



# UHM Citizenship and Residency

## Requirements and Documentation

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### GENERAL AGENCY REQUIREMENTS, BORROWER ELIGIBILITY

#### U.S. Citizens and Permanent Resident Aliens

All Agencies consider U.S. Citizens and Permanent Resident Aliens as eligible Borrowers.

#### Non-Permanent Resident Aliens

Non-Permanent Resident Aliens are temporary residents granted the right to live and/or work in the U.S. for a specific period of time.

**Fannie Mae, Freddie Mac, VA:**

Non-Permanent Resident Aliens are eligible for Fannie Mae, Freddie Mac, and VA loans.

**USDA:**

USDA will permit a Non-Permanent Resident Alien with a current, unexpired Employment Authorization Document (EAD) in one of the following categories:

- A03 Refugee (approved)
- A04 Paroled as Refugee
- A05 Asylee (granted)
- A10 (granted withholding of Deportation or Removal)
- C11 (an alien paroled into the United States in the public interest or temporarily for emergency reasons)

If assistance is needed in determining the eligibility of qualified aliens for USDA, refer to the [Eligibility of Qualified Aliens Job Aid](#) available from USDA.

**FHA:**

Non-Permanent Resident Aliens are not eligible to apply for any FHA mortgage loan, including FHA streamline refinances.

**Housing Finance Agency (HFA) Programs:**

For Housing Finance Agency (HFA) programs, this eligibility is subject to state requirements; it is recommended that eligibility is validated prior to originating an HFA loan.

#### Ineligible Borrowers

- Foreign Nationals (unless permitted by a specific investor product)
- Borrowers with diplomatic immunity
- Borrowers without a valid Social Security Number (unless ITIN permitted by a specific investor product)
- More than four borrowers per transaction
- State Bond Programs and other investors generally exclude all Non-Resident Aliens including Visa types for refugees, defectors, asylees, temporary protection status and student. Refer to the program specific information.



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## CITIZENSHIP & RESIDENCY REQUIREMENTS AND DOCUMENTATION

### Social Security Number — U.S. Citizens And Non-U.S. Citizens

For all loan types, each borrower on the loan transaction must have a valid Social Security number (SSN).

In no case is a Social Security card sufficient to prove immigration or work status. Non-U.S. Citizens must meet the requirements outlined below in the Documenting Residency section.

#### Multiple SSNs/SSN Discrepancies:

Generally, any Borrower with more than one Social Security Number within their file is ineligible (i.e., scenarios in which there is a discrepancy between the Borrower's current, valid SSN, and a different SSN that was used for their W-2).

However, Fannie Mae may allow this type of discrepancy in the following scenarios for permanent resident aliens:

- If a W-2 indicates "000-00-0000" in place of an SSN, it can be considered for acceptance.
- Prior ITIN numbers, if verifiable, may be considered as part of the identity validation process.

If either of the above scenarios apply, obtain the following:

- Verification through the Social Security Administration (an SSA-89) must be ordered, **and**
- The file must be reviewed by an Underwriting Team Lead and/or the Underwriting Regional Manager.

Freddie Mac, FHA, USDA & VA: SSN discrepancies of this kind are automatically ineligible.

### Permanent Resident Aliens Green Cards

Green Cards represent the holder's right to permanently live and work in the U.S.

#### Visa Types

- Immigrant Visa (IV) is issued to a person wishing to live permanently in the United States. This starts the process for permanent resident status.
- Nonimmigrant visa (NIV) is issued to a person with permanent residence outside the United States but wishes to be in the United States on a temporary basis for tourism, medical treatment, business, temporary work, or study, as examples. There are more than 20 different categories of nonimmigrant visa classifications. Other references to this visa type include "non-permanent resident alien."

#### Examples

Green Card:





The borrower will need to provide UHM with a front and back copy of one of the above documents. It is acceptable to copy the card/Visa for this purpose.

Employment Authorization Document (EAD):



## Documenting Residency

## Permanent Resident Aliens

For all Agencies, evidence of valid SSN (FHA allows an exception for the World Bank, a foreign embassy, or equivalent employer identified by HUD) is required, along with the following:

- Recommended 2 years U.S. residency history, and
- Copy of valid State ID, and
- Credit that meets Agency requirements, and
- A copy of unexpired Immigrant Visa OR Green Card.

