

Legal Problems Faced by Laotian Immigrants and An Attempt to Understand Them

presented by

Into Bo Champon, Esq., C.C.I.M.





I.

LAOTIAN REFUGEE AND IMMIGRANT GROUPS



*

a. Definition

- 1) Laos, Lao or Laotian?
- 2) The Half Generation: Involuntarily or spontaneously

The 1st Generation: Immigrants who left *voluntarily* their home country after a lengthy plan;

The 1.5 Generation: Their children who did not have any input in the decision of their parents;

The ".5 Generation" Immigrants such as most Laotian refugees left their homes *involuntarily and/or spontaneously*. They still have the good memories and "pictures" of their home country during good times, consider themselves as living in a foreign land and hope to return to their "liberated" country. Although these .5 Generation Laotian refugees are physically present in the U.S., they are only ½ here. Their hearts (the other ½) are still in Laos.



b. <u>Immigration Periods</u>

- 1) Pre-1975: Only a handful. Mostly, exchange students;
- 2) 1975-1980: The early arrivals tended to be more educated;
- 3) 1981-1985: The late 1975-1985 period was considered to be a very difficult period in Laos. Thus, most Laotians left the country under the most difficult and traumatic conditions;
- 4) 1986-1990: Laos started to open up its economy and allowed a select group of its citizens to leave the country;
- 5) 1991-2000: Derivatives;
- 6) 2001-Present: Derivatives; Rich and Influentials.



c. Legal Service Periods

- 1) Pre-1975: The "Adopted" Family Years;
- 2) 1975-1980: *The Survival Years*: Law is the last thing on their mind;
- 3) 1981-1990: The Years of the "Runners" and "Fake Lawyers": "The wild West" Mostly, the ".5 Generation";
- 4) 1991-1995: *The "Show Me" Years*: "Don't tell me your credentials! Show me the results!";

- 5) 1996-2000: The "I Learned My Lessons" and "I Can Yell At You" Years:
 - i) More sophisticated;
 - ii) "Because you understand me when I yell at you", "I would not have been mean, yelled, or talked to an "American" ["White Caucasian"] lawyer like I would do to you because he would not have understood me", "I retained you because when I shouted at you, you understood me!";
- 6) 2001-Present: *The Typical Years* -> Two distinct groups & problems:
 - i) Laotian-Americans: Typical American problems;
 - ii) Newcomers ("the villians"): Typical voluntary immigrant problems. Like other immigrants before them, some Laotian-Americans see newer immigrants as being the "villains".



II.

LEGAL PROBLEMS FACED BY LAOTIAN IMMIGRANTS



*

a. <u>Immigration-Related Problems</u>

The most commonly known problems were immigration-related such as:

- 1) Meritless Asylum Claims: Unlicensed "lawyers" filed canned petitions to obtain work permits. If represented, may be barred from adjustment even if marries to a USC;
- 2) Criminal Convictions with immigration consequences;
- 3) K1 Visa (See, "When Love Is No Longer Forever: The Unintended Effects of Laotian Law On US Immigration", Laonet Magazine, April 2006, p 13-16);
- 4) "Green Card": Like most voluntary newcomers, recent Laotian immigrants value a great deal their permanent resident status. Last year, a bright Laotian student who was just granted a permanent resident status, was killed in an attempt to keep his "green card" during a robbery at his work in Oakland, California. He needed the green card to continue his education and apparently did not know that he could obtain a replacement.

WHEN LOVE IS NO LONGER "FOREVER":

The Unintended Effects of a Laotian Law on US Immigration

by Into Bo Champon, Esq., C.C.I.M.

A young Laotian woman cried, telling me that she was engaged in Laos to a US citizen who promised to love her "forever", petitioned for her to come to the US as his fiancée, and promised to marry her as soon as she arrived in the US. They had a Laotian engagement ceremony in front of "everyone" in her village — but could not get married because Laotian law prohibits foreign men to marry Laotian women. The fiancé was of Laotian ancestry and was the first man that she had ever loved. When she arrived in the US many months later, he would not even take her call and told his friend to tell her that he had found someone else.

