

EXPATS, FOREIGN NATIONALS, VISA TYPES, DACA & MORE

UNDERSTANDING HOW RESIDENCY IMPACTS
LENDING IN THE UNITED STATES

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LENDING**
THE WOODLANDS



AGENDA

- The Standard Criteria for Traditional Financing in the US
- Learning the Documents
 - Visas
 - EAD Cards
- ITINs
- Expats
- Permanent & Non Permanent Resident Aliens
- DACA
- Foreign Nationals
- Glossary of Common Terms
- Useful links



TRADITIONAL FINANCING

RECOGNIZING THE CHALLENGES FOR FOREIGN BUYERS

THE FUNDAMENTALS OF TRADITIONAL FINANCING

FANNIE MAE, FREDDIE MAC, FHA, USDA

CREDIT: MOST PROGRAMS WANT TO SEE AT LEAST A 2 YEAR HISTORY OF PAYING BACK CREDITORS ON TIME. MOST WILL REQUIRE A MINIMUM CREDIT SCORE AND A TRADITIONAL TRI MERGED CREDIT REPORT, HOWEVER EXCEPTIONS EXIST ON A MANUAL OR PORTFOLIO BASIS.

CASH: DOCUMENTING EVERY PENNY USED FOR DOWNPAYMENT, COSTS & RESERVES MUST BE FULLY SOURCED IN A **US BANK ACCOUNT**. DEPOSITS ALSO MUST BE DOCUMENTED FULLY TO PROVE ORIGIN FROM AN ACCEPTABLE SOURCE.

CAPACITY: CAN THE BORROWER DOCUMENT THE HISTORY OF CONSISTENT EARNINGS & THEIR LIKELINESS OF **CONTINUANCE** THAT CAN SUPPORT PAYING THE LOAN BACK?

CITIZENSHIP: FANNIE MAE, FREDDIE MAC, FHA.. OFFER THE SAME FINANCING TO NON US CITIZENS AS THEY DO US CITIZENS AS LONG AS THEY ARE **LEGALLY PRESENT**. BEING LEGALLY PRESENT IS DEFINED AS BEING A PERMANENT OR NON PERMANENT RESIDENT ALIEN & AUTHORIZED TO WORK.

EXAMPLE OF BEING LEGALLY PRESENT

Borrower information



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

Is the borrower legally present?



Yes! The borrower is legally present.

Which document was reviewed to verify status?



Permanent Resident Card (Green Card)

Eligibility



Eligible

Scenario 1

EXAMPLE OF BEING LEGALLY PRESENT

Borrower information



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

Is the borrower
legally present?



Yes! The borrower is
legally present.

Which document was
reviewed to verify status?



Employment Authorization
Document with C33 category

Eligibility



Eligible

Scenario 2

EXAMPLE OF BEING LEGALLY PRESENT

Borrower information



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

Is the borrower
legally present?



No; the borrower is
not legally present.

Which document was
reviewed to verify status?



Work Visa

Eligibility



Ineligible

Work Visa is expired and
no renewal is pending.

Scenario 3

EXAMPLE OF BEING LEGALLY PRESENT

Borrower information

Is the borrower
legally present?

Which document was
reviewed to verify status?

Eligibility



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.



