



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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FILED

DATE: April 01, 2025

TIME: 2:18 PM

WSR 25-08-068

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

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 proposing to amend the following WAC sections: WAC 388-400-0030, "Who is eligible for refugee cash assistance?", 388-424-0001, "Citizenship and immigration status – Definitions.", 388-424-0006, "Citizenship and alien status – Date of entry.", 388-424-0007, "Citizenship and alien status – Armed services or veteran status.", 388-424-0015, "Immigration eligibility restrictions for the SFA, ABD cash, and PWA programs.", 388-424-0020, "How does my alien status impact my eligibility for federally funded Basic Food benefits?", 388-424-0030, "How does my immigration status impact my eligibility for state-funded benefits under the food assistance program?", 388-436-0002, "If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?", 388-466-0005, "Immigration status requirements for refugee cash assistance.", 388-466-0120, "Refugee cash assistance (RCA).", and 388-466-0150, "Refugee employment and training services."

These amendments update definitions related to federal benefits for certain immigration statuses, and clarify eligibility information for various cash and food benefit programs and refugee employment and training services. The amendments also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Related emergency rules for WAC sections 388-424-0001, 388-424-0006, 388-424-0020, 388-466-0005 are currently in place under WSR 25-08-020. When effective, this permanent filing supersedes the emergency rules filed under WSR 25-08-020.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-400-0030, 388-424-0001, 388-424-0006, 388-424-0007, 388-424-0015, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, 388-466-0150
Suspended: None

Statutory authority for adoption: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, 74.62.030

Other authority: Public Law 118-42, the Consolidated Appropriations Act of 2024, Division G, Title II, Section 209(f); 8 U.S.C. §§1612, 1613(b)(3) and 1641(b)(8); H.R. 815, Division B pg. 11 – Ukrainian; and Final Rule for Classification for Victims of Severe Forms of Trafficking in Persons

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-03-044 on 01/08/25 (date).

Describe any changes other than editing from proposed to adopted version: Technical corrections only. Removed mention of both ORR and OTIP and instead specified the federal U.S. Department of Health and Human Services as the certifying department, as both ORR and OTIP are agencies under HHS.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:
Web site:
Other:

**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>11</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

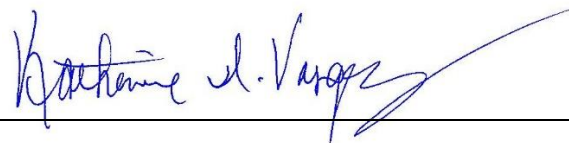
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>11</u>	Repealed	___

Date Adopted: April 1, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 23-02-032, filed 12/28/22, effective 1/28/23)

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)))~~ resettlement agency which resettled you, if you are a refugee;
 - (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 12-month period beginning in the first month you ~~((entered the United States))~~ qualify for services through the federal office of refugee resettlement (WAC 388-466-0120). The actual number of months you receive RCA benefits will depend on the date you apply and are approved for RCA.

AMENDATORY SECTION (Amending WSR 23-02-035, filed 12/29/22, effective 1/29/23)

WAC 388-424-0001 Citizenship and immigration status—Definitions. For the purposes of determining an individual's citizenship and immigration status for public assistance, the following definitions apply:

- (1) **"Lawfully present"** are immigrants or noncitizens who have been inspected and admitted into the United States and have not overstayed the period for which they were admitted, or have current permission from the U.S. ~~((Citizenship and Immigration Services (CIS)))~~ Department of Homeland Security or other federal agency to stay or live in the U.S.
- (2) **"Qualified aliens"** are lawfully present immigrants defined in federal law as one of the following:
 - (a) Individuals lawfully admitted for permanent residence (LPRs).
 - (b) Individuals who are admitted to the U.S. as refugees under INA §207. The following individuals are treated the same as refugees in their eligibility for public assistance:

(i) Hmong or Highland Lao are members of a Hmong or Highland Lao-tian tribe which rendered military assistance to the U.S. during the Vietnam era (August 5, 1964, to May 7, 1975), and are "lawfully present" in the U.S. This category also includes the spouse (including unremarried widow or widower) or unmarried dependent child of such tribal members.

(ii) Victims of trafficking according to federal law are:

(A) Individuals who have been certified as victims of trafficking by the federal U.S. Department of Health and Human Services (HHS), (~~Office on Trafficking in Person (OTIP),~~) or have been granted a T visa.

(B) Immediate family members of trafficking victims. Immediate family members are the spouse or child of a victim of any age and the parent or unmarried minor sibling if the victim is under 21 years old.

