

year only on the basis of its population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula.

(b) A State must assure that not less than 95 percent of the total award to the State is made available to the qualified county or counties, except in those cases where the qualified county or counties have agreed to let the State administer the targeted assistance program in the county's stead.

**PART 401—CUBAN/HAITIAN ENTRANT PROGRAM**

Sec.

401.1 [Reserved]

401.2 Definitions.

401.3–401.11 [Reserved]

401.12 Cuban and Haitian entrant cash and medical assistance.

AUTHORITY: Sec. 501(a), Pub. L. 96-422, 94 Stat. 1810 (8 U.S.C. 1522 note); Executive Order 12341 (January 21, 1982).

SOURCE: 47 FR 10850, Mar. 12, 1982, unless otherwise noted.

**§ 401.1 [Reserved]**

**§ 401.2 Definitions.**

For purposes of this part a *Cuban and Haitian entrant* or *entrant* is defined as:

(a) 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

(b) Any other national of Cuba or Haiti

(1) Who:

(i) Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

(ii) Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(iii) Has an application for asylum pending with the Immigration and Naturalization Service; and

(2) With respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

**§§ 401.3–401.11 [Reserved]**

**§ 401.12 Cuban and Haitian entrant cash and medical assistance.**

Except as may be otherwise provided in this section, cash and medical assistance shall be provided to Cuban and Haitian entrants by the same agencies, under the same conditions, and to the same extent as such assistance is provided to refugees under Part 400 of this title.

(a) For purposes of determining the eligibility of Cuban and Haitian entrants for cash and medical assistance under this section and the amount of assistance for which they are eligible under this section, the same standards and criteria shall be applied as are applied in the determination of eligibility for an amount of cash and medical assistance for refugees under subparts E and G of part 400 of this title.

(b) Federal reimbursement will be provided to States for the costs of providing cash and medical assistance (and related administrative costs) to Cuban and Haitian entrants according to procedures and requirements, including procedures and requirements relating to the submission and approval of a State plan, identical to those applicable to the Refugee Program and set forth in Part 400 of this title.

(c) The number of months during which an entrant may be eligible for cash and medical assistance for which Federal reimbursement is available under this section shall be counted starting with the first month in which an individual meeting the definition of a Cuban and Haitian entrant in § 401.2 was first issued documentation by the Immigration and Naturalization Service indicating:

(1) That the entrant has been granted parole by the Attorney General under the Immigration and Nationality Act,

(2) That the entrant is in a voluntary departure status, or

(3) That the entrant's residence in a United States community is known to the Immigration and Naturalization Service.

The amendments are to be issued under the authority contained in section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

[47 FR 10850, Mar. 12, 1982, as amended at 65 FR 15450, Mar. 22, 2000]

## PART 402—STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

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### Subpart B—Use of Funds

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### Subpart C—Administration of Grants

402.20 General provisions.

402.21 Fiscal control.

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402.26 Time period for obligation and expenditure of grant funds.

### Subpart D—State Allocations

402.30 Basis of awards.

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### Subpart E—State Applications

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402.43 Application deadline.

402.44 Basis for approval.

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### Subpart F—Recordkeeping and Reporting

402.50 Recordkeeping.

402.51 Reporting.

AUTHORITY: 8 U.S.C. 1255a note, as amended.

SOURCE: 53 FR 7858, Mar. 10, 1988, unless otherwise noted.

## Subpart A—Introduction

### § 402.1 General.

(a) These regulations implement section 204 of Pub. L. 99-603, the Immigration Reform and Control Act of 1986 (IRCA), as amended. This act establishes a temporary program of State Legalization Impact Assistance Grants (SLIAG) for States. The purpose of SLIAG is to lessen the financial impact on State and local governments resulting from the adjustment of immigration status under the Act of certain groups of aliens residing in the States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(b) Funds appropriated by section 204 may be applied by States with approved applications to certain State and local government costs incurred:

(1) In providing public assistance and public health assistance to eligible legalized aliens,

(2) For making payments to State educational agencies for the purpose of assisting local educational agencies in providing certain educational services to eligible legalized aliens,

(3) To provide public education and outreach to lawful temporary resident aliens concerning the adjustment to lawful permanent resident status and other matters,

(4) To make payments for education and outreach efforts by State agencies regarding unfair discrimination in employment practices based on national origin or citizenship status, and

(5) To administer the funds provided under this Part.

[56 FR 21246, May 7, 1991]

### § 402.2 Definitions.

As used in this part—

*The Act* means the Immigration Reform and Control Act of 1986, Public Law 99-603, as amended.

*Allocation* means an amount designated for a State, as determined under § 402.31, § 402.33, or § 402.34.

*Allotment* means the total amount awarded to a State, as determined under § 402.31, § 402.33, or § 402.34.

*Department* means the U.S. Department of Health and Human Services.

*Educational Services* means: