

As Migrant Children Were Put to Work, U.S. Ignored Warnings

The White House and federal agencies were repeatedly alerted to signs of children at risk. The warnings were ignored or missed.

By Hannah Dreier

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www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html

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When Antonio Diaz Mendez arrived in the U.S. from Guatemala at age 14, he was already deep in debt and largely on his own. *Kirsten Luce for The New York Times*

In the spring of 2021, Linda Brandmiller was working at an arena in San Antonio that had been converted into an emergency shelter for migrant children. Thousands of boys were sleeping on cots as the Biden administration grappled with a record number of minors crossing into the United States without their parents.

Ms. Brandmiller's job was to help vet sponsors, and she had been trained to look for possible trafficking. In her first week, two cases jumped out: One man told her he was sponsoring three boys to employ them at his construction company. Another, who lived in Florida, was trying to sponsor two children who would have to work off the cost of bringing them north.

She immediately contacted supervisors working with the Department of Health and Human Services, the federal agency responsible for these children. "This is urgent," she wrote in an email reviewed by The New York Times.

But within days, she noticed that one of the children was set to be released to the man in Florida. She wrote another email, this time asking for a supervisor's "immediate attention" and adding that the government had already sent a 14-year-old boy to the same sponsor.

Ms. Brandmiller also emailed the shelter's manager. A few days later, her building access was revoked during her lunch break. She said she was never told why she had been fired.

Over the past two years, more than 250,000 migrant children have come alone to the United States. Thousands of children have ended up in punishing jobs across the country — working overnight in slaughterhouses, replacing roofs, operating machinery in factories — all in violation of child labor laws, a recent [Times investigation](#) showed. After the article's publication in February, the White House announced [policy changes and a crackdown](#) on companies that hire children.

But all along, there were signs of the explosive growth of this labor force and warnings that the Biden administration ignored or missed, The Times has found.

Again and again, veteran government staffers and outside contractors told the Health and Human Services Department, including in reports that reached Secretary Xavier Becerra, that children appeared to be at risk. The Labor Department put out news releases noting an increase in child labor. Senior White House aides were shown evidence of exploitation, such as clusters of migrant children who had been found working with industrial equipment or caustic chemicals.

As the administration scrambled to clear shelters that were strained beyond capacity, children were released with little support to sponsors who expected them to take on grueling, dangerous jobs.

In interviews with The Times, officials expressed concern for migrant children but shifted blame for failing to protect them.

H.H.S. officials said the department vetted sponsors sufficiently but could not control what happened to children after they were released. Monitoring workplaces, they said, was the job of the Department of Labor.

Officials at the Labor Department said inspectors had increased their focus on child labor and shared details about workers with H.H.S., but said it was not a welfare agency.

And White House officials said that while the two departments had passed along information about migrant child labor, the reports were not flagged as urgent and did not make clear the scope of the problem. Robyn M. Patterson, a White House spokeswoman, said in a statement that the administration was now increasing scrutiny of employers and reviewing its vetting of sponsors.

“It’s unacceptable that companies are using child labor, and this administration will continue working to strengthen the system to investigate these violations and hold violators accountable,” the statement read.

But the White House declined to comment on why the administration did not previously react to repeated signs that migrant children were being widely exploited.

“If I saw it, they could have put it together,” said Ms. Brandmiller, who is also an immigration lawyer. “There were so many opportunities to connect those dots that no one ever did.” An H.H.S. spokeswoman said the agency had no record of Ms. Brandmiller’s concerns. The company that ran the emergency shelter declined to comment.

Ms. Brandmiller said she still worried about the 14-year-old boy, Antonio Diaz Mendez.

Antonio is living in Florida City, Fla., far from his family in Guatemala. In an interview last summer, he sat on the mildewed porch of a house crowded with other migrant children. He said he was working long shifts in a refrigerated warehouse, packing vegetables for distribution around the country, and had not seen his sponsor in months.

