

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 119 REFUGEE RESETTLEMENT PROGRAM**  
**PART 520 ELIGIBILITY POLICY-INCOME**

**8.119.520.1 ISSUING AGENCY:** New Mexico Health Care Authority.  
[8.119.520.1 NMAC - Rp 8.119.520.1 NMAC, 7/16/2024]

**8.119.520.2 SCOPE:** The rule applies to the general public.  
[8.119.520.2 NMAC - Rp 8.119.520.2 NMAC, 7/16/2024]

**8.119.520.3 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 DHHS from time to time.

**B.** In accordance with authority granted to the health care authority by Subsection J of Section 27-1-3 NMSA 1978, and pursuant to Executive Order No. 80-62, dated 10/01/1981, the governor of the state of New Mexico has designated the health care authority (HCA) as the single state agency responsible for administering the program in New Mexico.

**C.** Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.119.520.3 NMAC - Rp 8.119.520.3 NMAC, 7/16/2024]

**8.119.520.4 DURATION:** Permanent.  
[8.119.520.4 NMAC - Rp 8.119.520.4 NMAC, 7/16/2024]

**8.119.520.5 EFFECTIVE DATE:** July 16, 2024, unless a later date is cited at the end of a section.  
[8.119.520.5 NMAC - Rp 8.119.520.5 NMAC, 7/16/2024]

**8.119.520.6 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. HCA has agreed to administer this program subject to the receipt of federal funds. Under the RRP, sponsors(s) and 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).

[8.119.520.6 NMAC - Rp 8.119.520.6 NMAC, 7/16/2024]

**8.119.520.7 DEFINITIONS: [RESERVED]**  
[8.119.520.7 NMAC - Rp 8.119.520.7 NMAC, 7/16/2024]

**8.119.520.8 EARNED INCOME:**

**A.** Standards: For RCA earned income is determined in accordance with 45 CFR Section 400.66 which requires that RCA adhere to the need determination standards and provisions of the TANF program except as noted below.

**B.** Earned Income Deductions: The work related expenses described in 8.102.520.9 NMAC through 8.102.520.13 NMAC are applicable to RCA eligibility and benefit calculation determinations.

[8.119.520.8 NMAC - Rp 8.119.520.8 NMAC, 7/16/2024]

**8.119.520.9 UNEARNED INCOME:** Unearned income for RCA is determined in accordance with 45 CFR

Section 400.66 which requires that RCA adhere to the unearned income determination standards and provisions of the TANF program, except as noted below:

**A.** Reception and placement grant: Any cash grant received by the refugee applicant under the DOS or DOJ reception and placement programs may not be counted as unearned income in determining income eligibility.

**B.** Refugee matching grants: Refugees who have been in the U.S. fewer than 180 days may be included under the matching grant program through a local resettlement agency.

(1) Cash payments, received by refugees, as part of the matching grant program are countable as unearned income in determining RCA eligibility.

(2) If a refugee who might be covered by a matching grant program applies to an ISD office for cash assistance, the ISD county office must verify with the refugee's resettlement agency whether the refugee is receiving such assistance and, if so, the amount.

(3) If cash assistance is being provided under a matching grant, the amount must be counted as unearned income.

(4) In-kind services or shelter payments provided to a refugee as part of the matching grant program are not counted in determining eligibility.

(5) Refugees are not eligible to receive both RCA and matching grant at the same time. A refugee client applying for RCA should be advised that approval for RCA will result in ineligibility for the matching grant program. If RCA is approved, the ISD office shall notify the resettlement agency of the approval.

[8.119.520.9 NMAC - Rp 8.119.520.9 NMAC, 7/16/2024]

**History of 8.119.520 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD-IPP 81-8, Limiting Assistance to 36 Months After Arrival into U.S. to Refugees (ISD Categories 19 and 49), 4/10/1981.

ISD-IPP 82-7, Limiting Refugee Assistance to 18 Months After Refugee's Arrival into U.S., 3/15/1982.

ISD 281.0000, Refugee Eligibility Conditions, 6/29/1982.

ISD FA 610, Refugee Resettlement Program, 2/11/1988.

ISD FA 610, Refugee Resettlement Program, 7/2/1990.

**History of Repealed Material:**

8 NMAC 3.RRP, Refugee Resettlement Program - Repealed, 7/1/1997.

8.119.520 NMAC - Eligibility Policy-Income (filed 3/2/2001) Repealed effective 7/16/2024.

Other: 8.119.520 NMAC - Eligibility Policy-Income (filed 3/2/2001) Replaced by 8.119.520 NMAC - Eligibility Policy-Income, effective 7/16/2024.