**Section 120.550 Asylum Applicants and Torture Victims**

a) To be eligible for medical assistance as an applicant for asylum or a torture victim, an individual must:

1) Have an application for asylum pending before the federal Department of Homeland Security, or an appeal pending regarding a decision of asylum status before a court of competent jurisdiction, and is represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or

2) Be receiving treatment services for torture from a federally funded torture treatment center that has been recognized by the Department.

b) Additionally, an individual must meet all of the following eligibility requirements:

1) Cooperate in establishing eligibility as described in Section 120.308.

2) Be a resident of Illinois.

3) Assign rights to medical support and collection of payment as described in Section 120.319.

4) Be 19 years of age or older.

5) Have countable monthly income at or below 100 percent of the

Federal Poverty Level as described in Section 120.20(a).

6) Have non-exempt assets at or below the AABD MANG asset disregard level as described in Section 120.382, and certain assets shall be exempt from consideration in determining eligibility in accordance with Section 120.381.

c) An individual shall not be determined eligible if the individual is otherwise eligible for medical assistance under the Public Aid Code [305 ILCS 5], or otherwise eligible for benefits including rebates under the Children's Health Insurance Program Act [215 ILCS 106] or the Covering ALL KIDS Health Insurance Act [215 ILCS 170].

d) Individuals eligible under this Section are exempt from the requirements as described in Section 120.310 pertaining to citizenship and eligible non-citizens.

e) Individuals shall not be denied eligibility under this Section for failure to provide a Social Security Number or proof of having applied for a Social Security Number as otherwise required in Section 120.327.

f) The earned and unearned income of the following persons shall be counted when determining eligibility, except as specified in subsections (g) and (h) of this Section.

1) Income of the individual.

2) Income of the spouse.

3) Unearned income of a dependent child under the age of 18 years who is included in the income standard (see Section 120.20) because it is to the advantage of the individual.

g) Monthly earned and unearned income shall be considered as described in Sections 120.330 through 120.345, Sections 120.350 through 120.361 and Sections 120.371 through 120.376 as specified for AABD MANG.

h) The Department shall exempt earned income as provided in Section 120.362(a). In addition, work related expenses that are allowed, as deductions for AABD MANG, as described in Section 120.370, shall be deducted.

i) Application Process

1) Individuals can apply by completing an application provided by the Department and submitting it to an address specified by the Department.

2) The application must meet all requirements found at 89 Ill. Adm. Code 110.10(a), (c) and (e).

3) The application date shall be the date a signed application is received at the address specified by the Department and can be no sooner than July 1, 2007.

j) Eligibility will be effective no earlier than the third month before the month of application if the applicant would have met the criteria of this Section had he or she applied. In no case shall eligibility be effective prior to April 1, 2007.

k) Eligibility under this Section will be redetermined every 12 months, or when a change is reported.

l) Eligibility under this Section shall be limited to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this Section and subject to the following:

1) An individual who has a break in coverage during the 24 months commencing with the initial eligibility date may reenroll if all eligibility criteria are met but such break in coverage shall not extend his or her period of eligibility; and

2) Eligibility under this Section shall be extended an additional 12 months or until a final decision is rendered on the appeal, whichever occurs sooner, for an individual who has an appeal pending regarding an application for asylum before the Department of Homeland Security.

m) An individual's eligibility shall be terminated if the individual no longer meets the requirements of this Section.

n) Persons applying or enrolled under this Section shall be entitled to appeal rights as described in 89 Ill. Adm. Code 102.80 through 102.83.

o) Eligibility under this Section is not an entitlement and is subject to available funding. The Department may take appropriate action to limit enrollment under this Section including, but not limited to, ceasing to accept or process applications or reviewing eligibility more frequently than annually.

(Source: Added at 31 Ill. Reg. 11667, effective August 1, 2007)