

Fact Sheet on Labor Exploitation of Unaccompanied Children

Recent press accounts have brought into devastating relief U.S. companies' labor exploitation of unaccompanied children—a uniquely vulnerable group of migrant children who have fled to the United States without parents or legal guardians. Amid ongoing discussion among media, policymakers, and the public regarding these abuses, contributing factors, and appropriate policy responses, this fact sheet sets forth information important to understanding and approaching this issue.

Fact: U.S. companies are subjecting unaccompanied children to labor exploitation

This practice spans states and industries. Abuses described have included 12-year-olds employed at automotive suppliers; limbs severed at factories; and spines broken at construction sites. Although it is difficult to assess the current scale of labor standard violations involving this population, recent accounts come amid a troubling rise in U.S. child labor broadly, including among U.S. citizen children. In April 2023, the Department of Labor (DOL) announced that violations of child labor laws as a whole had increased by 69 percent since 2018.

Fact: Forces contributing to labor exploitation of unaccompanied children are complex and intersectional.

Underlying factors include widespread gaps in legal and social services for these children as they navigate adversarial immigration proceedings and transition into new communities; lack of economic security; language barriers; U.S. labor shortages; rollbacks in state protections against child labor; and underfunding of Department of Labor enforcement of child labor standards. Eradicating labor exploitation of unaccompanied children requires a vigorous whole-of-government approach reflective of both the issue's many facets and these children's particular vulnerabilities.

Fact: Robust implementation of the bipartisan Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) is essential to preventing and mitigating labor abuses and trafficking of unaccompanied children.

Congress passed the TVPRA on a sweeping bipartisan basis after careful consideration of ways to protect unaccompanied children from human trafficking and other exploitation. In crafting the TVPRA, Congress recognized unaccompanied children's unique vulnerabilities to these harms, including their age, developmental stage, comprehension and communication constraints, and trauma history. The TVPRA responds to those vulnerabilities by codifying certain protections for children arriving to the United States without a parent or guardian, including screening for trafficking, safe placement in the custody of the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS), and ensuring attorneys for these children to “the greatest extent practicable.” To effectively combat labor exploitation of unaccompanied children, the U.S. government must meet the TVPRA's promise in full, and build upon, not roll back, the legislation's vital safeguards.

Fact: ORR thoroughly screens potential sponsors of unaccompanied children.

After unaccompanied children's placement into ORR custody, the agency works to efficiently identify safe sponsors in the United States to care for the children. ORR first seeks to place children with a parent, legal guardian, or other close relative when available—the agency has noted that these loved ones comprise the “vast majority” of unaccompanied child sponsors. ORR conducts an evaluation process for all potential sponsors, including family members, that entails holistic assessments of wide-ranging factors, review by child welfare experts of thorough sponsorship applications, background checks, evaluation of proof of identity and relationship to the child, and home studies under certain circumstances. The agency's ultimate aim is to ensure timely and safe family reunification consistent with the child's best interests and in recognition that protracted government detention and separation from loved ones undermine children's welfare. It is essential that the agency uniformly adhere to sponsor vetting procedures. ORR is conducting a continuing process to assess compliance with those procedures and, among other efforts, is launching an “Innovation and Accountability Team” intended in part to identify ways to better mitigate exploitation of unaccompanied children.

Fact: When children and/or sponsors do not answer the phone during ORR follow-up calls after children's release from ORR custody, it does not mean the children in sponsors' care are “missing.”

A February 2023 New York Times story noted that “[w]hile H.H.S. checks on all minors by calling them a month after they begin living with their sponsors, data obtained by The Times showed that over the last two years, the agency could not reach more than 85,000 children.” Various media and elected officials have mischaracterized this statistic as suggesting that 85,000 children have gone “missing.” In reality, this statistic refers to sponsors and/or children who did not answer the phone when ORR conducted routine follow-up calls. There are many reasons why families might not answer these calls: for example, they may not pick up because they do not recognize the phone number in question; they may have updated their own phone number; they may miss the call because they are unavailable; and in some situations, sponsors may perceive that U.S. government outreach could lead to immigration enforcement consequences. Follow-up phone calls are therefore not a basis to measure children's safety and well-being following their release from ORR custody nor an adequate substitute for robust post-release legal and social services to protect children from exploitation and other dangers.

