Supervisors and their caseworkers are encouraged to attend a GATI (General Assistance Training Institute), if possible. Whether you are a new or long-time supervisor or caseworker, it can be beneficial to the administration of your General Assistance programs. I, along with approximately 120 other registrants, attended a Continuing Education session in Rockford on May 12. During this event, a question arose regarding children born in the United States of undocumented parents. There was spirited discussion in both rooms of the training session about these children, who, under federal law, are considered citizens of the United States. While the question as to whether or not these children should receive assistance was posed by an attendee earlier in the day, the discussion further continued into the “Ask the Lawyer” Session, led by GATI’s attorney, John Redlingshafer.

Our General Assistance Handbook, compiled and edited by the Township Supervisors of Illinois (revised, February 2004) and the Emergency Assistance Handbook (June 2001) are clear that in order to be eligible for General or Emergency Assistance, an applicant must be a U.S. citizen or a non-citizen in certain other categories which are outlined in Section 3-7 in the EA Manual and on page 3 of Section 3 in the GA Manual. From the EA Manual... “Even though an applicant here, the undocumented parent may not satisfy the foregoing citizenship and alien status requirements, a child of an applicant is eligible for Emergency Assistance if the child is a United States citizen or satisfies any of the foregoing alien status requirements.” In the GA Manual the language varies a little but the intent is the same... “Even though an applicant or recipient does not satisfy the foregoing citizenship and non-citizen status factors, an applicant’s or recipient’s child who is a United States citizen or satisfies any of the foregoing non-citizen status factors is eligible for General Assistance.” These cases would be Child Only cases and would be eligible for all benefits that a child born in the United States to documented parents would be eligible to receive.

Should the issue be unclear at this point, the Public Aid Code, which serves as your statutory authority for General Assistance and is the basis of the Handbooks noted above, gives us guidance on how these cases should be treated. Specifically, I want to discuss 305 ILCS 5/1-11 and 305 ILCS 5/11-1. Some will note that these sections do not appear in Article 6 of the Public Aid Code (305 ILCS 5/6), which townships must primarily follow, but Articles 1 and 11 also apply to townships.

5/1-11 specifically says that “[t]o be eligible for assistance an individual, who is otherwise eligible, must be either a United States citizen or included in one of...” various categories of non-citizens. Simply put,
the children in these situations are citizens of the United States and should receive assistance (absent any other disqualifying reason). Further, 5/11-1 is simply headlined “No discrimination,” and in conjunction with various constitutional rights, establishes a guideline that we must not discriminate against our own citizens in regard to their parents’ immigration status. Local governments can be more lenient than Federal or Illinois law, but NOT more restrictive. Our manuals/handbooks are written to reflect Public Assistance law. If your township is a receiving township, the consequences are clearly outlined in the Public Aid Code. Even if your township is a non-receiving township, please do not think that there are no consequences to actions that discriminate, such as refusing to accept an application on behalf of a child/citizen or denying a Child Only application based on the immigration status of the parent/parents. Whether you think you have valid arguments or not, it is almost certain that a case such as this would be litigated. If your township has adopted the GA and EA manuals approved by TOI or has written its own guidelines, discrimination is not lawful.