

Famigration (Fam-Imm): The Next Frontier in Family Law

Kari Hong
Boston College Law School

For over twenty-five years, scholars have observed how family law intersects with immigration law. Just as Crim-Imm scholarship successfully identified the ways in which the (purported) civil proceedings of immigration law needed the extra constitutional protections found in criminal law, Famigration offers the potential to transform the way in which immigration law operates. What can happen if scholars systematize critical family law concepts into the conception and practice of immigration law?

This Article is an effort to revisit the immigration law's onerous definition of hardship that a citizen child faces when his or her undocumented parent faces deportation. The current law recognizes that the harm citizen children face is often devastating and irreparable. However, immigration law permits only unconscionable hardship to be a basis to stop the parents' deportation. This Article proposes that Guardians Ad Litem has a critical role in intervening in immigration proceedings. Family courts then are a way to reform immigration procedures and practice to ensure that citizen children are not harmed under the status quo.