Application for extension of current visa I-539 (or equivalent) or copy of application for green card I-485 (or equivalent) and electronic verification of receipt from the USCIS web site</li> </ul> <p>If the borrower is sponsored by the employer, the employer may verify that they are sponsoring the Visa renewal.</p> <p>FHA only</p> <p>If the Employment Authorization Document (USCIS Form I-766) or evidence of H-1B status will expire within one year and a prior history of</p>

	residency status renewals exists, it may be assumed that continuation will be granted. If there are no prior renewals, the likelihood of renewal based on information from the employer or the USCIS will need to be obtained to determine.
Grant of Asylum (Asylee)	<ul style="list-style-type: none"> <li>Completed form I-94, Arrival and Departure Record, indicating borrower has been granted asylum in the U.S., and either</li> <li>Letter from U.S. Citizenship and Immigration Services indicating eligibility, or</li> <li>Unexpired Employment Authorization Document (EAD) with either of the following Categories: <ul style="list-style-type: none"> <li>A03: Refugee</li> <li>A05: Asylum</li> <li>C08: Asylum Applicant, Status Pending – I-94 needs to verify Asylum status has been granted.</li> </ul> </li> </ul>
Temporary Protected Status (TPS)* or Diplomatic Immunity of any Borrower**	<p>Not permitted.</p> <p>*TPS can be identified via EAD Category A12 or C19.</p> <p>**Borrowers with a G1 to G5 Visa will require verification from their employers that the borrower does not have diplomatic immunity through the employers and/or by viewing the borrower’s passport.</p>
Credit History	Standard guidelines apply
Employment History	Income from self-employment outside of the U.S. cannot be considered.
Social Security Number or ITIN	A social security number or ITIN (ITIN acceptable with Conforming only-reference ITIN section below)
Assets	<p>Funds for down payment, closing costs, and reserves must be held in a U.S. financial institution. Any funds to close that were transferred from a foreign financial institution will require documentation of source of funds.</p> <ul style="list-style-type: none"> <li>All supporting documents must be translated by an Underwriting approved translator or a disinterested third party, and be stated in U.S. dollars.</li> </ul>

**Deferred Action for Childhood Arrivals (DACA, Dreamers)**

Topic	Requirement
Occupancy and Transaction Type	<p>Conventional - FNMA only</p> <ul style="list-style-type: none"> <li>All occupancy and transaction types are permitted Max LTV 80%</li> </ul> <p>FHA</p> <ul style="list-style-type: none"> <li>The borrower(s) must occupy the subject property as their principal residence.</li> </ul>

	VA, USDA, Freddie Mac <ul style="list-style-type: none"> <li>• Not allowed</li> </ul>
Documentation	I-766, Employment Authorization Document (EAD) with required Category C33  Unexpired EAD <ul style="list-style-type: none"> <li>• If the EAD expires within one (1) year from the date of verification and a prior history of residency renewal exists, the lender may assume that continuation will be granted             <ul style="list-style-type: none"> <li>○ Unexpired EAD's with a code of C33 and an issuance date on or after July 28, 2020 that are presented along with Form I-797 (Extension Notice) are automatically deferred for one (1) year</li> </ul> </li> <li>• FHA Only: The Employment Authorization Document is required to substantiate work status. If the Employment Authorization Document will expire within one year and a prior history of residency status renewals exists, the lender may assume that continuation will be granted. If there are no prior renewals, the lender must determine the likelihood of renewal based on information from the USCIS.</li> </ul>
Documentation (cont.)	Expired EAD <ul style="list-style-type: none"> <li>• If the EAD presented is expired, the borrower must also present Form I-797 (Extension Notice) with the same code evidencing they have filed an extension in a timely manner (prior to expiration of their EAD) or,</li> <li>• Evidencing their deferred action has been extended for (one) 1-year</li> </ul> <p>A borrower residing in the U.S. by virtue of refugee or asylee status granted by the USCIS is automatically eligible to work in this country. DACA recipients who have been granted Asylee or Refugee Status will need to meet the requirements of the converted status. The Employment Authorization Document is not required, but documentation substantiating the refugee or asylee status must be obtained (see below).</p> <p style="text-align: center;"><b><u>I-766, Employment Authorization Document (EAD)</u></b></p> <p style="text-align: center; color: red;">EAD Category Code</p> 

Credit History	<ul style="list-style-type: none"> <li>Standard guidelines apply</li> </ul>
Employment History	Income from self-employment outside of the U.S. cannot be considered.
Social Security Number or ITIN	<p>Conforming</p> <ul style="list-style-type: none"> <li>A social security number or ITIN</li> </ul> <p>FHA</p> <p>A social security number is required except for those employed by the World Bank, a foreign embassy, or equivalent employer as identified by HUD</p>

**Adjustment of Status (Conforming loans only)**

Borrowers who have applied for Adjustment of Status and have been approved but have not yet received their Green Card, are considered Permanent Resident Aliens. The following documentation must be provided.

- Copy of approved Form I-485 Application to register as a Permanent Resident, **and**
- Copy of Passport, stamped to indicate "Processed for I-551. Temporary evidence of lawful admission for permanent residence, Valid until (x)," and the expiration date must not have lapsed.

Note: Borrowers who have applied for Adjustment of Status and have not yet been approved must be treated as a Non-Permanent Resident Alien as they are not yet Permanent Resident Aliens.