Fact: Providing attorneys and social services to all unaccompanied children after their release from ORR custody is a critical step to combating child labor exploitation.

No policy response is more crucial to combating unaccompanied children's labor exploitation than ORR expansion of post-release legal and social services by trusted attorneys and social workers. Lawyers are vital to unaccompanied children's comprehension of their legal rights, to securing these children's stability—and, where appropriate, lawful and safe employment—through immigration status, and to recognizing, and helping extricate children from, situations of exploitation. Yet many if not most unaccompanied children around the nation lack attorneys. Social workers, meanwhile, conduct in-home visitation of released unaccompanied children, support children's educational enrollment and progress, and provide other assistance important to upholding the safety of sponsorship settings and promoting children's integration into local communities. To its credit, the Biden Administration has set goals to achieve legal representation of all unaccompanied children by fiscal year 2027 and to furnish social services to all released unaccompanied children by fiscal year 2025. It is imperative that ORR meet these aims and that Congress fund the agency commensurately.

Fact: Access to lawful, safe, and appropriate work can help prevent subjection to labor exploitation.

Migrants' ability to undertake lawful, safe, and appropriate work is often vital to their financial security, integration into local communities, and personal development—and reduces their vulnerability to dangerous working conditions, wage theft, and other labor abuses. But to enter the regulated workforce older migrant youth need employment authorization documents that are virtually impossible to obtain without attorneys to help them navigate the complex and adversarial U.S. immigration system. Access to suitable employment also hinges in significant part on aggressive Department of Labor enforcement of child labor standards nationwide. Notably, earlier this year DOL launched a National Strategic Enforcement Initiative on Child Labor in addition to forming an Interagency Task Force to Combat Child Labor Exploitation in which HHS plays an active role. In July, task force partners [shared updates on relevant work](#). HHS and DOL also [entered into a Memorandum of Agreement](#) to improve information sharing, coordination, and training for the purpose of preventing and mitigating such exploitation.

Fact: Many unaccompanied children have fled severe dangers in their countries of origin.

Some U.S. policymakers have responded to accounts of labor exploitation and trafficking of unaccompanied children who are now in the United States by calling for broad-based, summary returns of unaccompanied children to their countries of origin or for measures preventing these youth from seeking humanitarian protection in the United States in the first place. But many unaccompanied children fled precisely to escape life-threatening dangers in their countries of origin. In fiscal year 2022, [about 89 percent](#) of unaccompanied children placed in ORR custody arrived from the northern Central American nations of Guatemala, Honduras, and El Salvador—a region gripped by [ongoing humanitarian crises](#). Specific dangers these children have escaped include gender- and gang-based violence, domestic abuse, and human trafficking. Summary returns to those same dangers and/or elimination of protection mechanisms would lead to grave harm of unaccompanied children on a mass scale.

Fact: With proper supports, unaccompanied children in the United States can and do thrive.

Many unaccompanied children residing in the United States flourish in and make invaluable contributions to their local communities. Youth who exemplify these achievements include [Alejandra](#), who spearheaded an anti-bullying program at her high school, from which she graduated as salutatorian; [Daniel](#), who won first place in a chess competition and became head of his high school chess club; and [Catarina](#), who has achieved fluency in five languages and serves as a caregiver to the elderly in a nursing home. By becoming a vital part of their communities' educational, social, and economic fabric, such youth help build shared prosperity. Unaccompanied children are most likely to successfully integrate into and enrich their communities when they have attorneys to guide them through immigration proceedings; social services to facilitate access to educational opportunities, counseling services, and additional community resources; and other supports to unlock their full potential.