



August 17, 2022

Michigan Department of Health and Human Services
Attn: LIHEAP Public Comment
mdhhs-liheap_stateplan@michigan.gov

VIA ELECTRONIC MAIL

RE: Proposed LIHEAP State Plan for Fiscal Year 2023

To Whom It May Concern:

We, the undersigned organizations, are writing to you on behalf of the Protecting Immigrant Families Michigan Campaign in regards to the State of Michigan Low Income Home Energy Assistance Program (LIHEAP) state plan.

The Protecting Immigrant Families Michigan Campaign is part of a national network anchored by the National Immigration Law Center (NILC), the Center for Law and Social Policy (CLASP), and a steering committee of 15 other member organizations. The Protecting Immigrant Families, Advancing Our Future” (PIF) Campaign is made up of hundreds of diverse organizations across the country. Our mission is to unite to advance, protect and defend access to health care, nutrition programs, public services and economic support for immigrants and their families at the local, state and federal level. All of our member organizations either directly serve immigrant communities in the state of Michigan or engage in policy and advocacy work on behalf of those communities.

Immigrants experience significant obstacles to eligibility for public benefits and programs, including intentional statutory exclusion, fear often unfounded of negative impact on immigration status, practical problems with language access, and other application barriers. We urge the State of Michigan to reduce these barriers to the greatest degree possible and ensure that eligible noncitizens are not excluded or discouraged from equitable access to the LIHEAP program.

The U.S. Department of Health and Human Services has issued detailed guidance on immigrant households’ access to the LIHEAP program.¹ The state must incorporate and highlight this guidance at every opportunity in the state plan and the plan’s implementation. Specifically, we urge the state to include clear guidance regarding eligibility for mixed-status households in the state’s LIHEAP manual.² The HHS guidance makes clear that where there is one eligible household member, *pro rated* assistance should be provided. This ensures that U.S. citizens and eligible noncitizens can access the program despite having ineligible family members. However, in our experience, Community Action Agencies administering the program in Michigan often fail to advise ineligible applicants about the possible eligibility of other household members. In some cases, eligible applicants have been erroneously told that the presence of ineligible family members in the household disqualifies the entire household. If an applicant is ineligible, Community Action Agencies should inquire if there is another eligible member of the household who could apply.

¹ see U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, LIHEAP IM HHS Guidance on the Use of Social Security Numbers (SSNs) and Citizenship Status Verification (2014), available at: <https://www.acf.hhs.gov/ocs/policy-guidance/liheap-im-hhs-guidance-use-social-security-numbers-ssns-and-citizenship-status> (visited August 10, 2022)

² see e.g. State of Arizona’s LIHEAP Manual pg 24, available at https://des.az.gov/sites/default/files/LIHEAP_Policy_Manual_2021.pdf, visited August 10, 2022

In addition, Community Action Agencies may not be aware that a household or individual's receipt of LIHEAP assistance does not now and has never put anyone's immigration status at risk under the "public charge" ground of inadmissibility. LIHEAP benefits are not considered in the public charge analysis.³ Community Action Agency staff must be prepared to respond to concerns about public charge to ensure that noncitizen access is not chilled by ill-founded fear of immigration consequences. Additionally, Community Action Agencies need to communicate eligibility for non-citizens clearly in their materials so that eligible immigrant applicants know to apply and that this is not considered in a public charge determination. The Protecting Immigrant Families-Michigan coalition made up of many of the undersigned nonprofit organizations may be available to provide information and training to Community Action Agency staff on the law relating to the public charge ground of inadmissibility.⁴

Failure by the organizations charged with administering LIHEAP to ensure through their application process that U.S. citizens and eligible noncitizens can access the program could constitute national origin discrimination under federal and state civil rights law. It is clear to us based on the experiences of our clients and community members that Community Action Agencies need significant support and technical assistance from the state to ensure that they are providing this assistance equitably. Again, we urge close attention to the HHS guidance and strong support from the State of Michigan to Community Action Agencies to ensure fair administration of the program.

Thank you for your attention to this matter and your work to ensure that eligible members of immigrant households can access this vital program. Please do not hesitate to contact our state campaign at (734) 239-6863 if you have any questions or need any further information.

Sincerely,



Susan E. Reed
Attorney/Director
Michigan Immigrant Rights Center

On behalf of:

Michigan Immigrant Rights Center (MIRC)
The Arab Community Center for Economic and Social
Services (ACCESS)
The National Network for Arab American Communities
African Bureau of Immigration and Social Affairs
Voces

³ See United States Citizenship and Immigration Services, Public Charge Resources, A Short List of Questions and Answers About Public Charge, Question 8 (2022) available at: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources> (visited August 10, 2022)

⁴ See, e.g., <https://michiganimmigrant.org/protecting-immigrant-families-michigan>