This is an amendment to 8.119.410 NMAC, Section 8 effective 11/1/2022.

8.119.410.8   **GENERAL RECIPIENT REQUIREMENTS:**
      A.   **Citizenship**
          (1)   To be eligible for inclusion in the RCA benefit group, the applicant must be classified as a "refugee."
          (2)   To be eligible for inclusion in the RRP benefit group the individual must provide proof, in the form of documentation issued by USCIS, of one of the following statuses under the INA as a condition of eligibility:
               (a)   paroled as a refugee or asylee under section 212(d)(5) of INA; or
               (b)   admitted as a refugee under section 207 of the INA; or
               (c)   granted asylum under section 208 of the INA; or
               (d)   Cuban and Haitian entrants including:
                    (i)   any individual granted parole status as a Cuban/Haitian entrant (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and
                    (ii)   any other national of Cuba or Haiti who was paroled into the U.S. and has not acquired any other status under the INA; is the subject of exclusion or deportation proceedings under the INA; or has an application for asylum pending with the INS; and with respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered; or
               (e)   certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts 1989 (Public Law 100-461 as amended)); or
               (f)   admitted for permanent residence, provided the individual previously held one of the statuses identified above.
          (3)   An applicant for asylum is not eligible for assistance under title IV of the INA unless otherwise provided by federal law.
      B.   **Time limits**
          (1)   Eligibility for RCA is limited to [~~eight (8)~~] <u>12</u> months from the date of entry, date of asylum, or date deportation was withheld.
          (2)   For refugee assistance cases involving U.S. born children, the eligibility for RCA for the child expires when the refugee parent who last arrived in the U.S. has been in the country for eight [~~(8)~~] months.
      C.   **General eligibility requirements**
          (1)   RCA eligibility is limited to those who are ineligible for TANF. The benefit groups' eligibility for TANF must be determined before determining eligibility for RCA.
          (2)   An individual who is enrolled full-time in an institution of higher education will be ineligible to participate in the RCA program except where such enrollment has been approved as part of the individual's individual employability plan (IEP) and in which the enrollment will last for a period of less than one year.
               (a)   An individual is considered to be enrolled in an institution of higher education, if the individual is enrolled in a business, technical, trade or vocational school, that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.
               (b)   The enrollment status of a student shall begin on the first day of the school term. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and semester breaks. Enrollment status shall terminate when the student graduates, is expelled, does not re-enroll or is suspended for a period in excess of [~~thirty (30)~~] <u>30</u> calendar days.
          (3)   A refugee must provide the name of the resettlement agency which was responsible for his or her resettlement.
          (4)   Possession of a social security number is not a requirement of eligibility for RCA.

[07/01/97; 8.119.410.8 NMAC - Rn, 8 NMAC 3.RRP.412, 03/14/2001; A, 11/1/2013; A, 11/1/2022]