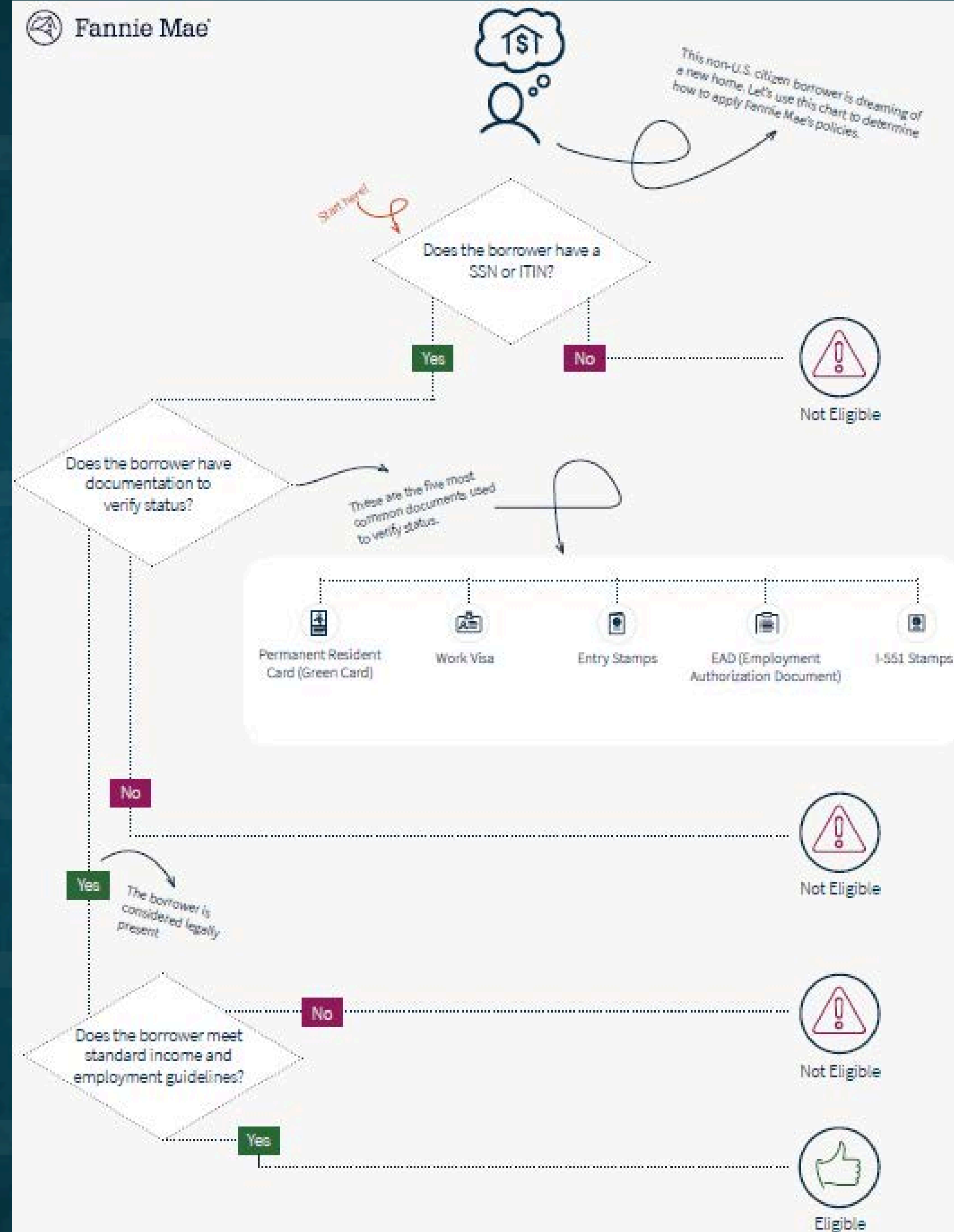
Work Visa



Ineligible

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

Scenario 4





PORTFOLIO LENDERS

PORTFOLIO LENDERS CAN HAVE THEIR OWN GUIDELINES SINCE THEY ARE NOT BOUND TO SELLING THEIR LOANS OFF TO A SECONDARY MARKET. THEY ARE TYPICALLY GOVERNED BY A BOARD AND OR SHAREHOLDERS & THEIR RISK APPETITE.

BENEFITS: THEY CAN THINK OUTSIDE OF THE BOX WHEN IT COMES TO HOW TO "QUALIFY" A BORROWER. THE TRADITIONAL WAYS OF QUALIFYING ARE A LOOSE GUIDANCE.. COMMON SENSE AND STRONG ALL AROUND PROFILES MAY FIT.

