



MFM Bulletin: 006-2025

Date: March 24, 2025

Subject: USDA Eligibility Requirements

On March 18, USDA terminated the temporary authority that allowed some non-U.S. citizens to be eligible to apply for a guaranteed loan. This change was effective immediately.

The temporary waiver, issued in April, 2022, previously allowed individuals with a valid social security number and work authorization, evidenced by documentation such as an Employment Authorization Document (EAD), Form I-766, to participate in the Single Family Housing Guaranteed Loan Program (SFHGLP). This waiver is no longer valid.

Loans in process and approved under the waiver that do not have a conditional commitment or have a conditional commitment issued and all conditions fulfilled are ineligible for USDA Guaranty and may not close.

Applicants must be a U.S. citizen, a qualified alien, or a U.S. non-citizen national as identified in HB-1-3555, Chapter 8:

- **Qualified Alien:** Refer to the attached [USDA Job Aid](#) for instructions to assist in determining the eligibility of qualified aliens for the Single Family Housing Guaranteed Loan Program (SFHGLP).
- **U.S. Non-Citizen National:** Is generally a person born in American Samoa or Swains Island or after the date the U.S. acquired American Samoa or Swains Island, or a person whose parents are U.S. non-citizen nationals.

In addition to the categories of qualified aliens, Native Americans born in Canada may also be eligible as lawfully admitted for permanent residence.

USDA will update Chapter 8 of Handbook 1-3555 shortly. We will provide additional information as soon as received.

Please contact the MFM Underwriting Dept. (underwriting@memberfirstmortgage.com) if you have any concerns pertaining to guidelines and/or eligibility.

Thank you

Job Aid to Assist in Determining the Eligibility of Qualified Aliens

The following guidance provides basic instructions to assist in determining the eligibility of qualified aliens for the Single Family Housing Guaranteed Loan Program (SFHGLP). This may not be a comprehensive list. The approved lender is responsible for verifying the accuracy of documents provided when determining the applicant's eligibility. All supporting documentation to verify the applicant's eligibility must be retained in the lender's permanent loan file. Additional information can be located in Chapter 8 of [Handbook-1-3555](#).

What Do I Need to Do?

Lenders must obtain valid documentation from the applicant to verify their qualified alien status for eligibility. The following documentation options serve as evidence of qualified alien status:

1. **CIS Form I-551, "Alien Registration Receipt Card"** (for permanent or conditional resident aliens).
2. **CIS Form I-688B, "Employment Authorization Card"** annotated "Provision of Law" followed by one of the following provisions:
 - 274a.12(a) (1);
 - 274a.12(c)(11);
 - 274a.12(a)(3);
 - 274a.12(a)(4);
 - 274a.12(a)(5); or
 - 274a.12(a)(10).
3. **CIS Form I-766, "Employment Authorization Document"** annotated as:
 - A3;
 - A5; or
 - A10.
4. **CIS Form I-571, "Refugee Travel Document."**
5. **CIS Form I-94, "Arrival-Departure Record"** with one of the following annotations:
 - Admitted as Refugee Pursuant to Section 207;
 - Section 208 or Asylum;
 - Section 243(h) or Deportation stayed by Attorney General;
 - Paroled Pursuant to Section 212(d)(5) of the INA; or
 - Admitted under Section 203(a)(7) of the INA.
6. If **Form I-94** lacks annotations, it can still serve as sufficient evidence if accompanied by:
 - A final court decision granting asylum (if no appeal is taken);

- A letter from a CIS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from a CIS district director granting asylum (if application was filed before October 1, 1990);
 - A court decision granting withholding of deportation; or
 - A letter from an asylum officer granting withholding or deportation (if application was filed on or after October 1, 1990).
7. **Receipt from CIS** which indicates that an application for a replacement document of one of the specified categories has been submitted and the supporting documentation has been verified to confirm the applicant's eligibility.
8. **Other Acceptable Evidence**, as designated by CIS and announced in the Federal Register.
9. **Native Americans born in Canada** may also be eligible as lawfully admitted for permanent residence. The documentation described above may be unavailable. To establish the applicants are qualified aliens, the Native American should provide all the following documentation:
- A letter from their Native American tribe stating that the alien has at least 50 percent Native American or Aboriginal blood (also referred to as the blood quantum);
 - Their Canadian "Certificate of Indian Status Card" with a red stripe along the top;
 - Their birth certificate;
 - If a Haudenosaunee, their Red I.D. Card;
 - If an Inuit, an Inuit enrollment card from one of the regional Inuit lands claim agreements;
 - Their social security card issued by the U.S. Social Security Administration; and
 - Their Canadian or United States driver's license.

In all cases, the lender must obtain evidence in their permanent loan file of the applicant's valid government-issued photo identification. The lender is responsible to determine the applicant is a qualified alien based on the circumstances of each individual case, using documentation the lender deems appropriate. By submitting the request for a Conditional Commitment to the Agency, the lender represents and warrants that the applicant meets the eligibility requirements of the SFHGLP.