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Understanding the Trafficking of Children for the Purposes of Labor in the United States

Amy Farrell , Meredith Dank, Katherine Kaufka Walts, Callie Hansson, Andrea Hughes, Chlece Neal

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Understanding the Trafficking of Children for the Purposes of Labor in the United States
2019-VT-BX-0038

Final Technical Report

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Report Authors: Amy Farrell¹, Meredith Dank², Katherine Kaufka Walts³, Callie Hansson¹, Andrea Hughes², Chlece Neal³

¹ Northeastern University, School of Criminology and Criminal Justice, Northeastern University, Boston, MA 02115

² New York University

³ Loyola School of Law

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Understanding the Trafficking of Children for the Purposes of Labor in the United States Brief Overview of the Key Findings and Recommendations

The exploitation of children who are working in the United States is a critical social issue. While recent public attention has been directed toward labor abuses of migrant children, there is strong evidence that labor trafficking impacts a wide range of children who experience individual and structural vulnerabilities. Despite public concern about the exploitation and labor trafficking of children, we lack detailed information about what young people are exploited for labor, the contexts under which these abuses occur, and how to best meet the needs of these young survivors – both U.S. citizen and foreign-national. Utilizing data from 71 cases of child labor trafficking either prosecuted by U.S. officials (36) or served by legal advocacy agencies in four U.S. sites (35). Across these cases information was coded for 132 child labor trafficking victims and 145 child labor trafficking perpetrators. Case data was supplemented with in-depth interviews with legal advocates, victim service providers, child welfare, law enforcement and other government officials, as well as adult child labor trafficking survivors, this study fills important gaps in our knowledge.

Key Findings

1. Victim Characteristics:

- Our study casts light on the diverse victim profile, encompassing 42% U.S. citizens and 58% of foreign nationals. These victims were ensnared in a broad spectrum of industries, from domestic work to forced criminality, entertainment, and agriculture.
- Notably, both male (38%) and female (59%) victims were identified, with an average age of 14.
- Most older children wanted to work for financial security and to gain important life skills but wanted to do so safely, without being harmed or exploited.
- For children living with their traffickers, the lack of safe, affordable housing alternatives was consistently identified as a barrier to leaving the trafficking situation.
- Undocumented foreign national children were particularly vulnerable to labor trafficking as their lack of immigration status and work authorization, coupled with pre-existing debts, poverty and financial obligations to families, makes them more susceptible to exploitive practices.

2. Perpetrator Characteristics:

- Perpetrators, predominantly in their 20s and 30s, played diverse roles in the exploitation process.
- Recruiters were commonly known to the victim, including biological parents (29%), other family members (11%), and acquaintances (28%)
- While there is no dominant profile of perpetrators, many were individuals, families, and “organized” non-criminal groups, such as cult or spiritual leaders and sports team leaders.

3. Nature of the Labor Trafficking Experience:

- The prevalence of child labor trafficking victims who experience exploitative labor practices (97%), fraud (91%), coercion (97%), and/or threats or physical violence (95%) paints a distressing picture.

- Our analysis indicated an average of 16 different domains of harm were experienced by victims for each trafficking case, underscoring the complex nature of labor trafficking, as well as the detrimental affects to their health and well-being.

1 Understanding the Trafficking of Children and Youth: A Report of the U.S. Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

- The distinction between labor exploitation and labor trafficking is often non-existent in cases involving children, as “coercion” in labor trafficking is inherent in the power dynamics of relationships between adults and children. Most child labor trafficking cases involved an adult directing a child to engage in exploitive labor trafficking for the adult’s financial gain.

- Forced criminality is a form of labor trafficking experienced by many children, yet most children experiencing such victimization are misidentified as perpetrators of crimes as opposed to victims.

4. Identification Challenges:

- Our study shows that most first responders who engage with children, including child welfare agencies, law enforcement, labor investigators, and even schools, are not identifying child labor trafficking cases, and often misidentify child labor trafficking cases. Moreover, stakeholders and adjudicators do not apply a developmentally informed analysis of “coercion” in determining if a child is trafficked or not, assuming children’s capacity to assess risk is the same as adults.