It is said that the purpose of the Laotian law prohibiting foreign men to marry Laotian women was to stop foreigners from marrying the best and brightest Laotian women and taking them overseas, thereby depriving Laos



of the best and the brightest⁽¹⁾. However, there were unintended consequences on US immigration rules.

The current US law provides three alternatives for a US citizen to bring someone he intends to marry to the United States: (a) as a K-1 fiancée; (b) as a K-3 spouse; or (c) as a permanent resident spouse. Although alternative (c) generally takes longer to process, the foreign spouse's immigrant visa is approved overseas, and she would be able to enter the US as a permanent resident. AK-3 nonimmigrant visa holder would not be a permanent resident until an application to adjust status to a permanent residence is approved after entering the United States. As Laos prohibits foreigners to marry its citizens, alternatives (b) and (c) are not available. Consequently, the Laotian law restricts Laotian women to the K-1 visa.

Within 90 days of entering the US, a K-1 visa holder must marry the US citizen who filed the petition.

Therefore, under current US law, the young Laotian woman would have to return to Laos. The fact that the petitioning fiancé refused to marry her is irrelevant. She would not be allowed to remain in the US and adjust to another status. This is true even if she marries another US citizen. After leaving the US, she could re-apply to enter the US – on different grounds and subject to other restrictions which are outside the scope of this article.

When I explained the law to the young woman, she continued crying and told me that she could not return to Laos to face her family and friends, and would rather commit suicide. Although I tried to console her, she remained in tears as she left. I hope that she never followed through with her statement.

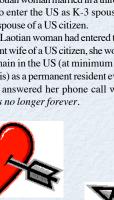
(1) If this is the true purpose, why does the Laotian law allow engagement? What did the drafters of the Laotian law expect that the couple would do after becoming engaged?

Is there any other way for a US citizen man to bring a Laotian woman to the US as a wife?

In theory, there should be: Although the Laotian laws are very unsettling, an argument can be made that because Laos requires a foreigner to provide a certificate that he is single or divorced (See, "Ask A Lawyer" in the January 2006 issue of LAONET MAGAZINE) prior to any engagement, it should recognize marital status obtained in another country. Thus, the couple could go to a third country — such as Thailand — for a short time and marry under that country's law. However, the US Embassy in Vientiane may find it too politically sensitive to violate the spirit of the Laotian prohibitions and refuse to issue a visa based on such a marriage. If so, what other alternatives are available?

Practically all US states recognize valid marriages performed in other states or countries. In these states, which include California, a marriage entered into in another jurisdiction is given full faith and credit. As a K-1 visa is not available to a married person, the Lao woman who married in Thailand would not qualify for the K-1 fiancée visa. Although the US Embassy may oppose immigrant visa issuance, US courts generally follow state laws to determine marriage. Thus, a Laotian woman married in a third country should be eligible to enter the US as K-3 spouse or as a permanent resident spouse of a US citizen.

If the young Laotian woman had entered the US as the permanent resident wife of a US citizen, she would have been allowed to remain in the US (at minimum on a two year conditional basis) as a permanent resident even if the husband had never answered her phone call when she arrived - and love is no longer forever.









ເວລາຄວາມຮັກຢຸດເປັນອະນະຕະ:

ພົນສະທ້ອນ ຂອງ ກົດໝາຍລາວ ຕໍ່ ກົດໝາຍ ເຂົ້າເມືອງ ອະເມຣິກາ

โกส ขะมาย อิมโต จำนั้ม

มาๆสาอลาอ ผู้มื่า ธอาใต้ บอท อานะเจ้า อ่า ลิมลาอ สัมจาก อะเมธิภัม ไก้พั้ม ลาอ สัมยาอ่า จะธัท ลาอ ตลอดไป ພູ້ຊາຍຄົນນີ້ ໄດ້ຍື່ນອໍໃຫ້ ນາງ ເອົ້າມາ ອະເມຣິກາ ໃນ ຖານະ ຄູ່ໝັ້ນ ແລະ ສັນຍາ ວ່າ ຈະ ແຕ່ງງານ ກັບ ນາງ ທັນທີທີ່ນາງ ມາ ຮອດ อะเมธิภา เอ็าเจ้า ได้มีปะเผมิฒั้ม ต่าพ้า พุทล์ม ใน ໝู่บ้าน ออๆ ນາງ ແຕ່ ບໍ່ໄດ້ ແຕ່ງ ງານ ເພາະ ກົດໝາຍ ລາວ ບໍ່ຍິນຍອມ ໃຫ້ຄົນລາວ ແຕ່ງ ງານ ກັບ ຄົນ ຕ່າງ ປະເທດ.

