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December 18, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C., 20201

Dear Secretary Kennedy,

I write to express my concerns related to the Legal Services for Unaccompanied Alien Children Request for Proposals (RFP), which the Department of Health and Human Services (HHS) published on November 25, 2025.¹ This RFP ostensibly seeks to obtain “comprehensive legal services for Unaccompanied Alien Children,” which HHS is required by law to provide to the greatest extent practicable. However, the contract described in the RFP fails to meet the government’s legal obligations and would materially harm vulnerable unaccompanied children if effectuated. I am therefore urging HHS to revise the terms of this contract to ensure unaccompanied children receive the legal services they are entitled to.

Pursuant to the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the Office of Refugee Resettlement (ORR) Foundational Rule, HHS is required to provide legal services “to the greatest extent practicable” to unaccompanied children who enter its custody. The Foundational Rule recognizes the government’s obligation to provide legal counsel to unaccompanied children in “legal proceedings” in order to “protect them from mistreatment, exploitation, and trafficking.” Congress has recognized the government’s legal obligation under these authorities, appropriating funds to the program year over year, as recently as 2025.² Courts have recently reaffirmed these legal obligations in *CLSEPA v. HHS*, a case challenging the

¹ Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP-26-346611, <https://sam.gov/workspace/contract/opp/f75f86d8bbd0469496b2f72547d45e6c/view>.

² Full-Year Continuing Appropriations and Extensions Act, Pub. L. No. 119-4, § 1101(8), 139 Stat. 9, 11 (2025).

Trump administration's termination of funding for legal representation of unaccompanied children.³

The Unaccompanied Children Program (UCP), and related congressionally-appropriated funding, is intended to allow HHS to meet its obligations under statute. This program funds a network of legal service providers dedicated to advancing the interests and welfare of their child clients. Unaccompanied children who enter the government's custody have virtually all experienced significant hardship in their countries of origin and on their journey to this country, often fleeing violence, abuse, and neglect.

Though HHS is required to provide access to government-funded legal representation to the greatest extent practicable, some children fall through the cracks, and the results are harrowing. Without lawyers, children as young as toddlers are forced to represent themselves in an adversarial immigration legal system. This month, an unrepresented three-year-old had to be lifted into her seat to face an immigration judge, clutching a teddy bear for comfort.⁴ Earlier this year, a 14-year old child broke down in tears in a court lobby when she learned she would be proceeding without a lawyer. Under the first Trump Administration, an immigration judge was "embarrassed to ask" whether a 1-year-old, accompanied only by a bottle of milk and a purple ball, understood the immigration proceedings he was a part of.⁵ Unsurprisingly, children who are unrepresented are far more likely to be denied relief than children who have access to counsel.⁶

As part of its drive to trample due process and deport as many noncitizens as possible, the Trump administration has attempted multiple times to terminate legal services for these incredibly vulnerable children. In a short time, this resulted in thousands of children, some as young as months-old, proceeding alone until a federal court required the government to resume services.⁷ This RFP is an extension of that effort. The contract for legal services, as described, would not only significantly limit the extent of legal services providers are able to offer, it would damage

³ CLSEPA v. HHS.

⁴ Sahara Sajjadi, *Three-Year-Old Child Forced to Serve as her Own Attorney in Tucson Immigration Court*, Copper Courier, Dec. 5, 2025, <https://coppercourier.com/2025/12/05/childrens-immigration-court/>.

⁵ Sasha Ingber, *1-Year-Old Shows Up in Immigration Court*, NPR (July 8, 2018), <https://perma.cc/ALU7-RM6V>.

⁶ Representation is critical— a recent study found that, between 2009 and 2023, 98% of unaccompanied children whose cases were granted were represented. University of Chicago, Department of Comparative Human Development, *Identifying Unaccompanied Minors in the U.S. Finds Disparities in Court Representation*, Apr. 22, 2025, <https://humdev.uchicago.edu/news/identifying-unaccompanied-minors-us-finds-disparities-court-representation>. Representation is also essential to an orderly administration of immigration proceedings— a 2016 study found that 95% of children represented by an attorney will report to immigration proceedings. American Immigration Council, *Children in Immigration Court: Over 95 Percent Represented by an Attorney Appear in Court*, 2016, <https://www.justice.gov/eoir/file/852516/dl?inline=>.

⁷ Amica Center for Immigrant Rights, *Legal Service Providers Demand Immediate Action as Unaccompanied Children Languish in Immigration Court Without Legal Representation*, Apr. 24, 2025, <https://amicacenter.org/press-releases/legal-service-providers-demand-immediate-action-as-unaccompanied-children-languish-in-immigration-court-without-legal-representation/>.

the quality and integrity of those services, imperiling vulnerable children seeking legal protection in this country.

The administration's RFP is deficient in a number of ways. The RFP would impose funding and service levels that fall vastly below the current level, which is already too low to cover the needs of unaccompanied children. This new contract would require that a percentage of legal representation be provided by pro bono counsel, unfunded by the contract. This provision would penalize contract-funded providers if they cover more than the set percentage of compensated legal representation by requiring they be paid at a discounted pro bono rate.⁸ The very purpose of the UCP, as required by the TVPRA, is to grow representation with government-funded legal service providers, recognizing that there are simply too few pro bono attorneys to meet children's needs and that volunteer attorneys are rarely able to commit to a significant or long-term pro bono caseload.⁹ In fact, most pro bono attorneys from well-resourced law firms handle only one immigration case over the course of several years. Further, the RFP describes that legal service providers would only be paid under the new contract once services are completed.¹⁰ In the case of asylum claims, completion could take multiple years, placing attorneys in the impossible position of proceeding with essential work on behalf of their client without payment. This structure appears designed to destroy legal service providers by contract after the Trump administration has failed to do so by executive action.

I am also concerned that the RFP imposes conditions on legal service providers that undermine their advocacy and potentially violate attorney ethics. The RFP requires counsel to report to ORR "real time case status" and "individual information," including a description of the assistance provided, relief sought, and case status.¹¹ This requirement risks attorneys sharing confidential or privileged information that could have adverse effects on their clients' cases. Children would be easily personally identifiable by these data points.

Together, these provisions threaten to choke off legal representation from unaccompanied children as they experience heightened threats. I am therefore urging you to revise the terms of the RFP to fully accord with HHS's legal obligations to unaccompanied children. It is unconscionable to needlessly force children as young as babies to go through the immigration system alone by hamstringing their legal representatives. If allowed to stand, this contract will profoundly harm some of the most vulnerable children in the world who rely on government-funded legal services to access the help they need.

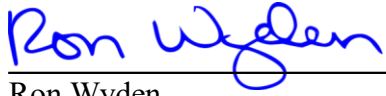
⁸ Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP-26-346611: Attachment A: Performance Work Statement at 7.

⁹ The Flow of Unaccompanied Children Through the Immigration System 22–23, VERA INST. JUST. (March 2012), <https://vera-institute.files.svdcdn.com/production/downloads/publications/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>.

¹⁰ Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP-26-346611: Attachment B, Instructions para 7, *see also* Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP-26-346611: QA-75P00126R00003(12.09.2025) (Amd 0003) at 2, para 5.

¹¹ Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP-26-346611: Attachment A: Performance Work Statement at 5.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive style and is positioned above a horizontal line.

Ron Wyden

United States Senator

Ranking Member, Committee
on Finance