(iii) Afghan nationals (~~(and their spouses and children,)~~) paroled into the U.S. between July 31, 2021, and September 30, ~~((2022))~~ 2023, whose initial parole period has not expired or who have been granted reparole, after evacuation from Afghanistan to the U.S. (~~(, or to a location overseas))~~: or

(A) ~~((an))~~ An individual who was paroled into the U.S. after September 30, ~~((2022))~~ 2023, and is the spouse or child of an Afghan national as defined in subsection (iii) of this section; or

(B) ~~((an))~~ An individual who was paroled into the U.S. after September 30, 2023, and who is the parent or legal guardian of an individual defined in subsection (iii) of this section who is determined to be an unaccompanied child;

(iv) Special immigrants from Iraq and Afghanistan are individuals granted:

(A) Special immigrant status under INA §101 (a)(27);

(B) Special immigrant conditional permanent resident; or

(C) Paroled under section 602 (B)(1)AAPA/Sec 1059(a)NDAA 2006.

(v) Individuals from Ukraine and their family members admitted as humanitarian parolees between February 24, 2022, and September 30, ~~((2023))~~ 2024, and whose parole has not been terminated by the Secretary of the Department of Homeland Security (DHS), who are:

(A) Citizens or nationals of Ukraine;

(B) Non-Ukrainian individuals who were habitually residing in Ukraine, and have documentation confirming last habitual residence in Ukraine;

(C) Individuals who were first granted humanitarian parole, and then obtained temporary protected status (TPS). They are eligible for federally funded assistance until the end of their parole term due to underlying receipt of humanitarian parole;

(D) A spouse or child of an individual described in subsections (A)-(C) of this section who is paroled into the United States after September 30, 2023;

(E) ~~((A))~~ An individual who is paroled into the U.S. after September 30, 2023, as a parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child described in subsections (A)-(C) of this section (~~(who is paroled into the United States after September 30, 2023))~~).

~~((e))~~ (vi) Individuals who have been granted asylum under INA §208.

~~((d))~~ (vii) Cuban/Haitian entrants. These are nationals of Cuba or Haiti who were paroled into the U.S. or given other special status.

(viii) Amerasians who were fathered by an American citizen and born in Vietnam between January 1, 1962, and before January 1, 1976, and their spouses, children, parents, or guardians accompanying them.

~~((e))~~ (c) Abused spouses or children, parents of abused children, or children of abused spouses:

(i) When the alien no longer resides with the person who committed the abuse, and has one of the following:

(A) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried child under age 21 of a lawful permanent resident (LPR);

(B) A notice of "prima facie" approval of a pending self-petition under the violence against women act (VAWA); or

(C) Proof of a pending application for suspension of deportation or cancellation of removal under VAWA.

(ii) Children of an abused spouse do not need their own separate pending or approved petition, but are included in their parent's petition if it was filed before they turned 21 years old. Children of abused persons who meet the conditions in this section retain their "qualified alien" status even after they turn 21 years old.

~~((f))~~ (d) Individuals who have been granted parole into the U.S. for at least a period of one year (or indefinitely) under INA §212 (d) (5), including "public interest" parolees.

~~((g))~~ (e) Individuals granted withholding of deportation or removal under INA §243(h) or §241 (b) (3).

~~((h))~~ (f) Individuals who were admitted to the U.S. as conditional entrants under INA §203 (a) (7) prior to April 1, 1980.

~~((i) Amerasians who were born to U.S. citizen armed services members in Southeast Asia during the Vietnam War.))~~

(g) Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(3) **"Nonqualified aliens"** are noncitizens who are lawfully present in the U.S. and who are not included in the definition of qualified aliens in subsection ~~((1))~~ (2) of this section. Nonqualified aliens include but are not limited to:

(a) ~~((Citizens of Marshall Islands, Micronesia, or Palau;~~

~~(b))~~ Immigrants paroled into the U.S. for less than one year;

~~((e))~~ (b) Immigrants granted temporary protected status; or

~~((d))~~ (c) Nonimmigrants who are allowed entry into the U.S. for a specific purpose usually for a limited time are also nonqualified. Examples include:

(i) Business visitors;

(ii) Students; and

(iii) Tourists.

(4) **"Survivors of certain crimes"** are noncitizens, and any of their qualifying family members, as defined in subsection (5) of this section, who have:

(a) Filed or are preparing to file an application for a T visa (trafficking victim);

(b) Filed or are preparing to file an application for a U visa (crime victim); or

(c) Been harmed by one of the specific crimes described below; and

(i) Was granted continued presence by U.S. Homeland Security; or

(ii) Has filed or is preparing to file an application for asylum status.

