

Congress of the United States

Washington, DC 20515

March 24, 2023

The Honorable Robert Aderholt, Chair
Committee on Appropriations
Subcommittee on Labor, Health and Human Services,
Education, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

The Honorable Rosa DeLauro, Ranking Member
Committee on Appropriations
Subcommittee on Labor, Health and Human Services,
Education, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

The Honorable Hal Rogers, Chair
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

The Honorable Matt Cartwright, Ranking Member
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

Dear Chair Aderholt, Ranking Member DeLauro, Chair Rogers, and Ranking Member Cartwright,

We are outraged by recent reports of migrant children being overworked in dangerous jobs across our country. Kids who should be in school are ground to exhaustion by long night shifts, and kids who should be safe have jobs among dangerous machinery or in construction.ⁱ We have allowed the exploitation of vulnerable children to exist in the shadows of our supply chains in violation of our nation's fair labor laws. We cannot turn away from this injustice. To that end, we request language in the Labor, Health, and Human Services Subcommittee's report directing ORR to use allocated funding to improve and expand post release services for all unaccompanied children.

Our federal agencies know these migrant children are in the United States. Consistent with federal law, the Office of Refugee Resettlement is committed to processing and placing unaccompanied migrant children in "the least restrictive setting that is in the best interest of the child, taking into account potential flight risk and danger to self and others"ⁱⁱ Many children are under pressure to earn money to support their families back home, or to support the financial stability of their lives here.

In addition to the placement ORR facilitates, the agency has stated that it plans to provide legal representation to 100 percent of unaccompanied children by the end of Fiscal Year (FY) 27. Confidentiality, coupled with the rapport built over months of representation, can mean that a lawyer is the sole authority- figure to whom children feel safe disclosing information. Lawyers also help facilitate efficient and comprehensive navigation of our nation's immigration system, and can assist eligible children with proper employment authorization.ⁱⁱⁱ

While the agency continues to work towards more comprehensive legal representation for children, the Executive Office of Immigration Review (EOIR) would do well to create children's dockets within each immigration court that would be solely dedicated to handling children's claims. Children's dockets would facilitate specialized judicial training, child-focused adjudications, and coordination with legal services organizations in order to increase due process and efficiency within the immigration courts, easing the burdens on the immigration court system and the children within it.^{iv}

Ultimately, we as a country, as the United States of America, should not, can not, accept the fact that we are allowing such high volumes of children to enter our country alone and then to traverse our immigration court system alone and to advocate—even *with* the help of a lawyer—their own asylum or fear based claims. They are simply too young to understand, too young to consent.

As members of Congress, we take full responsibility for the need for Congressional action to fix our broken immigration system, which would do so much to address the root cause of this problem. But, until that time, more must be done to ensure the best interest of children in our country. Two avenues for action exist: ORR must improve its post-release services for children who pass through its system, and we must do more to facilitate comprehensive and streamlined legal representation for children in the immigration court system. We also affirm efforts to ensure sufficient funding for these agencies in recognition of how the expansion of services for children cannot happen without enough staff capacity and resources.

To these ends, we ask that the Committee direct ORR to use allocated funding to improve and expand post release services for all unaccompanied children through inclusion of the below language in the **Labor, Health and Human Services, Education, and Related Agencies** report :

“Post-Release Services — The Committee includes funding for post-release services to enhance and extend case management services to as many children released from ORR care as possible, with particular awareness for pregnant or parenting teens, children whose primary language is neither English nor Spanish, as well as children who faced separation from a parent or legal guardian at the border. These services should extend to released children for a minimum of six months.

The Committee urges the enhanced and expanded post release service program to include: access to legal services with the goal of all children having access to counsel, in-home visitations from social workers, additional and frequent follow up calls to released children, support attending school, resources in additional languages, and connections to community based poverty-reduction, health, and mental health care providers.

The Committee urges ORR to improve its post-release hotline services by ensuring that resources are available in multiple languages, connections are facilitated between children and post-release services, and follow up calls are made to children who report harm or abuse.

The Committee believes ORR should arrange for such services to be provided by non-governmental organizations with experience and expertise in working with these children. The Committee urges ORR to develop and make public on its website criteria for how children are prioritized for post-release services, and the number of children receiving services in each fiscal year.