He missed his grandmother and sometimes went days without talking to anyone. He wanted to go to school, but felt trapped because he needed to earn money to repay his debts, support himself and help his siblings.

No one, he said, had ever come to check on him.

‘This Is BS’



Over the past two years, more than 250,000 migrant children have come alone to the United States.
Kirsten Luce for The New York Times

Soon after President Biden took office, the growing numbers of migrant children touched off tension between the new administration and longtime government staff members.

The president had promised to abide by a 2008 anti-trafficking law that requires the federal government to accept children traveling alone from most countries and allows them to stay in the United States during the yearslong process of applying for legal status.

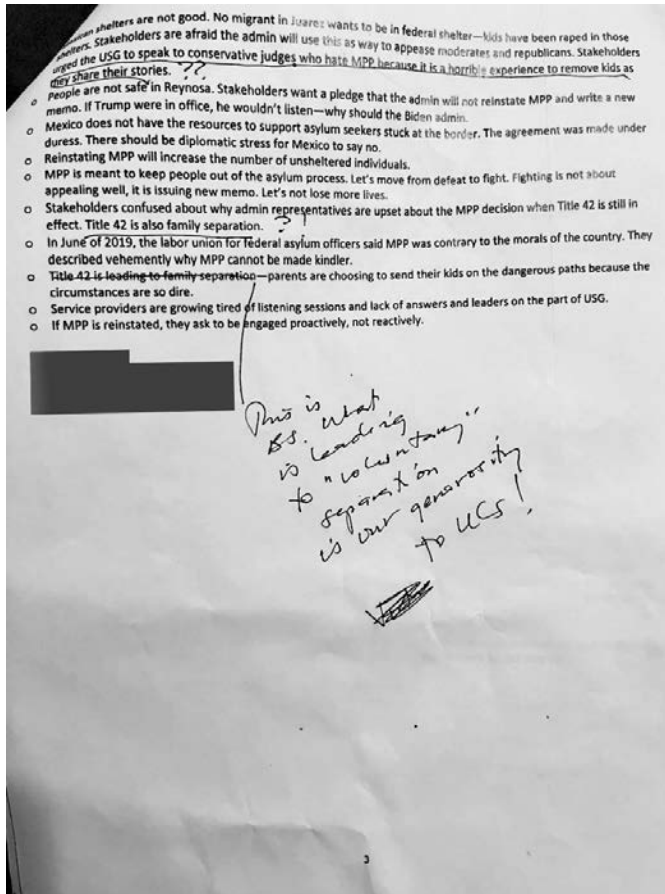
But the law did not anticipate that a pandemic would ravage the economies of Central American countries. Parents in deepening poverty began sending their children to the United States to earn money — part of a phenomenon some immigration advocates call “voluntary family separation.”

In 2021, as images of children sleeping under foil blankets in overflow centers dominated the news, Susan E. Rice, the White House’s head of domestic policy, told staff members she was frustrated with the situation, according to five people who worked with her. Ms. Rice vented in a note she scribbled on a memo detailing the

position of advocates, who believed a pandemic-era border closure was compelling parents to send unaccompanied children, sometimes called U.C.s.

“This is BS,” Ms. Rice wrote, according to a copy of the memo reviewed by The Times. “What is leading to ‘voluntary’ separation is our generosity to UCs!”

In a statement, Ms. Patterson, the White House spokeswoman, said that any suggestion that Ms. Rice felt constrained by the demands of the law was false and that she was “proud to be doing the right thing and treating children with dignity and respect.”



A copy of a 2021 memo with handwritten notes by Susan E. Rice, the White House’s domestic policy adviser. Identifying information has been redacted.

Under the law, the Department of Health and Human Services is responsible for vetting sponsors to ensure they will provide for children’s well-being and protect them from trafficking or exploitation. But as shelters filled with children, the department began loosening some vetting restrictions and urging case managers to speed the process along.

