



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3167

Introduced 2/2/2026, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

305 ILCS 5/16-1
305 ILCS 5/16-2
305 ILCS 5/16-2.5 new
305 ILCS 5/16-3
305 ILCS 5/16-4
305 ILCS 5/16-5

Amends the Survivor Support and Trafficking Prevention Article of the Illinois Public Aid Code. Extends eligibility for State funded cash assistance and SNAP benefits to humanitarian immigrants, subject to available funding, if they are not eligible for such benefits solely due to citizenship or immigration status requirements but otherwise meet the financial and nonfinancial factors of eligibility. Lists the classes of humanitarian immigrants eligible for SNAP benefits under the Article. Provides that any individual residing in an institution or other setting that provides the majority of the individual's daily meals is not eligible for SNAP benefits. Exempts persons who do not have legal authorization to work from the statutory work requirements. Makes other changes. Effective immediately.

LRB104 19920 KTG 33370 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 16-1, 16-2, 16-3, 16-4, and 16-5 and by
6 adding Section 16-2.5 as follows:

7 (305 ILCS 5/16-1)

8 Sec. 16-1. Benefits for humanitarian immigrants and
9 foreign-born victims of trafficking, torture, or other serious
10 crimes. In order to protect humanitarian immigrants without
11 eligibility for federal public benefits and persons who are
12 foreign-born victims of trafficking, torture, or other serious
13 crimes and to reduce the risk of further harm, exploitation,
14 and re-trafficking, beginning on the effective date of this
15 amendatory Act of the 104th General Assembly January 1, 2018,
16 cash assistance provided under the Temporary Assistance for
17 Needy Families program established under Article IV of this
18 Code and benefits provided under the federal Supplemental
19 Nutrition Assistance Program (SNAP) shall be provided to such
20 persons and their derivative family members to the same extent
21 cash assistance and SNAP benefits are provided to United
22 States citizens ~~individuals who are admitted to the United~~
23 ~~States as refugees under Section 1157 of Title 8 of the United~~

1 ~~States Code~~. To the extent that federal funding is not
2 available, any cash assistance or SNAP benefits provided under
3 this Article shall be paid from State funds. If changes made in
4 this Section require federal approval, they shall not take
5 effect until such approval has been received.

6 (Source: P.A. 99-870, eff. 8-22-16.)

7 (305 ILCS 5/16-2)

8 Sec. 16-2. Eligibility for cash assistance. Subject to
9 available funding, a foreign-born victim of trafficking,
10 torture, or other serious crimes and the individual's
11 derivative family members are eligible for cash assistance ~~or~~
12 ~~SNAP benefits~~ under this Article if the individual:

13 (a) is not eligible, due to immigration status, for
14 comparable federal cash assistance ~~or SNAP benefits~~ and
15 has filed and been approved for, or is awaiting final
16 determination regarding:

17 (1) a formal application for T Nonimmigrant status
18 with the appropriate federal agency pursuant to
19 Section 1101(a)(15)(T) of Title 8 of the United States
20 Code, or is otherwise taking steps to meet the
21 conditions for federal benefits eligibility under
22 Section 7105 of Title 22 of the United States Code;

23 (2) a formal application with the appropriate
24 federal agency for status pursuant to Section
25 1101(a)(15)(U) of Title 8 of the United States Code;

1 or

2 (3) a formal application with the appropriate
3 federal agency for status under Section 1158 of Title
4 8 of the United States Code; and

5 (b) is otherwise eligible for cash assistance ~~or SNAP~~
6 ~~benefits~~, as applicable.

7 A single adult without derivative family members shall
8 only be eligible for cash assistance ~~or SNAP benefits~~ under
9 this Article if the individual is not eligible, due to
10 immigration status, for comparable federal cash assistance ~~or~~
11 ~~SNAP benefits~~ and has filed and been approved for, or is
12 awaiting final determination regarding:

13 (i) a formal application for T Nonimmigrant status
14 with the appropriate federal agency pursuant to Section
15 1101(a)(15)(T) of Title 8 of the United States Code, or is
16 otherwise taking steps to meet the conditions for federal
17 benefits eligibility under Section 7105 of Title 22 of the
18 United States Code; or

19 (ii) a formal application with the appropriate federal
20 agency for status pursuant to Section 1101(a)(15)(U) of
21 Title 8 of the United States Code.

22 ~~Any individual, including any derivative family members,~~
23 ~~residing in an institution or other setting that provides the~~
24 ~~majority of the individual's daily meals is not eligible for~~
25 ~~SNAP benefits.~~

26 (Source: P.A. 103-588, eff. 6-5-24; 104-2, eff. 6-16-25.)

