

Recommendations for Keeping Immigrant Youth Safe

In a scathing indictment of our country's failed immigration system, reporter Hannah Drier [documented](#) the horrific experiences of some unaccompanied youth who faced labor exploitation by American companies who hire children for dangerous work. For nearly 20 years, the [Young Center for Immigrant Children's Rights](#) has stood with unaccompanied children seeking safety in the U.S. Every day, we bear witness to their experiences in federal detention, their fight to reunify with family, and their need for stability in the community while they wait for the government to hear their requests for protection and permanency. Here are our recommendations for reform:

What can Congress do?

- ✓ **Embrace policies that put an end to exploitative child labor.** Congress must pass bills that hold employers that use exploitative child labor accountable, such as the [Child Labor Prevention Act](#), which would increase monetary penalties and establish criminal penalties against such employers. Congress must also re-introduce the [Children's Act for Responsible Employment and Farm Safety Act](#) (CARE Act), which would protect child workers, including those working in agriculture.
- ✓ **Ensure every child has a lawyer.** Congress must ensure funds for [every immigrant child in federal custody and who will ultimately appear in immigration court to have an attorney](#). Attorneys guide children through the immigration process and can identify rights violations, such as exploitation and trafficking. The Department of Health and Human Services (HHS) does not have funding to provide all children with representation.
- ✓ **Introduce a federal Best Interests Standard requiring agencies to prioritize children's best interests in any decision that will affect them and expand Child Advocate services.** [A federal Best Interests standard](#) would bring immigration law in line with U.S. child welfare law. Every state, the District of Columbia and Puerto Rico [has laws requiring courts to consider the best interests of children](#). Most statutes consider: a child's safety; a child's expressed interests; a child's right to family unity; to liberty; to development; and to identity. Congress should also expand Child Advocate services for youth who need them.
- ✓ **Ensure that children can access child-centered, voluntary Post-Release Services and public benefits in the communities where they live.** Many children are released to family members who have no access to health care, are ineligible for public benefits or live far from state, local, or mutual aid resources. Rather than keeping kids in detention, the government should release children to family as quickly as possible and reinvest those funds into [post-release and community-based service providers](#). Congress and state legislatures should ensure that all children are immediately eligible for all public benefits in their state or district.
- ✓ **Reject policies that prevent families from seeking protection together.** Policies that [prohibit families from seeking protection together](#) have consequences for children who are forced to proceed alone. We must ensure asylum-seekers can exercise their right to apply for protection, including at the southern border.
- ✓ **Reject responses that surveil or criminalize children and immigrants, especially Black and Indigenous children.** Congress must reject legislation that further scrutinizes immigrant families or leaves children in detention unnecessarily.
- ✓ **End the waiting period for Employment Authorization Documents (EADs) and require USCIS to automatically file EAD applications for children.** Congress should remove or [reduce the waiting period for EADs](#) to ensure people seeking protection can obtain safe and legal work to provide for themselves. For youth who are old enough and wish to work, U.S. Citizenship and Immigration Services (USCIS) should automatically issue EADs when an asylum application is filed.

- ✓ **Encourage HHS to stand up the Office of the Ombudsperson Congress directed in FY23.** In the FY23 Omnibus, Congress required HHS to develop a strategy for an Ombudsperson's office and included up to \$10,000,000 for its establishment. If properly staffed and resourced, an independent Ombudsperson's office would provide oversight of ORR policies and procedures, and could flag concerns for children in ORR custody.

What can the Department of Health and Human Services do?

- ✓ **Immediately increase funds for access to counsel** for kids, including when they are released from custody.
- ✓ **Increase access to independent Child Advocate** services across the country, so that children facing exploitation can reach out to an already-trusted adult for help.
- ✓ **Improve Hotline responses.** Ensure ORR directly responds to all calls to the hotline by unaccompanied children. In a recent [statement](#), HHS pledged to mandate follow up calls to unaccompanied children who report safety concerns which could help young people know where to turn to see help.
- ✓ **Improve Post-Release Services (PRS).** PRS are meant to help facilitate family reunification and community reintegration, but with only 90 days of support, and with many providers unfamiliar with the cultural, linguistic, and other needs of unaccompanied children, [it can be difficult to achieve these goals](#). PRS need to be expanded to all children and their duration extended to 180 days. Providers must be adequately trained to meet the needs of this population, and funding could be provided to employ peer support methods, such as [community navigators](#), to help families overcome fears and benefit from these services.

What can USCIS do?

- ✓ **Ensure Employment Authorization Documents (EAD)s are provided to children on the first day they are eligible to receive them** so that those old enough to work can seek out safe, appropriate employment and not fall victim to labor exploitation. Right now, many children do not have access to attorneys who can file that paperwork for them, and even if they do, they are subject to the 150 day waiting period, which can stretch to much longer due to [backlogs at USCIS](#).

What can the Department of Labor do?

- ✓ The launch of a DOL-led interagency taskforce to combat child labor exploitation is an important first step in combatting exploitative child labor, but DOL must ensure [companies—not children—face consequences for violating the law](#). [The Fair Labor Standards Act](#) grants DOL broad authority to set and police limits regarding the employment of minors, including in occupations deemed to be hazardous.
- ✓ DOL must also use its rulemaking authority to update regulations regarding child labor, [which have not been meaningfully revised since the 1970s](#).

It's the job of many agencies and actors to keep children safe, regardless of their immigration status. As the public, press, federal officials, politicians, and pundits seize on this article, we urge them to take action to truly protect children's safety, by ensuring children have attorneys and child advocates, and that communities are resourced to care for children in their midst.