

RD AN No. 4402 (1980-D)  
November 17, 2008

TO: All State Directors  
Rural Development

ATTENTION: Rural Housing Program Directors,  
Guaranteed Rural Housing Coordinators,  
Area Directors and Area Specialists

FROM: Russell T. Davis (*Signed by Russell T. Davis*)  
Administrator  
Housing and Community Facilities Programs

SUBJECT: Eligibility of Non-U.S. Citizens for Single Family Housing Guaranteed Loan  
Program Assistance and the Systematic Alien Verification for Entitlements  
Program

PURPOSE/INTENDED OUTCOME:

This Administrative Notice (AN) is intended to furnish guidance concerning access to the Systematic Alien Verification for Entitlements (SAVE) Program database maintained by the Department of Homeland Security (DHS) Citizenship and Immigration Service (CIS). SAVE may assist in determining whether non-U.S. citizens are qualified to receive Federal assistance. This AN also describes what documentation non-U.S. citizens must supply when SAVE does not achieve a determination, in order to be considered for a loan note guarantee under the Single Family Housing Guaranteed Loan Program (SFHGLP).

COMPARISON WITH PREVIOUS AN:

This AN revises and replaces RD AN No. 4302 which was dated July 31, 2007, and is hereby retired. A minor addition is incorporating that, no matter what Class Of Admission (COA) is returned by SAVE, if the response states "LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED" then the applicant is a qualified alien. Also, further guidance is provided for instances when SAVE has returned an inconclusive result but the alien has submitted immigration documentation that appears to meet those listed in this AN.

EXPIRATION DATE:  
October 31, 2009

FILING INSTRUCTIONS:  
Preceding RD Instruction 1980-D

Agency personnel using SAVE are reminded that they should enter only Alien Identification Numbers into SAVE; social security numbers or other numbers will not yield valid results.

#### BACKGROUND:

The Housing and Community Facilities Programs have entered into an “Interagency Agreement” with the CIS. This agreement enables Housing and Community Facilities Program staff to obtain online immigration status information to assist in determining a non-citizen applicant’s program eligibility. In most cases, SAVE will provide immediate responses concerning the immigration status of an applicant. This program is available to all Housing and Community Facilities Programs.

RD Instruction 1980-D, section 1980.346(c), limits eligibility for individuals who receive a loan note guarantee under the Single Family Housing Guaranteed Loan Program (SFHGLP) to those who:

reside as a citizen in any of the 50 States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas, Federated States of Micronesia, and the Republics of the Marshall Islands and Palau, or a non-citizen who resides in one of the foregoing areas after being legally admitted to the U.S. for permanent residence or on indefinite parole.

The term “indefinite parole” is no longer a term used by the CIS, formerly known as the Immigration and Naturalization Service (INS). Instead, under Section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (8 U.S.C. Section 1611) lenders and the Agency must determine whether the applicant for a guaranteed loan is a U.S. citizen, a U.S. non-citizen national, or a “qualified alien.”

Generally, a U.S. non-citizen national is 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. Typical evidence of the relatively uncommon status as a non-citizen national includes a birth certificate or passport, and persons who are non-citizen nationals are eligible for consideration under the SFHGLP.

A “qualified alien” is defined under PRWORA (8 U.S.C. Section 1641) as:

- 1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act;
- 2) an alien who is granted asylum under section 208 of such Act;
- 3) a refugee who is admitted to the United States under section 207 of such Act;
- 4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year;
- 5) an alien whose deportation is being withheld under section 243(h) of such Act; or
- 6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;

- 7) an alien who is a Cuban/Haitian Entrant as defined by section 501(e) of the Refugee Education Assistance Act of 1980; or
- 8) An alien who has been battered or subjected to extreme cruelty under section 431 of the Immigration and Nationality Act (INA).

Native Americans born in Canada also may be considered as lawfully admitted for permanent residence under RD Instruction 1980-D, section 1980.346. Please refer to the documentation section below.

