

TITLE 8 SOCIAL SERVICES
CHAPTER 119 REFUGEE RESETTLEMENT PROGRAM
PART 100 RECIPIENT POLICIES-DEFINITIONS AND ACRONYMS

8.119.100.1 ISSUING AGENCY: New Mexico Human Services Department.
[8.119.100.1 NMAC - N, 11/01/2013]

8.119.100.2 SCOPE: The rule applies to the general public.
[8.119.100.2 NMAC - N, 11/01/2013]

8.119.100.3 STATUTORY AUTHORITY:

A. The Refugee Resettlement Program (RRP) is authorized under Title IV of the Immigration and Nationality Act of 1980. The act designates the federal department of health and human services (DHHS) as the federal administering agency. RRP regulations are issued by DHHS in the code of federal regulations, Title 45, Part 400, which is supplemented by administrative and program instructions issued by the federal department from time to time.

B. In accordance with authority granted to the department by NMSA 1978, section 27-1-3(J), and pursuant to Executive Order No. 80-62, dated 10/01/81, the governor of the state of New Mexico has designated the human services department (HSD) as the single state agency responsible for administering the program in New Mexico.
[8.119.100.3 NMAC - N, 11/01/2013]

8.119.100.4 DURATION: Permanent
[8.119.100.4 NMAC - N, 11/01/2013]

8.119.100.5 EFFECTIVE DATE: November 1, 2013, unless a later date is cited at the end of a section.
[8.119.100.5 NMAC - N, 11/01/2013]

8.119.100.6 OBJECTIVE: The objective of the RRP is to assist refugees to become self-sufficient by providing a program of financial and medical assistance, while supportive services are provided, to ensure the effective resettlement of refugees in the state of New Mexico through programs designed to assist with integration, promotion of economic self-sufficiency, and protecting refugees and communities from infectious diseases and other health related issues. HSD has agreed to administer this program subject to the receipt of federal funds. Under the RRP, sponsor(s) and national voluntary agencies (VOLAGs) work closely with the federal government to coordinate support services authorized under the program. The RRP includes the provision of refugee cash assistance (RCA), refugee medical assistance (RMA), refugee social services (RSS) and additional support services funded by the office of refugee resettlement (ORR).
[8.119.100.6 NMAC - N, 11/01/2013]

8.119.100.7 DEFINITIONS:

A. Definitions beginning with "A":

(1) **Alien:** means an individual residing in the U.S. who does not hold U.S. citizenship.

(2) **Application:** means a written request for assistance, on the appropriate ISD form, signed by or on behalf of an individual or family.

(3) **Asylee:** means an individual who while in the U.S. is granted permanent residence under Section 208 of the Immigration and Nationality Act (INA) and is unable or unwilling to return to his or her country of origin because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(4) **Asylee applicant:** means an individual who has applied for, but not yet received, asylum in the U.S. and who is therefore ineligible for the RRP.

(5) **Authorized representative:** means a person aged 18 years or older who is designated, in writing, by the applicant and is sufficiently knowledgeable about the applicant/benefit group's circumstances to complete the application form correctly and represent the benefit group.

B. Definitions beginning with "B": **Benefit group:** means an individual or group of individuals authorized to receive cash assistance financed by federal or state funds.

C. Definitions beginning with "C":

(1) **Case management services:** means the determination of appropriate service(s) to refer a refugee, referral to such services(s), and tracking of the refugee's participation in such services(s).

(2) **Conditional entrant:** means an individual who was admitted to the U.S. under Section 203(a)(7) of the INA.

(3) **Cuban/Haitian entrant:** means a citizen of Cuba or Haiti who is admitted to the U.S. under section 212(d)(5) of the INA.

D. Definitions beginning with "D":

(1) **Date of entry:** means the date established by the department of homeland security as the date a refugee or Cuban/Haitian entrant was lawfully admitted to the U.S. for permanent residence. For asylees it means the date on which asylum was granted.

(2) **Department:** means the human services department.

(3) **Documentation of immigration status:** means documents issued to the individual by DHS or USCIS that identifies the individual's lawful immigration status. The documentation provided by an individual is copied for the case file.

E. Definitions beginning with "E":

(1) **Earned income:** means cash or payments in-kind that are received as wages from employment or payment in lieu of wages; and earnings from self-employment or earnings acquired from direct provision of services, goods or property, production of goods, management of property or supervision of services.

(2) **Economic self-sufficiency:** means the ability of a refugee to meet his or her basic needs without the need for cash assistance.

(3) **Employability plan:** means an individualized written plan for a refugee, registered for employment services, that sets forth a program of services intended to achieve the earliest possible employment of the refugee.

(4) **Employability services:** means services designed to enable an individual to attain employment and to improve the work skills of the individual.

F. Definitions beginning with "F": Form I-94: means the white arrival/departure card issued by the department of homeland security to each alien entering the U.S. which identifies the date of entry and the immigration status granted to that person.

G. Definitions beginning with "G": [RESERVED]

H. Definitions beginning with "H": [RESERVED]

I. Definitions beginning with "I":

(1) **Individualized employability plan (IEP):** means a written plan, developed by the refugee and the case manager, or the actions to be taken by an employable refugee to achieve employment and economic self-sufficiency.

(2) **Institution of higher education:** means any educational institution which normally requires a high school diploma or equivalency certificate for enrollment, including but not limited to colleges, universities, and vocational or technical schools at the post-high school level.

