

### **Are Non-U.S. Citizens Eligible For Illinois Unemployment Benefits?**

Yes, some are, but it depends. First, non-U.S. citizens must have valid work authorization, both at the time wages were earned *and* at the time benefits are sought. Second, non-U.S. citizens must meet these threshold requirements:

1. Have earned \$1,600.00 total during your “base period”; \$440 must have been earned outside of your highest paid quarter;
  - Your “base period” consists of the 4 calendar quarters before a claim for benefits was filed.
  - If you worked part-time, you are eligible as long as you meet the income requirement.
2. Have become unemployed through no fault of your own. Here, it depends;
  - Temporary layoffs due to COVID-19 **ARE** eligible, if:
    - You are confined to your home due to a COVID-19 diagnosis, or because you need to care for a spouse, parent, or child who’s been diagnosed with COVID-19;
    - You have had to leave work due to a child’s school closure;
  - **NOT** eligible if you left work *voluntarily* due to concern about COVID-19;
  - **NOT** eligible if you are receiving paid leave;
  - If your hours were reduced, you are **generally NOT** eligible, but this may change.
3. Are able and available to return to work.
  - You must continue to have valid employment authorization from USCIS.
  - You must register with the state employment service at Illinois JobLink ([www.IllinoisJobLink.com](http://www.IllinoisJobLink.com)) to show your availability
  - If you were temporarily laid off due to COVID-19, you are **NOT** required register with JobLink and show your availability.

### **Are All Non-U.S. Citizens Who Have Met The Above Requirements Eligible?**

Not necessarily. It depends on your immigration status. See below.

### Which Immigration Statuses Are Eligible?

There are two main groups of eligible non-U.S. citizens:

- Lawful Permanent Residents (“green card” holders), and
- Those who are **Permanently Residing Under Color of Law (PRUCOL)**. Illinois law specifically lists the following groups as falling under the PRUCOL definition:
  - Refugees
  - Non-U.S. citizens granted asylum
  - Non-U.S. citizens who have been “Paroled” into the U.S. under 8 U.S.C. Section 1182(d)(5).

Although not listed in the regulations, based on the PRUCOL definition, these additional immigration statuses *should* also be eligible for unemployment benefits:

- DACA recipients, and other individuals with Deferred Action
- VAWA applicants with work authorization and (approved) VAWA self-petitioners
- U visa applicants with work authorization and (approved) U visa recipients
- Adjustment of status applicants with work authorization
- T visa recipients
- And likely some additional immigration statuses may meet the PRUCOL definition.

**For more details on how to calculate your benefits, how to apply, how to appeal denied claims, etc. see Legal Aid Chicago’s *ILLINOIS UNEMPLOYMENT BENEFITS FAQ*.**

\*Updated: March 2020. Please note that the information contained here is not exhaustive, not intended as legal advice, and cannot substitute for independent analysis and research in any particular case. For case specific questions and legal advice, you can call Legal Aid Chicago at 312-341-1070, every weekday, beginning at 8 AM.

Contact **Legal Aid Chicago** at **(312) 341-1070** if you have any additional questions.