ຊາຍ ຄົນ ນັ້ນ ເປັນ ຄົນ ທຳອິດ ທີ່ນາງ ຮັກ. ເວລາ ນາງ ມາ ธอก อะเมธิทา ตลาย เกือน ต่ มา จาย ลิ้ม นั้น ธอก ข่ยอม ธับ ໂຫ ຣະ ສັບ ນາງ ແລະ ບອກ ໃຫ້ໝູ່ ຂອງ ລາວ ບອກ ກັບ ນາງ ວ່າ ລາວ ມີຄົນ ອື່ນ ໄປ ແລ້ວ.



ມີຄົນເວົ້າ ວ່າ ເຫດ ພົນ ທີ່ ຫາງ ການ ລາວ ບໍ່ ໃຫ້ຊາຍ ท่าว ปะเพด แท่ว ๆาม ทับ ชีว สาอ ลาอ แม่ม ข่ ปาท ใต้อุาอ ຕ່າງ ປະ ເທດ ເອົາ ຄົນ ທີ່ສລາດ ແລະ ເກັ່ງໆ ໜີອອກ ໄປຢູ່ ຕ່າງ ປະ ເທດ ໝົດ ແຕ່ຜົນ ສະ ທ້ອນ ນີ້ມີ ເຖິງ ກົດ ໝາຍ ເຂົ້າ ເມືອງ ອະເມຣິກັນ.

ກົດ ໝາຍ ເອົ້າ ເມືອງ ອະ ເມ ຣີ ກັນ ປັດ ຈບັນ ນີ້ຈະ ປ່ອຍ ໃຫ້ຄົນ ສັນ ຊາດ ອະ ເມຣິກັນ ຂໍເອົາ ຄົນ ສັນ ຊາດ ອື່ນ ທີ່ ເອົາ ວາງ แผบ จะ แต่จ จจบ ถ้อย เอ็จ มจ ใบ ปะ เพก ไก้ 3 ท ๋ ระ ป๊ : 1) **K-1** ຄູ່ໝັ້ນ, 2) **K-3** ເມັຍ/ຜິວ, ຫລື 3) ເມັຍ/ຜິວ ຂອງ ສັນຊາດ ອະເມຣິກັນ ທີ່ຈະໄດ້ສຶດ ຢູ່ຢ່າງ ຖາວອນ. ກໍຣະນີ 3) ໂດຍ ທົ່ວ ໄປ ແລ້ວ ຈະໃຊ້ເວລາ ຖ້າ ຢູ່ ຕ່າງ ປະເທດ ດິນ ກວ່າ ກໍຣະ ນີອື່ນ ແຕ່ ຈະ ໄດ້ສິດ ຫິຢູ່ໃນ ອະເມຣິກາ ຖາວອນ ຫັນ ຫີ ທີ່ ເອົ້າ ມາ ຮອດ ອະເມຣິກາ.

ລົນທີ່ຖືວິຊາ K-3 ຈະ ບໍ່ມີສຶດ ທີຍໃນ ອະເມຣິກາ ໂດຍ ຖາວອນ ຈົນເຖີງ ວັນ ຄຳຮ້ອງ ປ່ຽນຢູ່ ຖາວອນ ຜ່ານ ຫລັງຈາກ ເອົ້າມາ ຮອດ ອະເມຣິກາ. ຍ້ອນວ່າ ຣັຖບານ ລາວ ຫ້າມ ຄົນ ຕ່າງ ປະເທດ ແຕ່ງ ງານ ກັບ ຄົນ ລາວ ຄົນ ລາວ ຈຶ່ງ ບໍ່ມີສິດ ອໍເອົ້າ ອະເມຣິກາ ໃນ ກໍຣະນີ 1) ຫລື 2). ກົດໝາຍ ລາວ ເຮັດ ໃຫ້ຍີງ ລາວ ອໍໄດ້ ແຕ່ວິຊາ

พาย ใบ เอลา 90 อับ ซลัก จาก เอ็้า อะเมธิภา ผู้ที่ ໃຊ້ວິຊາ K1 ຕ້ອງ ແຕ່ງ ງານ ກັບ ຄົນ ສັນຊາດ ອະເມຣິກັນ ທີ່ຂໍວິ ลุ่าใช้.

