

RD AN No. 4723 (1980-D)
July 24, 2013

TO: State Directors
Rural Development

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

FROM: Tammye Treviño (Signed by *Dominique M. McCoy*) for
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 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 describes what documentation non-U.S. citizens must supply for SAVE to 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. 4556 (1980-D), dated March 2, 2011, which expired February 29, 2012. Changes to this AN include modifications of the implementation responsibilities for agency staff. In addition, all staff using the SAVE are required to complete the SAVE tutorial guide.

EXPIRATION DATE:
July 31, 2014

FILING INSTRUCTIONS:
Preceding RD Instruction 1980-D

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 only Housing and Community Facilities Program staff. RD Instruction 1980-D, Section 1980.346(c), limits eligibility for individuals who receive a loan note guarantee under the 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:

- an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act; an alien who is granted asylum under Section 208 of such Act, or a refugee who is admitted to the United States under Section 207 of such Act; or,
- 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; or an alien whose deportation is being withheld under Section 243(h) of such Act; or,
- an alien who is granted conditional entry pursuant to Section 203(a)(7) of such Act as in effect prior to April 1, 1980; or,
- an alien who is a Cuban/Haitian Entrant as defined by Section 501(e) of the Refugee Education Assistance Act of 1980; or,
- 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.

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 non-citizen’s alien identification number with copies of any supporting documents and communicate it to the Agency office servicing their area. Examples of supporting documents are provided in the screen print below. Agency staff will then submit the alien’s information to SAVE and, in most cases, will be able to promptly inform the lender of the applicant’s eligibility status based on the aliens Class of Admission (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 by email to David 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. It is required that all personnel using the SAVE system complete the SAVE Program Guide and Web-3 User Guide provided on the SAVE system home page. At this time, only Housing and Community Facilities program staff are authorized to access the SAVE system.



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) and other documentation information into the proper fields, 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.

The system will normally respond within seconds of the applicant's eligibility and a COA code. In most cases SAVE will give a "System Response" indicating the alien's status.



Case Verification Number: 2008-000000000

Online Resources Tutorial

Initial Verification

Alien Number:	000000000	Benefits:	USDA Housing Loans
I-94 Number:			
Card Number:	MS000000000		
Naturalization Number:		Citizenship Cert. Number:	
Visa Number:		SEVIS ID:	
Passport Number:		Document Exp. Date:	10/27/2018
Document Type:	I-551	Other Document Desc:	
Last Name:	000000000	First Name:	Gloria
Middle Name:		Date of Birth:	12/17/1952
Initiated By:	F000000000	Initiated On:	07/24/2012

Initial Verification Results

Last Name:	000000000	First Name:	GLORIA
Middle Name:		COA Code:	F26
Country:	MEXIC - Mexico	Date of Birth:	12/17/1952
Date of Entry:	10/22/2008	Date Admitted To:	INDEFINITE
EAD Expiration Date:			
System Response:	LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED		

* = required entry

If the system replies with this response, your applicant is a qualified alien

If the response states, “LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED,” the borrower is eligible for our benefit. Print these case details for the file.

If SAVE is unable to determine the alien’s status, the system responds with the message “Request Additional Verification” as illustrated in the screen print below.

Case Verification Number: 1

Initial Verification

Alien Number:		Benefits:	USDA Housing Loans
I-94 Number:			USDA Housing Grants
Card Number:			USDA Loan Guarantees
Naturalization Number:		Citizenship Cert. Number:	
Visa Number:		SEVIS ID:	
Passport Number:		Document Exp. Date:	07/07/2012
Country of Issuance:		Other Document Desc:	
Document Type:	I-766	First Name:	
Last Name:		Date of Birth:	
Middle Name:		Initiated On:	
Initiated By:			

Initial Verification Results

Last Name:	First Name:
Middle Name:	COA Code:
Country:	Date of Birth:
Date of Entry:	Date Admitted To:
EAD Expiration Date:	
System Response:	INSTITUTE ADDITIONAL VERIFICATION

Additional Verification

SAVE is asking the user to supply additional information for this second step process. Agency staff should click on the “Request Additional Verification” button and follow the instructions. SAVE personnel will reply via the SAVE site within three to five days. Agency staff must return to their case verification screen to view the system response. In the event that SAVE still cannot determine a COA code they will respond “submit copies of documentation.”

Case Verification Number: 2C_ L		Online Resources	Download Tutorial	Return to Home	Cont
Initial Verification					
Alien Number:		Benefits:	USDA Housing Loans USDA Housing Grants USDA Loan Guarantees		
I-94 Number:					
Card Number:		Citizenship Cert. Number:			
Naturalization Number:		SEVIS ID:			
Visa Number:		Document Exp. Date:	07/01/2012		
Passport Number:		Other Document Desc:			
Country of Issuance:		First Name:			
Document Type:	I-766	Date of Birth:			
Last Name:		Initiated On:	12/21/2012		
Middle Name:					
Initiated By:					
Initial Verification Results					
Last Name:		First Name:			
Middle Name:		COA Code:			
Country:		Date of Birth:			
Date of Entry:		Date Admitted To:			
EAD Expiration Date:					
System Response:	INSTITUTE ADDITIONAL VERIFICATION				
Additional Verification					
User Case Number:		A.K.A.:			
I-94 Number:		Country of Issuance:			
Passport Number:		Initiated On:	12/21/2012		
Special Comments:					
Initiated By:					
Additional Verification Results					
DHS Response:	Resubmit Doc (Need copy original)		Expires On:		
COA Code:		Date Admitted To:			
IUSCIS Benefits:		Response Date:	12/26/2012		
Revocation Date:					

If this is the case, the Agency staff must print the CIS Form 845 (prefilled by SAVE) from the verification screen and mail it with copies of all supporting documentation to their United States Citizenship and Immigration Service (USCIS) branch office. The USCIS personnel have seven to fourteen business days from the time they receive the documents to reply. Once again, the reply will be via the case verification screen in the SAVE program so staff must return and check for the reply.

Mailing addresses to send your documentation are available at: www.uscis.gov

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.

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 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 and david.chaput@wdc.usda.gov.