DISADVANTAGES: THEY ARE VERY CASE BY CASE. IN SOME CASES APPLICATIONS CAN BE COUNTER-OFFERED BASED ON OVERALL RISK, OR JUST BE DEEMED TOO HIGH OF A RISK AND NOT QUALIFY. FINDING A LENDER THAT WILL ALWAYS FIT EVERY CLIENT IS NEAR IMPOSSIBLE.



POP QUIZ!!

1) NAME TWO FUNDAMENTALS OF TRADITIONAL FINANCING

HINT: THEY START WITH A C!

2) WHAT ARE TWO CHALLENGES A FOREIGN BUYER MIGHT HAVE CONSIDERING TRADITIONAL FINANCING GUIDELINES?

3) WHY ARE PORTFOLIO LENDERS GOOD TO KNOW?



DOCUMENTS TO KNOW

VISAS & EAD CARDS



WHAT IS A VISA?

- A DOCUMENT THAT ALLOWS AN INDIVIDUAL TO ENTER AND RESIDE IN A COUNTRY OTHER THAN THEIR OWN FOR AN EXTENDED PERIOD OR PERMANENTLY. IT GRANTS THE VISA HOLDER CERTAIN RIGHTS AND PRIVILEGES, SUCH AS THE ABILITY TO LIVE, WORK, AND STUDY IN THE COUNTRY.

WHAT ARE THE 4 VISA TYPES?

- VISAS CAN BE CLASSIFIED AS TOURIST VISAS, IMMIGRANT & NATURALIZATION VISAS (INCLUDING GREENCARDS), STUDENT VISAS AND BUSINESS OR WORK VISAS

WHICH VISAS ARE ACCEPTABLE FOR CONVENTIONAL AND/OR GOVERNMENT BACKED FINANCING?

- MOST VISA TYPES ARE ACCEPTABLE AS LONG AS THEY ARE UNEXPIRED, GIVE AUTHORIZATION TO WORK OR THE ABILITY TO OBTAIN AN EAD CARD. IF EXPIRED & EVIDENCE AN APPLICATION FOR RENEWAL HAS BEEN SUBMITTED, THAT IS OK AS WELL.*

VISA	PURPOSE OF STAY
B-1 Visa (Business Visitor)	For business travelers who stay in the U.S. for up to 180 days
B-2 Visa (Tourist)	For tourists who want to stay in the U.S. for up to 180 days
C-1/D Visa (Combined Transit and Crewman)	For crew members of international flights or ships
E-1 Visa (Treaty Trader)	For managers/executives/specialists/supervisors of companies driving trade to the U.S.
E-2 Visa (Treaty Investor)	For managers/executives/specialists/supervisors of companies investing in the U.S.
H-1B Visa (Specialty Occupation Workers)	For highly qualified professionals and people with an academic degree
I Visa (Foreign News Media)	For journalists and media representatives
L-1 Visa (Intracompany Transferee)	For the internal transfer of employees of all nationalities
L-1 Blanket Visa / Registration	For the internal transfer of employees with a simplified application process
O-1 Visa (Extraordinary Ability)	For people with extraordinary skills and abilities
TN Visa	For skilled workers from Canada and Mexico

VISA EXAMPLES

NOT AN ALL INCLUSIVE LIST*

EMPLOYMENT-BASED IMMIGRATION	FAMILY-BASED IMMIGRATION	DIVERSITY VISA PROGRAM
EB-1 (Priority Workers)	Relatives/Spouses of U.S. citizens	Participating in the yearly Green Card Lottery
EB-2 (Advanced Degrees/Exceptional Ability)	Relatives/Spouses of permanent U.S. residents	
EB-3 (Skilled Workers, Professionals and other Workers)		
EB-4 (Special Immigrants including Religious Workers)		
EB-5 (Immigration Investor Program)		
F-1 Visa (Student)	For studying at an American university or college	
J-1 Visa (Exchange Visitor)	For people who participate in an exchange program in the U.S. (e.g. an internship or training)	
M-1 Visa (Non-academic & Vocational)	Für Personen, die in eine nicht-akademische oder berufsbezogene Bildungseinrichtung gehen	

