

Section 1.24 – Non-Permanent Resident Alien Requirements

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Overview

General

- Non-permanent resident aliens are non-United States citizens who are permitted to reside in the United States on a temporary basis and may have been granted authorization to work in the U.S. by the U.S. Citizenship & Immigration Services (USCIS).
 - There are two criteria for a “non immigrant” to be permitted to reside in the U.S. The borrower must provide proof of **legal residency** and proof of their **legal purpose** in the U.S. (i.e., work, travel, etc.).
 - Visa status allows a borrower to enter the U.S. for various reasons for a certain period of time, as well as providing both legal non-permanent residency and legal purpose.
 - The following non-immigrants are ineligible for financing:
 - Foreign Nationals (Non-Resident Aliens) – excludes Foreign Nationals from Canada and Mexico working under the terms of NAFTA;
 - Borrowers with temporary protected status;
 - Borrowers with diplomatic immunity;
 - Non-permanent resident aliens as non-occupying co-borrowers;
 - Non-U.S. citizens with no lawful residency in the U.S.
 - Either a copy of the unexpired visa **or** an acceptable I-797 *Notice of Action/Notice of Approval* form with valid extension dates **and** the I-94 *Arrival/Departure Receipt* must be included in the loan file evidencing one of the visa classifications listed below. No other visas are acceptable. For more information and a complete list of visa classifications, visit the USCIS website at www.uscis.gov/portal/site/uscis
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Related Bulletins

General

Related bulletins are provided below in PDF format. To view the list of published bulletins, select the applicable year below.

- [2018](#)
 - [2016](#)
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Visa Classifications

General

All non-permanent resident aliens must have a valid social security number and provide evidence of a valid passport with an acceptable visa classification. The acceptable visa classifications are shown below.

E Series (E-1, E-2, E-3) Treaty Trader/Investor

- Applies to nationals of countries with which the United States has a treaty concerning commerce and navigation who are coming to the United States to carry out "substantial" trade, between the United States and the treaty country, or to direct operations of an enterprise in which the national has invested.
 - If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skill capacity.
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G Series (G-1, G-2, G-3, G-4, G-5) International Organization

- Applies to employees of international organizations that are located in the United States.
 - Some examples include the United Nations, Red Cross, World Bank, UNICEF and the International Monetary Fund.
 - Verification that the applicant does not have diplomatic immunity must be obtained from the applicant's employer and/or by viewing the applicant's passport.
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H Series (H-1B, H-1C, H-2, H-3, H-4) Temporary Worker

- Applies to persons in specialized knowledge along with at least a bachelor's degree or its equivalent, and their immediate family members. For example, architecture, engineering, development projects administered by the Department of Defense, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts.
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Visa Classifications, Continued

L Series (L-1A, L-1B, L-2) Intra-Company Transferee

- L-1A and L-1B applies to professional employees who have been employed continuously for 1 year by a non-U.S. firm or corporation who are temporarily transferred to an office, branch, or subsidiary of that company in the United States.
 - The L-2 applies to the spouse and children of the L-1 nonimmigrant.
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NATO Series (NATO 1-6)

Applies to representatives, officials, and experts coming to the U.S. under applicable provisions of the NATO Treaty and their immediate family members.

O Series (O-1)

Applies to an individual with extraordinary ability in sciences, arts, education, business or athletics

TN-1, Canadian NAFTA visa

Used by Canadian citizens for professional or business purposes.

TN-2, Mexican NAFTA visa

Used by Mexican citizens for professional or business purposes.

Visa Guidelines

Conventional Specific Guidelines

- These conventional guidelines apply to all conventional products allowing a non-permanent resident alien as an eligible borrower.
- For non-permanent resident aliens who have an unexpired visa, if the visa will expire within six (6) months of loan application and the borrower has not changed employers, a copy of the employer's letter of sponsorship for visa renewal must be provided. If the borrower is or has changed employers at or after loan application, a valid employment authorization document (EAD) must be obtained.

Note: Initial EADs are valid for one (1) or two (2) years while the Application for Adjustment of Status (green card) is pending. For EADs expiring within 90 days after the date of loan closing, documentation must be obtained that the borrower has applied for a renewal of their EAD.

- An I-797 *Notice of Action/Notice of Approval* with valid dates may be used as sufficient evidence of lawful U.S. residency. This document **must** reference an acceptable visa classification and indicate an expiration date no earlier than twelve (12) months after loan closing (Note date).
- If the employer on the I-797 *Notice of Action/Notice of Approval* is different than the employer listed on the loan application, the I-797 is no longer valid.
- If either the visa or the I-797 *Notice of Action/Notice of Approval* will expire outside the SunTrust guidelines (visa within six (6) months after loan application, I-797 within twelve (12) months after loan closing), it is acceptable to obtain a letter from the employer documenting the borrower's continued employment and continued visa renewal sponsorship (employer on the loan application must be the same as on the unexpired visa).
- If a non-permanent resident alien is borrowing with a U.S. citizen, it does NOT eliminate or reduce any visa or other non-permanent resident alien documentation requirements.
- 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 the U.S. Department of State's Diplomatic List at www.state.gov/s/cpr/rls/.
- All borrowers are subject to the Bank Secrecy Act (BSA), the USA PATRIOT Act, the Customer Identification Program (CIP), the Office of Foreign Assets Control (OFAC) and SunTrust's client risk assessment process.

