**Section 121.107 New State Food Program**

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, and his or her derivative family members, as defined in 8 USC 1101(a)(15)(T) and (a)(15)(U), who are ineligible for the federal Supplemental Nutrition Assistance Program (SNAP) solely on the basis that they do not meet citizenship requirements (see Section 121.20) may qualify for the New State Food Program.

a) The Department will determine that an applicant for the State Food Program is eligible for benefits if the applicant meets the income guidelines (see Sections 121.60 and 121.61) and is otherwise eligible. The monthly benefit amount is determined by using the maximum benefit amount for the household size minus the monthly benefit amount received by the eligible persons using the regular SNAP calculation.

b) Persons who are a foreign-born victim of trafficking, torture, or other serious crimes and his or her derivative family members are eligible for the New State Food Program if he or she:

1) 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;

2) 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

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

c) These persons are subject to the same work requirements and work requirement exemptions as other recipients of federal SNAP benefits. A person shall be exempted from any work requirements if physical or psychological trauma related to or arising from the trafficking, torture, or other serious crimes impedes his or her ability to comply.

d) Benefits 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.

e) A person shall be ineligible for continued State-funded food benefits if that individual has not filed a formal application for status pursuant to 8 USC 1101(a)(15)(T), 1101(a)(15)(U) or 1158 within one year after the date of his or her application for food benefits under this program, unless the Department determines, during the year of initial eligibility, that the person:

 1) experienced a health crisis;

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

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

 (Source: Amended at 42 Ill. Reg. 8295, effective May 4, 2018)