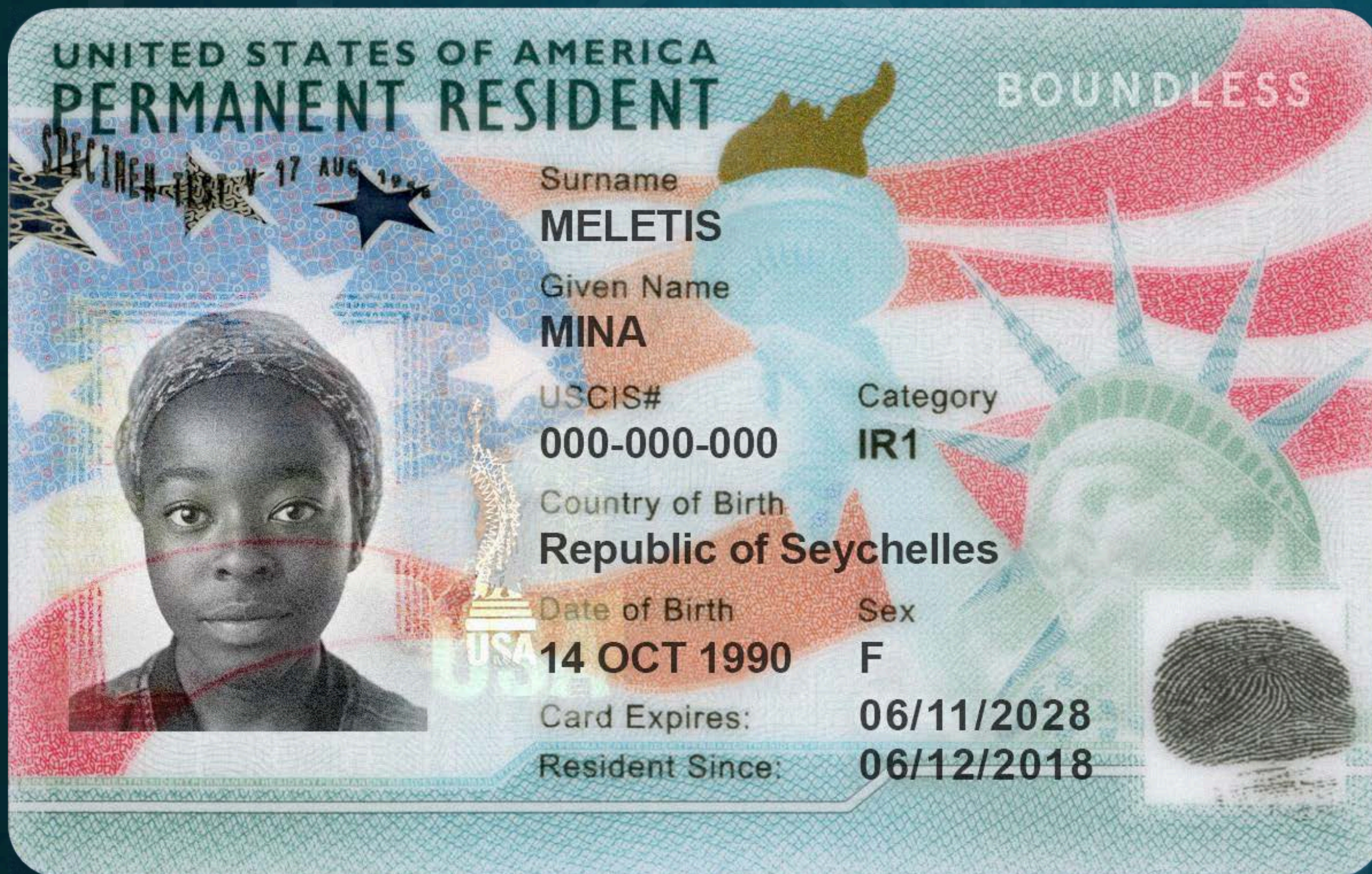
VISA EXAMPLES

NOT AN ALL INCLUSIVE LIST*

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GREEN CARD EXAMPLE



WHAT IS AN EAD CARD?

