

Lawmakers Clamor for Action on Child Migrant Labor as Outrage Grows

Members of Congress are pressing for changes to the law and the Biden administration's approach as federal and state enforcement agencies begin a crackdown on companies that employ underage migrants.



Young workers exited an overnight cleaning shift in October at a JBS pork plant in Worthington, Minn.

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Members of Congress are pressing for stricter laws to prevent and penalize the use of child labor and tougher vetting by the Biden administration of adults who take custody

of unaccompanied migrant children, as revelations about the exploitation of underage migrants by employers have prompted outrage among policymakers.

Days after an investigation by The New York Times revealed [the explosive growth of migrant child labor in the United States](#), federal and state enforcement agencies have begun a crackdown on companies that employ children, and the Biden administration is under pressure to make broader changes to the way it deals with minors who arrive in the country without their parents.

Top Senate Democrats sent a letter Friday demanding answers from the secretaries of the federal health and labor agencies by April 1, saying they were “deeply disturbed” that “large numbers of unaccompanied noncitizen children are being placed with exploitative sponsors and working long hours in dangerous conditions.”

The letter, organized by Senator Richard J. Durbin, the No. 2 Senate Democrat and chairman of the Judiciary Committee, raised concerns that the agencies in charge of those minors might be “prioritizing speed of placing children with sponsors over the children’s safety and well-being.”



Senator Richard J. Durbin and other Democrats are proposing new legislation to increase maximum civil fines for violations of child labor laws. Kenny Holston/The New York Times

The Health and Human Services Department, whose Office of Refugee Resettlement is in charge of housing migrant children, is supposed to ensure that sponsors protect migrants in their care from trafficking or exploitation.

But as more and more children have crossed the border, the Biden administration has pushed to release them from overburdened shelters as quickly as possible. Xavier Becerra, the department's secretary, has pressured staff members to move with the speed of an assembly line, The Times found. On Monday, officials said they were conducting a four-week internal audit of the vetting process.

The letter came as Republicans in Congress have been savaging the administration for allowing the shadow work force to grow. Mr. Durbin and other Democrats also are proposing tough new legislation to increase maximum civil fines and criminal penalties for violations of child labor laws, as well as make it more difficult for employers to get around existing prohibitions against hiring minors.

"The basic problem is this law is old and the penalties are so low as to be a joke," Senator Brian Schatz, Democrat of Hawaii and the lead sponsor of the bill, said in an interview, adding that he was working to persuade Republicans to back his measure. "This is a growing problem and a perennial problem. We are playing with fire as a nation."

On Thursday, Gov. Kathy Hochul of New York announced a statewide campaign to crack down on these labor violations. Among other measures, New York will create an anti-trafficking unit focused on immigrant workers, and establish a child labor task force that will work with schools and businesses.

State and federal enforcement agencies were focusing on Grand Rapids, Mich., where The Times [found](#) many migrant children working dangerous factory jobs. Federal investigators were looking into whether children who have been making cereal and car parts were victims of labor trafficking and will be conducting forensic interviews, according to two officials at the Homeland Security Department who spoke on the condition of anonymity because they were not authorized to discuss an ongoing investigation.

Senators were pressuring the Justice Department to get involved.

At a Senate Judiciary Committee hearing on Wednesday, Senator Alex Padilla, Democrat of California, pressed Attorney General Merrick B. Garland on whether the Justice Department would work on criminal referrals against companies involved in exploiting children. He chastised the Health and Human Services Department, saying it

had failed to provide “adequate follow-up services” once unaccompanied immigration children are released to a sponsor.

Mr. Garland said he was “horrified” by the revelations in the Times investigation, and would be contacting the labor and health departments about them.



Senator Brian Schatz’s bill would increase civil fines and criminal penalties for child labor law violations. Stefani Reynolds for The New York Times

The developments came after the Biden administration on Monday announced [a wide crackdown](#) on the labor exploitation of migrant children around the United States, including more aggressive investigations of companies benefiting from their work.

The New York Times investigation documented the growth of migrant child labor in all 50 states. Children, who have been crossing the southern border without their parents in record numbers since 2021, are ending up by the thousands in punishing jobs that flout child labor laws, The Times found.

Biden administration officials said they planned to initiate investigations in parts of the country more likely to have child labor violations and ask Congress to increase penalties. Federal investigators have long complained that the maximum fine for violations — about \$15,000 per occurrence — is not enough of a deterrent.

Mr. Schatz's bill would substantially increase penalties for violating child labor laws to a maximum fine of \$132,270 for routine violations and a maximum fine of \$601,150 for each violation connected with the death or serious injury of a minor. It would also increase criminal penalties for a repeat or willful violation of child labor laws to a maximum of a year in jail. And it would apply those laws to independent contractors who are currently exempt, an aspect of the law that some employers have exploited by hiring children through staffing agencies.

"Kids belong in lunch lines, not assembly lines," Senator Chuck Schumer, Democrat of New York and the majority leader, said in a statement. "More can and must be done to protect children, including migrant children, and the Senate will look at every option to prevent children from being exploited."

Representative James Comer, Republican of Kentucky and the chairman of the Oversight Committee, said he would demand information from the Department of Health and Human Services about its "abject failure to ensure the safety of migrant children."

Every major advocacy and service group that works with migrant children called this week for President Biden to respond by giving the children immediate access to legal representation and case management to prevent them from falling into labor exploitation.

"The Biden administration must make right the protection system that failed unaccompanied children, and all children exploited for labor," said Mario Bruzzone, senior policy adviser at the Women's Refugee Commission. "We need accountability from the brands that profit from child labor, and every unaccompanied child must have a lawyer to safeguard the child's rights."

The Health and Human Services Department said on Thursday that its staff would work with Congress to provide case management to all migrant children within the next two years, but currently most are still sent to sponsors with little but the phone number for a national hotline, which until Monday did not have a policy of calling children back.

A senior administration official said there may not be enough lawyers specialized in legal services for unaccompanied migrant children to provide universal representation.

Pressure is also building on the companies to eliminate child labor from their supply chains.

The Times reported that in Michigan, children make auto parts at companies that supply Ford and General Motors. One of the suppliers, the publicly traded company

ABC Technologies, said in a statement that it took the issue seriously and was conducting an outside audit.



Federal and state agencies were investigating Hearthsides Food Solutions, which runs 39 plants in the United States. Possible violations in Grand Rapids, Mich., were under investigation. Kirsten Luce for The New York Times

Sister Schubert's Homemade Rolls, which is owned by the publicly traded company Lancaster Colony Corporation, said it had been unaware children were working in its plant, but was now investigating. Walmart and Target, which sell the rolls, have said they are investigating as well.

Gaspar Morales, who worked for Sister Schubert's until August, said he regularly saw children as young as 12 and 13 putting in 10-hour overnight shifts at the factory, and sometimes helped them get hired through a temp agency.

The Michigan attorney general's office also was looking into the case, and state and federal labor agencies were investigating Hearthsides Food Solutions, which runs 39 plants in the United States. Workers at Hearthsides locations around the country said it had shut down some production lines this week and let go of workers hired through staffing agencies. Representatives for Hearthsides and the company's owners, Partners Group and Charlesbank Capital Partners, did not respond to requests for comment.

“I help everybody out. Some people don’t like young kids working, but I’ll give them a chance,” he said. He said he tried to keep children away from the industrial freezers.

Many of the children mentioned in the Times investigation were offered additional help this week. One of them, Carolina Yoc, had an appointment Friday to start the process of getting a work permit. The Health and Human Services Department had also reached out to offer case management. Her aunt said she hoped that other families could soon get similar support.