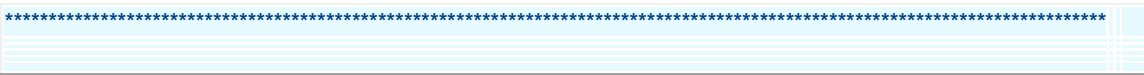


Department of Social and Health Services
Olympia, Washington
EAZ Manual

Revision # 989
Category Residency
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Summary

Updated Clarifying Information and Worker Responsibilities WAC 388-468-0005 with Residency requirements.
See below for edited text:



Purpose:

Most [public assistance](#) programs are limited to Washington residents. This [category chapter](#) explains [who meets that requirement and when a person may be exempt from how the agency determines who meets](#) the residency requirement.

Clarifying Information - WAC 388-468-0005

[Residency Requirements for Basic Food Eligibility](#)

[Households living in Washington for any purpose at the time of application, meet residency requirements for Basic Food regardless of the length of time they have lived here or whether or not](#)

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they plan to stay. In most cases it is acceptable to verify residency through a client's statement unless circumstances are questionable.

Individuals receiving assistance from another state or tribe are not eligible for Basic Food. Workers should verify that no one in the household (AU) is receiving benefits from another state or tribe if questionable.

EXAMPLE: Clyde and Cindy apply for Basic Food on June 1st. They live in Washington but they state they plan on moving to Florida on October 31. They are otherwise eligible for Basic Food. The worker approves their benefits. Clyde and Cindy are responsible to report their move at their Mid-Certification Report.

Processing Basic Food Applications for Individuals Moving from Another State

When clients apply for Basic Food and they are ineligible for benefits during the month of application because they received benefits from another state or tribe:

- Deny the application for the initial month (and second month if necessary) if they have already received or will receive SNAP benefits from the other state for that month(s).
- The client doesn't need to submit a new application if Basic Food benefits can be approved for the ongoing months and the benefit start date is not more than sixty days from the initial application date.

EXAMPLE: Janice moves to Washington from Nevada and applies for benefits on March 15th. The worker interviews her on April 2nd and determines she is financially eligible except for receiving March and April benefits from Nevada. The worker verifies that Janice will not receive benefits from Nevada in May. The worker denies Basic Food for March and April for duplicate participation and approves benefits for May and ongoing months. The worker can use the initial application until May 14.

Primary Custodian of a Child for Basic Food Eligibility

Do not consider custodial agreements for the purposes of establishing food eligibility. The parent with whom a minor child physically lives is considered the primary custodian of the child. This may alternate between parents (or other guardians) during the course of a calendar year.

EXAMPLE: A child lives with her father from September to June each year in Oregon. In July and August she resides with her mother in Washington State, and the mother applies for Basic Food benefits in July. As the child resides with the mother during July and August, the child can receive benefits with the mother in July and August provided she is not receiving them in Oregon during those same months.

Worker Responsibilities - WAC 388-468-0005

The DMS E001 tickler uses EBT transaction data to identify EBT cash or food clients who may not live in Washington because they are consistently using their benefits out of state. Out of state EBT transactions are defined as any EBT purchase, ATM withdrawal or manual voucher transaction at a non-Washington site that requires the use of an EBT card. When this occurs the client's residency may be questionable.

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[Follow the E001 tickler handling process described in the CSD Procedures Handbook.](#)

Residency Requirements for Cash Eligibility

~~If residency requirements are questionable for a~~An individual determine is a resident if he/she the individual meets one of the following conditions:

- Is living in Washington; and
- Is not receiving comparable assistance from another state or tribe;
- Intends to ~~continue living in Washington~~remain in the state permanently or ~~for an indefinite period of time;indefinitely,~~ or
- Entered the state looking for a job; or with a job commitment.

At the time of application for a person who has newly arrived to Washington, residency depends on the person's intent or purpose in coming to Washington State.

1. Entered the state with a job commitment.

EXAMPLE: Petr has a business visa (H-1B, O-1A, E-2 visa category) and entered the state with a job commitment from Microsoft. He brought his family with him. He meets residency requirements because he has a job commitment, even though the individual is here on a temporary visa (see the Citizenship chapter for additional eligibility restrictions).

EXAMPLE: Marie is a 21 year old college student. She provides verification of pregnancy and applies for assistance. When asked about her intentions when she finishes school in 2 years, Marie states she intends to look for job and remain in Washington. Since the intention is to remain in Washington indefinitely, Marie is considered a resident.

Lack of a permanent dwelling or fixed mailing address doesn't affect an individual's state residence status. Assistance cannot be denied solely because the individual has no permanent dwelling or fixed address.