- Only 15% of the cases were identified by law enforcement.

- Approximately 45% of victims demonstrated remarkable resilience by escaping the victimization situation or seeking help independently. In some cases, when they sought help, assistance was denied due to characterization of the trafficking as a “family problem” or “labor issue” versus the crime of labor trafficking.

Recommendations:

1. Harmonize state legislation with federal anti- trafficking laws to ensure laws and policies protecting child sex trafficking survivors also include child labor trafficking survivors.

2. Provide additional training to all stakeholders engaging with children on child labor trafficking, including education/schools, law enforcement, immigration officials, child welfare systems, juvenile justice systems and labor inspectors.

- Trainings should encourage stakeholders and adjudicators to apply a child-centric, developmental approach to analyzing what is “coercion” in labor trafficking cases.

- Trainings should explicitly include forced criminality as a form of labor trafficking.

3. Operationalize screening and services for victims of child labor trafficking on par with child sex trafficking.

4. Consider recognizing all cases of child labor exploitation as a form of child labor trafficking, particularly given the limited capacity children have to distinguish between coercive or compelled work versus voluntary work.
5. Explore opportunities to expand vocational programs to provide valuable skills while offering safe, lawful employment opportunities for children.
6. Create safe, rapid, subsidized alternative housing options for minors, regardless of immigration status.
7. Explore opportunities for temporary legal protections for noncitizen children to minimize their unique vulnerabilities to predatory labor exploitation and make them eligible to engage in existing vocational and job readiness programs for youth and young adults.
8. Expand post-release services and support to non-citizen children released from federal custody into US communities living with sponsors to ensure children and family are receiving the support they need.
9. Collaboration with immigration attorneys and law school clinics to provide comprehensive legal assistance to foreign national minors within schools, including work authorization, visa applications, and expungement.
10. Enhance penalties for civil violations of child labor laws and child labor exploitation to ensure consistency in protections across state and federal laws.

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U.S. Department of Labor



News Release

US Department of Labor, New Jersey Department of Labor strategic enforcement initiative combats illegal child labor

Agencies to jointly enforce, provide outreach on federal, state regulations

WASHINGTON – The U.S. Department of Labor’s [Wage and Hour Division](#) and the New Jersey Department of Labor and Workforce Development have launched a joint strategic enforcement initiative to combat violations of [federal](#) and [state](#) child labor laws. Preventing violations involving [children working in dangerous jobs](#) is an urgent priority for both agencies.

Officials in Washington D.C. and Trenton are [focused on industries with a history of non-compliance](#) with existing laws and where vulnerable workers are less likely to file complaints with federal or state agencies. This approach augments each department’s existing complaint-driven enforcement actions.

“At the Wage and Hour Division, our priority is protecting the most vulnerable workers in our country, our children,” said Wage and Hour Administrator Jessica Looman. “We will use strategic enforcement, innovation, and every available tool to hold any employer who tries to profit by using illegal child labor accountable.”

Since 2019, the U.S. Department of Labor has seen an 88 percent increase nationwide in children employed illegally. In fiscal year 2023, federal investigators identified 955 child labor violations nationwide with 5,792 children at risk – including 502 working in hazardous occupations illegally – and assessed more than \$8 million in penalties for employers found in violation. The two agencies will collaborate on investigations to address violations of child labor laws in New Jersey proactively.

“Along with our partners at the U.S. Department of Labor, we are firmly committed to protecting the Garden State’s young workers from unlawful, illegal and hazardous working conditions,” said NJDOL Commissioner Robert Asaro-Angelo. “By prioritizing the welfare of

these vulnerable workers, we are also laying the groundwork for safer, more just working environments across the board.”

Since January 2020, NJDOL has assessed over 500 businesses with violations of child labor laws. Based on the most recent data collected in 2022, over [70,000](#) children are employed by private, for-profit companies in the state. The goal of this strategic enforcement initiative is to uncover violations that may otherwise go unreported.