Longtime H.H.S. staff members complained that the changes endangered children. White House aides and administration officials grew exasperated, believing that these workers were clinging to protocols that kept children in shelters when it was better for them to be in a home with an adult.

“It was maddening,” said Vivian Graubard, a White House adviser who worked with Ms. Rice on migrant child issues.

At least five Health and Human Services staff members filed complaints and said they were pushed out after raising concerns about child safety.



Jallyn Sualog was moved out of her position at the Health and Human Services Department after raising concerns about migrant child safety.
Lexey Swall for The New York Times

Jallyn Sualog was the most senior career member of the H.H.S. division responsible for unaccompanied migrant children when Mr. Biden took office. She had helped build the program after the passage of the 2008 law and, as a lifelong Democrat, had celebrated Mr. Biden’s win.

But soon, she said, she began to hear reports that children were being released to adults who had lied about their identities, or who planned to exploit them.

She warned her bosses in a 2021 email, “If nothing continues to be done, there will be a catastrophic event.” She continued to email about situations she described as “critical” and “putting children at risk.”

Concerned that no one was listening, Ms. Sualog filed a complaint in the fall of 2021 with the H.H.S. Office of Inspector General, the agency's internal watchdog, and requested whistle-blower protection. She also took the unusual step of speaking with congressional staffers about her worries.

"I feel like short of protesting in the streets, I did everything I could to warn them," Ms. Sualog said of the administration. "They just didn't want to hear it."

In late 2021, she was moved out of her position. She filed a complaint with the federal office responsible for enforcing whistle-blower protection rules, arguing that she had been illegally retaliated against.

Last fall, the Office of the Inspector General released a report that discussed Ms. Sualog's case and several demotions and dismissals at the agency that "may have risen to the level of whistle-blower chilling."

Ms. Sualog settled with the agency, which agreed to pay her legal fees, and resigned last month.

An H.H.S. spokeswoman declined to comment on Ms. Sualog's complaint but said the agency does not retaliate against whistle-blowers. While some staffers disagreed with the administration's approach, the spokeswoman said, significant changes were needed to address the increase in unaccompanied migrant children.

Even as veteran employees left, others kept sounding alarms. In January, shortly before the Times investigation was published, a group of workers sent another memo to their H.H.S. bosses saying the system had resulted in unsafe discharges. "We are pulling humanity out of 'Health and Human Services,'" they wrote.

Troubling Trends

Some of the most persistent warnings that children were being funneled into dangerous jobs came from outside the government. H.H.S. releases most children to sponsors without follow-up care, but it hires organizations to provide thousands of the most high-risk children with several months of support services.

Last spring, Matt Haygood, senior director of children's services at the U.S. Committee for Refugees and Immigrants, one of the largest of these organizations, sent an email with the subject line "Trafficking Concerns" to several H.H.S. officials.

"We have identified some troubling trends in the Chicago metro area," he wrote, including vans picking up children at odd hours, suggesting that they were being driven

to factory jobs. Mr. Haygood asked if H.H.S. would consider adding the neighborhood to a watchlist, so that prospective sponsors there would be more closely vetted. An H.H.S. staff member replied that more than 200 children, most of them Guatemalan, had recently been released to the neighborhood and confirmed that many of those cases had been marked as suspicious: Adults were sponsoring multiple children, and minors were working instead of attending school.



Social workers noted red flags in the Little Village neighborhood of Chicago, where hundreds of migrant children have been sent.

