

# Non-Citizen Borrower Eligibility

We have a longstanding policy on eligibility for non-U.S. citizen borrowers. Fannie Mae purchases and securitizes mortgages to non-citizens who are lawful permanent or non-permanent residents of the United States under the same terms available to U.S. citizens.

## Eligibility Guidelines

We're not changing our existing policies, but providing additional guidance to help lenders determine eligibility for non-U.S. citizen borrowers.

-  Under the *Selling Guide*, Fannie Mae considers a borrower legally present in the United States if:
  - he/she has a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN); and
  - he/she has current, verified status, which may be documented by a valid employment authorization document (EAD), **or** other documentation showing immigration status is current (e.g., Green Card, work visa, etc.).
-  A borrower who is legally present under the *Selling Guide* must meet all other applicable underwriting and eligibility requirements for the loan to be eligible for sale to Fannie Mae. This includes the continuity of income requirements that apply to all borrowers:
  - Documentation of income continuity is not required for most employment-related income types (e.g., base, bonus, overtime, commission).
  - If a borrower is reliant on income for which documentation of continuity is required, the mere fact that a borrower has current, verified status does not impact the continuity of income analysis. For example, if a borrower can provide documentation of 3-year income continuity when required, the fact that their status is renewed only every 2 years is not a factor — the borrower is legally present and has met the continuity of income requirements.
-  Lenders retain discretion as individual borrower situations differ.
-  Lenders can continue to decide what type of documentation is appropriate and what can be retained as part of the loan file to show that a borrower is legally present.
-  As with all Fannie Mae policies, subsequent changes to the law and its application may cause us to re-evaluate our policy on this matter prospectively.

### Clarity & Certainty

- In response to customer feedback, we're providing examples of acceptable documentation to support that a borrower is "legally present."
- For loans that meet our documentation and eligibility requirements, we will not seek a loan repurchase solely based on a change in the borrower's immigration status after closing.

## Selling Guide References

[B2-2-01](#) | [B2-2-02](#) | [B3-3.1-01](#)

# Borrower Scenarios

The following scenarios are provided for informational purposes and do not cover all possible combinations.

## Borrower information

## Is the borrower legally present?

## Which document was reviewed to verify status?

## Eligibility



Diana is a permanent resident with an unexpired Green Card, and:

- ✓ has a Social Security Number
- ✓ is a self-employed borrower with a two-year work history
- ✓ received a Desktop Underwriter® (DU®) Approve/Eligible finding
- ✓ meets all other *Selling Guide* requirements



Yes! The borrower is legally present.



Permanent Resident Card (Green Card)



Eligible

Scenario 1



Samuel has current, unexpired DACA (Deferred Action for Childhood Arrivals) status, and:

- ✓ has an Individual Tax Identification Number
- ✓ is a salaried borrower with acceptable employment history
- ✓ has nontraditional credit acceptable per the *Selling Guide* (B3-5.4)
- ✓ will have a manually underwritten loan
- ✓ meets all other *Selling Guide* requirements



Yes! The borrower is legally present.



Employment Authorization Document with C33 category



Eligible

Scenario 2



Karl has an expired work visa with no renewal pending, and:

- ✓ has an Individual Tax Identification Number
- ✓ is a salaried borrower with acceptable employment history
- ✓ has nontraditional credit acceptable per the *Selling Guide* (B3-5.4)
- ✓ meets all other *Selling Guide* requirements



No; the borrower is not legally present.



Work Visa



Ineligible

Work Visa is expired and no renewal is pending.

Scenario 3



Theresa has a current, unexpired work visa, and:

- ✓ has a Social Security Number
- ✓ has been self-employed for 6 months with no prior work history
- ✓ has nontraditional credit acceptable per the *Selling Guide* (B3-5.4)



Yes! The borrower is legally present.



Work Visa



Ineligible

Borrower does not meet requirements for a self-employed borrower.

Scenario 4

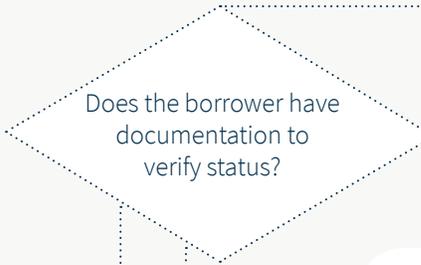


This non-U.S. citizen borrower is dreaming of a new home. Let's use this chart to determine how to apply Fannie Mae's policies.

Start here!



Not Eligible



These are the five most common documents used to verify status.

- Permanent Resident Card (Green Card)
- Work Visa
- Entry Stamps
- EAD (Employment Authorization Document)
- I-551 Stamps

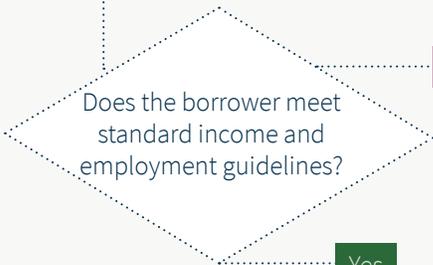


Not Eligible

No

Yes

The borrower is considered legally present



Not Eligible

No

Yes



Eligible