The Department of Housing and Urban Development (HUD) will insure loans to non-permanent resident aliens provided that the borrower occupies the property as a residence, has a social security number, and is eligible to work in the United States. Despite HUD's operating policy in this regard, the USDA Office of the General Counsel has determined that the SFHGLP may not permit loans to be guaranteed unless the non-permanent alien is deemed to be a qualified alien.

### IMPLEMENTATION RESPONSIBILITIES:

Lenders must secure proof of identity and evidence that non-citizens who apply for a guaranteed loan are qualified aliens. The evidence confirming qualified alien status may be obtained after the lender has received an application for credit from the potential borrower. The lender should obtain the documentation described below. Alternately, the lender may obtain the non-citizen's alien identification number and communicate it to the Agency office servicing their area. Agency staff will then submit the alien's identification number to SAVE and, in most cases, will be able to promptly inform the lender of the applicant's eligibility status based on the aliens COA.

Selected Agency personnel will be supplied a user name and password to access the SAVE website. Each State Office should submit the name, telephone number, and address of one person who will administer user access to SAVE for the State by email to Dave Chaput at david.chaput@wdc.usda.gov. The person will then be given "supervisor" access and will be able to establish other SAVE supervisors and users within their State Office jurisdiction.

**U.S. Citizenship and Immigration Services**  
Verification Information System Logon

You have been successfully logged out.

Please login:

User ID:

Password:

\* = required entry

**WARNING** - This system is for the use of authorized users only. Individuals using this computer system without authority, or in excess of their authority, are subject to having all of their activities on this system monitored and recorded by system personnel. In the course of monitoring individuals improperly using this system, or in the course of system maintenance, the activities of authorized users may also be monitored. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of criminal activity, system personnel may provide the evidence of such monitoring to law enforcement officials.

This AN is not a tutorial or a user guide. Agency staff should complete the SAVE tutorial section once logged on and prior to using the system. After the tutorial is completed, the employee will be able to

enter the applicant's Alien Identification Number (9 digits) into the "Alien Number" field, select the program for which the alien is seeking a benefit, and submit the information for processing. Social Security numbers, driver's license numbers, or any number other than an Alien Identification Number **will not** yield a valid result.

U.S. Citizenship and Immigration Services  
WEB-1 Initial Verification

On-Line Resources | Tutorial | Return to Home | About | Exit

Case Administration  
Initial Verification  
Additional Verification  
View Cases  
User Administration  
Change Password  
Change Profile  
Reports  
View Reports

Enter Initial Verification Information

Alien Number:  \*

Benefits:  \*

(select one or more)

- USDA Housing Grants
- USDA Housing Loans
- USDA Loan Guarantees
- USDA Rent Assistance

Submit Initial Verification Cancel

\* = required entry

The system will normally respond within seconds of the applicant's eligibility and a COA code. In some cases SAVE will also give a "System Response" indicating the alien's status, however in most cases the Agency should rely on the COA code.

U.S. Citizenship and Immigration Services  
WEB-1 Case Details

On-Line Resources | Tutorial | Return to Home | Case Verification Number: 2006011612

Case Administration  
Initial Verification  
Additional Verification  
View Cases  
User Administration  
Change Password  
Change Profile  
Reports  
View Reports

Initial Verification

Alien Number:  Benefits:  USDA Loan Guarantees

Initiated By: DCHAJ1612 Initiated On: 03/17/2006

Initial Verification Results

Last Name:  First Name: DAVID  
Middle Initial: A COA: IR7  
Country: A Date of Birth: 01/27/1980  
Date of Entry: 07/30/1996 EAD Expiration Date:  
System Response: **LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED**

Print Case Details Request Additional Verification Complete and Close Case

\* = required entry

Agency staff should compare the COA code to those in the tables below. If the code appears in the “Eligible for Benefits” table, print the case verification for the file and proceed with the loan guarantee. No matter what the COA, if the response states “LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED” the borrower is eligible for our benefit.

