



MFM Bulletin: 015-2026

Date: June 16, 2026

Subject: CFPB Statement on Ability to Repay and Immigration Status

The Bureau of Consumer Financial Protection (CFPB) issued a statement reaffirming lenders' obligations under the Truth in Lending Act regarding ability-to-repay determinations, including considerations related to immigration status. This statement is effective on June 8, 2026.

MFM follows all current agency and investor policies for non-permanent resident aliens who must demonstrate that they are legally present and have authorization to work in the United States. This can be verified through various documents, such as a valid employment authorization document (EAD), work visa, or other immigration status documentation.

We are providing this information to credit unions who may be currently (or considering) offering ITIN loans to ensure all credit unions appropriately evaluate each borrower's ability to repay in accordance with applicable regulatory expectations, regardless of borrower identification type or product offered. ITIN lending may serve as one example where these considerations are particularly relevant.

Below is CFPB's statement and a copy of the full Federal Register Notice is attached. We suggest you consult with your corporate counsel to ensure your interests are protected.

CFPB's Statement:

- (1) Reaffirms that creditors must make a reasonable and good faith determination of a consumer's ability to repay under 12 CFR 1026.43(c) for mortgage and dwelling-secured transactions, and under 12 CFR 1026.51(a) for open-end credit and credit cards, prior to consummation or account opening.
- (2) Clarifies that if information available at or before consummation — including the consumer's application, supporting records, or identification methods — indicates a reasonably expected change in repayment ability due to immigration status, the creditor is obligated, not merely permitted, to factor that information into the ability-to-repay determination. Failure to do so may constitute non-compliance with Regulation Z.
- (3) **Specifies that indicators of unlawful presence or risk of removal — such as use of an Individual Taxpayer Identification Number (ITIN) in lieu of standard identification, or direct disclosure — may signal a reasonably expected disruption to U.S.-based employment income and must be considered where U.S. physical presence is a condition of that employment.**
- (4) Confirms, consistent with Regulation B (12 CFR 1002.6(b)(7)), that creditors are expressly permitted to consider immigration status, lawful presence, and work authorization in underwriting, to the extent these factors bear on current or expected income used to assess repayment ability.



- (5) Notes that the obligation to consider immigration-related income disruption is triggered only when such a change is reasonably anticipatable from the application or records — changes that cannot reasonably be anticipated at consummation remain outside the scope of the compliance obligation per Comment 43(c)(1)-2.

Please contact the MFM Underwriting department (underwriting@memberfirstmortgage.com) if you have any questions or concerns.

Thank you

publication of the final results of this administrative review as follows: (1) the cash deposit rate for the companies listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be continue to be 7.39 percent, the all-others subsidy rate established in the investigation.⁷ These cash deposit instructions, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: June 2, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

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[FR Doc. 2026–11374 Filed 6–5–26; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER FINANCIAL PROTECTION BUREAU

Statement on Ability To Repay and Immigration Status

AGENCY: Consumer Financial Protection Bureau.

ACTION: Statement.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) is issuing this statement to remind creditors of their obligations under the Truth in Lending Act (TILA) as implemented by Regulation Z, and consistent with Executive Order 14406, titled “Restoring Integrity to America’s Financial System.”

DATES: This statement is applicable on June 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Ability To Repay Determinations

The Truth in Lending Act¹ and its implementing Regulation Z² require creditors to assess consumers’ ability to repay before offering mortgages and certain open-end credit products. This statement emphasizes to creditors that these requirements may obligate consideration of a consumer’s

immigration status, especially where removal from the United States may disrupt the consumer’s income.

Under TILA and Regulation Z, before lending to consumers for dwelling-secured transactions like mortgages, creditors must make “a reasonable and good faith determination at or before consummation that the consumer will have a reasonable ability to repay the loan according to its terms.”³ Regulation Z sets forth parameters that lenders must follow to make such “reasonable and good faith” determinations of a consumer’s ability to repay. For instance, a creditor must consider “the consumer’s current or reasonably expected income or assets.”⁴ Those creditors relying on a consumer’s current income must in turn consider their “current employment status.”⁵ As the regulations make clear, employment can take a number of forms—including part time, seasonal, irregular, and the like. A creditor may rely on any such employment income to determine loan repayment ability, “so long as the creditor considers those characteristics of the employment.”⁶ And for those creditors relying on the consumer’s expected income in addition to or instead of current income, “the expectation that income will be available for repayment must be reasonable and verified with third-party records that provide reasonably reliable evidence of the consumer’s expected income.”⁷

Similarly, credit card issuers must “consider[] the consumer’s ability to make the required minimum periodic payments.”⁸ That consideration may be based on information “provided by the consumer in connection with the account” or “obtained through third parties (subject to any applicable information-sharing rules).”⁹ And the information could include “any current or reasonably expected income or assets of the consumer.”¹⁰ To ensure card issuers evaluate a consumer’s ability-to-pay, regulations require that they “establish and maintain reasonable written policies and procedures to consider the consumer’s ability to make the required minimum payments under the terms of the account,” which “include treating any income . . . to which the consumer has a reasonable

³ 12 CFR 1026.43(c).