Specific crimes include:

(A) Those related to human trafficking, kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, coercion of involuntary servitude, and others under chapter 9A.40 RCW;

(B) Sexual exploitation of children and others under chapter 9.68A RCW; or

(C) Substantially similar crimes under federal law or the laws of another state.

(5) **"Qualifying family members"** are the spouse and child(ren) of survivors of certain crimes, and the parents or unmarried minor siblings if the survivor is under 21 years old. Qualifying family members do not include a person charged with or convicted of attempt, conspiracy, solicitation, or commission of a crime, listed under subsection (4)(c) of this section, against the survivor of certain crimes.

(6) **"Undocumented aliens"** are noncitizens without a lawful immigration status as defined in subsections (2) or (3) of this section, and who:

(a) Entered the U.S. (~~(illegally)~~) without inspection; or

(b) Were lawfully admitted but whose status expired or was revoked per ~~((United States Citizenship and Immigration Services (USCIS)))~~ the U.S. Department of Homeland Security or other federal agency.

(7) **"U.S. citizens"** are one of the following:

(a) Individuals born in the United States or its territories (Guam, Puerto Rico, and the U.S. Virgin Islands; also residents of the Northern Mariana Islands who elected to become U.S. citizens).

~~(b) ((American Indians born outside the U.S. without regard to immigration status or date of entry if:~~

~~(i) They were born in Canada and are 50 percent American Indian blood (but need not belong to a federally recognized tribe); or~~

~~(ii) They are members of a federally recognized Indian tribe or Alaskan Native village or corporation.~~

~~(e))~~ Individuals who have become naturalized U.S. citizens.

~~((d))~~ (c) Individuals born abroad to at least one U.S. citizen parent depending on conditions at the time of their birth, per title 8, subchapter III, section 1401 of the United States Code.

~~((e))~~ (d) Individuals who turn 18 years of age on or after February 27, 2001, automatically become U.S. citizens if the following conditions are met while the individual is under age 18 per INA 320.

(i) The individual is granted lawful permanent resident (LPR) status;

(ii) At least one of the individual's parents is a U.S. citizen by birth or naturalization; and

(iii) The individual:

(A) Resides in the U.S. in the legal and physical custody of the citizen parent; or

(B) Was adopted according to the requirements of INA 101 and resides in the U.S. in the legal and physical custody of the citizen parent.

~~((f))~~ (e) Individuals, who turned 18 before February 27, 2001, would have automatically become a citizen if, while still under 18, they became a lawful permanent resident and both of their parents were naturalized. Such individuals also may have derived citizenship when only one parent naturalized, if the other parent was dead or a U.S. citizen by birth, or the individual's parents were separated and the naturalized parent had custody.

(8) **"U.S. nationals"** are persons who owe permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

(a) Persons born in American Samoa or Swain's Island after December 24, 1952; and

(b) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens.

(9) **"American Indians"** born outside the U.S. are eligible for benefits without regard to immigration status or date of entry if:

(a) They were born in Canada and are 50% American Indian blood (but need not belong to a federally recognized tribe); or

(b) They are members of a federally recognized Indian tribe or Alaskan Native village or corporation.

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-424-0006 Citizenship and alien status—Date of entry.

(1) A person who physically entered the U.S. prior to August 22, 1996, and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on receiving TANF.

(2) A person who entered the U.S. prior to August 22, 1996, but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996, and who requires five years of residency to be eligible for federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996, is subject to the five-year bar for TANF unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

(a) ~~((Amerasian lawful permanent residents))~~ Amerasians;

(b) Asylees;

(c) Cuban/Haitian entrants;

(d) Persons granted withholding of deportation or removal;

(e) Refugees;

(f) Special immigrants from Iraq and Afghanistan;

(g) Victims of trafficking who have been certified or had their eligibility approved by the ~~((office of refugee resettlement (ORR)))~~ federal U.S. Department of Health and Human Services (HHS); and

(h) Lawful permanent residents, parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an armed services member or veteran as described in WAC 388-424-0007~~((--))~~ ; and

(i) Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(j) Individuals from Ukraine and their family members admitted as humanitarian parolees between February 24, 2022, and September 30, 2024, and whose parole has not been terminated by the secretary of the Department of Homeland Security (DHS), who are:

(i) Citizens or nationals of Ukraine;

(ii) Non-Ukrainian individuals who were habitually residing in Ukraine, and have documentation confirming last habitual residence in Ukraine;

(iii) A spouse or child of an individual described in subsections (i)-(ii) of this section who is paroled into the U.S. after September 30, 2023; or

(iv) An individual who is paroled into the U.S. after September 30, 2023, as a parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child who meets the conditions described in subsections (i)-(ii) of this section.

