

# United States Senate

WASHINGTON, DC 20510

March 23, 2026

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,

We write regarding the amended and reissued solicitation for Legal Services for Unaccompanied Alien Children Request for Proposals (RFP), which the Department of Health and Human Services (HHS) published on February 23, 2026.<sup>1</sup> The recently amended RFP creates new and even more concerning restrictions on legal access, requires legal service providers to report confidential information to the government, and eliminates funding for certain legal services. The amended contract fails to meet the government's legal obligations to unaccompanied children and would materially harm unaccompanied children if effectuated. We urge you to remove these significant restrictions on legal access.

HHS is obligated to provide legal services, to the greatest extent practicable, to unaccompanied children who enter its custody. HHS is legally required to provide these services through the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the Office of Refugee Resettlement (ORR) Foundational Rule. Congress, on a bipartisan and bicameral basis, has consistently reaffirmed the government's obligation to provide legal counsel to unaccompanied children by enacting annual appropriations for children's legal services programs year after year, including the recently-enacted fiscal year 2026 appropriations bill.<sup>2</sup> HHS' amended RFP undermines both statutory requirements in black letter law and congressional intent with appropriated funds.

The amended contract solicitation now requires legal orientations to be primarily virtual, rather than in person, contravening congressional mandates and HHS regulations. In fact, under the RFP, "[i]n person orientations shall be considered a [contract] deviation," and must be approved in advance.<sup>3</sup> Further, the RFP allows pre-recorded videos to substitute for live orientations.

In-person orientations are a time-tested, effective means of communicating information in an age-appropriate, child-friendly, and trauma-informed manner. Without in-person orientations, legal service providers will be unable to assess what each child needs in their required legal

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1 Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP, Solicitation: 75P00126R00003  
<https://sam.gov/workspace/contract/opp/3a099975913a4ae7b6e369f6644df139/view>

2 Consolidated Appropriations Act, 2026 Pub. L. No. 119-75, [Joint Explanatory Statement](#), and Senate Report [119-55](#).

3 Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP, Solicitation: 75P00126R00003  
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consultation, such as specialized interpretation services and accommodations for disability or developmental needs.

Without in-person orientations, we are deeply worried that children who have yet to speak with counsel to understand their rights may be pressured by the Department of Homeland Security to sign their legal rights away and self-deport, which could result in children returning to dangerous situations in their home countries. We also want to make clear that virtual orientations do not fulfill the program's mandate. The fiscal year 2026 appropriations report specifically directs ORR to ensure that legal orientations and screenings are provided in person by qualified providers.<sup>4</sup> The RFP directly contravenes this congressional mandate. Further, the RFP's requirement of virtual orientations and pre-recorded videos also contravene HHS regulations, which make clear that in-person services are preferred.

We are concerned that the RFP curtails children's access to legal consultation services that have been available to children for years. For example, the RFP does not provide for legal consultations after a child has been in custody for more than six months, or for a child who has been released from ORR custody. It is also unclear whether the RFP permits follow-up meetings for legal consultations, which is inconsistent with children's rights to independent legal services. There are situations where more than one meeting may be required to provide adequate consultation. The RFP excludes critical services such as appeals to Board of Immigration Appeals, motions to reopen, and motions to terminate a case on procedural grounds. As drafted, the RFP seems to deny children legal representation, due to geographic factors out of their control, if they are placed with a sponsor outside of the service area where they received legal services when they were in ORR custody. Children should be eligible for legal representation even if they are placed with sponsors or in foster care outside of their prior ORR custody location.

We are also alarmed that the RFP requires providers to report confidential details to the federal government, which undermines representation and puts legal service providers' professional licenses at risk. The RFP requires providers to report "[c]lient information regarding the outcome of a legal consultation" and "evidence of service completion."<sup>5</sup> Forcing providers to submit documents and information that identifies the specific, requested relief of clients may violate attorney ethics rules requiring client confidentiality. Attorneys have an ethical duty to preserve attorney-client confidentiality, and these rules have been substantially incorporated in jurisdictions across the country.

Finally, the RFP prevents providers from receiving payments for months or even years for certain services that require government action before a service is deemed "completed." According to the RFP, work on certain services will not be billable until the final U.S. Citizenship for Immigration Services, immigration judge, or state court decision is made, which in many cases, such as in asylum or Special Immigrant Juvenile Status, could take many years. These decision timelines are beyond the control of providers. The RFP fails to address how providers will be compensated for work that will not be billable until after the contract period

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<sup>4</sup> Consolidated Appropriations Act, 2026 Pub. L. No. 119-75, see [Joint Explanatory Statement](#), and Senate Report [119-55](#), pg. 212.

<sup>5</sup> Legal Services for Unaccompanied Alien Children (UAC): ACF-RFP, Solicitation: 75P00126R00003. <https://sam.gov/workspace/contract/opp/3a099975913a4ae7b6e369f6644df139/view>

ends altogether. Legal service providers would be strained, if they are not compensated for extended periods of time, and this would ultimately undermine HHS obligations under TVPRA and the ORR Foundational Rule to provide legal services “to the greatest extent practicable” to unaccompanied children.

Our concerns with the RFP are not hypothetical. In January 2026, a sixteen-year-old child was apprehended by immigration enforcement agents in Minnesota, labeled as an unaccompanied child, and then sent into HHS custody out of state so Immigration and Customs Enforcement attorneys could not immediately locate him. The Legal Rights Center worked to trace the child’s phone calls to his father, eventually relocated him in Michigan, and then worked to secure his release from wrongful detention. Much of the trauma and pain experienced by this child and his parents could have been avoided if he had been connected with a legal service provider at the outset of his interactions with the federal government.

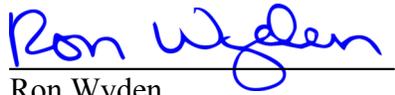
Legal service providers work to prevent further abuse, trauma, neglect, and exploitation of children, by building relationships with the children through in-person consultations, tracking their cases closely, and advocating for the legal rights and best interests. In particular, the in-person presence of legal service providers helps them become trusted adults, which enables them to report to authorities instances of abuse that children may experience while in ORR custody. Many cases of abuse have come to light due to the work of legal service providers.

Any efforts to restrict the legal services provided to children would violate HHS’ obligations under the TVPRA and ORR Foundational Rule. For all the reasons we have outlined and more, we urge you to revise the RFP to incorporate the following:

- Guarantee that legal services, including legal orientations, are provided in person absent extraordinary exigent circumstances, such as a pandemic or other widespread public emergency.
- Restore legal protections for children to the levels under the current contract.
- Ensure that children qualify for legal representation regardless of the geographic location of their sponsor or foster placement.
- Ensure children’s confidentiality is maintained, and prevent violations of attorney ethics and their licenses.
- Guarantee timely compensation for legal service providers’ billable services during the contract period.

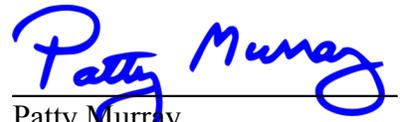
We request that you address our concerns and revise the RFP by no later than April 7, 2026.

Sincerely,



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Ron Wyden  
United States Senator  
Ranking Member, Committee  
on Finance



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Patty Murray  
Vice Chair  
Senate Committee on  
Appropriations