



## **Residency and Eligibility Guide**

The following defines eligibility and acceptable documentation for United States Citizens and Non - United States Citizens. Borrowers must also meet credit, program and specific product matrix eligibility guidelines as applicable.

**A. United States Citizen:**

- The borrower must have a valid social security number and be a citizen of the United States or a U.S. Possession or Territory. Borrower photo identification documents must also be provided to review and ensure identity and compliance with the U.S. Patriot Act.

**B. Non-United States Citizens:**

- Non-United States Citizens must be lawfully present in the United States (or otherwise meet the requirements shown below under deferred action). The term lawfully present includes those who have “qualified alien” status. A “qualified alien” is defined as an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, per section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)]. The classifications of Non-United States Citizens are described below.

**1. Permanent Resident Qualified Alien:**

- An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act, also known as a “permanent resident.” Document legal residency and eligibility to work in the United States with one of the following:
  - A valid and current Permanent Resident card (form I-551); or
  - A passport stamped “processed for I-551,” “temporary evidence of lawful admission for permanent residence,” “valid through\_\_,” and “employment authorized.” Passport must be valid and not expired. This evidences that the holder has been approved for, but not issued, a Permanent Resident card (form I551).

**2. Non-Permanent Resident Qualified Aliens:**

- An alien who is granted asylum under section 208 of the Immigration and Nationality Act. Document legal residency and eligibility to work in the United States with the following
  - A Valid I-94 with class of Admission as 208 and stamped as “asylum granted” (or a signed, stamped court decision indicating the immigration judge has granted the asylum if the stamp on the I-94 has not yet occurred); **and**
  - A current, valid Employment Authorization Document (EAD) with a category code A05 **Or** a valid Social Security card
- **Exception for HFA loans only: An Alien with Pending Asylum status is acceptable on conventional loans only. Borrower must provide a valid C08 Employee Authorization card and an Asylum Application receipt (or printout from USCIS status website), validating borrower status.**
- A refugee who is admitted to the United States under section 207 of the Immigration and Nationality Act. Document legal residency and eligibility to work in the United States with the following:
  - a valid I-94 with Class of Admission as 207 and a refugee admission stamp; **and**
  - A current, valid EAD with category code A03



- An alien who is granted conditional entry pursuant to section 203 of the Immigration and Nationality Act. Document legal residency and eligibility to work in the United States with the following:
  - A current, valid family based, employment based or diversity visa (as defined in the Lawful Non- Permanent Qualified Resident chart that follows); **and**
  - For family based visa borrowers or spouses/children of employer sponsored visa borrowers (as defined in the Lawful Non-Permanent Qualified Resident chart that follows), a current, valid EAD
  
- An alien who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance act of 1980. These individuals are paroled into the United States. Document legal residency and eligibility to work in the United States with the following:
  - I-94 with stamp showing Cuban/Haitian entrant (Status Pending); **and**
  - A current, valid EAD A04 or C11
  
- An alien who has been battered or subjected to extreme cruelty under Section 431 of the Immigration and Nationality Act. Document legal residency and eligibility to work in the United States with the following:
  - A current, valid U1-4 or T1-4 visa, **and**
  - A current, valid EAD
  
- An alien who entered the United States unlawfully as a child but has since been granted “deferred action” (AKA DACA) which defers removal action against the individual for a period of time. **This status is permitted only in FHA, VA, and Fannie Mae programs noted in the chart that begins on page 3 of this guide.** Document legal residency and eligibility to work in the United States with the following:
  - A current, completed I-797 form showing approved DACA status or a current print out of USCIS online approval **and**
  - A current, valid EAD Card with code C33

**Note:** If the authorization documentation (visa, I94, I551, passport or EAD, as applicable), will expire within one year from the loan closing date and a prior history of renewals exist, continuation may be assumed.