(k) Afghan nationals paroled into the U.S. between July 31, 2021, and September 30, 2023, whose initial parole period has not expired or who have been granted reparole: or

(i) An individual who was paroled into the U.S. after September 30, 2023, and is the spouse or child of an Afghan national as defined in subsection (k) of this section; or

(ii) An individual who was paroled into the U.S. after September 30, 2023, and who is the parent or legal guardian of an individual as defined in subsection (k) of this section who is determined to be an unaccompanied child.

AMENDATORY SECTION (Amending WSR 04-15-004, filed 7/7/04, effective 8/7/04)

WAC 388-424-0007 Citizenship and alien status—Armed services or veteran status. (1) An immigrant in one of the following categories is considered a member of the armed forces or a veteran for purposes of establishing eligibility for federal means-tested benefits as defined in WAC 388-424-0008:

(a) On active duty in the U.S. military, other than active duty for training; or

(b) An honorably discharged U.S. veteran; or

(c) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, Section 107 of the U.S. Code; or

(d) The spouse, unremarried widow or widower, or unmarried dependent child of a veteran or active duty service member.

(2) An immigrant as described in subsection (1) (~~(above)~~) of this section is not subject to the five-year bar on TANF, nonemergency medicaid, and SCHIP (see WAC 388-424-0010).

(3) An immigrant as described in subsection (1) (~~(above)~~) of this section who is also a "qualified alien" as described in WAC 388-424-0020 (~~((1)(b)(i))~~) (2)(b) is eligible for federal Basic Food.

(4) An immigrant is not subject to sponsor deeming in state funded programs (see WAC 388-450-0156(4)(c)) if in any of the categories in subsection (1) (~~(above)~~) of this section or if:

(a) Employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(b) The spouse, unremarried widow or widower, or unmarried dependent child of a person in subsection (4)(a) of this section.

AMENDATORY SECTION (Amending WSR 22-20-001, filed 9/21/22, effective 10/22/22)

WAC 388-424-0015 Immigrant eligibility restrictions for the SFA, ABD cash, and PWA programs. (1) To receive state family assistance (SFA) benefits, you must be:

(a) A "qualified alien" as defined in WAC 388-424-0001 who is ineligible for temporary assistance to needy families (TANF) due to the five-year bar as described in WAC 388-424-0006;

(b) A "nonqualified alien" who meets the Washington state residency requirements in WAC 388-468-0005, including a noncitizen American Indian who does not meet the criteria in WAC 388-424-0001; or

(c) A "survivor of certain crimes" as defined in WAC 388-424-0001.

(2) To receive aged, blind, or disabled (ABD) cash or pregnant women assistance (PWA) benefits, you must be:

(a) A "U.S. citizen" as defined in WAC 388-424-0001;

(b) A "U.S. national" as defined in WAC 388-424-0001;

(c) An American Indian ((born outside the U.S.)) "as defined in WAC 388-424-0001;

(d) A "qualified alien" as defined in WAC 388-424-0001; or

(e) A "nonqualified alien" as defined in WAC 388-424-0001 who, the U.S. ((Immigration and Customs Enforcement)) Department of Homeland Security is not taking steps to enforce their departure; or

(f) A "survivor of certain crimes" as defined in WAC 388-424-0001.

AMENDATORY SECTION (Amending WSR 23-02-035, filed 12/29/22, effective 1/29/23)

WAC 388-424-0020 How does my alien status impact my eligibility for federally funded Basic Food benefits? (1) If you are a U.S. citizen or U.S. national as defined in WAC 388-424-0001 and meet all other eligibility requirements, you may receive federal Basic Food benefits.