Temporarily Out of State

A person may be temporarily out of state. There isn't a specified period before someone loses Washington State residency. However, an individual must satisfactorily demonstrate the intent to continue to live in Washington permanently or for an indefinite period of time.

If you believe a client/household has moved out of state, make attempts to contact the household. There is no need to contact the other state.

EXAMPLE: Robert and Bonny spend the winter months in a warmer climate in Arizona, and they return to their home in Washington in the spring. Robert and Bonny are Washington residents. They remain Washington residents during the winter months because they maintain a residence in Washington.

EXAMPLE: Sandra is a non-needy relative receiving a child-only TANF grant. She must stay with her ill grandmother in another state for several months. She is not maintaining her

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apartment in Washington, but she intends to return. She is considered a Washington resident due to her statement of intent.

EXAMPLE: Tom and his family leave Washington as Tom has been offered a temporary job in another state. He is planning to return when the job ends in about 3 to 6 months. The family will be renting an apartment in the other state and will not be keeping their residence in Washington. They no longer will be considered a Washington resident.

EXAMPLE: Andy lives in Washington and is homeless. He declares that he will be leaving Washington for a couple of month and driving to Arizona to spend the winter there. He also states that he will be returning to Washington in the spring. He has no additional proof of his intent to return except for his word statement. He is considered a Washington resident because he intends to return and continue living to Washington.

Individuals Who Are Temporarily in Washington

Individuals are not considered residents if they are in Washington State temporarily, and don't have a job commitment or looking for work. Examples include individuals who:

1. Recently moved to Washington for a temporary purpose;
2. Attend a Washington State college/university as a non-resident and state their intent to return home after completing school;
3. Are temporary visa holders.

However individuals who enter the state with a job commitment, or are already working or seasonally working, or searching for work, meet Washington residency requirements. This includes business visa holders.

EXAMPLE: Jane is enrolled in college in Washington. She has a young child. Jane will graduate in June, and will begin graduate school in the fall. The family will stay at least another two years and will determine where to live after that. This household is in the state not for a temporary purpose, therefore they meet residency requirements.

EXAMPLE: A family consisting of dad, mom, and two children have recently moved to Washington State from California in search of seasonal agricultural work. They maintain a home in California to which they intend to return after the harvest season is over. They apply for cash, food, and medical as they search for work. Because they entered Washington in search of work, they meet residency requirements.

Primary Custodian of a Child

The primary custodian of a minor child is the parent or a caregiver who:

- Is named as the a custodial parent in a court-ordered custody decree and the parents are following the orders in the decree; or
- Physically lives with the child at least 51 percent of the time; or
- Is the first to apply for assistance when the child lives with both parents 50 percent of the time.

Per 45 CFR 233.40 aA minor child is a resident of the State in which:

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- The child~~he or she~~ is living other than ~~on~~for temporary ~~basis~~purpose, and
- The primary custodial parent or ~~caretaker~~caregiver is a resident.

EXAMPLE:

EXAMPLE: A family consisting of dad, mom and a child applied for cash assistance. Mom and dad are in the U.S. on student visas, attending University of Washington, and their child was born in the U.S. and is a U.S. citizen. When asked, parents declared they intend to return to their home country when finished with school. Since the parents don't intend to remain in Washington indefinitely, they don't meet Washington state residency requirements and are not eligible for cash assistance. The child, although a U.S. citizen, is not considered a resident as the child is in Washington on temporary basis and will be leaving Washington with parents when they go back home (see the Citizenship chapter for additional eligibility restrictions).

EXAMPLE: A family consisting of dad, mom and a child applied for cash assistance. Mom and dad are in the U.S. on student visas, attending University of Washington, and a child was born in the U.S. and is a U.S. citizen. When asked, parents declared they overstayed their student visas and are now undocumented. They declared that they intend to stay in Washington and apply for adjustment of the status. The entire family now meets Washington residency requirements since they intend to stay in Washington indefinitely (see the Citizenship chapter for additional eligibility restrictions for the parents).

Residency Requirements for Temporary Visa Holders

1. An alien lawfully present in the U.S. must first meet citizenship and alien status requirements as they are stated in:

WAC 388-424-0001 Citizenship and alien status—Definitions

After the citizenship and alien status requirements are met, individual's eligibility requirements must be treated according to each programs' rules.

- WAC 388-424-0010 Citizenship and alien status - Eligibility for TANF;
- WAC 388-424-0015 Immigrant Eligibility restrictions for State Family Assistance, ABD cash, and PWA programs, and
- WAC 388-424-0020 How does my alien status impact my eligibility for Washington Basic Food Program benefits?
- WAC 388-424-0030 How does my alien status impact my eligibility for state-funded benefits under the food assistance program?

