

WSR 25-10-065
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 2, 2025, 4:16 p.m., effective May 5, 2025]

Effective Date of Rule: May 5, 2025.

Purpose: Effective May 5, 2025, the department of social and health services (department) is adopting emergency amendments to WAC 388-400-0030 Who is eligible for refugee cash assistance? and 388-466-0120 Refugee cash assistance (RCA). These amendments are necessary to modify the eligibility period for refugee cash assistance as determined by the United States Office of Refugee Resettlement (ORR) pursuant to 45 C.F.R. § 400.211 and Federal Register, ORR; Notice of Change of Eligibility.

Citation of Rules Affected by this Order: Amending WAC 388-400-0030 and 388-466-0120.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.250.

Other Authority: 45 C.F.R. § 400.211.

Under RCW 34.05.350 the agency for good cause finds 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: These amendments are necessary to modify the eligibility period for refugee cash assistance as determined by ORR pursuant to 45 C.F.R. § 400.211 and Federal Register, ORR; Notice of Change of Eligibility. The department is concurrently proceeding with the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 2, 2025.

Katherine I. Vasquez
Rules Coordinator

SHS-5083.1

AMENDATORY SECTION (Amending WSR 25-08-068, filed 4/1/25, effective 5/2/25)

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 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);
- (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 meet the requirements of this section, you ~~((are eligible for))~~ may receive refugee cash assistance ~~((only during the 12-month))~~ for the eligibility period ((beginning in the first month)) as determined by the director of the federal office of refugee resettlement (ORR) in accordance with 45 CFR § 400.211(b). You may begin receiving RCA from the date that you qualify for federal refugee services through ((the federal office of refugee resettlement)) ORR (WAC 388-466-0120). Although your eligibility period for RCA begins on the date that you qualify for ORR services, the ((The)) actual ((number of months)) length of time that you receive RCA benefits will depend on the date you apply and are approved for RCA. Therefore, you may receive less than the available months of benefits.

AMENDATORY SECTION (Amending WSR 25-08-068, filed 4/1/25, effective 5/2/25)

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 meet the immigration status requirements of WAC 388-466-0005;
- (b) You have had the qualifying immigration status described in subsection (a) of this section for less than ~~((12 months))~~ the duration of the program as determined by the director of the federal office of refugee resettlement;
- (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) If you are a refugee, you provide the name of the resettlement agency which 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

(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))~~ the duration of the program as determined by the director of the federal office of refugee resettlement or until SSI benefits are authorized, whichever occurs sooner.

(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))~~ met the definition of a Cuban-Haitian entrant as defined in 45 C.F.R. part 401.2.

(c) If you are an asylee, the ~~((state))~~ 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, 2021, as a tourist, then applied for asylum on April 1, 2022, interviewed with the asylum office on July 1, 2022, and were granted asylum on September 1, 2022. September 1, 2022, 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.

(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 (HHS), and you meet eligibility requirements in subsection (2) of this section. You do not have to provide any other documentation of your immigration status.

(b) A child victim under the age of 18, in which case you do not need to be certified. 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, T-5, or T-6 Visa (Derivative T-Visas), and you meet the eligibility requirements in subsections (2)(c) and (d) of this section.

(7) When can I start receiving RCA?

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

(8) How long can I receive RCA benefits?

(a) You can receive (~~up to 12 months of~~) RCA benefits for the duration of the program as determined by the director of the federal office of refugee resettlement starting from the (~~month of the~~) date you (~~become eligible~~) qualify for services through the federal office of refugee resettlement (ORR). (~~For example, if the date you qualify for ORR services is May 28, 2022, May 2022 is the first month and April 2023 is the last month you may be eligible to receive RCA.~~)

(b) The (~~date that starts the 12-month eligibility~~) benefit period for RCA (~~is~~) begins 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~~) benefit for the program as determined by the director of ORR, which is calculated 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.~~)

(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.

(d) (~~You~~) The number of months that you may receive RCA benefits (~~for more months~~) could change if the federal office of refugee resettlement (~~extends~~) changes 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 for the duration of the program as determined by the director of the federal office of refugee resettlement. The date your spouse qualifies for RCA is based on 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) 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.