- THE EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) IS AN AUTHORIZATION RECEIVED THAT ALLOWS ONE TO WORK IN THE UNITED STATES FOR A DEFINED PERIOD OF TIME. BASICALLY, ITS A WORK PERMIT.

WHO NEEDS AN EAD CARD:

- THE EAD IS ONLY FOR THOSE WHO HAVE A US NON-IMMIGRANT (TEMPORARY) VISA. IF YOU HAVE AN IMMIGRANT VISA (PERMANENT) OR GREEN CARD, YOU DO NOT NEED AN EAD. YOUR GREEN CARD SERVES AS A WORK PERMIT AND ALLOWS YOU TO WORK.

WHAT IS ACCEPTABLE FOR CONVENTIONAL AND/OR GOVERNMENT BACKED FINANCING

- AS LONG AS THE EAD CARD IS UNEXPIRED, IT WILL BE ACCEPTABLE FOR FINANCING IN COMBINATION WITH A VALID VISA.



EAD CARD EXAMPLE



POP QUIZ!!

1) NAME 2 TYPES OF VISAS

2) NAME 3 THINGS A LENDER WILL LOOK FOR ON A VISA

3) DO GREENCARD HOLDERS NEED AN EAD CARD?



WHAT IS AN ITIN?

- AN ITIN, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, IS A TAX PROCESSING NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE (IRS) IN THE UNITED STATES. IT IS USED FOR INDIVIDUALS WHO ARE REQUIRED TO HAVE A U.S. TAXPAYER IDENTIFICATION NUMBER BUT DO NOT QUALIFY FOR A SOCIAL SECURITY NUMBER (SSN).

WHAT IT IS NOT:

- IT IS IMPORTANT TO NOTE THAT AN ITIN IS SOLELY FOR TAX PURPOSES AND DOES NOT CONFER THE RIGHT TO WORK OR PROVIDE ELIGIBILITY FOR SOCIAL SECURITY BENEFITS.

WHAT IS ACCEPTABLE FOR CONVENTIONAL AND/OR GOVERNMENT BACKED FINANCING

- SOME TRADITIONAL PROGRAMS MAY USE AN ITIN CREDIT REPORT, HOWEVER LAWFUL RESIDENCE & THE ABILITY TO WORK MUST STILL BE PRESENT.

ITIN QUALIFICATION

GENERAL GUIDANCE

VERIFICATION OF RESIDENCY STATUS THE FOLLOWING DOCUMENTATION IS REQUIRED FOR ALL ITIN BORROWERS:

UNEXPIRED ITIN CARD OR LETTER FROM IRS ASSIGNING THE ITIN TO THE BORROWER PRIOR TO APPLICATION UNEXPIRED GOVERNMENT PHOTO ID (DRIVER'S LICENSE, PASSPORT, VISA, ETC.)

SUPPLEMENTAL DOCUMENTATION CONSISTING OF ONE ITEM FROM BOTH GROUP A AND GROUP B:

- GROUP A: BIRTH CERTIFICATE, TAX RETURN, W-2, TAX BILL, SOCIAL SECURITY CARD, UTILITY BILL
- GROUP B: EMPLOYMENT AUTHORIZATION DOCUMENT (EAD), GREEN CARD, WORK VISA, ENTRY STAMPS, I-551 STAMPS IF A NON-U.S. CITIZEN IS BORROWING WITH A U.S. CITIZEN, IT DOES NOT ELIMINATE THE RESIDENCY REQUIREMENTS LISTED ABOVE