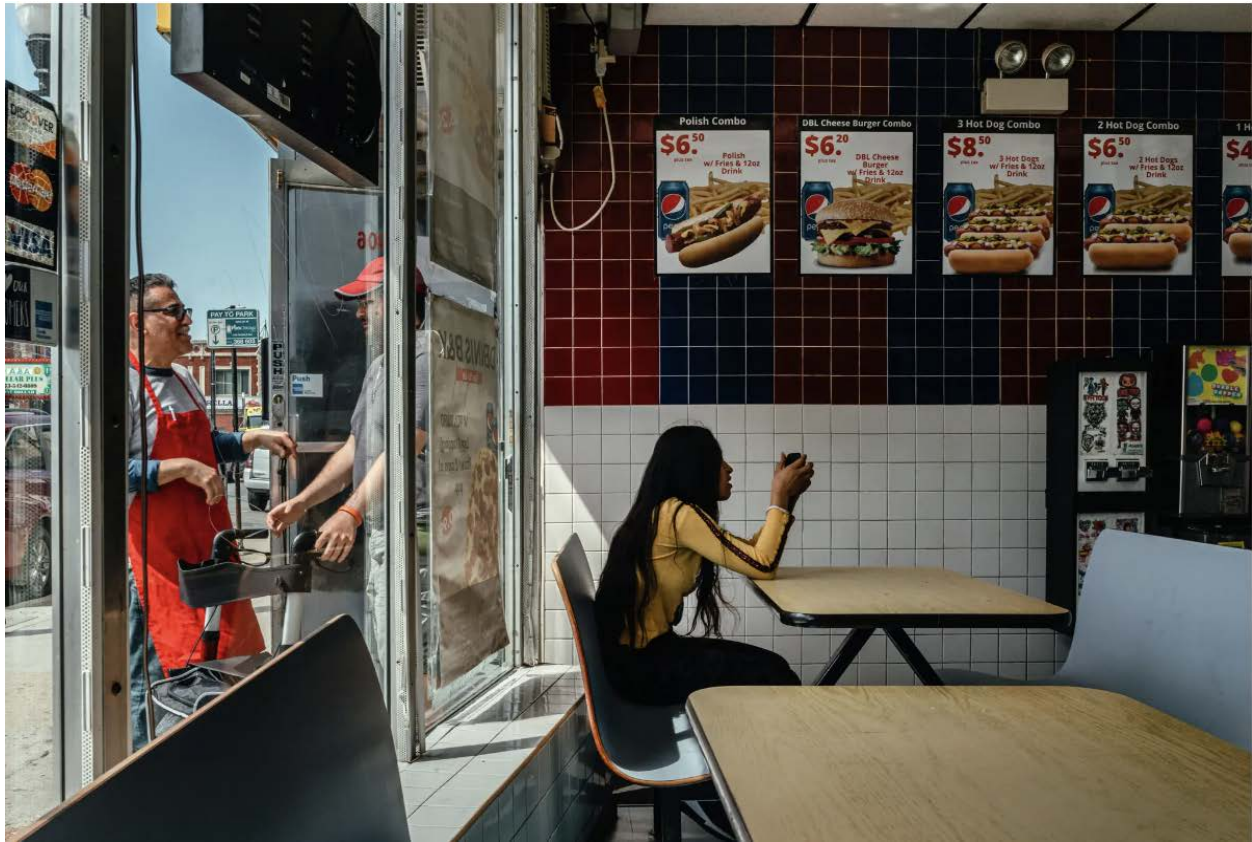
Jamie Kelter Davis for The New York Times

“There are certainly plenty of other concerning trafficking red flags,” the staff member wrote. Mr. Haygood expected the agency to add more safeguards for children released to the area, Little Village. Instead, H.H.S. decided they were not needed.

In response to The Times, an H.H.S. spokeswoman said the department had already put protections in place for children being released to a few streets in the city and at the time saw expanding those measures as overreach.

At a small fast-food restaurant in Little Village one recent afternoon, Guatemalan teenagers played video games on their phones and flirted in Indigenous languages.

Several said they worked full time overnight in factories, in violation of child labor laws. Few had enrolled in school.



A teenager looking at her phone at Dennis B&K, a small fast-food restaurant in Little Village. Some migrant children in the neighborhood said they worked overnight shifts at factories.
Jamie Kelter Davis for The New York Times

One, Marvin Che, said he came to the United States last year, when he was 16, and had been working 12-hour overnight shifts alongside other migrant children packing products at the manufacturer Pactiv Evergreen, including Hefty plastic party cups. “We came alone, so we have to work hard,” Marvin said.

