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Poppy Sias-Hernandez
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Director Sias-Hernandez,

Thank you for responding on April 19 to our March 27 request for information about the Newcomer Rental Subsidy (NRS), which your Office of Global Michigan (OGM) administers. Although most of the information had already previously appeared in the press, we appreciate you providing details directly to us, too.

However, after reviewing your response letter and comparing it to both your office's comments to reporters and the official published materials about the program, we are left with more questions than answers.

As we stated in our letter last month, our foremost concern about this program is that the eligibility criteria include individuals who entered the country illegally and filed a defensive claim for asylum to delay deportation after they got arrested. The data you provided regarding the number of people with a pending asylum application who have received a rent subsidy does not mean that asylum seekers are ineligible. The NRS program summary online clearly states that "individuals with a pending asylum application" are eligible for rent assistance.¹ The statement in your letter that "all of OGM's service populations have lawful presence" does not refute this concern, as even defensive asylum seekers who entered the country illegally are technically "lawfully present" once they've made this legal maneuver until their claims are adjudicated. Many of them reside in our country for six to 10 years before they even receive a hearing.²

Indeed, in the same sentence, you stated that "asylum seekers who are lawfully present and awaiting work authorization" are eligible for OGM programs. This seems to contradict what OGM told the *Detroit Free Press* — that your office would deny subsidies to any defensive asylum seeker, despite the published eligibility criteria indicating the opposite.³ The phrase "awaiting work authorization" is also alarming, as both the published criteria and OGM comments to the *Free Press* say that individuals must already have a federal Employment Authorization Document (EAD) to qualify for NRS. The upshot appears to be that defensive asylum seekers can in fact qualify for these state funds.

¹ <https://www.michigan.gov/ogm/-/media/Project/Websites/ogm/Newcomer-Rental-Subsidy/Newcomer-Rental-Subsidy-NRS-Program-Summary.pdf>

² <https://apnews.com/article/immigration-courts-wait-54bb5f7c18c4c37c6ca7f28231ff0edf>

³ <https://www.freep.com/story/news/politics/elections/2024/04/12/trumps-attack-on-whitmer-migrant-housing-subsidies-largely-false/73293879007/>



Your letter also mentioned that OGM programs are bound by strict federal mandates for eligibility, because your office is 90% federally funded, and you have indicated to the press that the U.S. Office of Refugee Resettlement eligibility criteria apply to the NRS criteria. However, the ORR status and documentation requirements exclude the broad “individuals with a pending asylum application” option that OGM has included on the NRS program materials.⁴ OGM’s published guidance appears specifically to differ from federal standards in extending eligibility to defensive asylum seekers.

Further, your letter indicated that OGM eligibility requirements include “lawful status in the country, proof of employment, and proof of income.” However, the official materials specifically list exemptions that allow individuals who are neither working nor enrolled in an employment program to receive benefits, and your letter elsewhere makes a point of saying that all *employed* recipients have provided income documentation. The program summary also says applicants can avoid providing proof of income if they provide a written explanation of why there is no documentation, specifically giving the example of “cash payments.” All of those exceptions provide a path to state benefits for individuals who entered the country illegally.

In light of the facts and your statements, we have several follow-up questions:

- Are asylum seekers eligible for NRS? If not, why do the online eligibility criteria say they are?
- Have any asylum seekers applied for NRS? If so, were they denied because they were asylum seekers or for a reason unrelated to immigration status? How many of those applicants were defensive asylum seekers?
- Must an applicant have an EAD to receive NRS aid, or may someone receive benefits even while still awaiting work authorization?
- Would you provide a breakdown of the federal funding OGM receives for all its programs — including any programs, such as NRS, administered jointly with another agency? What eligibility mandates come with that federal funding?
- Why does OGM allow NRS applicants to waive the income verification requirement? Why is receiving “cash payments” a valid reason for the waiver?

We look forward to your timely response with answers to these questions.

Sincerely,

Matt Hall
House Republican Leader

Joseph Aragona
State Representative

⁴ <https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>