**Lawful Non-Permanent Qualified Resident Requirements**



Visa/Admission Category	Description	Permitted						Bayview (Non-Jumbo)	Documentation Required			
		FNMA	FHLMC	FHA	USDA	VA	Visa		Valid EAD Card	I-94	Other	
DACA	DACA	Y	N	Y	N	Y	N	N/A	C33	N/A	Current I-797 showing approved DACA status or print out of online approval from USCIS	
Family based	Unmarried son or daughter of US citizen	Y	Y	Y	Y	N	Y	B-11, B-16	C09	N/A	N/A	
Family based	Child of B-11 or B-16	Y	Y	Y	Y	N	Y	B-12, B-17	C09	N/A	N/A	
Family based	Married son or daughter of US citizen (b-31), spouse of B31 or child of B-31	Y	Y	Y	Y	Y	Y	B31-33	C09	N/A	N/A	
Employment based	Broadcaster in the US employed by the International Broadcasting Bureau of the Broadcasting Board of Governors	Y	Y	Y	Y	N	Y	BC-1	N	N/A	N/A	
Employment based	Spouse, child of BC-1	Y	Y	Y	Y	N	Y	BC-2,3	Y	N/A	N/A	
Employment based	Employment creation	Y	Y	Y	Y	N	Y	C-5; C-51	N	N/A	N/A	
Family based	Spouse or child of permanent resident	Y	Y	Y	Y	N	Y	C-21-25	C09	N/A	N/A	
Family based	Spouse or child of US citizen	Y	Y	Y	Y	N	Y	C-31-33	C09	N/A	N/A	
Employment based	Spouse or child of c-5 or c-51	Y	Y	Y	Y	N	Y	C-52-53	C09	N/A	N/A	
Family based	Spouse or child of US citizen,	Y	Y	Y	Y	N	Y	CR- 1-2, 5	C09	N/A	N/A	
Family based	Spouse, child or step-child of lawful permanent resident	Y	Y	Y	Y	N	Y	CX- 1-3	C09	N/A	N/A	
Diversity	Diversity immigrant, spouse, child	Y	Y	Y	Y	N	Y	DV- 1,2,3	N	N/A	N/A	
Employment based	Treaty/Trade investor or spouse	Y	Y	Y	Y	N	Y	E-1,2 or spouse of E-1,2 (the spouse does not get a different number for this category)	A17(only needed for spouse of E-1,2)	N/A	N/A	
Employment based	Specialty occupation- Australia	Y	Y	Y	Y	N	Y	E-3	N	N/A	N/A	
Employment based	Person with extraordinary ability in the sciences, arts, education, business or athletics	Y	Y	Y	Y	N	Y	E-11	N	N/A	N/A	
Employment based	Outstanding professor or researcher	Y	Y	Y	Y	N	Y	E-12	N	N/A	N/A	
Employment based	Multinational executive or manager	Y	Y	Y	Y	N	Y	E-13	N	N/A	N/A	
Employment based	Spouse or child of E11,12 or 13	Y	Y	Y	Y	N	Y	E-14 /15	C09	N/A	N/A	
Employment based	Professional holding advanced degree or alien of exceptional ability	Y	Y	Y	Y	N	Y	E-21	N	N/A	N/A	
Employment based	Spouse, child of E-21	Y	Y	Y	Y	N	Y	E22,23	C09	N/A	N/A	
Employment based	Skilled worker	Y	Y	Y	Y	N	Y	E-31	N	N/A	N/A	
Employment based	Professional holding baccalaureate degree	Y	Y	Y	Y	N	Y	E-32	N	N/A	N/A	
Employment based	Spouse or child of E31 or 32	Y	Y	Y	Y	N	Y	E-34,35	C09	N/A	N/A	
Employment based	Other worker	Y	Y	Y	Y	N	Y	EW-3	N	N/A	N/A	
Employment based	Spouse or child of EW-3	Y	Y	Y	Y	N	Y	EW-4,4	C09	N/A	N/A	
Family based	Family members of permanent residents or US citizens	Y	Y	Y	Y	N	Y	F-,3,4; 11, 12,21-25, 31 33, 41-43, f- 2 a& b	C09	N/A	N/A	
Family based	Spouse or child of permanent resident or fx 1	Y	Y	Y	Y	N	Y	FX- 1-3	Y	N/A	N/A	
Employment based	Employees of international organizations and NATO; spouses and children	Y	Y	Y	Y	N	Y	G-1,2,3,4,5	Y-spouses and children: C04	N/A	N/A	
Employment based	Foreign nationals working in the US in a specialty occupation	Y	Y	Y	Y	N	Y	H1-B	N	N/A	N/A	

