**Section 112.10 Citizenship**

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions:

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

B) Refugees under section 207 of the Immigration and Nationality Act (INA) (8 USC 1157);

C) Asylees under section 208 of INA (8 USC 1158);

D) Persons for whom deportation has been withheld under section 243(h) of INA (8 USC 1253(h)) prior to September 30,1996 or 241(b)(3) of INA (8 USC 1231(b)(3)) on or after September 30, 1996;

E) Persons granted conditional entry under section 203(a)(7) of INA (8 USC 1153) as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA including;

i) Afghani immigrants with special immigrant status under section 101(a)(27) of INA (8 USC 1101). The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of INA (8 USC 1101). The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;

G) Parolees, for at least one year, under section 212(d)(5) of INA (8 USC 1182);

H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse;

I) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by, or whose status has been verified by, the federal Office of Refugee Resettlement (ORR); and

J) Persons who are a foreign-born victim of trafficking, torture, or other serious crimes as defined in Art. XVI of the Illinois Public Aid Code [305 ILCS 5], and his or her derivative family members, as defined in 8 USC 1101(a)(15)(T) and (a)(15)(U), are eligible for cash assistance if he or she:

i) has filed or is preparing to file an application for T Nonimmigrant status with the appropriate federal agency pursuant to 8 USC 1101(a)(15)(T), or is otherwise taking steps to meet the conditions for federal benefits eligibility under 22 USC 7105;

ii) has filed or is preparing to file a formal application with the appropriate federal agency for status pursuant to 8 USC 1101(a)(15)(U); or

iii) has filed or is preparing to file a formal application with the appropriate federal agency for status under 8 USC 1158.

2) Benefits provided pursuant to subsection (b)(1)(J) shall be terminated if there is a final denial of that person's visa or asylum application under 8 USC 1101(a)(15)(T), 1101(a)(15)(U) or 1158.

3) Benefits provided pursuant to subsection (b)(1)(J) shall be denied one year after the date of the TANF application if a formal application under 8 USC 1101(a)(15)(T), 1101(a)(15)(U) or 1158 has not been filed. The Department may extend the person's and his or her derivative family member's eligibility for cash assistance beyond one year if the Department determines that the person, during the year of initial eligibility:

A) experienced a health crisis;

B) has been unable, after reasonable attempts, to obtain necessary information from a third party; or

C) has other extenuating circumstances that prevented the person from completing his or her application for status.

4) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) and who enter the United States on or after August 22, 1996 shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 44 Ill. Reg. 9929, effective May 20, 2020)