Alien COA Codes ELIGIBLE for Benefits

A11	AS7	C21	CB7	E12	EC7	F38	HD7	IW2	P23	SK2	SR3
A12	AS8	C22	CF1	E13	EC8	F41	HD8	IW6	PH6	SK3	SR6
A16	B11	C23	CF2	E14	ES1	F42	HD9	IW7	R2	SK4	SR7
A17	B12	C24	CH6	E15	ES6	F43	HE6	K19	R3	SK6	SR8
A31	B16	C25	CR1	E16	EW0	F46	HE7	K20	R51	SK7	T51
A32	B17	C26	CR2	E17	EW3	F47	HE8	K1C	RE	SK8	T52
A33	B20	C27	CR6	E18	EW4	F48	HE9	K1P	RE5	SK9	T53
A36	B21	C28	CR7	E19	EW5	FX1	IB0	LA6	RE6	SL1	T56
A37	B22	C29	CU0	E21	EW8	FX2	IB1	LB1	RE7	SL6	T57
A38	B23	C31	CU6	E22	EW9	FX3	IB2	LB2	RE8	SD3	T58
A41	B24	C32	CU7	E23	F11	FX6	IB3	LB6	RE9	SM0	USC
A42	B25	C33	CU8	E26	F12	FX7	IB5	LB7	RF	SM1	W16
A46	B26	C36	CU9	E27	F16	FX8	IB6	M1	SD1	SM2	W26
A47	B27	C37	CUP	E28	F17	GA6	IB7	M2	SF1	SM3	W36
AA1	B28	C38	CX1	E30	F20	GA7	IB8	M83	SF2	SM4	W46
AA2	B29	C41	CX2	E31	F21	GA8	IC6	M93	SF6	SM5	X
AA3	B31	C42	CX3	E32	F22	HA6	IC7	MR0	SF7	SM6	XB3
AA6	B32	C46	CX6	E34	F23	HA7	IF1	MR6	SG1	SM7	XE3
AA7	B33	C47	CX7	E35	F24	HA8	IF2	MR7	SG2	SM8	XF3
AA8	B36	C51	CX8	E36	F25	HA9	IR0	NA3	SG6	SM9	XN3
AM1	B37	C52	DS1	E37	F26	HB6	IR1	NC6	SG7	SN1	XR3
AM2	B38	C53	DV1	E39	F27	HB7	IR2	NC7	SH1	SN2	Y64
AM3	BX1	C56	DV2	E51	F28	HB8	IR3	NC8	SH2	SN3	Z03
AM6	BX2	C57	DV3	E52	F29	HB9	IR4	NC9	SH6	SN4	Z13
AM7	BX3	C58	DV6	E53	F31	HC6	IR5	NP8	SH7	SN6	Z15
AM8	BX6	C7P	DV7	E56	F32	HC7	IR6	NP9	SJ2	SN7	Z33
AR1	BX7	CB1	DV8	E57	F33	HC8	IR7	P1-1	SJ6	SN8	Z43
AR6	BX8	CB2	E10	E58	F36	HC9	IR9	P21	SJ7	SN9	Z56
AS6	C20	CB6	E11	EC6	F37	HD6	IW1	P22	SK1	SR2	Z66
											Z83

The following table represents COA codes that are either inconclusive or which indicate the applicant is not a qualified alien. In these cases, the loan should not be guaranteed without additional documentation that establishes the alien is qualified to receive Federal assistance. The alien should submit at least one of the items described in the section below named “Documentation that a Non-Citizen is a Qualified Alien.” If the alien is not able to submit such documentation, they have not established they are a qualified alien and a Loan Note Guarantee should not be issued.

Ineligible or Inconclusive COA Codes

991	BC3	DE	EX7	H1C	IT3	N3	NT8	R52	S2D	SL6	T43	TW2
992	BC6	DEC	EX8	H2	IT6	N4	O1	R53	SB1	SO1	T46	TW3
993	BC7	DT1	EXC	H3	IT7	N5	O2	R56	SC1	SO2	T47	U1
994	BC8	DT2	EXP	H4	IT8	N6	O3	R57	SC2	SU0	TA	U2
999	BCC	DT3	F1	H2B	J1	N7	OP	R58	SC6	SU2	TB	U3
A1	BCD	DT4	F2	H2R	J2	N8	P1	RAD	SC7	SU6	TC	U4
A2	BE	DT5	F3	HK1	K1	N9	P2	RE1	SD1	SU7	T48	U5
A3	C1	DT6	FFD	HK2	K2	N51	P3	RE2	SD2	SU8	T1D	UN
ABD	C2	DT7	FFG	HK3	K3	N52	P4	RE3	SD3	SU9	T2D	UU
ABS	C3	DT8	FFP	HK6	K4	N53	PAC	RE4	SD6	SY6	T3D	V1
AO	C4	DX	FFW	HK7	L1	N56	PEN	REC	SD7	SY7	TC1	V2
AS	CC	E1	FUG	HK8	L2	N57	PL1	REM	SD8	SY8	TC2	V3
AS1	CH	E2	G1	HR 2267	LE1	N58	PL2	REP	ST0	T1	TD	W1
AS2	CP	E3	G2	I1	LE2	NATO1	Q1	RN6	ST6	T2	TF1	W2
AS3	CS1	EF	G3	I51	LPR	NATO2	Q2	RN7	ST7	T3	TF2	WI
ASD	CS2	EP	G4	I52	LU1	NATO3	PL2	RW	ST8	T4	TN	W1D
ASP	CS3	ER	G5	I53	LU2	NATO4	PR	S1	ST9	T5	TR	W2D
ASR	CSS	ERF	GB	I56	M11	NATO5	Q1	S2	SDF	T21	TR1	W3D
AY1	D1	ERP	GR	I57	MI2	NATO6	Q2	S4	SE1	T22	TR2	WB
AY2	D2	ERR	GT	I58	MI3	NATO7	Q3	S8	SE2	T23	TR6	WD
AW	DA	EWI	H1	ID6	M11	NT1	R1	S9	SE3	T26	TR7	WR
B1	DAS	EX1	H1A	IJ	MI2	NT2	R5	S13	SE6	T27	TRM	WT
B2	DEP	EX2	H2A	IMM	MI3	NT3	R2	S16	SE7	T28	TS1	Z14
BC1	DHR	EX3	H1B	IT1	N1	NT6	R4	S26	SE8	T41	TS2	ZM1
BC2	DNA	EX6	H1B1	IT2	N2	NT7	R51	S1D	SL1	T42	TW1	ZM2

The SAVE screens provide a function to “Request Additional Verification” as illustrated in the screen print below. If SAVE is unable to provide a COA code, Agency staff **should not** click on the “Request Additional Verification” button without checking with the National Office first. There is an additional cost to “Request Additional Verification” and in most cases this option will not yield a better result than the first one. Frequently, aside from the additional cost, the “Request Additional Verification” function will only result in SAVE requesting that the alien documentation be mailed to CIS along with a CIS form. Agency staff should not use the “Request Additional Verification” function without first consulting with the National Office.

U.S. Citizenship and Immigration Services  
WEB-1 Case Details

On-Line Resources | Tutorial | Return to Home

Case Verification Number: 2006193085452WB

**Initial Verification**

Alien Number: 683122579      Benefits:

Initiated By: TREMOLS2      Initiated On: 07/12/2006

**Initial Verification Results**

Last Name:      First Name:  
Middle Initial:      COA:  
Country:      Date of Birth:  
Date of Entry:      EAD Expiration  
Date:      Date:

System Response: INSTITUTE ADDITIONAL VERIFICATION

          

Do not "Request Additional Verification" without checking with the National Office first.

\* = required entry

The Agency should rely on the COA code returned by the first submission to SAVE. On occasion, a SAVE user may receive a COA code that is not mentioned in this AN. In such cases, the SAVE user should contact the National Office for further assistance.

In all cases, non-citizens legally admitted into the United States will have an Alien Identification Number. In the rare occasion where a number is not available or known, the **applicant** should contact the CIS. There are cases where an alien has been legally in the US for a long period of time, and the Department of Homeland Security has supplied them with a number, but the alien did not ever receive or has misplaced the number.

As mentioned above, approved lenders should obtain proof of identity and evidence that non-citizens who apply for a guaranteed loan are qualified aliens. If the lender has done so and supplies Agency personnel with an Alien Identification Number, Agency staff should attempt using SAVE to verify a non-citizens immigration status in the United States. The documentation described below may also be obtained to verify whether the alien is a qualified alien.

