



# Non-U.S. Citizen Documentation Requirements

## Non-permanent Residents

- Non-permanent Residents must provide what is stated under, "Required Documentation" in the **Acceptable Visas for Non-Permanent Residents list below** and it must be unexpired at time of close. On a case-by-case basis, alternative documentation approved by the **U.S. Citizenship & Immigration Service (USCIS)** may be acceptable.
  - In addition, any borrowers with non-work visas require an unexpired Employment Authorization Document (EAD).
  - When a borrower is not income contributing, only proof of legal residency/presence is required (EAD card may not be needed).
- FHA requires an EAD issued by the USCIS with a full year left before expiration. Less than one year requires a history of renewals (Streamlines are exempt).

## Permanent Residents

- Permanent Residents must provide either an unexpired Permanent Resident Card or, an expired Permanent Resident Card and current passport with an I-551 stamp showing an unexpired date.
- Conditional Permanent Residents (e.g. spouse of US Citizen) must provide:
  - evidence of unexpired conditional Permanent Resident card
  - if the conditional Permanent Residence status has expired and the borrower did not file to remove the conditional status during the 90-day period, obtain evidence from USCIS that the borrower had a good cause for failing to petition on time in addition to evidence for petition to remove conditional status.

## Other

- On a Fannie Mae, DU-approved loan ONLY, a borrower with Deferred Action for Childhood Arrivals (DACA) status might be acceptable if:
  - they have a valid Social Security Number (SSN)
  - they have a valid, unexpired Employment Authorization Document (EAD), and
  - they meet the same employment/income history and continuity guidelines that applies to all borrowers.
- In general, the documentation provided for residency must be recent when used to verify the borrower is still legally present within the United States. If the borrower has a pending application for the extension of residency or legal presence, it should be dated within six months of the loan application.
- **FHA permits individuals classified under the DACA program with the USCIS and are legally permitted to work in the U.S. are eligible to apply for a FHA loan subject to standard FHA residency documentation requirements found in FHA Handbook 4000.1 Section II.A.1.b.ii(A)(9).**

**Any Non-US Citizen documentation that expires within 30 days of closing will require proof of renewal or proof of filing for renewal.**

## Acceptable Visas for Non-Permanent Residents

Visa Class	Description	Required Documentation
<b>Asylum</b>	People in the United States (U.S.) or seeking entry who are unable or unwilling to return to his/her country because of persecution or well-founded fear of persecution due to race, religion, nationality, membership in a particular social group or political opinion.	Approval of I-589 or approval of I-730, and completed I-94 (arrival/departure record) <b>FHA: A borrower residing in the U.S. by virtue of asylee status granted by the USCIS is automatically eligible to work in this country. The EAD is not required, but documentation substantiating the asylee status must be obtained.</b>
<b>E-1</b>	International trader, his/her spouse and children. Employer sponsored.	Class E-1 Visa
<b>E-2</b>	International investor, his/her spouse and children. Employer sponsored.	Class E-2 Visa
<b>E-3</b>	Australian specialty occupation workers. Employer sponsored.	Class E-3 Visa
<b>E-3D</b>	Spouse or child of Australian specialty occupation professional.	Class E-3D Visa

