**Section 120.310 Citizenship**

To be eligible for assistance, an individual shall be either a United States (U.S.) citizen or a non‑citizen within specific categories and subject to specific restrictions set forth in subsection (a) and (b).

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 U.S. veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of that person;

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

C) Asylees under section 208 of INA;

D) Persons for whom deportation has been withheld under section 243(h) of INA;

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

F) Persons lawfully admitted for permanent residence under INA;

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

H) Nationals of Cuba or Haiti;

I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;

J) Amerasians from Vietnam;

K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;

L) American Indians born in Canada; and

M) 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 plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

2) Those persons who are in the category set forth in subsection (b)(1)(F) of this Section, 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, with the exception of Iraqi and Afghan special immigrants under section 101(a)(27) of INA (8 USC 1101(a)(27)). Iraqi and Afghan special immigrants are eligible for a limited period of time established by the federal government. The limited time period begins with either the date the person entered the United States as a special immigrant or the date his or her status was adjusted within the United States.

3) Those persons who are in the category set forth in subsection (b)(1)(G) of this Section, 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.

4) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section, any non-citizen is eligible for medical assistance if the non-citizen otherwise meets the income, asset and categorical requirements of the medical assistance program and is in need of emergency services required as a result of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:

A) placing the non-citizen's health in serious jeopardy;

B) serious impairments to bodily functions; or

C) serious dysfunction of any organ or part (42 USC 1396(b)(v)).

(Source: Amended at 36 Ill. Reg. 17044, effective November 26, 2012)