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a) or (b) of this subsection, and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of lawful immigrants as defined in WAC 388-424-0001:

(i) Amerasian;

(ii) Asylee;

(iii) Cuban or Haitian entrant;

(iv) Deportation or removal withheld;

(v) Refugee;

(vi) Afghan nationals paroled into the U.S. between July 31, 2021, and September 30, ~~((2022,))~~ 2023; or

(A) Their spouse or child paroled into the U.S. after September 30, ((2022)) 2023; or

(B) Their parent or legal guardian paroled into the U.S. after September 30, 2023, if they were an unaccompanied child when paroled into the U.S.;

(vii) Special immigrant from Iraq or Afghanistan;

(viii) ~~((Victim))~~ Certified victim of trafficking;

(ix) Noncitizen American Indian; ~~((or))~~
 (x) Hmong or Highland Lao tribal member ~~((or))~~ ;
(xi) Individuals from the Ukraine granted humanitarian parole between February 24, 2022, and September 30, 2024; or
~~(A) Their spouses and children paroled into the U.S. after September 30, 2023; or~~
~~(B) A parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child who is paroled into the U.S. after September 30, 2023;~~
(xii) Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
 (b) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:
 (i) Conditional entrant;
 (ii) Lawful permanent resident (LPR);
 (iii) Paroled for one year or more; or
~~(iv) ((Individuals from Ukraine granted humanitarian parole between February 24, 2022, and September 30, 2023; or~~
~~(A) their spouses and children paroled into the U.S. after September 30, 2023; or~~
~~(B) a parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child described who is paroled into the U.S. after September 30, 2023; or~~
~~(v)) Abused spouse or child, ((or)) parent ((or)) of an abused child, or child of an abused spouse ((or child)).~~
~~((v))~~ (v) And, one of the following also applies to you:
 (A) You have worked or can get credit for 40 Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;
 (B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC 388-424-0007;
 (C) You receive cash or medical benefits based on supplemental security income (SSI) criteria for blindness or disability;
 (D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;
 (E) You are under age 18; or
 (F) You were lawfully residing in the U.S. on August 22, 1996, and were born on or before August 22, 1931.
 (3) If you are a legal immigrant not eligible for federal benefits under Basic Food only because of your alien status, you may be eligible for state-funded food assistance program (FAP) benefits under WAC 388-400-0050.

AMENDATORY SECTION (Amending WSR 22-02-014, filed 12/27/21, effective 2/1/22)

WAC 388-424-0030 How does my immigration status impact my eligibility for state-funded benefits under the food assistance program?

(1) If you are not a U.S. citizen and are not eligible for federally funded basic food benefits, you may be eligible for state-funded benefits under the food assistance program (FAP) if you are:

(a) A "qualified alien" as defined in WAC 388-424-0001, who does not meet the eligibility requirements under WAC 388-424-0020 to receive federally funded basic food benefits;

(b) A "nonqualified alien" as described in WAC 388-424-0001 who:

(i) Is not a nonimmigrant as described in WAC 388-424-0001 (3) ~~((d))~~ (c);

(ii) Intends to stay in the United States indefinitely; and

(iii) The United States Immigration and Customs Enforcement is not taking steps to enforce your departure; or

(c) A "survivor of certain crimes" as defined in WAC 388-424-0001(4).

(2) If you are eligible for state-funded FAP, we calculate your benefits as described under WAC 388-400-0050.

AMENDATORY SECTION (Amending WSR 14-19-027, filed 9/8/14, effective 10/9/14)

WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities? DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need assistance to get or keep safe housing or utilities, you may be eligible. The ~~((special))~~ AREN payment is in addition to the regular monthly cash grant your family may already get.

(1) To get AREN, you must:

(a) Be eligible for temporary assistance for needy families (TANF) ~~((r))~~ or state family assistance (SFA) ~~((r or refugee cash assistance (RCA)))~~;

(b) Have an emergency housing or utility need;

(c) Have a good reason that you do not have enough money to pay your housing or utility costs; and

(d) Have not previously received the AREN maximum limit of ~~((seven hundred fifty dollars))~~ \$750 in a 12-month period. We will count all AREN payments received in a 12-month period by any adult in your TANF assistance unit, for any assistance unit, when we calculate your AREN limit.

(2) To get AREN, you must be eligible for TANF ~~((r))~~ or SFA ~~((r or RCA))~~. This means you must:

(a) Get benefits through TANF ~~((r))~~ or SFA ~~((r or RCA))~~. ~~((For RCA you must also be pregnant or have an eligible child))~~; or

(b) Apply for TANF ~~((r))~~ or SFA ~~((r and RCA, r))~~ and meet all eligibility criteria including:

(i) The maximum earned income limit under WAC 388-478-0035;

(ii) The requirement that your unearned income not exceed the grant payment standard;

(iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned income and unearned income;

(iv) The resource limits under chapter 388-470 WAC;

(v) The program summary rules for either TANF (WAC 388-400-0005) ~~((r))~~ or SFA (WAC 388-400-0010) ~~((r or RCA (WAC 388-400-0030)))~~; and

(vi) The requirement that you must be pregnant or have an eligible child.