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Visa Class	Description	Required Documentation
<b>G-1</b>	Principal resident representative of recognized foreign government to international organization, staff and immediate family.	Class G-1 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity
<b>G-2</b>	Other accredited representatives of recognized foreign government to international organization, staff and immediate family.	Class G-2 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity
<b>G-3</b>	Those who would qualify for a G-1 or G-2 Visa except that the government of which the person is an accredited representative is not recognized de jure by the United States, or that the government of which he/she is an accredited representative is not a member of such international organization.	Class G-3 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity
<b>G-4</b>	International organization staff, and immediate family.	Class G-4 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity
<b>G-5</b>	Attendant, servant, or personal employee of G-1, through G-4 and immediate family.	Class G-5 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity
<b>H-1B</b>	Temporary workers in a specialty occupation, services of exceptional merit and ability relating to a Department of Defense (DOD) cooperative research and development project (H-1B2), or services as a fashion model of distinguished merit or ability (H-1B3). Employer sponsored.	Class H-1B, H-1B2, or H-1B3 Visa
<b>H-1B1</b>	Free trade agreement nonimmigrant professional from Chile or Singapore. Employer sponsored.	Class H-1B1 Visa
<b>H-2A</b>	Temporary Agricultural Worker. Employer sponsored.	Class H-2A Visa
<b>H-2B</b>	Temporary worker: skilled and unskilled. Employer sponsored.	Class H-2B Visa
<b>H-4</b>	Spouse or child of a person classified H-1B/B1/C, H-2A/B, or H-3.	Class H-4
<b>I</b>	Foreign media representatives and his/her spouse and children.	<ul style="list-style-type: none"> <li>• Class I Visa. Stamped Form I-94, Arrival/Departure Record with valid expiration date</li> <li>• Spouse/children - Class I Visa but cannot work under the I Visa</li> </ul>
<b>K-1</b>	Fiancé/fiancée of a U.S. citizen.	Class K-1 Visa and evidence of Form I-485 (Application to Register Permanent Resident Status) filed
<b>K-3</b>	Spouse of a U.S. Citizen.	Class K-3 Visa and evidence of Form I-485 (Application to Register Permanent Resident Status) filed
<b>L-1A</b>	Enables a U.S. employer (or foreign company) to transfer an executive or manager from one of its affiliated foreign offices to one of its offices in the United States (or for a foreign company to establish one). Employer sponsored.	Class L-1A Visa
<b>L-1B</b>	Enables a U.S. employer (or foreign company) to transfer an employee with specialized knowledge from one of its affiliated foreign offices to one of its offices in the United States (or for a foreign country to establish one). Employer sponsored.	Class L-1B Visa
<b>L-2</b>	Spouse or child L-1.	Class L-2 Visa

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Visa Class	Description	Required Documentation
NATO-1	Principal Permanent Representative of Member State to NATO and resident members of official staff or immediate family.	<ul style="list-style-type: none"> <li>Class NATO-1 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-1 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-2	Other representatives of member State, dependents of members of a force entering in accordance with the provisions of the NATO Status-of-Forces agreement, and members of such a Force if issued visas.	<ul style="list-style-type: none"> <li>Class NATO-2 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-2 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-3	Official clerical staff accompanying a representative of member state NATO and immediate family.	<ul style="list-style-type: none"> <li>Class NATO-3 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-3 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-4	Official of NATO other than those qualified as NATO-1 and immediate family.	<ul style="list-style-type: none"> <li>Class NATO-4 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-4 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-5	Expert other than NATO officials qualified under NATO-4, employed on behalf of NATO and immediate family.	<ul style="list-style-type: none"> <li>Class NATO-5 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-5 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-6	Member of a civilian component who is either accompanying a Force entering in accordance with the provisions of the NATO Status-of-Forces agreement, attached to an Allied headquarters under the protocol on the Status of International Military headquarters set up pursuant to the North Atlantic Treaty, and their dependents.	<ul style="list-style-type: none"> <li>Class NATO-6 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Spouse/Child - Class NATO-6 Visa and approval of I-566 (Interagency Record of Request), needed if income is used to qualify</li> </ul>
NATO-7	Servant, or other personal employee of NATO-1 through NATO-6 classes or immediate family.	<ul style="list-style-type: none"> <li>Class NATO-7 Visa and written proof from the U.S. Department of State that there is no diplomatic immunity</li> <li>Can only reapply outside of the United States</li> </ul>
O-1	An individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics, or who has a demonstrated record of extraordinary achievement in the motion picture or television industry and has been recognized nationally or internationally for those achievements. Sponsored.	Class O-1 Visa
O-2	Individuals who will accompany an O-1, artist or athlete, to assist in a specific event or performance. Sponsored.	Class O-2 Visa
O-3	Spouse/child of O-1 or O-2.	Class O-3 Visa but cannot apply for EAD, no income can be used to qualify
P-1A	Individual athlete and essential support personnel. Sponsored.	Class P-1A Visa
P-1A	Team athlete and essential support personnel. Sponsored.	Class P-1A Visa

