

WAC 246-562-120 Department decision. (1) Applicants will be notified of the department's decision within 30 business days of the review period's closing date. If the decision is to decline sponsorship, the department will provide an explanation of how the application scored or failed to meet the stated criteria.

(2) The department may deny a visa waiver request or, prior to U.S. Department of State approval, may withdraw a visa waiver recommendation for cause, when the department finds the applicant has engaged in conduct contrary to the intent of the J-1 visa waiver program identified in WAC 246-562-015 including, but not limited to, the following:

- (a) Application is not consistent with state or federal criteria;
- (b) Dishonesty;
- (c) Evasion or suppression of material facts in the visa waiver application or in any of its required documentation and supporting materials;
- (d) Fraud;
- (e) History of noncompliance for applicants who benefited from previous department sponsorship;
- (f) Misrepresentation; or
- (g) Violation of Washington state laws and rules related to charity care.

(3) Applicants may be denied future participation in the state visa waiver program for noncompliance with any of the provisions of this chapter or federal labor law requirements.

(4) Any decision by an applicant or physician to contest a department decision, including a decision to deny or withdraw a visa waiver sponsorship, shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), chapter 246-10 WAC, and this chapter. The burden shall be on the applicant or physician to establish that the department's decision or action was in error in all cases involving this chapter.

[Statutory Authority: RCW 70.185.040. WSR 24-18-072, § 246-562-120, filed 8/29/24, effective 10/1/24. Statutory Authority: RCW 70.185.040 and P.L. 110-362. WSR 16-17-060, § 246-562-120, filed 8/12/16, effective 10/1/16. Statutory Authority: Chapter 70.185 RCW and Public Law 108-441. WSR 06-07-035, § 246-562-120, filed 3/8/06, effective 4/8/06. Statutory Authority: Chapter 70.185 RCW. WSR 03-19-054, § 246-562-120, filed 9/11/03, effective 10/12/03; WSR 00-15-082, § 246-562-120, filed 7/19/00, effective 8/19/00; WSR 98-20-067, § 246-562-120, filed 10/2/98, effective 11/2/98.]