LET'S EXPLORE THE DIFFERENT TYPES & CHALLENGES OF:

EXPATS

PERMANENT & NON PERMANENT RESIDENT ALIENS

DACA RECIPIENTS

ASYLUM RECIPIENTS

FOREIGN NATIONALS

CONSIDER THE FUNDAMENTALS YOU LEARNED AND HOW EACH TYPE MAY OR MAY NOT QUALIFY



EX-PATS

- AN EXPAT FOR THE PURPOSES OF LENDING IS A CITIZEN OF THE UNITED STATES WHO LIVES AND IN MOST CASES WORKS OUTSIDE OF THE UNITED STATES. (MOST OFTEN WORKS WITH LARGE COMPANIES IE, EXXON MOBILE.)

MISCONCEPTIONS:

- THAT THEY ARE HARDER TO QUALIFY BECAUSE THEY'VE BEEN OUT OF THE COUNTRY FOR AN EXTENDED PERIOD OF TIME. THEY THEY DO NOT HAVE A 2 YEAR YEAR WORK OR RECENT RESIDENCE HISTORY IN THE US

REALTY:

- MOST EXPATS DO HAVE A SS NUMBER & ESTABLISHED US CREDIT. CONVENTIONAL LOAN PROGRAMS WILL USE THE WORK HISTORY ABROAD AND CURRENT INCOME RECEIVED TO QUALIFY. IF LIVING ABROAD & BUYING A SECOND HOME OR INVESTMENT PROPERTY IN THE US, WE CAN USE FOREIGN INCOME IF REPORTED ON THEIR TAX RETURNS.



PERMANENT & NON PERMANENT RESIDENT ALIENS

- A PERMANENT RESIDENT ALIEN IS A FOREIGN NATIONAL WHO HAS BEEN GRANTED THE RIGHT TO RESIDE & WORK PERMANENTLY IN THE UNITED STATES. PERMANENT RESIDENT ALIENS HOLD A GREEN CARD.
- A NON-PERMANENT RESIDENT ALIEN, IS AN INDIVIDUAL WHO IS LAWFULLY IN THE UNITED STATES WITH TEMPORARY AUTHORITY TO WORK & RESIDE HERE. ACCEPTABLE VISAS INCLUDE THE H1B AND OTHER H SERIES VISAS SUCH AS THE H-1C, H-2, H-3, AND H-4, THE CANADIAN AND MEXICAN NAFTA SERIES, THE E SERIES, THE G SERIES, THE L SERIES, THE NATO SERIES, AND THE O SERIES VISAS.

MISCONCEPTIONS:

- TRADITIONAL FINANCING IS HARDER BECAUSE THEY AREN'T CITIZENS OF THE UNITED STATES.

REALTY:

- PERMANENT RESIDENTS ARE TREATED JUST AS US CITIZENS WHEN IT COMES TO FINANCING. NON PERM RESIDENT ALIENS ARE JUST AS EASY AS LONG AS THEY HAVE AN UNEXPIRED ACCEPTABLE VISA TYPE & AN EMPLOYMENT AUTHORIZATION DOCUMENT (EAD CARD). BOTH WOULD BE ELIGIBLE FOR CONVENTIONAL OR GOVERNMENT BACKED.



DACA (DEFERRED ACTION FOR CHILDHOOD ARRIVALS)

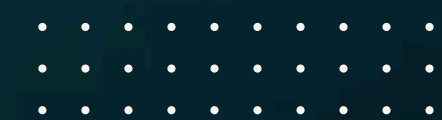
- DACA IS AN ADMINISTRATIVE RELIEF THAT PROTECTS ELIGIBLE IMMIGRANTS WHO CAME TO THE UNITED STATES WHEN THEY WERE CHILDREN. DACA PROVIDES PROTECTION FROM DEPORTATION & PROVIDES A WORK PERMIT (EAD CARD). AKA "DREAMERS". ALLOWS APPLICATION FOR A SS CARD & DRIVERS LICENSE AS WELL.

