



Policy Brief: Five Recommendations for Protecting Unaccompanied Children from Labor Exploitation

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A [recent New York Times report](#) brought into devastating relief U.S. companies' labor exploitation of unaccompanied children—a [uniquely vulnerable group of children](#) who have fled to the United States without parents or legal guardians. Abuses described include 12-year-olds employed at automotive suppliers, limbs severed at factories, and spines broken at construction sites. This disturbing account demands a whole-of-government response aimed at eradicating labor exploitation of unaccompanied children, protecting these children's safety, and empowering them to thrive in communities across the nation.

Below are five key recommendations for achieving those objectives. Properly implemented, these actions will not only help root out labor exploitation, but also ensure that older unaccompanied children can access lawful, safe, and appropriate work often critical to their personal development, financial security, and community integration.

1. The Department of Labor should aggressively enforce compliance with child labor standards, supported by passage of federal legislation heightening civil monetary fines for offending companies.

The Department of Labor (DOL's) Wage and Hour Division must use all available enforcement mechanisms to ensure U.S. companies' compliance with child labor standards—standards that apply to unaccompanied and U.S. citizen child alike. Where appropriate, those mechanisms should include referrals for criminal prosecution. [DOL's formation](#) of the Interagency Taskforce to Combat Child Labor Exploitation, together with its National Strategic Enforcement Initiative on Child Labor, marks an important step in this direction. Congress should enhance the effectiveness of these enforcement efforts by passing legislation increasing civil monetary fines for offending companies—a long-overdue reform that would better disincentivize noncompliance. It is important that DOL and the Department of Homeland Security maintain appropriate firewalls around information-sharing for immigration enforcement purposes, and that DOL coordinate with other agencies to uphold older unaccompanied children's right to access lawful, safe, and appropriate work.

2. The Department of Health and Human Services should ensure that all unaccompanied children released from its custody have attorneys.

The bipartisan [Trafficking Victims Protection Reauthorization Act 2008](#) requires that, “to the maximum extent practicable,” the Department of Health and Human Services (HHS) ensure legal counsel for unaccompanied children “to represent them in legal proceedings or matters **and protect them from mistreatment, exploitation, and trafficking.**” But tragically, many if not most unaccompanied children who are released from HHS custody in the United States lack attorneys. Consistent with its statutory mandate, HHS should robustly allocate funding provided by Congress for the expansion of legal services for this vulnerable population, while Congress should increase relevant funding levels.

Without an attorney, it is virtually impossible for unaccompanied children to navigate the complex and adversarial U.S. immigration system so as to obtain immigration benefits that serve as bulwarks against unsafe working conditions, wage theft, and other labor abuses. These benefits include Employment Authorization Documents enabling older teenagers to access the regulated workforce; U visas that protect child survivors of labor-related crimes; and T visas that safeguard child survivors of labor trafficking.

Attorneys often function as unaccompanied children's most trusted advocates in situations of exploitation. By law, the attorney-client relationship is a confidential one. That confidentiality, coupled with the unique rapport built over months or years of representation, can mean that a lawyer is the sole authority-figure to whom children feel safe disclosing information about mistreatment. With the child's permission, attorneys can report incidences of exploitative labor, helping extricate children from abusive work environments.

3. HHS should ensure social services for all unaccompanied children after placement with sponsors.

HHS should facilitate linguistically and culturally appropriate social services for all unaccompanied children for a minimum of 180 days following their release from ORR custody and for longer periods when caseworkers determine children require additional support. Such services include in-home visitation by social workers, support with children's educational enrollment and progress, connection to medical and mental health providers, and other assistance designed to uphold the safety of sponsorship settings, promote children's integration into local communities, and provide children with tools for building secure and prosperous lives in the United States. Congress should appropriate funding accordingly.

4. The federal and state government should improve unaccompanied children's access to educational programming that promotes safe and healthy community integration.

The Department of Education and state education agencies should ensure that funding for newcomer and unaccompanied child education accounts for, and advances access to, innovative learning models that meet these youths' linguistic and cultural needs. These models may feature flexible schedules, multilingual language services, financial literacy, population-specific secondary education preparedness, and work-study and appropriate vocational or career-ready programs. Funding should also be dedicated for curriculum development and professional training for educators to better serve unaccompanied children. Educational benefits for these children include socio-emotional learning, flourishing peer networks, relationships with caring educators, and important community contacts.

5. The Biden Administration should roll back policies that block protection-seeking families from accessing humanitarian relief in the United States.

Measures like the [Title 42 border policy](#) and [proposed "asylum ban"](#)—which restrict families' ability to pursue humanitarian protection in the United States—compel a form of family separation by leaving many children with no meaningful choice but to arrive unaccompanied at the U.S.-Mexico border in pursuit of safety. Deprived of the support of parents and legal guardians forced to stay behind, these children may become particularly vulnerable to labor exploitation. By ending Title 42, asylum ban rulemaking, and other policies and practices that deny families access to legal relief, the Biden Administration would help ensure safe environments for migrant children in the United States and protection from mistreatment.