

Congress of the United States

Washington, DC 20515

February 2, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Kennedy:

We write with great concern regarding the Administration's failure to provide a long-term, stable legal services contract for approximately 26,000 unaccompanied migrant children in the United States. Last year, the Administration's attempt to eliminate funding for legal services was temporarily restored by a judicial order.¹ Since then, the Administration has executed a series of short-term, 3-month extensions that have continuously thrust legal service providers and unaccompanied children in a state of instability and uncertainty. We strongly urge the Administration to commit to a long-term and stable legal services contract that ensures that children in the custody and care of the Office of Refugee Resettlement (ORR) receive the protections and support to which they are legally entitled.

Unaccompanied children are among the most vulnerable populations in the world. These children are fleeing to the United States to escape various forms of abuse, neglect, and exploitation. Historically, Congress has upheld protections for unaccompanied children with robust bipartisan support, particularly through passage of William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The TVPRA mandates that the Department of Health and Human Services (HHS) ensure counsel to the greatest extent practicable for unaccompanied children who are or were in HHS custody to "represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking."² This provision affirms Congress' recognition that access to legal counsel is essential for vulnerable children to pursue claims for protection and legal relief and to prevent their return to the same dangerous conditions that they fled.

The Administration's repeated attempts to eliminate funding for legal services for unaccompanied children leave these children at risk of exploitation and directly violates the TVPRA. The earlier termination of funding demanded plaintiffs to "immediately stop work" on their ongoing funded cases, prolonging an already time-consuming process.³ Nonprofit legal service organizations were forced to furlough attorneys, find alternative funding sources, or operate without compensation.⁴ Children were left

¹ Federal District Court Orders Trump Administration to Protect Immigrant Children, Amica Center (April 30, 2025), <https://amicacenter.org/press-releases/federal-district-court-orders-trump-administration-to-protect-immigrant-children/>

² Julian Resendiz, Migrant Nonprofits Resort to Donations, Litigation As Federal Funding Dries Up, (May 5, 2025), <https://www.borderreport.com/immigration/migrant-nonprofits-resort-to-donations-litigation-as-federal-funding-dries-up/>

³ Maggie Grether, Trump Wants Thousands of Migrant Children to Represent Themselves in Court, (May 23, 2025), <https://www.congress.gov/119/meeting/house/118379/documents/HHRG-119-GO00-20250612-SD022.pdf>

⁴ Judge Orders White House to Restore Legal Aid to Unaccompanied Migrant Children, The Associated Press, (April 2, 2025), <https://www.npr.org/2025/04/02/nx-s1-5348831/judge-trump-administration-legal-aid-to-migrant-children#:~:text=toggle%20caption,Acacia%20is%20not%20a%20plaintiff>

with the responsibility to navigate complex immigration proceedings entirely on their own.⁵ This instability and hardship lasted for several weeks until the Administration was compelled to temporarily restore funding by a federal judge's order.⁶ Meanwhile, over the last year, we have seen a significant increase in the number of children in HHS custody, including children who were taken from sponsors in the community and placed in ORR facilities. This means that even more children need legal representation and are relying on ORR to facilitate that access.

These concerns are heightened by recent legislative efforts to undermine access to counsel and weaken longstanding protections for unaccompanied children under the TVPRA and other federal laws. H.R.1, commonly known as the "One Big Beautiful Bill Act" introduced new fees and policies that create additional barriers to humanitarian aid for children seeking protection in the United States. Similarly, proposed legislation such as the Kayla Hamilton Act (H.R. 4371), if enacted, would result in prolonged detention of children by delaying their release from detention to family unless their relatives or other sponsors are lawful permanent residents or U.S. citizens; it also authorizes the Department of Homeland Security to decide whether a child should be put in a "secure" facility where their access to counsel and other services would likely be limited. These legislative actions reflect various avenues through which the safety and wellbeing of unaccompanied children's safety is undermined and threatened, which is exacerbated by a lack of consistent access to federally funded legal services.

We are gravely concerned that attempts to reduce or entirely eliminate funding to legal services will continuously compromise the protections that unaccompanied children are afforded under the TVPRA. Access to counsel is an essential safeguard for unaccompanied children to ensure their right to due process and to prevent them from returning to dangerous conditions where they are subject or at risk of exploitation, violence, and other harm. With the safety of over 26,000 unaccompanied children from traffickers, abusers, and other bad actors on the line, the Administration's commitment to a long-term, stable federal contract to fund legal services is imperative.

Thank you for your consideration of this pressing matter. We look forward to your response no later than February 6th, 2026.

