



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

JUL 3 2019

The Honorable Juan Vargas  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Vargas:

Thank you for your letter of June 21, 2019, seeking further clarification regarding the eligibility of individuals with Deferred Action for Childhood Arrivals (DACA) status to obtain mortgages insured by the Federal Housing Administration (FHA). The Department regrets that there appears to be lingering confusion with respect to this important issue—despite the fact that HUD has been very clear that it has not implemented any policy changes during the current Administration with respect to FHA eligibility requirements for DACA recipients.

Your letter erroneously asserts that the Obama Administration deemed DACA recipients to be eligible for FHA loans and that the current Administration changed this policy. Both assertions are false. Furthermore, they appear to be based entirely on a single disputed online news article that, in turn, relied primarily on a blog written by a mortgage lender who offered their own incorrect interpretation of long-standing FHA guidelines.

Since at least 2003, FHA has maintained published policy that non-U.S. citizens without lawful residency “are not eligible for FHA-insured loans.”<sup>1</sup> This same policy was incorporated in the Single-Family Housing Handbook in September 2015—under the previous Administration—and clearly states that “[n]on-U.S. citizens without lawful residency in the U.S. are not eligible for FHA-insured mortgages.”<sup>2</sup>

If I can be of further assistance, please let me know.

Sincerely,

Len Wolfson  
Assistant Secretary for Congressional  
and Intergovernmental Relations

<sup>1</sup> Revision 5 of Handbook 4155.1, Mortgage Credit Analysis for Mortgage Insurance, One to Four Family Properties, chapters 2-2(B) (October 20, 2003), <https://www.hud.gov/sites/documents/41551C2HSGH.PDF>.

<sup>2</sup> Single Family Policy Handbook 4000.1 § II.A.1.b.ii(A)(9)(c) (September 14, 2015), <https://www.hud.gov/sites/documents/40001hsgh.pdf>