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Visa Class	Description	Required Documentation
<b>P-1B</b>	Member of an entertainment group and essential support personnel. Sponsored.	Class P-1B Visa
<b>P-2</b>	Artist and entertainers in reciprocal exchange programs and essential support personnel. Sponsored.	Class P-2 Visa
<b>P-3</b>	Artists and entertainers in culturally unique programs and essential support personnel. Sponsored.	Class P-3 Visa
<b>P-4</b>	Spouse or child of P-1, 2, or 3.	Class P-1, P-2, or P-3 Visa but cannot apply for EAD, no income can be used to qualify
<b>R-1</b>	Religious workers. Employer sponsored.	Class R-1 Visa
<b>R-2</b>	Spouse or child of religious workers. Employer sponsored.	Class R-2 Visa but cannot apply for an EAD so no income can be used to qualify
<b>Refugee</b>	Person outside of the U.S. who is of special humanitarian concern to the U.S. and has demonstrated they were persecuted or feared persecution due to race, religion, nationality, political opinion, or membership in a particular social group.	<ul style="list-style-type: none"> <li>•Approved I-590 with proper endorsement or approved I-730, and</li> <li>•Completed I-94 (arrival/departure record), and</li> <li>•An unexpired EAD or acceptable documentation for I-9 (Employment Eligibility Verification) approval</li> </ul> <p>Note: Specific to Refugees only. Form I-94A containing an unexpired refugee admission stamp or a computer-generated printout of Form I-94 with an admission class of "RE" can be shown to an employer as proof of permission to work while waiting for EAD and is valid for 90 days from the date of hire.</p> <p><b>FHA: A borrower residing in the U.S. by virtue of refugee status granted by the USCIS is automatically eligible to work in this country. The EAD is not required, but documentation substantiating the refugee status must be obtained.</b></p>

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Visa Class	Description	Required Documentation
T-1	Victim of a severe form of human trafficking.	Class T-1 Visa
TN	Nonimmigrant NAFTA Professional visa (only issued to citizens of Canada and Mexico) - Canada. Employer sponsored.	Class TN Visa or approval of TN non-immigrant status from a U.S. port-of-entry
TN	Nonimmigrant NAFTA Professional visa - (only issued to citizens of Canada and Mexico) - Mexico. Employer sponsored.	Class TN Visa
TD	Spouse or child accompanying TN - non-Canadian or Mexican citizens.	Visa requirements vary but cannot apply for an EAD so no income can be used to qualify
TD	Spouse or child accompanying TN - Canadian citizens.	<ul style="list-style-type: none"> <li>• Visa not required but cannot apply for an EAD so no income can be used to qualify</li> <li>• Proof of Canadian citizenship</li> <li>• Proof of relationship to the TN nonimmigrant</li> </ul>
TD	Spouse or child accompanying TN - Mexican citizens.	Class TD Visa but cannot apply for an EAD so no income can be used to qualify
V-1	Spouse of an Legal Permanent Resident (LPR) who is the principal beneficiary of a family-based petition (Form I-130) which was filed prior to December 21, 2000, and has been pending for at least three years.	Class V-1 Visa
V-2	Child of a Lawful Permanent Resident (LPR) who is the principal beneficiary of a family-based visa petition (Form I-130) that was filed prior to December 21, 2000, and has been pending for at least three years.	Class V-2 Visa
V-3	The derivative child of a V-1 or V-2.	Class V-3 Visa

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