MISCONCEPTIONS:

- MANY LENDERS SHY AWAY DUE MISUNDERSTANDING OF THE RIGHTS OF THE DACA RECIPIENTS. WHEN DACA WAS PUT INTO LAW IN 2012, THERE WAS NOT CLEAR DIRECTION FROM THE AGENCIES (FNMA, FHLMC, FHA, USDA) ON HOW TO PROCESS.

REALTY:

- AS LONG AS THE DACA RECIPIENT HAS AN UNEXPIRED EAD CARD THEY MAY BE ELIGIBLE FOR TRADITIONAL FINANCING (CONVENTIONAL OR GOVERNMENT BACKED). THERE ARE NOW SPECIFIC GUIDELINES LENDERS CAN FOLLOW. HAVING AN EAD CARD CODED C33 SATISFIES VERIFICATION OF LAWFUL RESIDENCY.





ASYLUM

- REFERS TO PEOPLE WHO HAVE APPLIED FOR ASYLUM IN THE UNITED STATES, SEEKING REFUGE FROM PERSECUTION OR FEAR OF PERSECUTION IN THEIR HOME COUNTRY.

MISCONCEPTIONS:

- THEY MAY NOT BE ABLE TO STAY IN THE US AND OR ARE AWAITING APPROVAL, SO FINANCING ISN'T AVAILABLE.

REALTY:

- IF THEY HAVE BEEN GRANTED PERMANENT ASYLUM AND HAVE AN EXPIRED EAD CARD, THEY MAY BE ELIGIBLE FOR CONVENTIONAL AND GOVERNMENT BACK FINANCING. IF THEY ARE PENDING APPROVAL, MANY LENDERS WILL NOT DO THE LOAN, HOWEVER THERE ARE LENDERS THAT WILL.



POP QUIZ!!

1) WHAT IS AN EXPAT?

2) WHATS THE DIFFERENCE BETWEEN A PERMANENT AND NON PERMANENT RESIDENT ALIEN?

3) PENDING ASYLUM.. CAN THEY GET A LOAN?

4) WHAT DOES A DACA BORROWER NEED TO HAVE TO BE ELIGIBLE FOR TRADITIONAL FINANCING?



FOREIGN NATIONALS

- IN THE CONTEXT OF LENDING, A FOREIGN NATIONAL IS A NON-U.S. CITIZEN AUTHORIZED TO LIVE IN THE U.S. ON A TEMPORARY BASIS BUT DOES NOT MEET THE DEFINITION OF A NON-PERMANENT RESIDENT ALIEN. KEEP IN MIND, THE TERM FOREIGN NATIONAL CAN BE APPLIED TO ANYONE WHO IS NOT A CITIZEN OF THE UNITED STATES.

MISCONCEPTIONS:

- SINCE THEY DO NOT HAVE THE ABILITY TO WORK OR LIVE PERMANENTLY IN THE UNITED STATES, AND/OR BECAUSE THEY DO NOT HAVE A SOCIAL* THEY ARE NOT ELIGIBLE FOR FINANCING.

REALTY:

- PROGRAMS ARE AVAILABLE BUT TERMS & QUALIFICATION CAN VARY WIDELY. MOST OFTEN, THESE LOANS ARE TREATED AS A SECOND HOME OR INVESTMENT PROPERTY.

LOAN EXPECTATIONS FOR FOREIGN NATIONALS

*GENERAL GUIDANCE BELOW. QUALIFICATION & TERMS CAN VARY GREATLY AMONGST DIFFERENT LENDERS

CASH: MOST LENDERS WILL REQUIRE FUNDS BE SEASONED IN A US BANK ACCOUNT FOR AT LEAST 60 DAYS PRIOR TO LOAN CONSUMMATION. DOWNPAYMENTS VARY, USUALLY 20-35% DOWN IS REQUIRED. RESERVES OF 6-12 MONTHS ARE OFTEN REQUIRED.

