



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 30, 2022

TIME: 10:08 AM

WSR 22-20-071

**Agency:** Department of Social and Health Services, Economic Services Administration

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The department is extending emergency amendments filed under WSR 22-13-013 to WAC 388-400-0030, Who is eligible for refugee cash assistance?; WAC 388-466-0120, Refugee cash assistance (RCA); and WAC 388-466-0150, Refugee employment and training services.

These amendments are necessary to align department policies with authorization from the federal Office of Refugee Resettlement (ORR) to expand the eligibility period for Refugee Cash Assistance from 8 months to 12 months pursuant to 45 CFR §400.211. This change must be implemented immediately to allow access to benefits for these individuals, pursuant to federal law.

**Citation of rules affected by this order:**

- New: None
- Repealed: None
- Amended: 388-400-0030, 388-466-0120, 388-466-0150
- Suspended: None

**Statutory authority for adoption:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.0510, 74.08.090, and 74.08A.120

**Other authority:** 45 CFR §400.211

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** A Federal Register Notice announcing the increase in the RCA eligibility period from 8 months to 12 months was published on March 28, 2022.

The Department is concurrently proceeding with the permanent rule-making process. Refer to CR-101 filed as WSR 22-13-020.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>3</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended 3 Repealed \_\_\_\_

**The number of sections adopted using:**

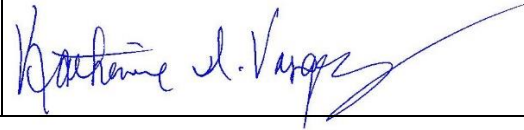
Negotiated rule making:	New ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended <u>3</u>	Repealed ____

**Date Adopted:** September 30, 2022

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 04-19-135, filed 9/21/04, effective 10/22/04)

**WAC 388-400-0030 Who is eligible for refugee cash assistance?**

- (1) To be eligible for refugee cash assistance (RCA), you must:
- (a) Provide the name of the voluntary agency (VOLAG) which resettled you;
  - (b) Meet the immigration status requirements of WAC 388-466-0005;
  - (c) Meet employment and training requirements of WAC 388-466-0150;
  - (d) Meet income and resource requirements of WAC 388-466-0140; and
  - (e) Report changes of circumstances as required under WAC 388-418-0005.
- (2) You are not eligible to receive RCA if you:
- (a) Are eligible for temporary assistance for needy families (TANF) or supplemental security income;
  - (b) Have been denied TANF or have been terminated from TANF due to intentional noncompliance with TANF eligibility requirements; or
  - (c) Are a full-time student in an institution of higher education.
- (3) We determine your eligibility and benefit level for RCA using the TANF payment standards under WAC 388-478-0020.
- (4) If you are eligible for RCA you may also be eligible for additional requirements for emergent needs under WAC 388-436-0002.
- (5) If you meet the requirements of this section you are eligible for refugee cash assistance only during the (~~eight~~) 12-month period beginning in the first month you entered the United States (WAC 388-466-0120).

AMENDATORY SECTION (Amending WSR 20-24-073, filed 11/24/20, effective 12/25/20)

**WAC 388-466-0120 Refugee cash assistance (RCA). (1) Who can apply for refugee cash assistance (RCA)?**

Anyone can apply to the department of social and health services (DSHS) for refugee cash assistance and have their eligibility determined within (~~thirty~~) 30 days.

**(2) How do I know if I qualify for RCA?**

You may be eligible for RCA if you meet all of the following conditions:

- (a) You have resided in the United States for less than (~~eight~~) 12 months;
- (b) You meet the immigration status requirements of WAC 388-466-0005;
- (c) You meet the income and resource requirements under chapters 388-450 and 388-470 WAC;
- (d) You meet the work and training requirements of WAC 388-466-0150; and
- (e) You provide the name of the voluntary agency (VOLAG) which helped bring you to this country.

**(3) What are the other reasons for not being eligible for RCA?**

You may not be able to get RCA if you:

(a) Are eligible for temporary assistance for needy families (TANF) or supplemental security income (SSI); or

(b) Have been denied TANF due to your refusal to meet TANF eligibility requirements; or

(c) Are employable and have voluntarily quit or refused to accept a bona fide offer of employment within (~~thirty~~) 30 consecutive days immediately prior to your application for RCA; or

(d) Are a full-time student in a college or university.

**(4) If I am an asylee, what date will be used as an entry date?**

If you are an asylee, your entry date will be the date that your asylum status is granted. For example: You entered the United States on December 1, 1999, as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000, and were granted asylum on September 1, 2000. Your entry date is September 1, 2000. On September 1, 2000, you may be eligible for refugee cash assistance.

**(5) If I am a victim of human trafficking, what kind of documentation do I need to provide to be eligible for RCA?**

You are eligible for RCA to the same extent as a refugee if you are:

(a) An adult victim, (~~eighteen~~) 18 years of age or older, you provide the original certification letter from the U.S. Department of Health and Human Services (DHHS), and you meet eligibility requirements in subsections (2)(c) and (d) of this section. You do not have to provide any other documentation of your immigration status. Your entry date will be the date on your certification letter;

(b) A child victim under the age of (~~eighteen~~) 18, in which case you do not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirement;

(c) A family member of a certified victim of human trafficking, you have a T-2, T-3, T-4, or T-5 Visa (Derivative T-Visas), and you meet the eligibility requirements in subsections (2)(c) and (d) of this section.

**(6) Does getting a onetime cash grant from a voluntary agency (VOLAG) affect my eligibility for RCA?**

No. In determining your eligibility for RCA DSHS does not count a onetime resettlement cash grant provided to you by your VOLAG.

