**Section 121.20 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 – The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:

1) Lawful Permanent Resident Credited with 40 Quarters of Work

A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.

B) Quarters of a parent count for an alien while the alien is under age 18.

C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.

2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such persons meet the citizenship requirement for SNAP if their INS status is:

A) lawful permanent resident;

B) conditional entrant under section 203(a)(7) of INA (8 USC 1153(a)(7));

C) parolee status for at least a year under section 212(d)(5) of INA (8 USC 1182(d)(5));

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

E) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USC 1154(a)(1)(A) or (B)) or section 244(a)(3) (8 USC 1641(c)) of INA. This status does not apply if the non-citizen lives with the abuser.

c) The following non-citizens meet the citizenship requirement for SNAP indefinitely even if their status later changes to lawful permanent resident:

1) refugees admitted under section 207 of INA (8 USC 1157);

2) asylees admitted under section 208 of INA (8 USC 1158);

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

4) Cuban or Haitian national admitted on or after 4/21/80;

5) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88;

6) Afghan and Iraqi immigrants with special immigrant status under section 101(a)(27) of INA (8 USC 1101); or

7) 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).

d) Elderly non-citizens who were lawfully residing in the U.S. on 8/22/96, and children lawfully residing in the U.S., and disabled persons lawfully residing in the U.S. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of INA (8 USC 1153(a)(7));

3) parolee status for at least a year under section 212(d)(5) of INA (8 USC 1182(d)(5)); or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) of INA (8 USC 1154(a)(1)(A) or (B)) or section 240A of INA (8 USC 1229). This status does not apply if the non-citizen lives with the abuser.

e) Hmong or Highland Laotian tribe members and the members' close family members. A person lawfully residing in the U.S. that was a member of a 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 (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

f) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of section 289 of INA (8 USC 1359) apply, and a member of an Indian tribe as defined in section 4e of the Indian Self-Determination and Education Assistance Act (25 USC 5304).

g) Noncitizens who have lived in the U.S. for at least 5 years in the following status with INS may receive assistance, if otherwise eligible:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of INA (8 USC 1153);

3) parolee status for at least a year under section 212(d)(5) of INA (8 USC 1182); or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) of INA (8 USC 1154(a)(1)(A) or (B)) or section 240A of INA (8 USC 1229). This status does not apply if the noncitizen lives with the abuser.

(Source: Amended at 44 Ill. Reg. 9944, effective May 20, 2020)