As part of the strategic enforcement initiative, the Wage and Hour Division and NJDOL will continue to provide outreach and education to all employers and workers about protections for young workers. Understanding federal and state child labor laws ensures that employers can prevent child labor violations and keep young workers safe as they gain valuable experience in the workplace. The department and NJDOL remain committed to working with key stakeholders to enforce business practices that ensure compliance with federal and state laws for all young workers, regardless of where they are from.

Visit NJDOL’s [Young Workers webpage](#) for more information on New Jersey’s child labor laws.

Agency. Wage and Hour Division

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Media Contact: Jake Andrejat

Phone Number. [202-693-6139](tel:202-693-6139)

Email: Andrejat.Jacob.G@dol.gov

<https://www.dol.gov/agencies/whd/data/child-labor>



An official website of the United States government.

U.S. DEPARTMENT OF LABOR

Wage and Hour Division

ABOUT US CONTACT US

-
- Child Labor Enforcement: Keeping Young Workers Safe

Child Labor Enforcement: Keeping Young Workers Safe

Violations Have Increased

At the [Wage and Hour Division](#), safeguarding children at work has always been our top priority. Wage and Hour Division investigations found a [significant increase](#) in children being employed illegally and in 2023 we launched a National Strategic Enforcement Initiative on Child Labor to put additional emphasis on addressing this critical issue.

FY 2023 Child Labor Enforcement Data

In FY 2023, we concluded 955 investigations that found child labor violations, a 14% increase from the previous year. We found nearly 5,800 children employed in violation of the law, an 88% increase since 2019, and assessed more than \$8 million in penalties, an 83% increase from the previous year.