**Lawful Non-Permanent Qualified Resident Requirements**



Visa/Admission Category	Description	Permitted					Bayview (Non-Jumbo)	Documentation Required			
		FNMA	FHLMC	FHA	USDA	VA		Visa	Valid EAD Card	I-94	Other
Non-immigrant	Spouse or child of H type	**Y-ONLY if a joint application and co-applicant is a spouse and an H1-B holder	**Y-ONLY if a joint application and co-applicant is a spouse and an H1-B holder	**Y-ONLY if a joint application and co-applicant is a spouse and an H1-B holder	**Y-ONLY if a joint application and co-applicant is a spouse and an H1-B holder	N	H-4	C-26	N/A	N/A	Must verify co-applicant is a spouse and an H1-B holder
Employment based	Spouse or child of I-51	Y	Y	Y	Y	N	Y	I-52,53	C09	N/A	N/A
Family based	Child adopted or to be adopted by US citizen	Y	Y	Y	Y	N	Y	IH-3,4	C09	N/A	N/A
Family based	Spouse, child or child to be adopted of US citizen	Y	Y	Y	Y	N	Y	IR-1-5	C09	N/A	N/A
Family based	Fiancée of US citizen	Y	Y	Y	Y	N	Y	K-1 or 3	A06	N/A	N/A
Employment based	Intracompany transferees	Y	Y	Y	Y	N	Y	L, L-1a and L-1b	N	N/A	N/A
Employment based	Spouse or child of L-1	Y	Y	Y	Y	N	Y	L-2,3	A18	N/A	N/A
Employment based	Extraordinary ability in science, education, the arts, business or athletics	Y	Y	Y	Y	N	Y	O	N	N/A	N/A
Employment based	Investor in pilot program	Y	Y	Y	Y	N	Y	R-5, 51	N	N/A	N/A
Employment based	Spouse or child of R-51	Y	Y	Y	Y	N	Y	R-52,53	C09	N/A	N/A
Employment based	Religious workers	Y	Y	Y	Y	N	Y	SD-1	N	N/A	N/A
Employment based	Spouse or child of SD-1	Y	Y	Y	Y	N	Y	SD-2,3	C09	N/A	N/A
Employment based	Employees or former employees of the US Gov't abroad	Y	Y	Y	Y	N	Y	SE-1	N	N/A	N/A
Employment based	Spouse or child of SE-1	Y	Y	Y	Y	N	Y	SE-2,3	C09	N/A	N/A
Employment based	Former employees of the Panama Canal Company or Canal Zone Gov't	Y	Y	Y	Y	N	Y	SF-1	N	N/A	N/A
Employment based	Spouse or child of SF-1	Y	Y	Y	Y	N	Y	SF-2	C09	N/A	N/A
Employment based	Former employees of the US gov't in the Panama Canal Zone	Y	Y	Y	Y	N	Y	SG-1	N	N/A	N/A
Employment based	Spouse or child of SG-1	Y	Y	Y	Y	N	Y	SG-2	Y	N/A	N/A
Employment based	Certain former employees of the Panama Canal Company or Canal Zone gov't on 4/1/79	Y	Y	Y	Y	N	Y	SH-1	N/A	N/A	N/A
Employment based	Spouse or child of SH-1	Y	Y	Y	Y	N	Y	SH-2	C09	N/A	N/A
Employment based	Interpreters	Y	Y	Y	Y	N	Y	SI	N	N/A	N/A
Employment based	Foreign medical graduate	Y	Y	Y	Y	N	Y	SJ-1	N	N/A	N/A
Employment based	Spouse or child of SJ-1	Y	Y	Y	Y	N	Y	SJ-2	C09	N/A	N/A
Employment based	Retired international organization employee	Y	Y	Y	Y	N	Y	SK-1	N	N/A	N/A
Employment based	Spouse of SK-1	Y	Y	Y	Y	N	Y	SK-2	C09	N/A	N/A
Employment based	Unmarried child of an international organization employee	Y	Y	Y	Y	N	Y	SK-3	C09	N/A	N/A
Employment based	Surviving spouse of deceased international organization employee	Y	Y	Y	Y	N	Y	SK-4	C09	N/A	N/A
Employment based	Retired NATO6 civilian	Y	Y	Y	Y	N	Y	SN-1	N	N/A	N/A
Employment based	Spouse of child of NATO6 civilian employee	Y	Y	Y	Y	N	Y	SN-2,3	C09	N/A	N/A
Employment based	Surviving spouse of deceased NATO6 civilian employee	Y	Y	Y	Y	N	Y	SN-4	C09	N/A	N/A
Employment based	Iraqi/Afghans who work on behalf of the US government	Y	Y	Y	Y	N	Y	SQ	N	N/A	N/A
Employment based	Religious workers	Y	Y	Y	Y	N	Y	SR-1	N	N/A	N/A
Employment based	Spouse or child of SR1	Y	Y	Y	Y	N	Y	SR 2,3	C09	N/A	N/A
Employment based	Employment creation	Y	Y	Y	Y	N	Y	T-5, 51	N	N/A	N/A
Employment based	Spouse or child of T-51	Y	Y	Y	Y	N	Y	T-52, 53	C09	N/A	N/A
Employment based	Canadian or Mexican citizens working in the US	Y	Y	Y	Y	N	Y	TC NAFTA, TN, TD	N	N/A	N/A

