

Congress of the United States

Washington, DC 20515

May 25, 2023

The Honorable Xavier Becerra,
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

We write to voice our deep concerns about the horrendous labor exploitation of migrant children that was recently documented in an ongoing investigative series by the *New York Times*. The articles contain disturbing firsthand accounts of children who have suffered from forced labor, trafficking, and abuse after being released from the custody of the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). These reports demand comprehensive changes to HHS policies to put an end to the exploitation of migrant children and ensure accountability for those who engage in this abhorrent practice.

According to HHS data, reports of labor trafficking involving migrant children have increased by approximately 1,300 percent over the past five years.¹ Over the same period, the Department of Labor recorded a 70 percent increase in the number of children illegally employed by U.S. companies.² Many of these children work full-time jobs in slaughterhouses, factories, construction sites, and other dangerous workplaces. Their punishing schedules leave little time to attend school, play with friends, and adjust to life in the U.S. While the surge in child exploitation has been driven by the increase in migrants arriving at the southern border, it is also evidence that ORR is not adequately screening potential sponsors of unaccompanied children and ensuring the safety of children once they have been discharged from the agency's custody.

The best place for a child is a family home, not a congregate care facility. However, we're concerned that the expedited release of children from congregate care has come at the expense of a thorough screening process for potential sponsors. The recent articles published by the *New York Times* detail several cases in which ORR ignored warning signs and placed children with sponsors who have a history of abuse. This problem is exacerbated by the insufficient monitoring of children after they are released from the agency's custody. According to recent congressional testimony by ORR Director Robin Dunn Marcos, the agency lost contact with approximately one-fifth of all children released from its care in Fiscal Year 2022.³ It's essential to know what actions the Administration is taking to locate these children and check on their condition.

The *New York Times* describes a culture within HHS that perpetuates these broken systems and penalizes those who speak out against them. According to the reports, ORR caseworkers fear that they would face professional repercussions if they did not release children quickly, even if doing so would increase the likelihood that children would be exploited. The *New York Times* also reports that you told former ORR Director Cindy Huang that "if she could not increase the number of discharges, [you] would find someone who could," and that you

¹ Hannah Dreier, "As Migrant Children Were Put to Work, U.S. Ignored Warnings," *New York Times*, April 17, 2023, <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html>.

² Camilo Montoya-Galvez, "U.S. takes action to prevent migrant child labor amid rise in violations," *CBS News*, February 27, 2023, <https://www.cbsnews.com/news/immigration-migrant-child-labor-biden-administration/>.

³ *Testimony of the Director for the Office of Refugee Resettlement: Hearings on Oversight of the Office of Refugee Resettlement's Unaccompanied Alien Children Program, Before the Subcommittee on National Security, the Border, and Foreign Affairs*, 118th Congress (2023) (statement of Robin Dunn Marcos, Director of the Office of Refugee Resettlement Administration for Children and Families, U.S. Department of Health and Human Services). <https://oversight.house.gov/wp-content/uploads/2023/04/Robin-Dunn-Marcos-Testimony-4.18.23.pdf>.

“made a similar threat to her successor.”⁴ We fear these actions have contributed to a culture within HHS that is more concerned with expediting the release of children than keeping them safe.

To better understand the causes of the recent surge in illegal child labor and the steps you’re taking to address this terrible situation, we request that you provide answers to the following questions. Your answers will help inform our legislative efforts to protect migrant children from abuse and exploitation.

1. What specific policies and protocols does ORR have in place to screen potential sponsors before granting them custody of an unaccompanied child?
 - a. What changes have been made to the sponsor screening process throughout your tenure as HHS Secretary?
 - b. What steps has ORR taken to increase coordination with the Department of Labor and other relevant federal and state government agencies to strengthen the sponsor vetting process?
2. In February, HHS announced it would conduct a four-week audit of the sponsor vetting process.⁵ What are the key takeaways of this audit?
 - a. Do you plan to share the results of the audit with Congress?
3. Over the past two years, what proportion of potential sponsors have been approved by ORR and what proportion have been denied?
4. On average, how much time do unaccompanied children spend in HHS custody before being released to sponsors?
5. How does ORR monitor the treatment of children once they have been released into the custody of sponsors?
 - a. Once ORR loses contact with a discharged child or their sponsor, what specific actions does the agency take to locate the child and check on their condition?
 - b. In light of the recent increase in child labor exploitation, what steps has ORR taken to improve efforts to monitor the treatment of discharged children?
6. How are ORR caseworkers instructed to respond when they come across evidence that discharged children are working illegally or being subjected to other forms of abuse?
7. To what extent does ORR coordinate with external entities, such as schools or nonprofit organizations, to monitor the treatment of discharged children?
 - a. How does ORR respond when it is notified by an external entity that a discharged child is being mistreated?