955

**CLOSED CASES
WITH CHILD LABOR
VIOLATIONS
IN FY 2023**



5,800
KIDS EMPLOYED
IN VIOLATION
IN FY 2023



\$8M

**IN ASSESSED
PENALTIES
IN FY 2023**



800

**OPEN CHILD
LABOR CASES
RIGHT NOW**



 **UP 88%**

**KIDS EMPLOYED
ILLEGALLY
SINCE 2019**



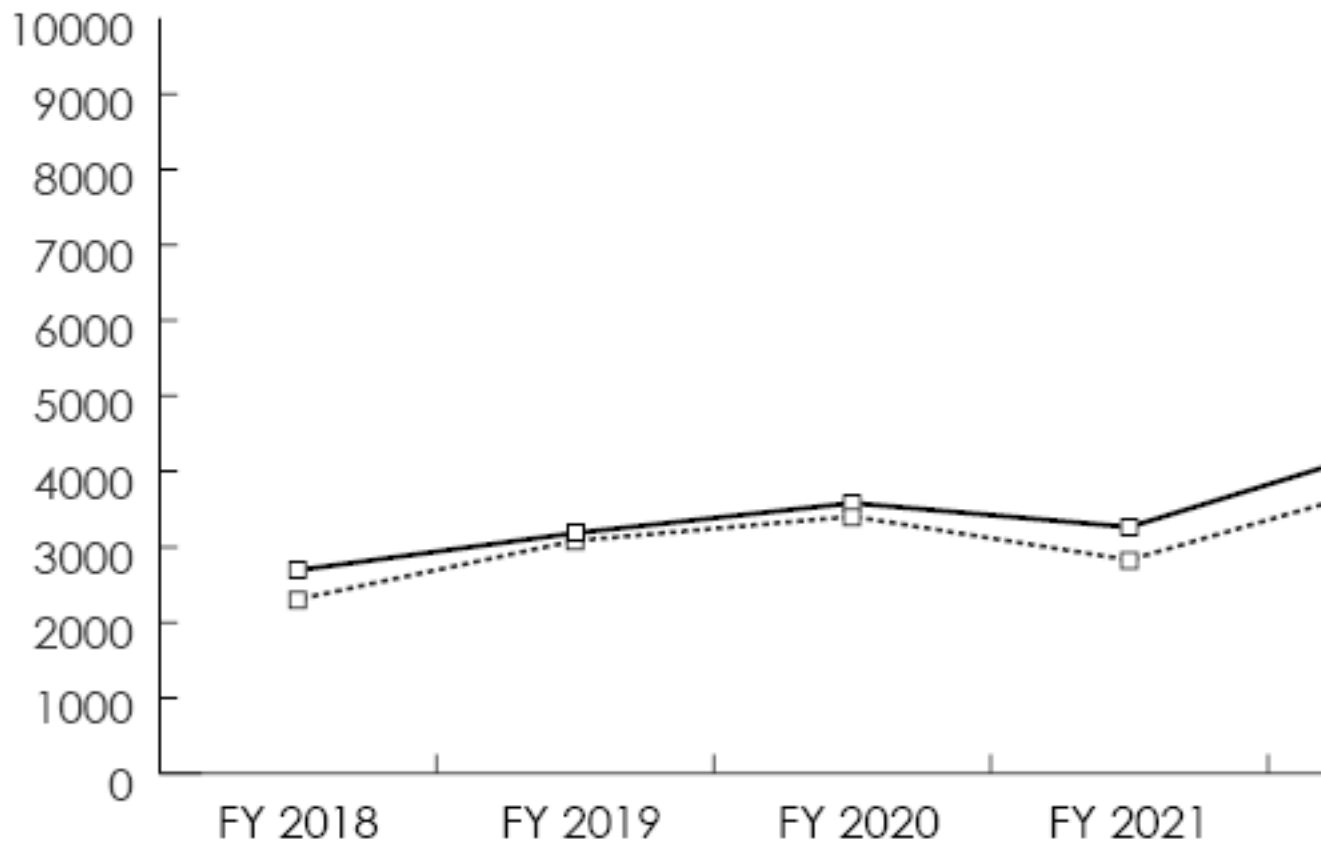
Child Labor FY23 to FY22 Comparative

	FY23	FY22
Compliance Actions with Child Labor Violations	955	83
Young Workers Employed in Violation	5,792	3,000
Young Workers per Compliance Action	6	5
Compliance Actions with Hazardous Occupation Violations	196	21
Young Workers Employed in Violation of Hazardous Occupations Orders	502	68
Child Labor Civil Money Penalties	\$8,039,728	\$4,000,000

For a 10-year history of Child Labor data, please see our charts at [Child Labor | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/child-labor)

Child Labor Enforcement

—□— CIVIL MONEY PENALTIES ASSESSED -□- CHILDREN FO



Source: U.S. Department of Labor's Wage and Hour Division

Recent Child Labor Cases

Several of our child labor cases in FY 2023 found severe violations and resulted in tragedy. These three investigations demonstrate the ongoing threat that illegal child labor poses to kids.



[Meat Processing Machinery:](#) We issued a [\\$1.5 million penalty against Packers Sanitation Services](#) for employing more than 100 children in hazardous occupations.



[Sawmill Operations:](#) Florence Hardwoods, a Wisconsin sawmill operator, [illegally employed nine children to operate hazardous machinery](#), tragically resulting in one child's fatal work-related injury on July 1.



[Meat Processing Machinery](#): Monogram Food Solutions [paid over \\$140,000 in penalties after we found nine teens employed illegally](#) to operate dangerous equipment.

Other Enforcement Efforts

We ensure compliance with federal child labor laws by:

- Initiating a national child labor strategic enforcement initiative and looking for child labor in every investigation the agency conducts.
- [Collaborating with an interagency task force](#) on federal child labor laws.
- [Developing new digital resources](#).
- Prioritizing child labor concerns when handling [complaints](#).
- Working with stakeholders and other [third-party sources](#) to receive complaints.
- Conducting more than 1,700 child labor outreach events through [our local offices](#) in FY 2023.

Additional Resources

- [Places and types of work that are off-limits for kids under 18](#)
- [Comprehensive toolkits for young workers, parents, educators and employers](#)
- [WATCH: Workers' rights video series](#)
- [Field Assistance Bulletin 2023-3: Prohibitions against the shipment of "Hot Goods" under the Child Labor Provisions of the Fair Labor Standards Act](#)
- [Child labor fact sheets by topic](#)
- [Child labor news releases](#)

Wage and Hour Division

An agency within the U.S. Department of Labor

200 Constitution Ave NW
Washington, DC 20210

[1-866-4-US-WAGE](tel:1-866-4-US-WAGE)

[1-866-487-9243](tel:1-866-487-9243)

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