A spokeswoman for Pactiv Evergreen said that its company policy prohibited minors from working at manufacturing sites, and that it would make sure its staffing agencies were complying. A representative for Reynolds Consumer Products, which owns the Hefty brand, said Pactiv Evergreen no longer made its party cups.

Other social service organizations said they, too, had flagged clusters of suspicious cases, including in Nashville and Dallas.

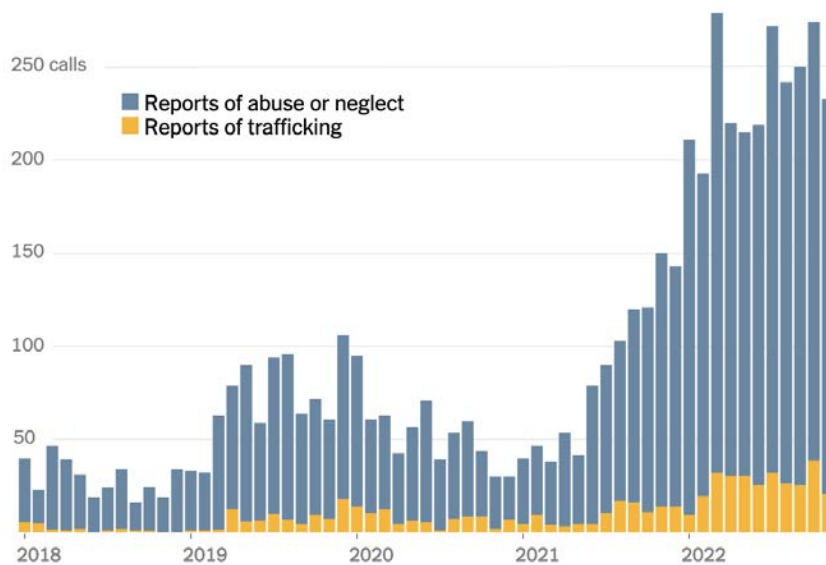
“We’re waiting for the congressional hearing that’s like, ‘How did this happen to all these kids?’” Mr. Haygood said.

In the last two months, congressional leaders from both parties have questioned why so many migrant children ended up in exploitative jobs, and two oversight hearings are planned in the House on Tuesday.

An H.H.S. spokeswoman said the department was aware that some migrant children worked long hours because they are under intense pressure to earn money, but the agency's legal responsibility for children ends once they are released. Still, the department is working to provide a few months of case management to all unaccompanied migrant children, she said.

Reports of Trafficking and Abuse of Migrant Children

Monthly calls to H.H.S. reporting trafficking, neglect or abuse of minors placed with sponsors.



Source: A New York Times analysis of data from the Department of Health and Human Services • By Eli Murray

For now, most children released to sponsors have little support aside from an H.H.S. hotline. According to internal documents obtained by The Times, reports of trafficking to that hotline increased by about 1,300 percent over the past five years.

In one call last year, a child living in Charlotte, N.C., said his sponsor had found him a job in a restaurant and told him “he needs to work to eat.” In another, a child said his sponsor had never enrolled him in school after he was released from an El Paso shelter, and was forcing him to pay for rent and food.

The H.H.S. spokeswoman said the agency asks local law enforcement to check on children who might be in danger.

A Hard Life in Florida



Three boys from Guatemala who were released to the same sponsor in Florida and work full time in construction. “There are a lot of kids here living the same life,” Antonio said. *Kirsten Luce for The New York Times*

Antonio arrived at the border shortly after turning 14, and spent several weeks at a shelter before moving to Florida. A former neighbor had agreed to be his sponsor, but Antonio, who had never spent a night away from his town, had not understood how isolated he would be in the United States.

He took jobs with employers willing to hire a child without a work permit — sometimes in landscaping and sometimes in housecleaning. He also enrolled in eighth grade and discovered that he loved biology.