⁴ 12 CFR 1026.43(c)(2)(i).

⁵ 12 CFR 1026.43(c)(2).

⁶ Comment 43(c)(2)(ii)–1.

⁷ Comment 43(c)(2)(i)–3.

⁸ 12 CFR 1026.51(a).

⁹ Comment 51(a)(1)(i)–5.

¹⁰ Comment 51(a)(1)(i)–4.i.

⁷ See Order.

¹ 15 U.S.C. 1601 *et seq.*

² 12 CFR part 1026.

expectation of access as the consumer's income."¹¹

Importantly, Regulation Z makes clear that, in evaluating a consumer's ability to repay based on expected employment income, creditors need only consider repayment ability based on what is known when the decision to extend credit is made or the credit is issued, depending on the credit type.¹² Commentary to mortgage-related regulations explains that "[a] change in the consumer's circumstances after consummation . . . that cannot be reasonably anticipated from the consumer's application or the records used to determine a repayment ability is not relevant to determining a creditor's compliance with the rule."¹³ Likewise, while card issuers may use statistically sound and empirically derived models to calculate future income to which the consumer has a reasonable expectation,¹⁴ they need not make any particular predictions about the continued likelihood that a consumer will earn income in the absence of specific information that would reasonably allow them to make a determination about the nature of the income stream in the future.¹⁵ However, if the information the creditor considers when the decision to extend credit is made or the credit is issued indicates that there will be a change in repayment ability after consummation, a creditor must consider that information in order to have reasonably assessed a borrower's ability to repay.¹⁶

Lending and Immigration Status

In making lending decisions, creditors are permitted to take into account a wide range of information in order to make a reasonable assessment of a consumer's ability to repay. Regulation B, which implements the Equal Credit Opportunity Act (ECOA), expressly states that "[a] creditor may take the applicant's immigration status into account,"¹⁷ and that a creditor "may consider the applicant's immigration status or status as a permanent resident of the United States, and any additional information that may be necessary to ascertain the creditor's rights and remedies regarding repayment."¹⁸ Such a consideration may be necessary

because an "applicant's immigration status and ties to the community (such as employment and continued residence in the area) could have a bearing on a creditor's ability to obtain repayment."¹⁹ As the Bureau recently explained, "[a] credit applicant's immigration or citizenship status may present underwriting risks that typical assessments of financial capacity alone will not fully resolve. As Regulation B acknowledges, this is something creditors may legitimately consider."²⁰

II. Discussion

As discussed above, continued access to employment can be a key component of assessing a borrower's income. A borrower's income and indications of a change to that income are often critical to reasonably assessing a borrower's ability to repay. The Bureau issues this guidance to remind creditors that, when determining repayment ability, creditors relying on an individual's income derived from U.S.-based employment are permitted—and may, under certain facts and circumstances, be obligated—to consider information that bears on the consumer's underlying and continuing ability to earn income—when residency in the United States is a necessary component of such employment. Where a change "cannot be reasonably anticipated" from the application and relevant records, the change need not be considered.²¹

The obligation arises if documentation in the consumer's application or other records indicates that the consumer's repayment ability will change on account of their immigration status. In such a circumstance, a creditor must consider that information, just as they must consider anything else in the application or records at or before consummation indicating that there will be a change in a consumer's repayment ability after consummation.²² A failure to do so would overlook key information regarding the consumer's income, and may risk the creditor failing to reasonably assess the

consumer's ability to repay the credit sought.

In particular, a creditor's awareness of a consumer's immigration status may implicate a creditor's reasonable expectations about whether a consumer's income from U.S.-based employment will remain available for repayment. For example, a creditor may regard a credit applicant who is neither lawfully present nor permitted to work in the United States as being subject to removal, in light of the Administration's stated policy of removing any person unlawfully present in the United States.²³ Indications that an individual may not be lawfully present, and therefore may be at risk of removal, may come from various sources, including direct inquiry or the consumer's reliance on atypical identification methods, such as an Individual Taxpayer Identification Number (ITIN), typically issued to taxpayers to individuals who lack proof of legal residency.

To the extent a creditor's information regarding the borrower's immigration status indicates that the borrower may be an unlawfully present individual and removed from the United States, there is a danger that removal would render any such borrower unable to earn income derived from employment that requires physical presence in the United States. Accordingly, considering whether information regarding an applicant's immigration status indicates a reasonably expected change in future income is a matter of sound compliance practice. The Bureau expects compliance with the law and failure to account for such a reasonably expected change in income may not comply with a creditor's obligation to reasonably assess a borrower's ability to repay the loan or line of credit sought.

Of course, there are a wide variety of lawful immigration statuses in the United States.²⁴ Assessing how each status might bear on a lender's reasonable expectation that a consumer has the ability to repay an obligation with U.S.-based employment income is varied, and it cannot be assumed that consumers with different lawful statuses have identical abilities to repay. Accordingly, the Bureau cannot, and does not, provide a comprehensive

¹¹ 12 CFR 1026.51(a)(1)(ii).

