



State of New Mexico Health Care Authority **Register**

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

8.119.100 NMAC-REFUGEE RESETTLEMENT PROGRAM-DEFINITIONS AND
ACRONYMS

8.119.410-REFUGEE RESETTLEMENT PROGRAM-GENERAL RECIPIENT
REQUIREMENTS

III. PROGRAM AFFECTED

REFUGEE RESETTLEMENT PROGRAM

IV. ACTION

PROPOSED RULE

V. BACKGROUND SUMMARY

The Health Care Authority (HCA) Income Support Division (ISD) implemented a temporary emergency rule which was effective May 1, 2025, this does not permanently amend or repeal the existing rule and will only remain in effect until this permanent rule takes effect under the normal rule making process.

On March 21, 2025, a Federal Register was issued by Health and Human Services (HHS) notice of change of Eligibility Period for Refugee Cash Assistance (RCA). The eligibility period is being changed from 12 months to four months for participants who become eligible for Office of Refugee Resettlement (ORR) benefits 45 days after publication. ORR determined that it must shorten the RCA eligibility period to four months to avoid a significant budget shortfall. The language update will mirror the language in 45 CFR 400.211 <https://www.ecfr.gov/current/title-45/section-400.211>. This rule is necessary to ensure HCA is in compliance with federal regulations.

The proposed rule changes to the New Mexico Administration Code (NMAC) will be to:

Section 7 of 8.119.100 NMAC

Updating the following language:

- (5) Refugee cash assistance (RCA): means financial assistance to refugees, including TANF, SSI, refugee cash assistance under title IV of the Social Security Act.
- (6) Refugee medical assistance (RMA): medical assistance to refugees who are ineligible for the medicaid program.
- No other sections in 8.119.100 are under review at this time

Section 8 of 8.119.410 NMAC

Updating the following language:

- **B.** General eligibility requirements:
 - (1) Eligibility for RCA is limited to those who:
 - (a) are new arrivals who have resided in the U.S. less than the RCA eligibility period determined by the ORR director in accordance with 45 CFR 400.211;
 - (b) are ineligible for cash assistance under Title IV of the Social Security Act;
 - (c) meet immigration status and identification requirements in 45 CFR part 400 Subpart D or are the dependent children of, and part of the same family unit as, individuals who meet the requirements in subpart D, subject to the limitation in 45 CFR 400.208 with respect to nonrefugee children; and
 - (d) are not full-time students in institutions of higher education, as defined by the ORR director.
 - (2) A refugee may be eligible for refugee cash assistance under this subpart during a period to be determined by the ORR director in accordance with 45 CFR 400.211.
 - (3) Possession of a social security number is not a requirement of eligibility for RCA.
- No other sections in 8.119.100 are under review at this time

This action is authorized under Chapter 9, Article 8, NMSA 1978 (Repl. 1983), which grants the Department Secretary the authority to establish rules and regulations necessary for the Department and its divisions.

VI. CONCISE EXPLANATORY STATEMENT

The NMHCA is promulgating these rules to be in compliance with Code of Federal Regulations (CFR). Historically the RCA eligibility period has been updated based on budget availability, for example prior to federal fiscal year 2022, the eligibility period was eight (8) months and then increased in federal fiscal year 2022 to 12 months.

Regulations issued pursuant to the act are contained in 45 CFR Parts 400. Administration of the Health Care Authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority must promulgate these rules and make them effective no later than October 1, 2025, to be in compliance with Federal law.

VII. RULE

The register and rule language is available on the HCA website at:

<https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>.

If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

VIII. PUBLICATION DATE

June 24, 2025

IX. EFFECTIVE DATE

October 1, 2025

X. PUBLIC HEARING

A hybrid public hearing to receive testimony on this proposed rule will be held, pursuant to Section 14-4-5.6 NMSA 1978, on Friday July 25, 2025, at 10:00 a.m.–11:00 a.m. You may join in person, virtually, or by phone.

You may join in person at:

HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

You may join virtually from your computer, tablet or smartphone:

Microsoft Teams [Need help?](#)

Meeting ID: 281 929 251 602 8

Passcode: Qa7SJ9gt

Dial in by phone

[+1 505-312-4308,,783673944#](#) United States, Albuquerque

[\(888\) 506-1357,,783673944#](#) United States (Toll-free)

[Find a local number](#)

Phone conference ID: 783 673 944#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Get the app now and be ready when your first meeting starts: [Join the meeting now](#)

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

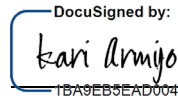
- Drop of at HCA Income Support Division, Sandoval County Office Attn: Monica Pineda at 4363 Jager Dr NE, Rio Rancho NM 8714
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed electronically to: HCA-isdrules@hca.nm.gov.

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, August 28, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website within 3 days of receipt.

XI. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY

This is an amendment to 8.119.410 NMAC, Section 7 effective 10/1/2025.

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 financial assistance to refugees, including TANF, SSI, refugee cash assistance under title IV of the Social Security Act.
 - (6) **Refugee medical assistance (RMA):** medical assistance to refugees who are ineligible for the medicaid program.
- 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 deed:** 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; AE, 5/1/2025; A, 10/1/2025]

This is an amendment to 8.119.410 NMAC, Section 8 effective 10/1/2025.

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. General eligibility requirements:

(1) Eligibility for RCA is limited to those who:

(a) are new arrivals who have resided in the U.S. less than the RCA eligibility period determined by the ORR director in accordance with 45 CFR 400.211;

(b) are ineligible for cash assistance under Title IV of the Social Security Act;

(c) meet immigration status and identification requirements in 45 CFR part 400 Subpart D or are the dependent children of, and part of the same family unit as, individuals who meet the requirements in subpart D, subject to the limitation in 45 CFR 400.208 with respect to nonrefugee children; and

(d) are not full-time students in institutions of higher education, as defined by the ORR director.

(2) A refugee may be eligible for refugee cash assistance under this subpart during a period to be determined by the ORR director in accordance with 45 CFR 400.211.

(3) Possession of a social security number is not a requirement of eligibility for RCA.

[8.119.410.8 NMAC - Rp 8.119.410.8 NMAC, 7/1/2024; AE, 5/1/2025; A, 10/1/2025]