1 (305 ILCS 5/16-2.5 new)

2 Sec. 16-2.5. Eligibility for SNAP benefits.

3 (a) Subject to available funding, a humanitarian immigrant
4 or foreign-born victim of trafficking, torture, or other
5 serious crimes and the individual's derivative family members,
6 if applicable, are eligible for SNAP benefits under this
7 Article if the applicant is not eligible for federal SNAP
8 benefits solely due to citizenship or immigration status
9 requirements but otherwise meets the financial and
10 nonfinancial factors of eligibility for SNAP, and either:

11 (1) the individual has filed, or is awaiting final
12 determination regarding:

13 (A) a formal application for T Nonimmigrant status
14 with the appropriate federal agency in accordance with
15 Section 1101(a) (15) (T) of Title 8 of the United States
16 Code, or is otherwise taking steps to meet the
17 conditions for federal benefits eligibility under
18 Section 7105 of Title 22 of the United States Code;

19 (B) a formal application with the appropriate
20 federal agency for status in accordance with Section
21 1101(a) (15) (U) of Title 8 of the United States Code;

22 or

23 (C) a formal application with the appropriate
24 federal agency for status in accordance with Section
25 1158 of Title 8 of the United States Code; or

1 (2) the individual is:

2 (A) a refugee under Section 1157 of Title 8 of the
3 United States Code;

4 (B) an individual who has been granted asylum
5 under Section 1158 of Title 8 of the United States
6 Code;

7 (C) an individual whose deportation is being
8 withheld under Section 243(h) of the Immigration and
9 Nationality Act as in effect prior to April 1, 1997, or
10 whose removal is withheld under Section 1231(b) (3) of
11 Title 8 of the United States Code;

12 (D) (i) a spouse, widow, or child of a U.S. citizen
13 or a spouse or child of a lawful permanent resident who
14 has been battered or subjected to extreme cruelty by
15 the U.S. citizen or lawful permanent resident or by a
16 member of that relative's family who lived with them,
17 and the individual no longer lives with the abuser or
18 plans to live separately within one month of receipt
19 of assistance and whose need for assistance is due, at
20 least in part, to the abuse, or (ii) an individual
21 described in 8 U.S.C. 1641(c) and 22 U.S.C.
22 7105(b) (1) (C);

23 (E) an individual who has been approved for T
24 Nonimmigrant status with the appropriate federal
25 agency under Section 1101(a) (15) (T) of Title 8 of the
26 United States Code;

1 (F) an individual who has been approved for U
2 Nonimmigrant status with the appropriate federal
3 agency under Section 1101(a)(15)(U) of Title 8 of the
4 United States Code;

5 (G) an American Indian born in Canada who
6 possesses at least 50% of blood of the American Indian
7 race to whom the provisions of Section 1359 of Title 8
8 of the United States Code apply;

9 (H) a member of an Indian tribe as defined in
10 Section 5304(e) of Title 25 of the United States Code
11 which is recognized as eligible for the special
12 programs and services provided by the U.S. to Indians
13 because of their status as Indians;

14 (I) (i) a Hmong or Highland Laotian tribal member
15 lawfully residing in the U.S. who was a member of a
16 Hmong or Highland Laotian tribe between August 5,
17 1964, and ending May 7, 1975;

18 (ii) the spouse, or surviving spouse of such Hmong
19 or Highland Laotian who is deceased; or

20 (iii) an unmarried dependent child of such Hmong
21 or Highland Laotian who is under the age of 18 or if a
22 full-time student under the age of 22; an unmarried
23 child under the age of 18 or if a full-time student
24 under the age of 22 of such a deceased Hmong or
25 Highland Laotian provided the child was dependent upon
26 him or her at the time of his or her death; or an

1 unmarried disabled child age 18 or older if the child
2 was disabled and dependent on the person prior to the
3 child's 18th birthday. For purposes of this item
4 (iii), "child" means the legally adopted or biological
5 child of the person described in item (i);

6 (J) an Iraqi or Afghan special immigrant under 8
7 U.S.C. 1101(a) (27);

8 (K) an individual who is granted conditional entry
9 pursuant to section 203(a) (7) of the INA as in effect
10 prior to April 1, 1980;

11 (L) an individual who is granted parole into the
12 U.S. under 8 U.S.C. 1182(d) (5) for a period of at least
13 1 year; or

14 (M) a lawful permanent resident under 8 U.S.C.
15 1259, known as legalization through "registry."

16 (b) Any individual, including any derivative family
17 members, residing in an institution or other setting that
18 provides the majority of the individual's daily meals is not
19 eligible for SNAP benefits.

20 (305 ILCS 5/16-3)

21 Sec. 16-3. Determination of eligibility. ~~(a)~~ The
22 Department shall determine that an applicant for cash
23 assistance provided under Section 16-2 of this Article or SNAP
24 benefits provided under Section 16-2.5 of this Article is
25 eligible for such benefits if the applicant meets the income

1 guidelines and is otherwise eligible and ~~either: (1)~~ the
2 applicant has filed:

3 (1) ~~(A)~~ an application for T Nonimmigrant status
4 with the appropriate federal agency pursuant to
5 Section 1101(a)(15)(T) of Title 8 of the United States
6 Code, or is otherwise taking steps to meet the
7 conditions for federal benefits eligibility under
8 Section 7105 of Title 22 of the United States Code;