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Visa Guidelines, Continued

FHA Specific Guidelines

- A non-permanent resident alien/nonimmigrant is a non US citizen that is not Permanent Resident Alien (green card)/immigrant.
 - Non-permanent Resident Aliens/Nonimmigrants are eligible with the following Visa classifications:
 - E, G, H, L, NATO, O or TN
 - The following must be provided to document eligibility:
 - Valid passport with acceptable Visa classification
 - Evidence of unexpired Employment Authorization Document
 - Borrowers with Diplomatic Immunity are ineligible.
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VA Specific Guidelines

Reference: See “Permanent Resident Aliens and Non-Permanent Resident Aliens” outlined in [Section 2.23: Veterans Administration \(VA\) Loan Program](#) of the *Correspondent Seller Guide*.

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Visa Guidelines, Continued

Borrowers Applying for Permanent Resident Alien Status

- Borrowers in the process of changing their residency status from non-permanent resident alien to permanent resident alien are eligible.
- The following must be included in the loan file:
 - I-797A showing “approved,”
 - letter from employer verifying employment,
 - an unexpired EAD,

Note: Initial EADs are valid for one (1) or two (2) years while the Application for Adjustment of Status (green card) is pending. A valid EAD is one that will not expire within 90 days after the date of loan closing. For EADs expiring within 90 days after the date of loan closing, documentation must be obtained that the borrower has applied for a renewal of their EAD.

- Non-permanent resident alien visa requirements **do not apply**.
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Qualification/Credit Guidelines

General

These qualification/credit guidelines apply to all SunTrust products. The more restrictive of the product guidelines will apply.

Agency Loan Programs

- Applies to AUS and non-AUS transactions.
 - Guidelines per the applicable Agency Loan product description apply, except as follows:
 - A valid Social Security Number (SSN) is required for all non-U.S. citizen borrowers.
 - SunTrust does not allow the use of an Individual Tax Identification Number (ITIN) in lieu of a valid SSN. An ITIN is a nine digit number, beginning with the number 9, issued by the IRS for tax reporting purposes to non-U.S. citizens who are not eligible to obtain an SSN. Individual Tax Identification Number (ITIN) and/or a Matricula Consular Card do not evidence a borrower's right to earn income in the U.S.
 - Credit History
 - Credit History guidelines per the applicable Agency loan product will apply.
 - All borrowers on the loan must meet the minimum required credit score for the loan program they are applying for.
 - The lender must document all sources of funds used for down payments and closing costs. Funds that a non-U.S. citizen borrower recently deposited in a U.S. depository institution are an acceptable source of funds provided all of the following requirements are met:
 - There is documented evidence of funds transfer from the country from which the borrower immigrated,
 - It can be established that the funds belonged to the borrower before the date of the transfer, and
 - The sources of all funds used for closing can be verified just as they would for a borrower who is a U.S. citizen.

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Qualification/Credit Guidelines, Continued

General,
(continued)

Portfolio Loan Programs

- Eligible for Primary Residence only.
- Eligible for purchase or rate/term refinance only.
- A valid Social Security Number (SSN) is required for all non-U.S. citizen borrowers.
 - SunTrust does not allow the use of an Individual Tax Identification Number (ITIN) in lieu of a valid SSN. An ITIN is a nine digit number, beginning with the number 9, issued by the IRS for tax reporting purposes to non-U.S. citizens who are not eligible to obtain an SSN. Individual Tax Identification Number (ITIN) and/or a Matricula Consular Card do not evidence a borrower's right to earn income in the U.S.
- Verification of at least two (2) years employment in the U.S. or multi-national company is required. All standards for determining stable monthly income must be applied in the same manner to each borrower.
- A two (2) year established credit history is required. For standard Agency non-AUS transactions only, non-traditional credit histories may be used for borrowers without credit records if they cover a full two (2) year period. Credit references from a foreign country may be used to build a non-traditional credit history or supplement a U.S. credit report if they cover a full two (2) year period.
- Borrowers who are using foreign income for qualifying purposes are not eligible.
- All borrowers on the loan must meet the minimum required credit score for the loan program they are applying for.
- Funds for the down payment, closing costs and reserves must be verified as being on deposit in a U.S. depository institution prior to closing. Funds recently deposited into a U.S. depository institution are an acceptable source of funds if there is evidence that the funds were transferred from the country from which the borrower permanently resides, and it can be established that the funds were the borrower's before the date of transfer. A copy of *The Wall Street Journal* showing the conversion rate used should be provided in the loan file along with a written conversion of the beginning and ending balances.

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