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Congress of the United States
House of Representatives
Washington, DC 20515

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The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C., 20201

Dear Secretary Azar:

Thank you for your timely attention this is critical matter. I write today to strongly urge you to finalize pending contracts with the Office of Refugee Resettlement (ORR)'s Unaccompanied Alien Children (UAC) Program to provide legal aid services to minors in the custody of the Health and Human Services (HHS) Department.

Local providers informed my office that contract modifications have been stalled for well over two months, despite efforts by the Vera Institute of Justice, Kids In Need of Defense (KIND) of San Francisco, and Legal Services for Children of San Francisco to finalize the contracts in a timely manner.

I am extremely disappointed to learn that despite statements to the contrary reported by HuffPost on September 9, 2019,¹ the Vera network has made clear that the necessary contract modifications have in fact not been completed, and that the delays stem from HHS. Despite legal requirements made by the Congressional branch, including the \$4.6B Bipartisan Border Supplemental package² that Congress passed earlier this year and was signed into law, requiring ORR to legally fulfill these obligations³ ORR has refused to allow legal service providers to officially work in newly opened shelters across the country, including one in Modesto, California, in my jurisdiction.

I am alarmed to learn of the apparent new practice by ORR to open facilities without making a good faith effort to inform national partners, such as the Vera Network, or to ensure that legal services will be available to children upon their arrival at your new facilities. The stakes are literally life and death. According to Jennifer Podkul, KIND's interim vice president, and a provider of legal aid services to the Modesto shelter, "If a kid does not know how to tell their story to an adjudicator, our government runs the risk of sending a child back to their death."⁴

¹ https://www.huffpost.com/entry/legal-aid-immigrant-children-shelters_n_5d72c98be4b0fde50c2657ed

² <https://www.congress.gov/bill/116th-congress/house-bill/3401>

³ https://www.huffpost.com/entry/house-border-aid-bill-migrant-crisis_n_5d12ddeb4b0a394186a6a69

⁴ *Id.* 1

Failing to provide age-appropriate legal rights and guidance for children in ORR custody is not only a likely violation of the Flores Settlement Agreement,⁵ which has been legal precedent since the 1990s, it also is likely in violation of the Trafficking Victims Protection Reauthorization Act (TVPRA), which has been in place since 2000, and was reauthorized by this body last Congress.⁶

I write to urge you to finalize these necessary contracts and uphold your obligation to ensure minors in your custody are receiving full access to the legal aid and other services which the law requires. Again, HHS personnel claim these contracts are finalized, I request that you confirm the current status of these contracts with my staff, and that if these contracts have not been finalized that you complete them immediately.

Thank you for your time and consideration regarding this request, if you have any questions, or to provide a response, please contact Sarah Monteith in my office at Sarah.Monteith@mail.house.gov.

Sincerely,



Josh Harder

United States Representative (CA-10)

⁵ <https://time.com/5657538/flores-settlement-agreement-standards/>

⁶ https://chrissmith.house.gov/uploadedfiles/hr2200_letterhead.pdf