### Non-Permanent Resident Aliens

For FNMA, FHLMC, VA, and USDA\*, evidence of valid SSN is required, along with the following:

- Recommended 2 years U.S. residency history, and
- Copy of valid State ID, and
- Credit that meets Agency requirements, and
- Copy of an unexpired Nonimmigrant Visa OR valid Employment Authorization Document (EAD).

\*Refer to page one of this policy. Non-Permanent Resident Aliens have limited USDA eligibility, and they are ineligible for all FHA mortgage loan types.



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## Documenting Foreign Income and Foreign Assets

All standards for determining adequate credit history, stable income, and sufficient liquid assets must be applied in the same manner to each borrower whether they are a permanent or non-permanent resident.

All documents of a foreign origin must be completed in English, or a complete and accurate translation must be provided for each document.

Note the following additional requirements for documenting foreign income:

- Income from a foreign source is required to be reported on Tax Returns, and
- Must be converted to U.S. dollars and calculated based on the type of income (salary, hourly, variable, etc.) as required by each Agency, and
- Must be reasonably likely to continue.
- **Fannie Mae and FHA:** Copies of signed U.S. Federal Income Tax Returns (or U.S. Territory Tax Returns) for the most recent two years that include foreign income are required.
- **Freddie Mac:** A copy of the Borrower's most recent complete signed U.S. Federal Individual Tax Return (or U.S. Territory Tax Return), along with documentation for the applicable income type in accordance with Freddie Mac guidelines, is required.
- **USDA:** One year history of income verification is required. Acceptable documentation includes:
  - Paystub(s), translated into English if applicable
  - Written or Electronic VOE
  - U.S. Federal Income Tax Return
- **VA:** Documentation must support the history of receipt of the income for at least 3 years from the anticipated closing date.

Refer to additional and specific guidelines required by Non-QM, Jumbo and other nonagency investor products.

For further requirements regarding Foreign Assets, refer to the Ask Alice/Ask UHM question, "What are the guidelines for using foreign assets?"

## Visa Expiration within 12 months (Or Recently Expired):

- Document evidence of prior Visa and/or EAD renewal.
- Evidence of application for status change or extension

## C-33 EAD type -Deferred Action for Childhood Arrivals (DACA)

The EAD type C-33 was issued from June 2012 – January 2018. The program was restarted January 4, 2021. The EAD is issued to certain applicants who came to the US as children and meet specific guidelines. Renewal of DACA EAD status has continued for existing EAD cards.

### Eligibility:

- Fannie Mae: Permitted
- Freddie Mac: Permitted
- VA: Permitted
- FHA: Not Permitted
- USDA: Not permitted
- Bond loans: Permitted in accordance with specific bond program guidelines.



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## Diplomatic Immunity

Due to the inability to compel payment or seek judgment, transactions with individuals who are not subject to United States jurisdiction are not eligible. This includes embassy personnel with diplomatic immunity. Verification the borrower does not have diplomatic immunity can be determined by reviewing the visa, passport, or U.S. Department of State's Diplomatic List.

## Foreign Nationals

Foreign nationals who have no lawful residency status in the U.S. are not considered to be non-permanent resident aliens and are not eligible for conventional financing; must use UHM Non-QM products.

## Private Mortgage Insurance

The UHM approved visas may not match the list of approved visas as issued by some private mortgage insurance companies. For example, not all PMI companies may be accepting a C-33 visa. Partners are to confirm that the private mortgage insurance company will accept the applicable visa type, prior to conditional approval.

- **NMI:** Follows Agency Guidelines. NMI does not allow non-permanent residents to contribute income on non-AUS jumbo loan amounts greater than \$1 Million.
- **Essent:** Follows Agency Guidelines. Manually Underwritten loans require additional documentation:
  - 2 Years' U.S. Residency History
  - 2 Years' U.S. Income History
  - 2 Years' U.S. Credit History
- **Radian:** Follows Agency Guidelines.

## FOREIGN DEBT

Borrowers must disclose if they have debt in a foreign country and this debt must be included in qualifying ratios, as applicable, following Agency guidelines (i.e.: revolving or installment; less than 10 payments remaining etc.).

Loan documents must be checked for indication of foreign debt, such as rental income from another country showing on the tax returns, or recurring payments to a foreign bank on the bank statement.

The terms, conditions, and payment history of foreign debt must be documented. This can be done using a foreign credit report or alternative documentation.

Manual downgrade is required for all products when the foreign debt is used as a non-traditional credit reference to support an adequate credit history.