J. Definitions beginning with "J": [RESERVED]

K. Definitions beginning with "K": [RESERVED]

L. Definitions beginning with "L":

(1) **Local affiliate:** means a not-for-profit agency that is affiliated with a national voluntary agency (VOLAG) and has been approved by the U.S. department of state to conduct a refugee resettlement program.

(2) **Local resettlement agency:** means a local affiliate of a VOLAG that has entered into a grant, contract, or cooperative agreement with the U.S. department of state to provide initial reception and placement services to refugees.

(3) **Local sponsor:** means an individual, church, or civic organization that has agreed to assist a refugee to resettle in a specific community.

M. Definitions beginning with "M":

(1) **Match grant:** means a program sponsored by the office of refugee resettlement (ORR) that provided matching funds to voluntary agencies and local affiliates to provide cash assistance and services to refugees for no more than six months after their lawful arrival in the U.S.

(2) **Medicaid:** means medical assistance under Title XIX of the Social Security Act, as amended.

(3) **Minor unmarried parent:** means an unmarried parent, who is under the age of 18 years, or is age 18 and enrolled in high school.

N. Definitions beginning with "N":

(1) **National voluntary agency (VOLAG):** means one of the national resettlement agencies that has entered into a contract, or cooperative agreement with the U.S. department of state or other federal agency to provide for the resettlement of refugees and to oversee the work of a national network or local affiliates.

(2) **New Mexico works:** means the federally funded temporary assistance for needy families (TANF) program that carries a 60 month term limit for adults in the state of New Mexico and requires participation in a variety of job search and skill development activities to maintain eligibility.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”: Payment: means the amount of the cash assistance benefit.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”:

(1) **Reception and placement grant:** means a grant provided by the U.S. department of state or U.S. department of justice that is intended to assist refugees to meet their basic needs during the first 30 to 90 days after admission to the U.S.

(2) **Recipient:** means a person receiving cash assistance benefits.

(3) **Refugee:** means any person who is admitted into the U.S. under Section 207 of the INA and is unable or unwilling to return to his or her country of origin because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(4) **Resources:** means tangible assets and property owned by the applicant with the exception of assets and property in the refugee’s country of origin and assets and property given to the refugee as part of the reception and placement program.

(5) **Refugee cash assistance (RCA):** means a one hundred percent federally funded cash assistance program for non-TANF, non-SSI, eligible needy refugees during their first 12 months in the U.S.

(6) **Refugee medical assistance (RMA):** means a one hundred percent federally funded medical assistance program for non-Medicaid eligible needy refugees during their first 12 in the U.S.

S. Definitions beginning with “S”:

(1) **Secondary migrant:** means a refugee who was initially resettled in another state but who has relocated their residence to New Mexico.

(2) **Spend down:** means to deduct incurred medical expenses from countable income, thereby lowering the amount of countable income to a level that may meet the financial eligibility standard.

(3) **Standard of need:** means a maximum cash benefit amount that is based on federal regulation for TANF standard of need.

(4) **Supplemental security income (SSI):** means monthly cash payments to income eligible persons over the age of 65 or who are determined to be disabled under the authority of Title XVI of the Social Security Act.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: Unearned income: means income from one of these sources: old age, survivors and disability insurance payments (social security); railroad retirement benefits; veteran’s administration compensation or pension payments; military retirement and allotments; pensions, annuities and retirement benefits; lodge or fraternal benefits; other public or private disability or retirement benefits or pensions; shared shelter payments; individual Indian money (IIM); royalty or lease payments for land or property owned by a benefit group member; settlement payments resulting from insurance or litigation; worker’s compensation benefits; child support; unemployment compensation benefits; union benefits paid in cash; gifts and contributions; and real property income.

V. Definitions beginning with “V”: Victim of human trafficking: means an individual who has received certification from ORR as a victim of human trafficking.

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[8.119.100.7 NMAC - N, 11/01/2013; A, 11/1/2022]

8.119.100.8 ABBREVIATIONS AND ACRONYMS:

A. AFDC: aid to families with dependent children

B. DHS: (U.S) department of homeland security

C. DOJ: (U.S.) department of justice

D. DOS: (U.S.) department of state

- E. **DWS:** department of workforce solutions
- F. **EID:** earned income disregard
- G. **HHS:** (U.S.) department of health and human services
- H. **HSD:** human services department
- I. **ICE:** (U.S.) immigration and customs enforcement
- J. **IEP:** individual employability plan
- K. **INA:** Immigration and Nationality Act
- L. **IRU:** incapacity review unit
- M. **ISD:** income support division
- N. **MAD:** medical assistance division
- O. **NMDWS:** New Mexico department of workforce solutions
- P. **NMW:** New Mexico works
- Q. **ORR:** office of refugee resettlement
- R. **RCA:** refugee cash assistance
- S. **RMA:** refugee medical assistance
- T. **RRP:** refugee resettlement program
- U. **RSS:** refugee social services
- V. **SSI:** supplemental security income
- W. **TANF:** temporary assistance for needy families
- X. **USCIS:** (U.S.) citizenship and immigration service
- Y. **VOLAG:** national voluntary agency

[8.119.100.8 NMAC - N, 11/01/2013]

HISTORY OF 8.119.100 NMAC: [RESERVED]