



Photos of migrant children by Kirsten Luce and Meridith Kohut
in New York Times articles by Hannah Dreier

(Hidden) in Plain Sight: Migrant Child Labor and the New Economy of Exploitation



- Hannah Dreier's NYTimes Articles

- *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*
February 25, 2023
- *The Kids on the Night Shift*
September 19, 2023



American supply chains are imbued with the labor of migrant children...

Cheetos, Fritos, Cheerios, Lucky Charms

Whole Foods, Target, Walmart, Ben&Jerry's Ice Cream

Fruit of the Loom, Tyson Chicken, General Mills



VS



- 19th and 20th Century Child Labor v. New Economy of Exploitation
- Intersection of Migration and Labor
- Migrant Children's Intersectional Identities as Children, Migrants, and Workers

Roadmap



Descriptive Claims

Normative Claims

Recommendations



- Escaping gangs, violence, climate change, famine, extreme poverty
- ↓
- By way of human traffickers and debt
- ↓
- To enter the U.S. alone as unaccompanied minors
- ↓
- Released to sponsors
- ↓
- Find work in hazardous/dangerous jobs



Cristian works a construction job.

He is 14.



Carolina packages
Cheerios at night in
a factory.

She is 15.



Wander starts looking
for day-labor jobs
before sunrise.

He is 13.



Child Labor

- Scrubbing dishes at restaurants all over the country
- Running milking machines in Vermont
- Delivering meals in New York City
- Harvesting coffee in Hawaii
- Building lava rock walls around vacation homes in Hawaii
- Washing hotel sheets in Virginia
- Deboning chicken and cleaning meat-processing plants in Virginia

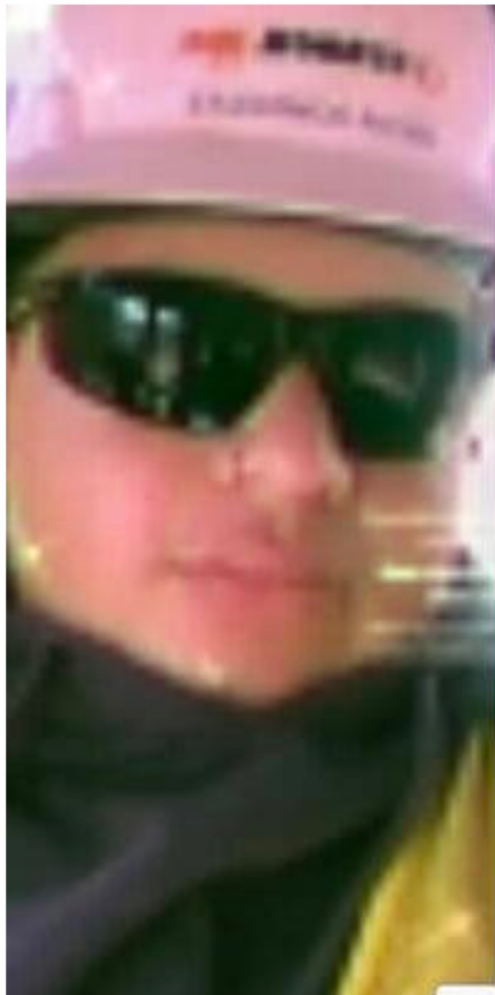


Rules for Unaccompanied Minors
require school attendance but...



Marcos nearly lost his arm, which after several surgeries he still has only limited use of, while cleaning a large industrial machine at a factory that packages Tyson Chicken in Virginia.

He is 14.



In 2017, the last year that DOL reported on the deaths of migrant children working in violation of child labor laws, at least a dozen migrant children had been killed while working in hazardous and dangerous jobs.

The Fair Labor Standards Act (FLSA) Child Labor Provisions Prohibit:

- All children under 18 years of age from working jobs declared “hazardous” by the Secretary of Labor
- 14 and 15 year olds from working:
 - More than 3 hours on a school day;
 - More than 8 hours on a non-school day;
 - More than 18 hours during the week when school is in session;
 - More than 40 hours during the week when school is out;
 - Overnight shifts
- Children under 14 from working in any non-agricultural jobs covered by the FLSA



But...

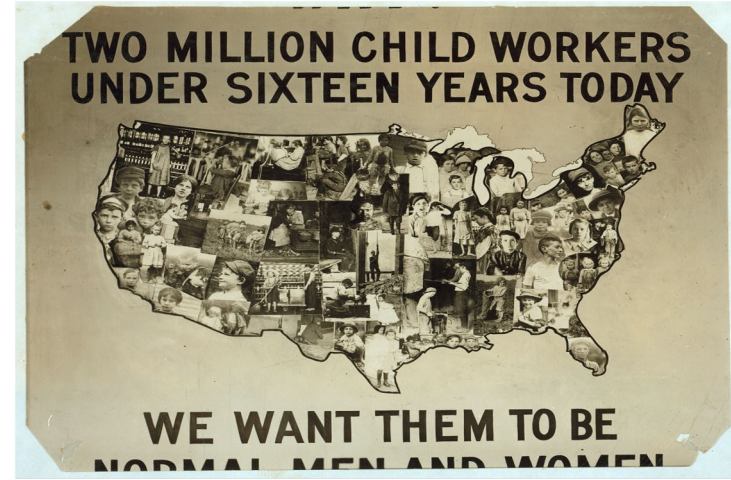
- No private right of action
- Underfunded and under-resourced DOL
- Annual statistical chance of being investigated by DOL is less than .001%
- Child Labor Violations = \$11,000 civil fines and \$10,000 criminal fines per violation
- Layers of contracting and subcontracting make it nearly impossible to penalize large, image-conscious employers for child labor law violations



Passage and Enforcement of Child Labor Laws



- 50% less enforcement capacity today than when DOL was created in 1941
- Since 1941, 900% increase in the U.S. Workforce



Upon the Altar of Work: Child Labor and The Rise of a New American Sectionalism by Betsy Wood

Child Labor in America: The Epic Legal Struggle to Protect Children by John A. Fliter

Traditional Recommendations for Reform do not Adequately Address the New Economy of Exploitation

- Increase civil and criminal penalties
- Increase DOL funding for enforcement actions
- Work Permit requirements
- Removal of agricultural exemptions
- Creating private right of action
- Increasing state law prohibitions, especially for 16-17 year olds





Centering migrant children's identities as

- migrants
- workers
- children

to address the multiple and intersecting oppressions that unaccompanied minors face once they are in the United States.



“I didn’t get how expensive everything was . . . I’d like to go to school, but then how would I pay rent?”

Jose works twelve-hour shifts, six days a week. He is 13.

“It’s not that we want to be working these jobs. It’s that we have to help our families [back home].”

Kevin began working construction when he was 13.

Taking Migrant Children’s Perspectives, Needs, and Experiences into Account:

- Desire to attend school;
- But need to support themselves;
- And must send money back home to support desperate families.



State-Based Workers' Compensation Systems

Workers' Rights
Education

Vocational
Training in
Schools

Jobs Programs





Labor Trafficking Visas (or T Visas)

Enforcement of Child Labor Law Violations through FLSA's “Hot Goods” Provision





Your Thoughts and Suggestions

~Thank You~

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