**(7) What is the effective date of my eligibility for RCA?**

The date DSHS has sufficient information to make an eligibility decision is the date your RCA begins.

**(8) When does my RCA end?**

(a) Your RCA ends on the last day of the (~~eighth~~) 12th month starting with the month of your arrival to the United States. Count the (~~eight~~) 12 months from the first day of the month of your entry into the United States. For example, if you entered the United States on May 28, (~~2000~~) 2022, May is your first month and (~~December 2000~~) April 2023 is your last month of RCA.

(b) If you get a job, your income will affect your RCA based on the TANF rules (chapter 388-450 WAC). If you earn more than is allowed by WAC 388-478-0035, you are no longer eligible for RCA.

(c) You may receive RCA benefits for more months if the federal office of refugee resettlement extends the eligibility period.

**(9) Are there other reasons why RCA may end?**

Your RCA also ends if:

(a) You move out of Washington state;

(b) Your unearned income (~~and~~) or resources go over the maximum limit (WAC 388-466-0140); or

(c) You, without good cause, refuse to meet refugee employment and training requirements (WAC 388-466-0150).

**(10) Will my spouse be eligible for RCA, if ((he/she)) they arrive((s)) in the U.S. after me?**

When your spouse arrives in the United States, DSHS determines ((his/her)) their eligibility for RCA and(~~/or~~) other income assistance programs.

(a) Your spouse may be eligible for up to ((eight)) 12 months of RCA based on ((his/her)) their date of arrival into the United States.

(b) If you live together, you and your spouse are part of the same assistance unit and your spouse's eligibility for RCA is determined based on you and your spouse's combined income and resources (WAC 388-466-0140).

**(11) Can I get additional money in an emergency?**

If you have an emergency and need a cash payment to get or keep your housing or utilities, you may apply for the DSHS program called additional requirements for emergent needs (AREN). To receive AREN, you must meet the requirements in WAC 388-436-0002.

**(12) What can I do if I disagree with a decision or action that has been taken by DSHS on my case?**

If you disagree with a decision or action taken on your case by the department, you have the right to request a review of your case or an administrative hearing (WAC 388-02-0090). Your request must be made within ((ninety)) 90 days of the date of the decision or action.

AMENDATORY SECTION (Amending WSR 16-05-034, filed 2/9/16, effective 3/15/16)

**WAC 388-466-0150 Refugee employment and training services. (1) What are refugee employment and training services?**

Refugee employment and training services provided to eligible refugees may include information and referral, employment oriented case management, job development, job placement, job retention, wage progression, skills training, on-the-job training, counseling and orientation, English as a second language, and vocational English training.

**(2) Am I required to participate in refugee employment and training services?**

If you are receiving refugee cash assistance (RCA) you are required to participate in refugee employment and training services, unless you are exempt.

**(3) How do I know if I am exempt from mandatory employment and training requirements?**

You may be exempt from participation in employment and training requirements if you are:

(a) An adult with a severe and chronic disability as defined below:

(i) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI and are required to apply for SSI. Your SSI application status may be verified through the SSI facilitator ((and/)) or state data exchange; or

(ii) Your disability is a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from working and is expected to last at least ((twelve)) 12 months. Your disability

must be verified by documentation from a behavioral health organization (BHO), (~~and/or~~) regional service area (RSA), or evidence from another medical or mental health professional; or

(b) Required to be in the home to care for another adult with disabilities when:

(i) The adult with disabilities cannot be left alone for significant periods of time;

(ii) No adult other than yourself is available and able to provide the care;

(iii) The adult with the disability is related to you;

(iv) You are unable to participate in work activities because you are required to be in the home to provide care; and

(v) The disability and your need to care for your disabled adult relative is verified by documentation from the developmental disabilities administration (DDA), division of vocational rehabilitation (DVR), home and community services (HCS), division of behavioral health and recovery (DBHR), (~~and/or~~) a behavioral health organization (BHO), (~~and/or~~) regional service area (RSA), or evidence from another medical or mental health professional.

(c) (~~Sixty~~) 60 years of age or older.

(d) Unable to participate in work activities because you are the victim of family violence.

**(4) If I am required to participate, what do I have to do?**

You are required to:

(a) Register with your employment service provider;

(b) Accept and participate in all employment opportunities, training, or referrals, determined appropriate by the department.

**(5) What happens if I do not follow these requirements?**

If you refuse without good reason to cooperate with the requirements, you are subject to the following penalties:

(a) If you are applying for refugee cash assistance, you will be ineligible for (~~thirty~~) 30 days from the date of your refusal to accept work or training opportunity; or

(b) If you are already receiving refugee cash assistance, your cash benefits will be subject to financial penalties.

(c) The department will notify your voluntary agency (VOLAG) if financial penalties take place.

**(6) What are the penalties to my grant?**

The penalties to your grant are:

(a) If the assistance unit includes other individuals as well as yourself, the cash grant is reduced by the sanctioned refugee's amount for three months after the first occurrence. For the second occurrence, the financial penalty continues for the remainder of the sanctioned refugee's (~~eight~~) 12-month eligibility period.

(b) If you are the only person in the assistance unit your cash grant is terminated for three months after the first occurrence. For the second occurrence, your grant is terminated for the remainder of your (~~eight~~) 12-month eligibility period.

**(7) How can I avoid the penalties?**

You can avoid the penalties, if you accept employment or training before the last day of the month in which your cash grant is closed.

**(8) What is considered a good reason for not being able to follow the requirements?**

You have a good reason for not following the requirements if it was not possible for you to stay on the job or to follow through on a required activity due to an event outside of your control. See WAC 388-310-1600(3) for examples.