**Lawful Non-Permanent Qualified Resident Requirements**



Visa/Admission Category	Description	Permitted						Bayview (Non-Jumbo)	Documentation Required			
		FNMA	FHLMC	FHA	USDA	VA	Visa		Valid EAD Card	I-94	Other	
Subject to extreme cruelty	Victim or spouse or child or parents of victim of human trafficking	Y	Y	Y	Y	N	Y	T-1-4	A16 OR C25	N/A	N/A	
Subject to extreme cruelty	Victim or family member of victim of criminal activity	Y	Y	Y	Y	N	Y	U-1-4	A19 OF A20	N/A	N/A	
Family based	Married to or a child of a legal permanent resident and you have been waiting at least 3 yrs. for the approval of a petition for lawful permanent resident status	Y	Y	Y	Y	N	Y	V-1,2,3	A15	N/A	N/A	
Refugee	Refugee	Y	Y	Y	Y	N	Y	N/A	A03	Class of admission as 207 and refugee admission stamp	N/A	
Asylum granted	Asylum granted	Y	Y	Y	Y	N	Y	N/A	A05 (or Valid SSN Card)	Class of Admission as 208 and stamped asylum granted	*in lieu of stamped I94, asylee may present court signed/stamped decision documents	
Cuban or Haitian entrant	Cuban or Haitian entrant	Y	Y	Y	Y	N	Y	N/A	A04 OR C11	Needs stamp showing Cuban/Haitian entrant	N/A	
Non-immigrant	Diplomat	N	N	N	N	N	N	A	N/A	N/A	N/A	
Non-immigrant	Diplomat spouse	N	N	N	N	N	N	A-2	C01	N/A	N/A	
Non-immigrant	Business visitor	N	N	N	N	N	N	B-1,2	N/A	N/A	N/A	
Non-immigrant	Border Crossing card	N	N	N	N	N	N	BCC	N/A	N/A	N/A	
Non-immigrant	Transiting the U.S.	N	N	N	N	N	N	C	N/A	N/A	N/A	
Non-immigrant	Crew member	N	N	N	N	N	N	D	N/A	N/A	N/A	
Non-immigrant	Student	N	N	N	N	N	N	F1	C03	N/A	NA	
Non-immigrant	Temporary workers	N	N	N	N	N	N	H-2 A & B	N/A	N/A	N/A	
Non-immigrant	Temporary training	N	N	N	N	N	N	H-3	N/A	N/A	N/A	
Non-immigrant	Cultural exchange visitor	N	N	N	N	N	N	J	C05	N/A	N/A	
Non-immigrant	student seeking practical training after completing studies	N	N	N	N	N	N	M-1	C06	N/A	N/A	
Non-immigrant	Lawful temporary resident pursuant to sections 245a or 210 of the INA (temp. agricultural worker)	N	N	N	N	N	N	N/A	A02	N/A	N/A	
Non-immigrant	Parent or child of int'l org. employee granted permanent residence	N	N	N	N	N	N	N-8 OR 9	A07	N/A	N/A	
Non-immigrant	Citizens of the Fas of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau admitted as a non-immigrant	N	N	Y	N	N	N	N/A	A08	Y, Class of Admission as CFA/FSM or CFA/MIS; may or may not show an expiration date	N/A	
Non-immigrant	Granted withholding of Deportation or Removal	N	N	N	N	N	N	N/A	A10	N/A	N/A	
Non-immigrant	Deferred Enforced departure	N	N	N	N	N	N	N/A	A11	N/A	N/A	
Non-immigrant	Temporary protected status	N	N	N	N	N	N	N/A	A12	N/A	N/A	
Non-immigrant	IMMACT Family Unity beneficiary	N	N	N	N	N	N	N/A	A13	N/A	N/A	
Non-immigrant	LIFE Act Family Unity beneficiary	N	N	N	N	N	N	N/A	A14	N/A	N/A	
Non-immigrant	Asylum applicant, status pending	Y- HFA only N	Y- HFA only N	N	N	N	N	N/A	C08	N/A	HFA only: USCIS Asylum Application Receipt Notice (print out from website or actual)	
Non-immigrant	Nicaraguan Adjustment & Central American Relief act	N	N	N	N	N	N	N/A	C10	N/A	N/A	
Non-immigrant	Alien paroled into the US for emergency, temporary reason	N	N	N	N	N	N	N/A	C11	N/A	N/A	

