



Legislative Affairs
One Whitehall Street
New York, NY 10004
212-607-3300
www.nyclu.org

2019-2020 Legislative Memorandum

**Subject: The Separation of Children Accountability Reporting Act
A.1436-B (Epstein) / S.222-B (Benjamin)**

Position: SUPPORT

The cruelty of the Trump administration's policy of separating families at the border shined a light on the plight of immigrant children who arrive in the United States without their parents. These unaccompanied minors are often placed in the care and custody of the federal Office of Refugee Resettlement (ORR), which contracts with local shelters for group housing if and until children can be reunited with a sponsor. In New York, many unaccompanied minors are placed in residential facilities operated by non-profit contract agencies that are supervised by the New York State Office of Children and Family Services (OCFS).

The NYCLU has fought in court to protect the rights of unaccompanied minors who are held in ORR custody in overly restrictive settings for prolonged periods of time. Last year, we filed a class action lawsuit against ORR for unlawfully prolonging the detention of unaccompanied minors in restrictive and highly restrictive care despite having viable sponsors ready to care for them.¹ The NYCLU also sued the federal government in 2018 over its policy of requiring fingerprints of children's parents and all household members before a child in ORR custody can be released into the parent's care.²

The NYCLU supports the Separation of Children Accountability Reporting (SCAR) Act as a means of collecting fuller and more accurate information about the unaccompanied minors in ORR custody in New York State. The bill would require OCFS to collect and report to the governor and legislature key aggregate data about unaccompanied minors in the care of authorized agencies, including how many were separated from their parents at the border and their type of care in ORR custody. Such reporting would help inform further steps that could be taken to improve the lives of unaccompanied minors in New York.

¹ NYCLU, *LVM v. Lloyd*, <https://www.nyclu.org/en/cases/lvm-v-orr>.

² NYCLU, *Duchitanga v. Lloyd*, <https://www.nyclu.org/en/cases/duchitanga-v-lloyd>.