9 (2) ~~(B)~~ a formal application with the appropriate
10 federal agency for status pursuant to Section
11 1101(a)(15)(U) of Title 8 of the United States Code;
12 or

13 (3) ~~(C)~~ a formal application with the appropriate
14 federal agency for status under Section 1158 of Title
15 8 of the United States Code. ~~; or~~

16 ~~(2) the applicant, or a representative of the~~
17 ~~applicant if the applicant is not competent, has provided~~
18 ~~to the Department:~~

19 ~~(A) a sworn statement that he or she is a~~
20 ~~foreign-born victim of trafficking, torture, or other~~
21 ~~serious crimes; and~~

22 ~~(B) at least one item of additional credible~~
23 ~~evidence, including, but not limited to, any of the~~
24 ~~following:~~

25 ~~(i) police, government agency, or court~~
26 ~~records or files;~~

1 ~~(ii) news articles;~~

2 ~~(iii) documentation from a social services,~~
3 ~~trafficking, domestic violence program or rape~~
4 ~~crisis center, or a legal, clinical, medical, or~~
5 ~~other professional from whom the applicant or~~
6 ~~recipient has sought assistance in dealing with~~
7 ~~the crime;~~

8 ~~(iv) a statement from any other individual~~
9 ~~with knowledge of the circumstances that provided~~
10 ~~the basis for the claim;~~

11 ~~(v) physical evidence;~~

12 ~~(vi) a copy of a completed visa application;~~

13 ~~or~~

14 ~~(vii) written notice from the federal agency~~
15 ~~of receipt of the visa application.~~

16 ~~(b) The Department may, in its discretion, provide cash~~
17 ~~assistance or SNAP benefits pursuant to this Article to an~~
18 ~~applicant who cannot provide additional evidence as set forth~~
19 ~~in subparagraph (B) of paragraph (2) of subsection (a) if:~~

20 ~~(1) the applicant, or a representative of the~~
21 ~~applicant if the applicant is not competent, has provided~~
22 ~~a sworn statement that he or she is a foreign born victim~~
23 ~~of trafficking, torture, or other serious crimes; and~~

24 ~~(2) the Department determines that the applicant is~~
25 ~~credible.~~

26 (Source: P.A. 99-870, eff. 8-22-16.)

1 (305 ILCS 5/16-4)

2 Sec. 16-4. Work requirements and exemptions.

3 (a) Persons ~~who are foreign born victims of trafficking,~~
4 ~~torture, or other serious crimes and who are~~ receiving cash
5 assistance or SNAP benefits under this Article shall be
6 subject to the same work requirements and work requirement
7 exemptions as other recipients of cash assistance or SNAP
8 benefits, provided that compliance with these requirements is
9 authorized by law.

10 (b) A person receiving cash assistance or SNAP benefits
11 under this Article ~~who is a foreign born victim of~~
12 ~~trafficking, torture, or other serious crimes~~ shall be
13 exempted from any work requirements if:

14 (1) physical or psychological trauma related to or
15 arising from the trafficking, torture, or other serious
16 crimes impedes his or her ability to comply; or -

17 (2) the person does not have legal authorization to
18 work.

19 (Source: P.A. 99-870, eff. 8-22-16.)

20 (305 ILCS 5/16-5)

21 Sec. 16-5. Termination of benefits. ~~(a)~~ Any cash
22 assistance provided under Section 16-2 of this Article or SNAP
23 benefits provided under Section 16-2.5 of this Article to a
24 humanitarian immigrant or a person who is a foreign-born

1 victim of trafficking, torture, or other serious crimes and
2 his or her derivative family members shall be terminated if
3 there is a final denial of that person's visa or asylum
4 application under Section 1101(a)(15)(T), 1101(a)(15)(U), or
5 1158 of Title 8 of the United States Code. The final denial of
6 an application must be the result of a final administrative or
7 judicial determination after all appeals and challenges have
8 been exhausted.

9 ~~(b) A person who is a foreign born victim of trafficking,~~
10 ~~torture, or other serious crimes and his or her derivative~~
11 ~~family members shall be ineligible for continued State-funded~~
12 ~~cash assistance or SNAP benefits provided under this Article~~
13 ~~if that person has not filed a formal application for status~~
14 ~~pursuant to Section 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of~~
15 ~~Title 8 of the United States Code within one year after the~~
16 ~~date of his or her application for cash assistance or SNAP~~
17 ~~benefits provided under this Article. The Department of Human~~
18 ~~Services may extend the person's and his or her derivative~~
19 ~~family members' eligibility for medical assistance, cash~~
20 ~~assistance, or SNAP benefits beyond one year if the Department~~
21 ~~determines that the person, during the year of initial~~
22 ~~eligibility (i) experienced a health crisis, (ii) has been~~
23 ~~unable, after reasonable attempts, to obtain necessary~~
24 ~~information from a third party, or (iii) has other extenuating~~
25 ~~circumstances that prevented the person from completing his or~~
26 ~~her application for status.~~

1 (Source: P.A. 99-870, eff. 8-22-16; 100-201, eff. 8-18-17.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.