CREDIT: MOST LENDERS WILL REQUIRE A 2 YEAR HISTORY OF CREDIT, PROVIDED THROUGH EITHER CREDIT REFERENCE LETTERS AND OR AN INTERNATIONAL CREDIT REPORT.

INCOME: DOCUMENT OF REPORTED/FILED INCOME IN THEIR HOME COUNTRY MUST BE DOCUMENTED **UNLESS** QUALIFIED IS BEING CARRIED BY THE SUBJECT PROPERTY CONSIDERING THE RENT VALUE (DSCR)

IDENTIFICATION: ACCEPTABLE VISAS: B-1, B-2, H-2, H-3, I, J-1, J-2, O-2, P-1, P-2. BORROWERS WHO ARE RESIDENTS OF COUNTRIES WHICH PARTICIPATE IN THE STATE DEPARTMENT'S VISA WAIVER PROGRAM, WILL NOT BE REQUIRED TO PROVIDE A VALID VISA.

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OPENING A US BANK ACCOUNT WITHOUT A SOCIAL

*GENERAL GUIDANCE BELOW. MOST BANKS WILL REQUIRE A SOCIAL SECURITY NUMBER.

For non-U.S permanent resident (without a Green Card) – Non-U.S. citizens, the following are acceptable forms of identification:

Primary or Secondary ID must contain a US Address

Primary ID

- Matrícula Consular Card
- Passport w/photo
- US Employment Authorization Card w/photo

Secondary ID

- Additional Primary ID
- Bank Statement <60 days old
- Driver's License w/photo (US)
- DS-2019
- Employer ID w/photo
- Employer Pay Stub / Pay Check / Letter with name & address
- Foreign National ID
- Other US Federal/State issued ID with or w/o photo
- State Issued ID w/photo (US)
- Student ID w/photo
- Student INS I-20 or ICE I-20
- Utility Bill w/name and address <60 days

HELPFUL LINKS

FOREIGN NATIONAL LOAN APPLICATION: [HTTPS://FORMS.GLE/JWMBYTUJCKZU3Q1F7](https://forms.gle/JWMBYTUJCKZU3Q1F7)

FOREIGN NATIONAL LOAN APPLICATION (SPANISH): [HTTPS://FORMS.GLE/UQPJWTIXXA2DREYG6](https://forms.gle/UQPJWTIXXA2DREYG6)

EAD APPLICATION: [HTTPS://WWW.USCIS.GOV/GREEN-CARD/GREEN-CARD-PROCESSES-AND-PROCEDURES/EMPLOYMENT-AUTHORIZATION-DOCUMENT](https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document)

GREENCARD APPLICATION: [HTTPS://WWW.USCIS.GOV/GREEN-CARD/HOW-TO-APPLY-FOR-A-GREEN-CARD](https://www.uscis.gov/green-card/how-to-apply-for-a-green-card)

SOCIAL SECURITY NUMBER APPLICATION: [HTTPS://WWW.SSA.GOV/FORMS/SS-5.PDF](https://www.ssa.gov/forms/ss-5.pdf)

ITIN APPLICATION: [HTTPS://WWW.IRS.GOV/PUB/IRS-PDF/FW7.PDF](https://www.irs.gov/pub/irs-pdf/fw7.pdf)

US EMBASSY LOCATIONS & CONTACT INFO: [HTTPS://WWW.USEMBASSY.GOV/](https://www.usembassy.gov/)

VISA DIRECTORY: [HTTPS://TRAVEL.STATE.GOV/CONTENT/TRAVEL/EN/US-VISAS/VISA-INFORMATION-RESOURCES/ALL-VISA-CATEGORIES.HTML](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html)

DHS: [HTTPS://WWW.DHS.GOV/](https://www.dhs.gov/)

THANK YOU!

★★★★★
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CONTACT US ANYTIME IF YOU NEED HELP WITH A CLIENT OR HAVE
MORTGAGE RELATED QUESTIONS!

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