

Efforts to help unaccompanied minors obtain U.S. asylum could be derailed

A contract dispute is threatening to disrupt efforts in Miami to provide legal representation to unaccompanied Central American children seeking U.S. asylum.

If not resolved, hundreds of children in immigration court proceedings could be forced to board deportation flights to El Salvador, Guatemala and Honduras.

The situation has sparked alarm among immigrant rights advocates, non-profit groups that assist the children and religious leaders including Miami Archbishop Thomas Wenski.

"This is unacceptable," Archbishop Wenski said recently in a letter to Sylvia Burwell, Secretary of Health & Human Services (HHS) — the federal department that oversees the unit that handles services for unaccompanied children, Office of Refugee Resettlement (ORR). "Many of these cases are time sensitive, and if they do not receive immediate attention, the affected children face imminent deportation."

Two respected nonprofits that for years have provided attorney services for thousands of Central American unaccompanied children recently saw their funding cut off and some services awarded to a different contractor, according to people familiar with the issue.

Attorneys for Americans for Immigrant Justice and Catholic Legal Services (CLS) only have remaining funds to cover their 500 existing cases for a few more months, and together the two agencies have 800 children facing deportation on their waiting lists.

Miami has the third-busiest immigration court docket for unaccompanied children cases in the country, and Americans for Immigrant Justice and CLS devised a system whereby the two groups ensure that on a daily basis, there is an attorney present with every child needing assistance.

Children who appear before a judge without an attorney are more likely to be ordered deported than those who have a lawyer, according to people familiar with immigration courts.

Officials at HHS said concerns are largely unfounded because the agency will continue funding services for unaccompanied Central American children either through the current

nonprofits or different ones.

Andrea Helling, an HHS spokeswoman, said the situation will return to normal once a new contract is awarded.

“We are committed to awarding this contract for direct representation [of the children] as quickly as possible,” Helling said.

The Huffington Post first reported on the issue in a recent posting on its website.

How Americans for Immigrant Justice and CLS came to lose their funding is a convoluted story.

The problem arose last summer when ORR announced plans to make the prior award competitive and combine contracts for shelter services and court cases.

In the previous year, both Americans for Immigrant Justice and CLS had received government funding through a one-year pilot program to help hundreds of unaccompanied children with their court cases. Together these two groups had a combined 20 attorneys and eight paralegals dedicated to helping children under the contract that expired in September.

Vera, the organization that for 10 years had subcontracted with Americans for Immigrant Justice to provide legal services to unaccompanied minors in South Florida shelters, applied for the combined contract. CLS was included in the proposal.

Americans for Immigrant Justice and CLS were told they would provide the services if Vera won the contract.

Another organization, U.S. Committee for Refugees and Immigrants (USCRI), applied for the same contract.

In September, ORR awarded the contract to USCRI.

The decision stunned people who monitor unaccompanied children cases because the organization USCRI picked to assist the children — Youth Co-Op — had no immigration attorneys on its staff. Youth Co-op has largely provided social services, people familiar with the situation said.

Youth Co-op says it has experience.

“Youth Co-Op has been serving South Florida for over 42 years,” said María Rodríguez, the Youth Co-Op president. “It was founded for the purpose of promoting the social well-being of immigrant children in 1973.”

Youth Co-Op did not previously provide legal services to immigrant children. It created a legal services corporation on Oct. 5 — after the award was made. Its website shows job postings for 17 attorneys.

While some saw mainly a contract dispute, others perceived more nefarious motives.

The reason: the president and chief executive officer of USCRI, Lavinia Limón, served as ORR director under President Bill Clinton and USCRI’s senior vice president for global engagement, Eskinder Negash, is an immediate past director of ORR.

Helling, the HHS spokeswoman, denied a conflict of interest.

She said Limón left ORR “many years ago, long before the request for proposals” for a new contract was announced.

Negash left ORR before the request for proposals was posted, said Helling. Negash left in January 2015 and the request was sent out in June, said Helling.

Besides, she noted, bids are being reviewed by a panel of technical experts who will choose providers for their abilities — not their connections.

USCRI officials expressed surprise at the reaction.

“Obviously there is a contract dispute here but why it has turned into a plate of sour grapes and vicious personal attacks is a surprise to us,” said Stacie Blake, director of government and community relations.

Americans for Immigrant Justice and CLS had no comment.

In October, Vera filed a protest of the September bid decision. HHS subsequently acknowledged problems with the contracting process and promised to take corrective action, according to people familiar with the issue.

HHS then released a new request, with proposals due Dec. 23. The criteria under the new

bidding process appeared to have been changed, people familiar with the issue said.

HHS, however, says it is evaluating the new bids appropriately.

“We are using the lowest price technically acceptable,” said Helling, the HHS spokeswoman, referring to an evaluation system under which the contract would go to the lowest priced bidder as long as its proposal is technically acceptable.

A decision on a new contract is expected sometime this month.

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