(3) If you do not get or do not want to get TANF(~~(7)~~) or SFA (~~(6)~~ RCA)), you cannot get AREN to help with housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-432-0005.

(4) To get AREN, you must have an emergency housing or utility need. You may get AREN to help pay to:

(a) Prevent eviction or foreclosure;

(b) Get housing if you are homeless or need to leave your home because of domestic violence;

(c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:

(i) Electricity or fuel for heating, lighting, or cooking;

(ii) Water;

(iii) Sewer; and

(iv) Basic local telephone service if it is necessary for your basic health and safety. If you receive TANF or SFA, the Washington telephone assistance program (WTAP) may be used to help you pay for basic local telephone service.

(d) Repair damage or defect to your home when it causes a risk to your health or safety:

(i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;

(ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay for the repair or pay to move you to a different place whichever cost is lower.

(e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Non-housing expenses that are not covered under AREN may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

(5) To get AREN, you must have a good reason for not having enough money to pay for your housing or utility costs. You must prove that you:

(a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation that reduced your income (such as a long-term illness or injury);

(b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

(i) Basic health and safety needs for shelter, food, and clothing;

(ii) Medical care;

(iii) Dental care needed to get a job or because of pain;

(iv) Emergency child care;

(v) Emergency expenses due to a natural disaster, accident, or injury; and

(vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended when we budgeted your expected income for the month, but the income will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before you can get AREN.

(6) In addition to having a good reason for not having enough money to pay for your costs, you must also explain how you will afford to pay for the on-going need in the future. We may deny AREN if your expenses exceed your income (if you are living beyond your means). We may approve AREN to help you get into housing you can afford.

(7) If you meet the above requirements, we decide the amount we will pay based on the following criteria.

(a) AREN payments may be made up to a maximum of ~~((seven hundred fifty dollars in a))~~ \$750 in a 12-month period.

(b) The number of AREN payments you can receive is not limited, as long as the total amount received by all adults in the assistance unit for any assistance unit, does not exceed the ~~((seven hundred fifty dollar))~~ \$750 limit in a 12-month period. If you or another adult in your assistance unit have already received the limit, you may not be eligible to receive additional payments.

(c) We will determine if any adult TANF/SFA recipient living in your household has already received the AREN limit.

(d) We have the discretion to approve an AREN payment above the ~~((seven hundred fifty dollar))~~ \$750 limit when your health and safety are in imminent danger.

(e) The amount of AREN is in addition to the amount of your monthly TANF~~((7))~~ or SFA ~~((, or RCA))~~ cash grant.

(f) We will decide the lowest amount we must pay to end your housing or utility emergency. We will contact your landlord, utility company, or other vendor for information to make this decision. We may take any of the following steps when deciding the lowest amount to pay:

(i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking, or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money other individuals such as family or friends voluntarily give you. We will not count loans of money that you must repay to friends or family members.

(v) We may consider money from a nonneedy caretaker relative that lives in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(g) The ~~((seven hundred fifty dollar))~~ \$750 limit applies to the following people even if they leave the assistance unit:

(i) Adults; and

(ii) Minor parents that get AREN when no adults are in the assistance unit.

(8) We pay AREN directly to the landlord, mortgage company, utility, or other vendor.

(9) We may assign you a protective payee for your monthly grant under WAC 388-460-0020.

WAC 388-466-0005 Immigration status requirements for refugee cash assistance. (1) You may be eligible for refugee cash assistance (RCA) if you can provide documentation (~~((issued by the U.S. Citizenship and Immigration Services (USCIS),))~~) that shows you are:

(a) Admitted as a refugee under section 207 of the Immigration and Nationalities Act (INA);

(b) Paroled into the U.S. as a refugee or asylee under section 212 (d) (5) of the INA;

(c) (~~((Granted conditional entry under section 203 (a) (7) of the INA;~~

~~((d)))~~ Granted asylum under section 208 of the INA;

(~~((e)))~~ (d) Admitted as an Amerasian Immigrant from Vietnam through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-~~((212))~~ 202;

(~~((f)))~~ (e) A Cuban-Haitian entrant who (~~((was admitted as a public interest parolee under section 212 (d) (5) of the INA))~~) meets the requirements in 45 CFR part 401.2;

(~~((g)))~~ (f) Certified as a victim of human trafficking by the federal (~~((office of refugee resettlement (ORR)))~~) U.S. Department of Health and Human Services (HHS);

