

**To:** All Customers **From:** Credit Risk  
**Date:** 06/17/21 **Memo#:** 21075  
**Subject:** **FHA – Eligibility Requirements for Certain Non-Permanent Resident Borrowers**

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The guidance in the ML [\(ML\) 202-12](#) may be implemented immediately; however, it must be implemented for mortgages with case numbers on or after July 26, 2021.

The purpose of this Mortgagee Letter [\(ML\) 202-12](#) is to clarify the eligibility of FHA insured financing for Deferred Action for Childhood Administration (DACA) recipients, while amending the documentation requirements for citizens of the Freely Associated States (FAS) and H-1B nonimmigrants.

- This ML clarifies and continues existing eligibility requirements for Non-Permanent Residents granted deferred action pursuant to DACA policy previously addressed in the January 19, 2021 waiver.
- This ML eliminates the requirement to obtain an EAD for Non-Permanent Residents who are citizens of the FAS and certain individuals maintaining lawful H-1B nonimmigrant status who have demonstrated stable employment.
- The Residency Requirements section of [Handbook 4000.1](#) is being updated to incorporate these requirements and for further clarity.

#### RESOURCES

- [Mortgagee Letter 2021-12](#)
- [Single Family Housing Policy Handbook 4000.1](#)

#### **CUSTOMER SUPPORT**

If you have questions, please email [underwritingsupport@flagstar.com](mailto:underwritingsupport@flagstar.com) or call the underwriting support desk at (866) 945-9872