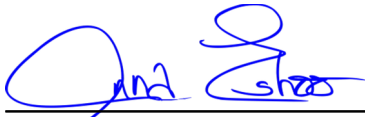
⁴ Hannah Dreier, “Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.,” *New York Times*, February 25, 2023, <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

⁵ “Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor,” *Department of Health and Human Services*, February 27, 2023. <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-new-efforts-combat-exploitative-child-labor.html>.

8. What specific post-release services does ORR provide for discharged children?
9. ORR currently lacks the legal authority to reclaim custody of children once they have been released to sponsors. Would granting ORR this authority strengthen the agency's ability to protect children from abuse?
10. To what extent have funding constraints limited ORR's ability to properly screen potential sponsors and monitor the treatment of discharged children?
 - a. In addition to increasing funding, how best can Congress support HHS in your efforts to protect migrant children from exploitation?
11. Over the past two years, how many ORR employees have been fired or quit after having made a complaint to a superior, either formally or informally, about the treatment of unaccompanied migrant children?
12. What steps have you taken to change the culture within HHS to ensure that the Department prioritizes the safety and well-being of children over the speed of their release from custody?

We thank you in advance for your cooperation, and we look forward to receiving your timely responses to our questions. The prevalence of child labor exploitation in our country is a national shame that warrants immediate action, and we urge you to use the full power of your office to protect these vulnerable children.

Sincerely,



Anna G. Eshoo
Member of Congress



Eleanor Holmes Norton
Member of Congress



James P. McGovern
Member of Congress




Yvette D. Clarke
Member of Congress



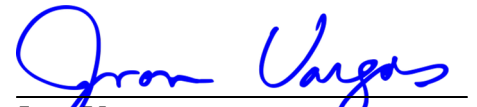
Kevin Mullin
Member of Congress




Stephen F. Lynch
Member of Congress

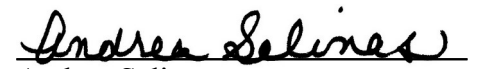

Tony Cardenas
Member of Congress

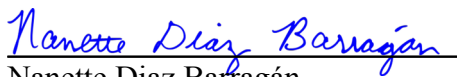

Zoe Lofgren
Member of Congress

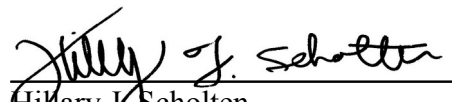

Juan Vargas
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Ilhan Omar
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Jill Tokuda
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Andrea Salinas
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Nanette Diaz Barragan
Member of Congress

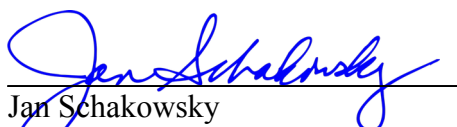

Hillary J. Scholten
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Bonnie Watson Coleman
Member of Congress


Rashida Tlaib
Member of Congress

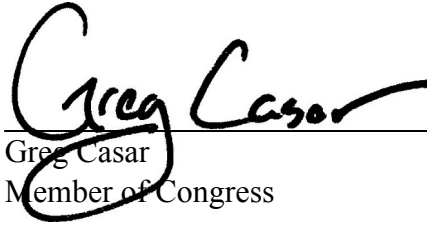

Jan Schakowsky
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Mark DeSaulnier
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Alexandria Ocasio-Cortez
Member of Congress



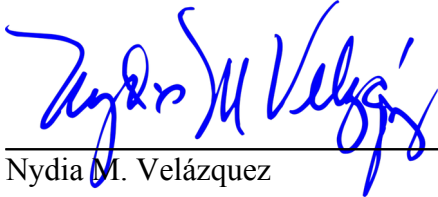
Debbie Dingell
Member of Congress



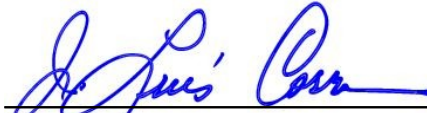
Greg Casar
Member of Congress



Dina Titus
Member of Congress



Nydia M. Velázquez
Member of Congress



J. Luis Correa
Member of Congress

cc: The Honorable Jeff Zients, White House Chief of Staff
The Honorable Robin Dunn Marcos, Director of the Office of Refugee Resettlement