(~~((h)))~~ (g) An eligible family member of a victim of human trafficking certified by (~~((ORR))~~) HHS who has a T-2, T-3, T-4, (~~((or))~~) T-5, or T-6 Visa;

(~~((i)))~~ (h) Afghan nationals paroled into the U.S. between July 31, 2021, and September 30, ~~((2022))~~ 2023; or

(i) (~~((an))~~) An individual who was paroled into the U.S. after September 30, ~~((2022))~~ 2023, and is the spouse or child of an Afghan national as defined in subsection (~~((i))~~) (h) of this section; or

(ii) (~~((an))~~) An individual who was paroled into the U.S. after September 30, 2023, and is the parent or legal guardian of an individual defined in subsection (~~((i))~~) (h) of this section who is determined to be an unaccompanied child;

(~~((j))~~) (i) Admitted as Special Immigrant from Iraq or Afghanistan under section 101 (a) (27) of the INA, or special immigrant conditional permanent resident, or paroled under section 602(B) (1) AAPA/Sec 1059(a) NDAA 2006;

(~~((k))~~) (j) Individuals from Ukraine admitted as humanitarian parolees between February 24, 2022, and September 30, ~~((2023))~~ 2024, and whose parole has not been terminated by the Secretary of the Department of Homeland Security (DHS), who:

(i) (~~((are))~~) Are citizens or nationals of Ukraine;

(ii) (~~((are))~~) Are non-Ukrainian individuals, who were habitually residing in Ukraine, and have documentation confirming last habitual residence in Ukraine;

(iii) (~~((are))~~) Are individuals who were first granted humanitarian parole, and then obtained temporary protected status (TPS). They are eligible for refugee cash assistance until the end of their parole term due to underlying receipt of humanitarian parole;

(iv) (~~((are))~~) Are children or spouses of someone paroled into the U.S. under subsection (~~((k))~~) (j) of this section and who are paroled into the U.S. after September 30, 2023; or

(v) ~~((is))~~ Is the parent, legal guardian, or primary caregiver of an individual described in subsection ~~((k))~~ (j) of this section who is determined to be an unaccompanied child.

(2) ~~((A))~~ An individual with lawful permanent resident ~~((alien))~~ (LPR) status meets the immigration status requirements for RCA if the individual was previously in one of the statuses described in subsections (1)(a) through ~~((k))~~ (j) of this section.

AMENDATORY SECTION (Amending WSR 23-02-032, filed 12/28/22, effective 1/28/23)

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 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 12 months))~~ meet the immigration status requirements of WAC 388-466-0005;

(b) You ~~((meet the immigration status requirements of WAC 388-466-0005))~~ have had the qualifying immigration status described in subsection (a) of this section for less than 12 months;

(c) You meet the income and resource requirements under chapters 388-450 and 388-470 WAC, except we do not count a one-time resettlement cash payment that a resettlement agency may use to cover direct assistance costs, such as rent, household goods, and other essential needs (WAC 388-466-0140);

(d) You meet the work and training requirements of WAC 388-466-0150; and

(e) ~~((You))~~ If you are a refugee, you provide the name of the ~~((voluntary agency (VOLAG)))~~ resettlement agency which ~~((helped bring you to this country))~~ resettled you.

(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, without good cause, voluntarily quit or refused to accept a bona fide offer of employment within 30 consecutive days immediately prior to your application for RCA; or

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

(4) What if I am 65 years of age or older, blind, or disabled?

You may be eligible for supplemental security income (SSI). If you also meet the eligibility requirements for RCA, you may be eligible to receive RCA benefits for up to 12 months or until SSI benefits are authorized, whichever occurs sooner.

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

(5) If I meet the requirements for the RCA program, what date will be used as the start date of the 12-month RCA benefit period?

The date that will be used as the start of the 12-month RCA benefit period is the date that you qualify for federal refugee resettlement services based on your immigration status.

(a) The start date of the 12-month RCA benefit period will be the date you entered the United States if you are a(n):

(i) Refugee;

(ii) Amerasian;

(iii) Special Immigrant Visa (SIV) holder from Iraq or Afghanistan;

(iv) Afghan Special Immigrant Parolee (SI/SQ); or

(v) Afghan individual with Special Immigrant (SI) Conditional Permanent Residence (CPR).

(b) If you are a Cuban-Haitian entrant, the start date of the 12-month RCA benefit period is the date you entered Cuban-Haitian entrant status.