¹² This includes the consummation of the mortgage loan and, in the case of credit cards, when a credit card account is opened or the credit limit is increased.

¹³ Comment 43(c)(1)–2.

¹⁴ Comment 51(a)(1)(i)–5.iv.

¹⁵ Comment 51(a)(1)(i)–2.

¹⁶ Comment 43(c)(1)–2.

¹⁷ 12 CFR part 1002, supp. I, comment 2(z)–2.

¹⁸ 12 CFR 1002.6(b)(7).

¹⁹ 12 CFR part 1002, supp. I, comment 6(b)(7)–1. "Accordingly, the creditor may consider immigration status and differentiate, for example, between a noncitizen who is a long-time resident with permanent resident status and a noncitizen who is temporarily in this country on a student visa." *Id.*

²⁰ CFPB, *Withdrawal of Joint Statement on the Equal Credit Opportunity Act and Noncitizen Borrowers*, 91 FR 1138, 1139 (Jan. 12, 2026).

²¹ Comment 43(c)(1)–2 (applicable in mortgage context); *see also* comment 51(a)(1)(i)–2 (credit card issuers).

²² Comment 43(c)(1)–2.

²³ E.O. 14159, "Protecting the American People Against Invasion," sec. 2 (Jan. 20, 2025), 90 FR 8443 (Jan. 29, 2025) (declaring the policy of the Administration "to faithfully execute the immigration laws against all inadmissible and removable aliens" and "achieve the total and efficient enforcement of those laws").

²⁴ *See* U.S. Dep't of Homeland Security, Office of Homeland Security Statistics, *Immigration*, <https://ohss.dhs.gov/topics/immigration>.

analysis of variations in immigration status and the consequent reasonable expectations as to a consumer's ability to repay a loan through expected income from U.S.-based employment. Rather, the Bureau reminds creditors when future changes in borrower income must be considered under Regulation Z. Regulation Z enables lenders to make these judgments by affirming their ability to lawfully consider the consumer's immigration status, lawful presence, authorization to work, and other factors that may indicate risk of removal insofar as it bears on their current or reasonably expected income from U.S.-based employment.

III. Regulatory Matters

As guidance, this statement does not have the force or effect of law. It has no legally binding effect, including on persons or entities outside the Federal Government.

The Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) has determined that this action is a "significant regulatory action" under E.O. 12866. Accordingly, OMB has reviewed this action.

In an abundance of caution, pursuant to the Congressional Review Act,²⁵ the Bureau will submit a report containing this statement and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the statement taking effect. OIRA has designated this statement as not a "major rule" as defined by 5 U.S.C. 804(2).

The Bureau has determined that this statement does not contain any new or substantively revised information collection requirements that would require approval by OMB under the Paperwork Reduction Act.²⁶

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2026-11447 Filed 6-5-26; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 26-0H]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency (DSCA), Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-0H.

Dated: June 3, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Transmittal No. 26-0H

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) (U) *Prospective Purchaser:* Government of Lebanon

(ii) (U) *Sec. 36(b)(1), AECA*
Transmittal No.: 20-30

Date: December 1, 2020

Implementing Agency: Army
Funding Source: Foreign Military Financing

(iii) (U) *Description:* On December 1, 2020, Congress was notified by congressional certification transmittal number 20-30 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act of up to three hundred (300) M1152 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs) (two purchases of one hundred fifty (150) each). Also included were spare and repair parts; publications and technical documentation; personnel training and training equipment; technical and logistics support services; and other related elements of logistical and program support. The estimated total value was \$55.5 million. Major defense equipment (MDE) constituted \$40 million of this total.

This transmittal notifies the addition of the following MDE items: one thousand (1,000) M1152 HMMWVs. The

following non-MDE items will also be included: spare and repair parts; publications and technical documentation; personnel training and training equipment; technical and logistics support services; and other related elements of program and logistics support. The estimated total value of the new items is \$300 million. The estimated MDE value will increase by \$254.5 million to a revised \$294.5 million. The estimated non-MDE value will increase by \$45.5 million to a revised \$61 million. The estimated total case value will increase by \$300 million to a revised \$355.5 million. MDE constitutes \$294.5 million of this total.

(iv) (U) *Significance:* This notification accounts for requested additional MDE and non-MDE items not included in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed articles and/or services will support Lebanon's capability to meet current and future threats by improving its ability to move troops and supplies around the country to counter violent extremist organizations.

(v) (U) *Justification:* This proposed sale will support the foreign policy and national security of the United States by improving the security of a partner country that continues to be an important force for political stability and economic progress in the Middle East.

(vi) (U) *Sensitivity of Technology:*

The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) (U) *Date Report Delivered to Congress:* May 8, 2026

[FR Doc. 2026-11405 Filed 6-5-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 26-0J]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency (DSCA), Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

²⁵ 5 U.S.C. 801 *et seq.*

²⁶ 44 U.S.C. 3501 *et seq.*