**Lawful Non-Permanent Qualified Resident Requirements**



Visa/Admission Category	Description	Permitted						Bayview (Non-Jumbo)	Documentation Required			
		FNMA	FHLMC	FHA	USDA	VA	Visa		Valid EAD Card	I-94	Other	
Non-immigrant	Spouse of an E2 commonwealth of the Northern Mariana Islands investor, eligible for emplmt. In the CNMI only	N	N	N	N	N	N	N/A	C12	N/A	N/A	
Non-immigrant	Alien granted deferred action	N	N	N	N	N	N	N/A	C14	N/A	N/A	
Non-immigrant	Registry applicant	N	N	N	N	N	N	N/A	C16	N/A	N/A	
Non-immigrant	Non-immigrant domestic servant	N	N	N	N	N	N	B1/A3/G5	C17	N/A	N/A	
Non-immigrant	Alien with final order of deportation/supervision	N	N	N	N	N	N	N/A	C18	N/A	N/A	
Non-immigrant	Temporary Protected status	N	N	N	N	N	N	N/A	C19	N/A	N/A	
Non-immigrant	Alien who filed legalization application for agricultural workers	N	N	N	N	N	N	N/A	C20	N/A	N/A	
Non-immigrant	Alien who filed legalization application under INA 245a	N	N	N	N	N	N	N/A	C22	N/A	N/A	
Non-immigrant	LIFE legalization applicant	N	N	N	N	N	N	N/A	C24	N/A	N/A	
Non-immigrant	Principal beneficiary or qualified child of approved VAWA self petition	N	N	N	N	N	N	N/A	C31	N/A	N/A	
Non-immigrant	NATO members, staffs and families for temporary stay	N	N	N	N	N	N	NATO- 1-6	C07	N/A	N/A	
Non-immigrant	Cultural exchange program	N	N	N	N	N	N	Q	N/A	N/A	N/A	

**Note:** If the authorization documentation (visa, I94, I551, passport or EAD, as applicable), will expire within one year from the loan closing date and a prior history of renewals exist, continuation may be assumed.

## Version Control

<b>Name</b>	<b>Date</b>	<b>Change</b>
DM	2.4.21	Added DACA language and updated chart for FHA and VA
DM	3.4.21	Added DACA for HFA Preferred only, updated language in Guide and chart
DM	6.1.21	Updated Logo
DM	6.10.21	Added clarification for the Citizens of the FAS of Micronesia
DM	11.23.21	Added Bayview product column )non-Jumbo
DM	10.7.22	Added clarification to DACA documentation: Current I-797 showing approved DACA status or print out of online approval from USCIS
DM	10.21.22	Expansion to H4 visa, now allowing only if joint application and co-applicant is a spouse and an H1-B holder
DM	11.18.22	Added DACA for all non-Bayview FNMA products
DM	3.8.23	Expansion to allow pending asylees and refugees for HFA only