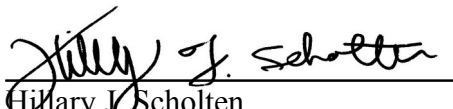
Finally, the Committee emphasizes the vital importance of legal services for unaccompanied children both during ORR custody and following release. Post-release legal representation is essential to the fairness, effectiveness, and efficiency of unaccompanied children’s immigration proceedings. ORR should make every effort to ensure post-release legal representation of these children while regularly reporting to the Committee on representation rates.”

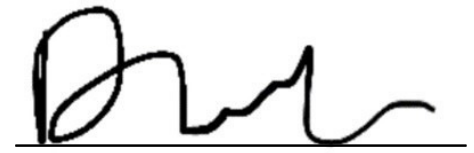
Additionally, in the **Commerce, Justice, Science, and Related Agencies Subcommittee’s report**, we ask the subcommittee to include the following language to promote the Executive Office of Immigration Review’s transition to a children’s docket:

“The Committee commends the Executive Office for Immigration Review for communicating to courts that they have the authority to establish specialized children’s dockets for the adjudication of unaccompanied children’s cases. The Committee directs the Department to expand upon this authority and ensure that all immigration courts before which unaccompanied children appear contain specialized children’s dockets. These dockets must guarantee child-appropriate procedures and safeguards that advance fairness and due process in unaccompanied children’s proceedings. Immigration judges assigned to specialized children’s dockets must have received specialized training in these procedures and safeguards, which should include processes for coordinating with legal services organizations to facilitate legal representation of unaccompanied children.”


With the inclusion of this language in the subcommittees’ reports, we take significant strides towards addressing injustice and exploitation in our nation and upholding our shared values of safety and wellbeing for all children within our borders.

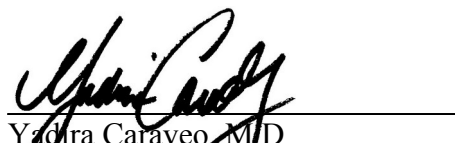
Sincerely,



Hillary J. Scholten
Member of Congress


Dan Goldman
Member of Congress


Rick Larsen
Member of Congress


Eleanor Holmes Norton
Member of Congress


Yadira Caraveo, M.D.
Member of Congress


Donald S. Beyer Jr.
Member of Congress

ⁱ See, e.g., Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 25, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>; *A New Child Labor Crisis in America*, N.Y. TIMES (Mar. 9, 2023), <https://www.nytimes.com/2023/03/09/podcasts/the-daily/migrant-child-labor-america.html>; David J. Neal, *A Restaurant's Florida Franchisees Illegally Used Child Labor and Owed Workers \$24,000*, MIAMI HERALD (Mar. 8, 2023), <https://www.miamiherald.com/news/business/article272835475.html>; *How Child Labor Violations Have Quadrupled Since 2015*, 1A: NPR (Mar. 6, 2023), <https://www.npr.org/2023/03/06/1161486299/how-child-labor-violations-have-quadrupled-since-2015>; Nandita Bose & Mica Rosenberg, *U.S. to Crack Down on Child Labor Amid Massive Uptick*, REUTERS (Feb. 27, 2023), <https://www.reuters.com/business/us-crack-down-child-labor-amid-massive-uptick-2023-02-27/>; Terri Gerstein, *Child Labor Has Made a Comeback*, SLATE (Nov. 16, 2022), <https://slate.com/business/2022/11/packers-sanitation-child-labor-department-hyundai-chipotle.html>; *Child Labor Allegations at Alabama Hyundai Factory Lead to Class Action Lawsuit*, FOX 23 NEWS (Aug. 2, 2022), https://www.fox23.com/news/trending/child-labor-allegations-at-alabama-hyundai-factory-lead-to-class-action-lawsuit/article_96833571-664a-57ce-9413-f32a7018ec0b.html.

ⁱⁱ U.S. Department of Health and Human Services. (2023). *Unaccompanied Children Program Fact Sheet - PDF* [Fact Sheet]. <https://www.hhs.gov/sites/default/files/uac-program-fact-sheet.pdf>

ⁱⁱⁱ KIND. (2023). *Talking Points on the Protection of Unaccompanied Children from Labor Exploitation*.

^{iv} KIND. (2022). *Specialized Children's Dockets in Immigration Court*.