(c) If you are an asylee, ((your entry date)) the start date of the 12-month RCA benefit period will be the date that your asylum status is granted. For example: You entered the United States on December 1, ((1999)) 2021, as a tourist, then applied for asylum on April 1, ((2000)) 2022, interviewed with the asylum office on July 1, ((2000)) 2022, and were granted asylum on September 1, ((2000)) 2022. ((Your entry date is September 1, 2000. On)) September 1, ((2000)) 2022, ((you may be eligible for refugee cash assistance)) will be used as the start date of your 12-month RCA benefit period.

(d) If you are certified as a victim of human trafficking, the start date of the 12-month RCA benefit period will be the date on the certification, eligibility, or interim assistance letter from the federal U.S. Department of Health and Human Services (HHS).

(e) If you are a Ukrainian humanitarian parolee that entered the United States between February 24, 2022, and September 30, 2023, the start date of the 12-month RCA benefit period is May 21, 2022, or the date you were granted parole, whichever is later. If you entered the United States between October 1, 2023, and September 30, 2024, your date of eligibility is April 24, 2024, or the date you were granted parole, whichever is later.

(f) If you are an Afghan humanitarian parolee that entered the United States between July 31, 2021, and September 30, 2023, the start date of the 12-month RCA benefit period is October 1, 2021, (if you entered between July 31, 2021, and September 30, 2021) or the date you "entered the community," whichever is later.

((+5)) (6) 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, 18 years of age or older, you provide the original certification letter from the U.S. Department of Health and Human Services ~~((DHHS))~~ (HHS), and you meet eligibility requirements in ~~((subsections))~~ subsection (2) ~~((+e) 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 18, in which case you do not need to be certified. ~~((DHHS))~~ HHS issues a special eligibility or interim assistance 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, ~~((+e))~~ T-5, or T-6 Visa (Derivative T-Vi-

sas), 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)) When can I start receiving RCA?

The date DSHS has sufficient information to make an eligibility decision is the date ~~((your))~~ you can start receiving RCA ~~((begins))~~ (WAC 388-406-0055).

(8) ((When does my RCA end)) How long can I receive RCA benefits?

~~(a) ((Your RCA ends on the last day of the 12th month starting with the month of your arrival to the United States. Count the 12 months from the first day of the month of your entry into the United States)) You can receive up to 12 months of RCA benefits starting from the month of the date you become eligible for services through the federal office of refugee resettlement (ORR). For example, if ((you entered the United States)) the date you qualify for ORR services is ((on)) May 28, 2022, May 2022 is ((your)) the first month and April 2023 is ((your)) the last month ((of)) you may be eligible to receive RCA.~~

~~(b) The date that starts the 12-month eligibility period for RCA is the date you are eligible for ORR services, not the date of application for RCA. The actual number of months you receive RCA benefits depends on the date you apply and are approved for RCA. You will only be able to receive RCA for the number of months between RCA approval and the last day of the 12th month from your date of eligibility for ORR services. For example, if the date you are eligible for ORR services is May 1, 2022, and you applied and were approved for RCA on November 1, 2022, you will only be eligible for up to six months of RCA benefits, from November 2022 until April 2023.~~

~~((b)) (c) 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.~~

~~((e)) (d) 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 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 they arrive in the U.S. after me?

When your spouse arrives in the United States, DSHS determines their eligibility for RCA and other income assistance programs.

(a) Your spouse may be eligible for up to 12 months of RCA based on ~~((their date of arrival into the United States))~~ the date they qualify for federal refugee settlement services through the federal office of refugee resettlement.

(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 90 days of the date of the decision or action.

AMENDATORY SECTION (Amending WSR 23-02-032, filed 12/28/22, effective 1/28/23)

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 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 12 months. Your disability must be verified by documentation from a behavioral health organization (BHO), 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 disabili-

ties administration (DDA), division of vocational rehabilitation (DVR), home and community services (HCS), division of behavioral health and recovery (DBHR), a behavioral health organization (BHO), regional service area (RSA), or evidence from another medical or mental health professional.

(c) Sixty 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))~~ You will be ineligible for ~~((30 days from the date of your refusal to accept work or training opportunity))~~ refugee cash assistance if you, without good cause, voluntarily quit employment or refused to accept a bona fide offer of employment within 30 consecutive days immediately prior to your application for RCA; 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))~~) resettlement agency 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 12-month eligibility period))~~ each subsequent occurrence, the cash grant is reduced by the sanctioned refugee's amount for six months.

(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))~~ each subsequent occurrence, your grant is terminated for ~~((the remainder of your 12-month eligibility period))~~ six months.

(7) How can I avoid the penalties?

You can avoid the penalties~~((7))~~ 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.