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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 4, 2023

Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Dear Judiciary Committee Colleague:

I received your letter requesting an oversight hearing regarding placement of unaccompanied noncitizen children, and I am happy to inform you that I am already planning such a hearing.

As evidenced by my longstanding oversight efforts on this issue during both Democratic and Republican Administrations, I have long believed that the protection of children—regardless of their citizenship status—must transcend politics.¹ That’s why I opposed the Trump Administration’s family separation policy. It is also why, as you noted, I immediately raised concerns following recent reports of child labor exploitation.² I welcome the opportunity to engage in bipartisan oversight of Department of Health and Human Services’ implementation of the *William Wilberforce Trafficking Victims Protection Reauthorization Act* (TVPRA) to ensure that the agency is meeting its legal obligations with respect to the care and protection of unaccompanied children.³

Unaccompanied noncitizen children are at higher risk of exploitation today than at any time in recent history. Since 2018, the Department of Labor has seen a 69 percent increase in children being employed illegally by companies.⁴ At the same time, states around the country are loosening labor laws to allow children to work in conditions that are not safe for them.⁵ States like Texas have also banned any licensing of facilities that house unaccompanied children, preventing the application of a uniform standard of care and leaving no mechanism for children

¹ See, e.g., Letters to Department of Health and Human Services Office of Inspector General and Office of Refugee Resettlement Concerning Afghan Refugee Children Being Cared for At Shelter in Illinois (Nov. 3, 2021)

<https://www.durbin.senate.gov/newsroom/press-releases/durbin-calls-for-hhs-oig-investigation-and-orr-action-on-recent-report-concerning-afghan-refugee-children-being-cared-for-at-shelter-in-illinois>.

² Letter to Acting Department of Homeland Security Inspector General Regarding Family Separations (Mar. 22, 2018), <https://www.durbin.senate.gov/imo/media/doc/Letter%20to%20DHS%20IG%203.22.18.pdf>; Letter to Secretaries Becerra and Walsh Requesting Information On Protecting Children From Exploitation (Mar. 3, 2023), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-leads-colleagues-in-letter-to-hhs-dol-requesting-information-on-protecting-children-from-exploitation>.

³ Pub. L. 110 -457 (Dec. 23, 2008).

⁴ *Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor* (Feb. 27, 2023), <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-newefforts-combat-exploitative-child-labor.html>.

⁵ Stephen Elliot, *With Workers Scarce, Some States Seek to Loosen Child Labor Laws*, PEW Trusts (Apr. 17, 2023), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2023/04/17/with-workers-scarce-some-states-look-to-loosen-child-labor-laws>.

to report abuses.⁶ Equally disturbing, immigration legislation being considered in the House of Representatives would remove protections for unaccompanied children in the TVPRA, endangering children's lives.⁷ Moreover, the House Republicans' debt limit bill, which would return to fiscal year 2022 appropriations levels for the Departments of Homeland Security and Health and Human Services, would worsen the risk to these vulnerable children.⁸ I hope that you will join me in opposing this troubling legislation.

I am closely monitoring HHS's audit of its practices for vetting sponsors of unaccompanied children and welcome the opportunity to do so on a bipartisan basis.⁹ I am also engaging in oversight to examine how HHS will reform its policies for reporting and whistleblowers to ensure that there are safe and confidential mechanisms by which staff can report concerns with the placement of unaccompanied children. Additionally, my staff has reached out to Senator Cornyn's staff about partnering on legislation related to post-release services for unaccompanied children. Finally, as I mentioned above, I plan to hold an upcoming hearing to address exploitation of unaccompanied children.

This is one more indication that our immigration system is broken and demands a serious, bipartisan effort to address its failures.

Please feel free to approach me to discuss working together on this oversight in a bipartisan fashion—I will happily discuss the steps outlined above. However, oversight alone will not be sufficient to prevent child exploitation. I urge you to work with me to develop bipartisan legislative solutions to strengthen protections for children and to reform our broken immigration system.

Sincerely,



Richard J. Durbin
Chair

⁶ Camilo Montoya-Galvez, *Texas shelters housing migrant children to operate without state oversight*, CBS News (Aug. 6, 2021), <https://www.cbsnews.com/news/texas-shelters-housing-migrant-children-to-operate-without-state-oversight/>.

⁷ *Secure the Border Act of 2023*, H.R. 2 (Introduced May 2, 2023).

⁸ See Zach Moller, Joshua Kendall, and Kyle Murdock, *The Republican Debt Limit Plan Will Devastate Public Safety*, Third Way (Apr. 24, 2023), <https://www.thirdway.org/memo/the-republican-debt-limit-plan-will-devastate-public-safety>.

⁹ *Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor* (Feb. 27, 2023), <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-newefforts-combat-exploitative-child-labor.html>.