



TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 39-2026

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

FILED: 10/13/2026 7:12 AM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Change to the Eligibility Period in the Refugee Assistance and Refugee Assistance Medical Programs

EFFECTIVE DATE: 10/16/2026 THROUGH 02/07/2027

AGENCY APPROVED DATE: 10/11/2026

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NEED FOR THE RULE(S):

OAR 461-135-0900 needs to be amended to align the rule with new guidance from the Federal Office of Refugee Resettlement (ORR). The amendment to the rule changes the eligibility period in the Refugee Assistance and Refugee Assistance Medical programs to 12 months for individuals whose date of eligibility is on or after January 1, 2026.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to promptly amend OAR 461-135-0900 will result in serious prejudice to the public interest, specifically for individuals who apply for or receive benefits through the Refugee Assistance and Refugee Assistance Medical programs. A temporary amendment is necessary to align the rule with federal standards. Without immediate action, the Department would be out of compliance with federal requirements, resulting in eligible individuals receiving benefits for a shorter period than permitted. This amendment ensures timely compliance and continued access to benefits consistent with federal law.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

AMEND: 461-135-0900

SUSPEND: Temporary 461-135-0900 from SSP 34-2026

RULE TITLE: Specific Requirements; REF, REFM

RULE SUMMARY: OAR 461-135-0900 is being amended through a second temporary filing that revises the previous temporary amendment, which took effect August 12, 2026. This amendment changes the eligibility period in the Refugee Assistance and Refugee Assistance Medical programs to 12 months, based on new guidance from the Federal Office of Refugee Resettlement (ORR) for individuals who become eligible on or after January 1, 2026.

RULE TEXT:

(1) In addition to the eligibility (see OAR 461-001-0000) requirements in other rules in OAR chapter 461, an individual must meet all of the requirements in this rule to be eligible for the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs.

(2) An individual must meet the noncitizen status requirements of OAR 461-120-0125 to be eligible for REF and REFM programs except as follows. In the REFM program, a newborn child (see OAR 461-001-0000) born in the United States to an individual in the REFM program is not required to meet the noncitizen status requirements for the REFM program as long as each parent (see OAR 461-001-0000) in the filing group (see OAR 461-110-0210) meets the noncitizen status requirements of OAR 461-120-0125.

(3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".

(4) Eligibility for REF and REFM program benefits –

(a) For individuals whose date of eligibility is before October 1, 2021, is limited to the first eight months from the date the immigration status was granted. Months in the United States are counted as whole months. There is no prorating of months.

(b) For individuals whose date of eligibility is from October 1, 2021, through May 4, 2025, is limited to the first twelve months from the date the immigration status was granted, except for individuals that meet the criteria of paragraph (B) of this subsection.

(A) Months in the United States are counted as whole months. There is no prorating of months.

(B) The twelve-month period begins May 21, 2022, for an individual who is a citizen or national of Ukraine, or an individual who last habitually resided in Ukraine, who was paroled into the United States between February 24, 2022, and May 21, 2022.

(c) For individuals whose date of eligibility is from May 5, 2025, through December 31, 2025, is limited to the first four months from the date the immigration status was granted. Months in the United States are counted as whole months. There is no prorating of months.

(d) For individuals whose date of eligibility is on or after January 1, 2026, is limited to the first 12 months from the date the immigration status was granted. Months in the United States are counted as whole months. There is no prorating of months.

(5) In the REF and REFM programs, if an individual was originally resettled in Oregon through the federal refugee resettlement process, then the individual must provide the name of the local resettlement agency that resettled them.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.404, 414.685

STATUTES/OTHER IMPLEMENTED: ORS 409.010, 411.060, 411.070, 411.116, 411.121, 411.404, 411.878, 412.049, 414.685, 45 CFR 400, H.R. 7691, 117th Cong. (2021-2022)