He scraped by until the end of the school year, but he needed to earn more money. Instead of continuing to ninth grade, he found the job packing vegetables. He worked numbing shifts that left him chilled each night even though he worked in the heaviest jacket he could afford. A spokeswoman for the company, Jalaram Produce, said it does not hire minors.

Antonio had not told anyone back home how much he was struggling. “I don’t want them to worry about me,” he said. His father became more absent during the pandemic, and he knew his grandmother had no other way to feed his young sisters. He said he might feel less lonely after he turned 16 and qualified to enroll in night school.



Antonio called his middle school graduation the proudest day of his life. He bought a frame for his certificate and sent a photo to his siblings back home. *Kirsten Luce for The New York Times*

This was a common hope among migrant children in his neighborhood. A few blocks away, a boy working construction said he felt ashamed about not knowing how to read. He, too, was released in 2021 — at age 12 — and was immediately put to work by a man who had sponsored at least five children. At a day-labor pickup site, a 13-year-old released last year to a man he had never met said he wished he could enroll in middle school and start learning English.

“People don’t know,” Antonio said, “but there are a lot of kids here living the same life.”

Warning Signs

Inside the White House, Ms. Rice was at the center of the migrant children crisis. As she pressed to move children out of shelters more quickly, clues began to emerge about what was happening to them once they left.

In the summer of 2021, near the height of the crush at the border, H.H.S. managers wrote a memo detailing their worry about increasing reports that children were working alongside their sponsors, a sign of possible labor trafficking. Ms. Rice’s team received

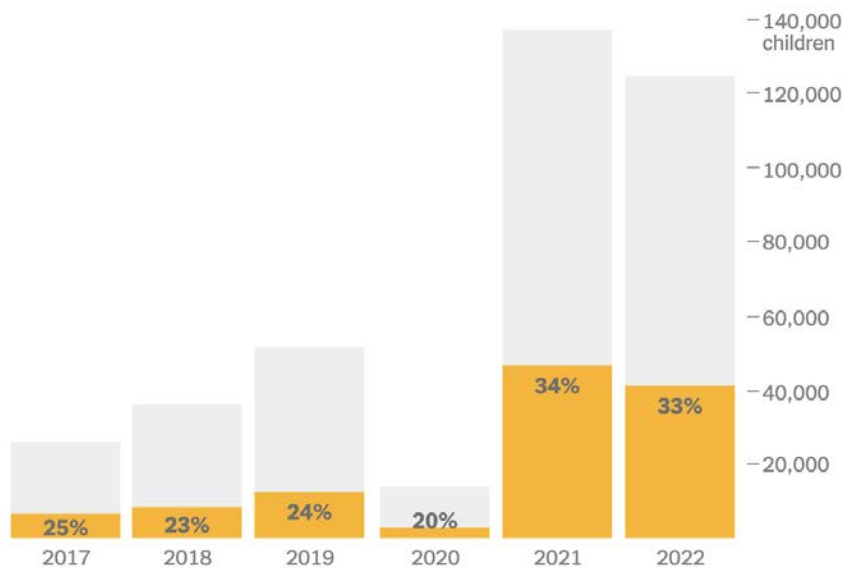
the memo, and Ms. Rice was also told what it said, according to two people familiar with the conversations.

Andrew J. Bates, White House deputy press secretary, disputed that, saying Ms. Rice “did not see the memo and was not made aware of its contents.”

Around the same time, Ms. Rice’s team was told about [concerns](#) over a large group of children who had been released to one city in Alabama, according to six current and former staff members. The situation was the subject of frequent updates as H.H.S. sent case managers to the city to check on children, and coordinated with the Labor Department and Homeland Security Investigations to look into whether they were working in poultry plants.

Losing Track of Sponsored Children

An increasing share of migrant children **could not be reached** by H.H.S. after a month.