Sincerely,



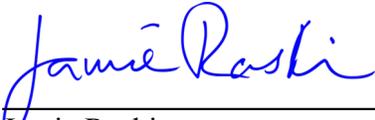
Dan Goldman
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Jason Crow
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⁵ 8 U.S.C. § 1232

⁶ Judge Orders White House to Restore Legal Aid to Unaccompanied Migrant Children, The Associated Press, (April 2, 2025), <https://www.npr.org/2025/04/02/nx-s1-5348831/judge-trump-administration-legal-aid-to-migrant-children#:~:text=toggle%20caption,Acacia%20is%20not%20a%20plaintiff>



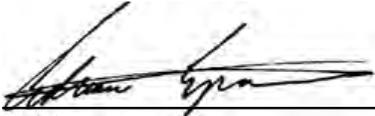
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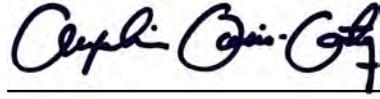
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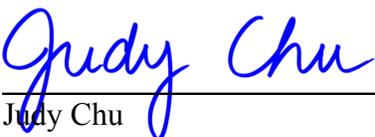
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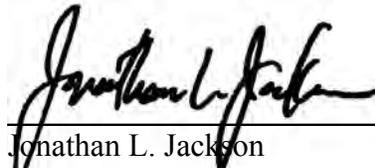
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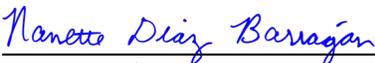
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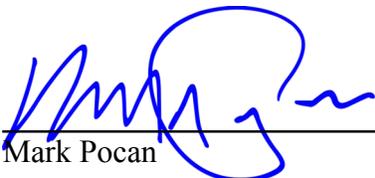
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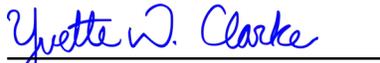
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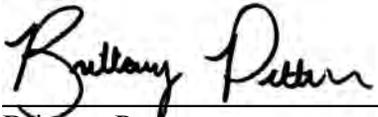
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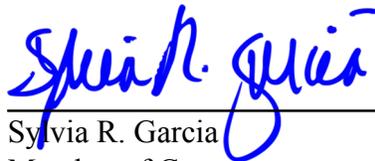
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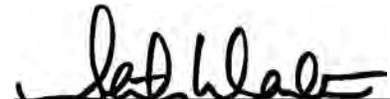
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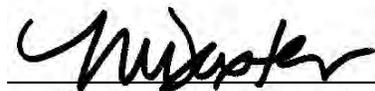
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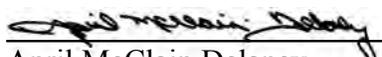
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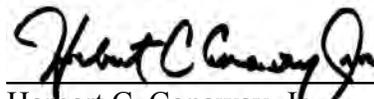
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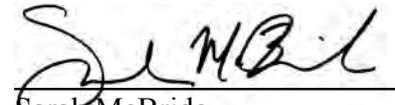
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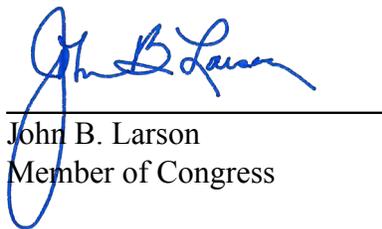
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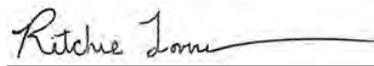
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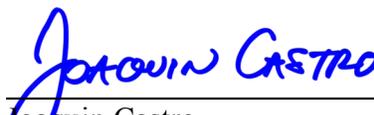
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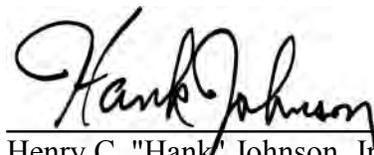
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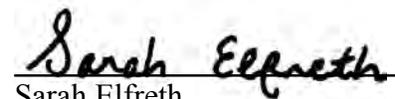
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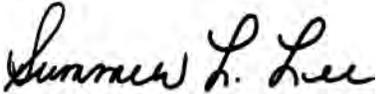
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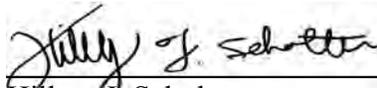
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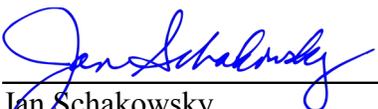
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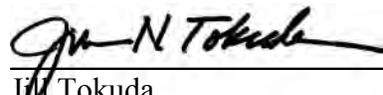
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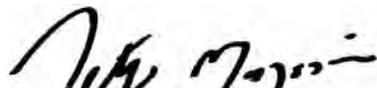
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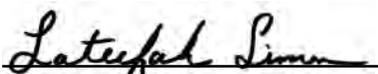
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