2. Temporary visa holders, who are lawfully present in the U.S. as nonimmigrants - visitors, tourists, religious workers, are non-qualified aliens per WAC 388-424-0001 (3), (d). They are admitted into the U.S. for a temporary stay only, which is determined by the U.S. Customs and Border Protection (CBP) at the port of entry, and constitute temporary entries only. A visitor (B1, B2 visa category) can have a multiple-entry visa valid for up to ten years. However, CBP will only grant entry and length of stay for up to 180 days for each entry. These temporary entries do not establish residency in the U.S. and such alien fails residency requirements.

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3. Temporary visa holders may have changes in their circumstances that could allow them to change their status with USCIS. All applicants with temporary visas must be asked about changes of circumstances and if they have a current application pending with USCIS for adjustment of their immigration status. If their circumstances have changed, a temporary visa holder must provide verification that -

- Their immigration status has changed to a status that allows them to stay in the U.S. indefinitely. Such alien is considered a resident, or
- They applied for a change of status with USCIS and USCIS allows them to stay in the U.S until their application is decided. Such alien is also considered a resident.

You can check the status of the application by going to USCIS Home page and entering the receipt number in the CASE STATUS field (in the low left hand corner of the screen).

An alien must satisfactorily demonstrate the intent to continue to live in Washington permanently or for an indefinite period of time.

EXAMPLE: A husband, wife and their child, admitted to the U.S. with student visas (F visas), apply for benefits. Applicants state that they intend to remain in Washington indefinitely; however, they haven't applied for adjustment of their student visas and have a house in their home country that is not listed for sale. When asked about their immigration status and what they plan to do with the home, the family has no response. Since they haven't applied with USCIS for a different immigration status, and are maintaining a residence in their home country, their application for cash assistance is denied for failure to meet residency requirements.

EXAMPLE: Mary came to the U.S. from Bulgaria as a student with F visa. During her stay she met John and they got married. They submitted an application for adjustment of her immigration status and verifications of their changed circumstances to USCIS, and Mary was granted a conditional Legal Permanent Resident (LPR) status. Since USCIS allowed her to stay in the U.S. indefinitely, she meets residency requirements. She is a lawfully residing qualified alien with 5-year bar for federally funded benefits. She may be eligible to receive state funded assistance.

EXAMPLE: Mohammed, his wife and their two minor children came to the U.S. as tourists (B1/B2 visa) from Somalia. During their stay they have applied for asylum in the U.S. They came to the CSO applying for assistance with the letter from USCIS stating that their application for asylum was received and is currently being reviewed. They also have an appointment letter from USCIS for taking their fingerprints. They do meet residency requirements as they verified they applied for change of immigration status. They are legally present non-qualified aliens and may be eligible for state funded cash assistance.

~~Residency is questionable when the:~~

Persons who come to Washington solely for medical care in a nursing facility may be considered residents of Washington. They can even maintain a residence in another state if they hope to return.

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However if a person is placed in a nursing facility by another state, the person is considered a resident of the state that placed them.

The department will not deny or terminate Medicaid eligibility for a Washington resident who is absent temporarily and will return. For example, a client who goes to a ~~border~~ facility for rehabilitation for 4 to 6 weeks and will return to Washington is not considered a resident of the ~~border~~other state and Washington will provide Medicaid benefits.

Receipt of Medicaid Benefits in Another State

When an eligible Medicaid recipient moves to Washington and is receiving Medicaid in another state the appropriate Medicaid program can be authorized for the same month only if the other state refuses to cover medical services received in Washington.

EXAMPLE: When an SSI recipient moves to Washington and continues to receive their state supplemental payment (SSP) benefit from the other state, the state paying the benefit is considered to be the person's state of residence. However, if the other state refuses to provide medical services in Washington, then the department will authorize the appropriate medical program in our state.

EXAMPLE:

ACES Procedures

- See [Interview - \(DEM1\) Client Demographic / Screen](#)

[Walker at olga.walker@dshs.wa.gov.](mailto:olga.walker@dshs.wa.gov)

[If you have any questions regarding residency and eligibility for food benefits, please contact Ezra Paskus at \[Ezra.Paskus@dshs.wa.gov\]\(mailto:Ezra.Paskus@dshs.wa.gov\) or Gomillion at \[Daisha.Gomillion@dshs.wa.gov\]\(mailto:Daisha.Gomillion@dshs.wa.gov\).](#)

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