Source: A New York Times analysis of data from the Department of Health and Human Services - Note: Cases where children were marked “not applicable” as participants in a followup contact by H.H.S. were excluded. - By Eli Murray and Michael H. Keller

One former top White House adviser remembered thinking at the time that the development was worrisome and that it suggested other cases could be going overlooked.

A White House spokeswoman denied that senior officials were told about the situation.

A few months later, Ms. Rice's staff learned that H.H.S. could not reach a growing number of migrant children just a month after their release, according to a former senior White House official.

But the White House largely treated these as discrete events, not as signs of a mounting problem.

Tyler Moran, Mr. Biden's senior adviser for migration at the time, said she relied on H.H.S. to tell her how to weigh information, such as the memo from the department's worried managers and the calls to children that were going unanswered. Staff members, she said, had not pointed to a broader child labor crisis. "The White House deferred to the agencies to let us know when things were really a problem," Ms. Moran said.

The Department of Labor was sending up signals of its own. In 2022, investigators began uncovering signs of migrant child labor inside industrial workplaces, including several auto part [factories](#) in the South. The department put out news releases [warning of](#) a rise in child labor violations.

Last summer, labor investigators began a major [operation](#) at a sanitation company that eventually found that more than 100 mostly Spanish-speaking children were working the overnight shift scouring meatpacking plants around the country. Many of the children had come through the migrant shelter system and been released to sponsors.

As investigators found more and more migrant children working for the cleaning company around the country, H.H.S. briefed Ms. Rice's team about the situation regularly over a period of months, according to two people familiar with the conversations.

The Labor Department also included details about the sanitation company and auto parts operations in weekly cabinet-level reports. "It was like, 'We have problems here,'" said Martin J. Walsh, the secretary of labor until last month. "We sent reports to the White House, so they knew we were working on this stuff."

When the Labor Department updated its public dashboard in December, it showed a 69 percent increase in child labor violations since 2018.

A spokeswoman for the Labor Department said that the White House had been aware of the rise in child labor because it was widely public. But Mr. Bates, the White House deputy press secretary, said officials there had not known of the increase in child labor until The Times's February report.

‘At Least I’m Helping’



“What I want most for Antonio is for him to be able to go back to school,” said Pastor Abel Gomez, left, who leads the Spanish-language church that Antonio attends. *Kirsten Luce for The New York Times*

Even after Ms. Brandmiller’s warnings, the man who had sponsored Antonio, Juan Rivera, was allowed to receive another boy: He said he sponsored a 15-year-old and set him up with a job on a palm tree plantation.

Mr. Rivera said in an interview that he had done Antonio a favor by helping him come to the United States. He kept records of his expenses, including the cost of picking up Antonio after he left the shelter, food and clothes when he first arrived, and a twin-size mattress for his shared room. The debt had taken Antonio about a year to pay off.

He said he occasionally saw Antonio in the area and assumed that he was working hard and sending money home. “American kids just study, but our kids are poor and have to work,” he said. “One has to suffer to earn a little money here.”

This spring, Antonio’s landlord decided the house had become overcrowded. Antonio found a new home, but the rent was twice as high. He changed jobs again, picking up

better-paying day labor shifts, and said he no longer hoped to attend night school. Instead, he is trying to save several thousand dollars to hire a lawyer who might help him secure a permit to work legally, in a less grueling job.

“I need to earn lot of money now,” Antonio said. “It’s gotten hard, but at least I’m helping.”

On Sundays, he attends a Spanish-language church with a vibrant youth group. The pastor, Abel Gomez, said Antonio sometimes sits with him after the service and cries about the pressure he feels.

“What I want most for Antonio is for him to be able to go back to school,” Mr. Gomez said. “But I know it’s complicated for him because there’s no one to support him.”

Mr. Gomez said he would like to help young congregants like Antonio more — even take them in. But it would be impossible. There are too many in the same situation, and more seem to arrive each week.

Ana Ley contributed reporting. Kitty Bennett contributed research.