Please note that if the SAVE response was inconclusive and the alien submits one of the documents below, or if the SAVE inconclusive result arose from an Alien Identification Number which was taken from one of the documents listed below, then the authenticity or validity of the document may be in question. **In such cases, Agency personnel must immediately contact the National Office for additional instructions.**

#### Documentation that a Non-Citizen is a Qualified Alien

Any of the following documents are acceptable evidence of eligible immigration status:

1. CIS Form I-551, "Alien Registration Receipt Card" (for permanent or conditional resident aliens);
2. In some cases, the CIS will stamp a page of the alien's passport with the following information:

PROCESSED FOR I-551  
TEMPORARY EVIDENCE OF  
LAWFUL ADMISSION FOR  
PERMANENT RESIDENCE  
VALID UNTIL \_\_\_\_\_  
EMPLOYMENT AUTHORIZED

In these cases, the CIS official will handwrite the expiration date of the stamp in the blank space after the words "valid until," and may also handwrite the date of issuance above the stamp. Whenever this documentation is submitted as evidence of qualified alien status, a copy of the passport, including the stamped page, should be sent to the nearest CIS District Office along with CIS Form G-845S, "Document Verification Request." The CIS will return CIS Form G-845S to the requesting office with an indication whether the document is valid and relates to a permanent or conditional resident alien. CIS Form G-845S is available online at the following address:  
<http://www.uscis.gov/files/form/g-845s.pdf>

3. CIS Form I-688B, "Employment Authorization Card," which must be annotated "Provision of Law" followed by one of the provisions listed below:
  - 274a.12(c)(11),
  - 274a.12(a)(1),
  - 274a.12(a)(3),
  - 274a.12(a)(4),
  - 274a.12(a)(5),
  - 274a.12(a)(10).
4. CIS Form I-766, "Employment Authorization Document" annotated as follows:
  - A3, or
  - A5, or
  - A10.
5. CIS Form I-571, "Refugee Travel Document";
6. 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";
  - "Admitted under Section 203(a)(7) of the INA."



7. If Form 1-94 is not annotated, it will still be acceptable evidence of eligible immigration status if it is accompanied by one of the following documents:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from a CIS asylum officer granting asylum (if application is 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 of deportation (if application filed on or after October 1, 1990).
8. A receipt issued by the CIS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified; or
9. Other acceptable evidence. If other documents are determined by the CIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

If the documentation described above appears to be altered or counterfeit, or if the alien presents unfamiliar CIS documentation, the Agency should complete CIS Form G-845S, "Document Verification Request," and forward it to the nearest CIS District Office for review. A copy of CIS Form G-845S is available on the internet at the following location <http://www.uscis.gov/files/form/g-845s.pdf>. Fully readable copies (front and back) of the original immigration documents should be attached to the CIS Form G-845S when it is submitted to the CIS District Office. The original documents should be returned to the non-citizen. There is a 10 business day CIS processing period. The location of CIS District Offices is available on the internet at [https://egov.immigration.gov/crisgwi/go?action=offices.type&OfficeLocator.office\\_type=LO](https://egov.immigration.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=LO).

#### Documentation for Native Americans in the United States under the Jay Treaty

In addition to the categories of qualified aliens described above, Native Americans born in Canada may also be eligible as lawfully admitted for permanent residence under RD Instruction 1980-D, section 1980.346. They might not possess any of the documentation described above, and the Agency might not be able to verify their status through SAVE. To establish that they are a qualified alien, the Native American should provide **all** of the documentation listed below, as described in the Wabanaki Legal News. The Wabanaki Legal News is available on the internet at <http://www.ptla.org/wabanaki/jaytreaty.htm>.

- 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 an 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;
- Their Canadian or U.S. driver license.

Should there be any comments or questions concerning this AN, please contact Joaquín Tremols or David Chaput at (202) 720-1452. Their respective email addresses are [joaquin.tremols@wdc.usda.gov](mailto:joaquin.tremols@wdc.usda.gov) and [david.chaput@wdc.usda.gov](mailto:david.chaput@wdc.usda.gov).