ຕາມ ກົດໝາຍ ເອົ້າເມືອງ ອະເມຣິກັນ ປັດຈຸບັນ ຍີງ ລາວ ເຊີ່ງ ບໍ່ໄດ້ແຕ່ງງານ ກັບ ຊາຍ <u>ຄົນ ດຽວ ກັນ</u> ທີ່ ອໍວິຊາ K1 ໃຫ້ ນາງ พาย ใมเอลา 90 อัม พลัก จาก เอ้า มา อะเมธิกา ้ ต่อกุภับ ຄືນ ເມືອ ລາວ ເຖີງວ່າ ພູຊາຍ ຈະ ບໍ່ຍອມ ແຕ່ງ ງານ ດ້ວຍ. ນາງ ຈະ ບໍ່ ມີ ສິດຂໍປ່ຽນ ເປັນ ວິຊາ ກໍຣະນີອື່ນ. ກົດໝາຍ ຈະບໍ່ຍົກ ເວັ້ນ ເຖີງວ່າ ນາງ ຈະແຕ່ງ ງານ ກັບຊາຍ<u>ອື່ນ</u> ທີ່ເປັນ ສັນຊາດ ອະເມຣິກັນ.

ຫລັງຈາກ ນາງກັບ ເມືອງ ລາວ ແລ້ວ ນາງມີສິດ ອໍເອົ້າ ອະເມຣິກາ ຄືນ ຖ້ານາງ ບໍ່ຜິດ ກົດ ກໍ ຣະນີອື່ນ ເຊີ່ງຈະ ຢ ່ນອກ ບົດ ຄວາມ ນີ້.

เอลา อาพะเจ้า อะทียาย ใต้ มาๆสาอ ลาอ มั้ม มาๆ ท ใต้ที่ และ บอท อ้านะเจ้า อ่า มากู บ่สามาก จะ ทับ ถิ่ม ลาอ ໄປ ຊ້ອງ ໜ້າ ຄອບຄົວ ແລະ ເພື່ອນ ນາງໄດ້ ນາງ ຈະຂ້າ ຕົວຕາຍ ດີ กอา อานะเจ้า นยายาม ปอบใจ มาๆ แต่มาๆ ที่ขยอม ปกร้อง ໃຫ້ ໃນຕອນ ທີ່ນາງ ສັ່ງລາ ຂ້າພະເຈົ້າ. ຂ້າພະເຈົ້າ ຫວັງ ວ່ານາງ จะ ข่อ้า ต็อตาย ตาม ชิ่มากูเอ้า ออก ไป นั้น...

มีวิทีริ่ม ใกที่ ฐาย สัมฐาก อะเมริทับ จะเอ็จ ยีจลจอ เอ็จ มจ <u>อะเมธิภา ใบกาบะ น้อยาข่</u>? มี...ตามชิดสะดี.

ເຖິງ ວ່າ ກົດໝາຍ ລາວ ຈະບໍ່ແນ່ນອນ ເຮົາ ກໍສາມາດ ຈະໂຕ້ຖຽງ ໄດ້ວ່າ ລາວ ຮັບຮູ້ການ ແຕ່ງງານ ຢູ່ຕ່າງ ປະເທດ ເພາະ ลาอ บัวลับ ใต้ลิ้ม ต่าวถ้าอ เอ็า พัวสิโป ยั้วยืนอ่า เป็นโสก ซลื ย่าธาว (เริ่ม อาม ลลัม "กามขะมาย" ย่ลาอแมัดข์สะขับ ເດືອນ ມະກະຣາ 2006) ກ່ອນ ຈະ ໝັ້ນ ກັບ ຍີງ ລາວ. ท้าอาลาอธับธุ์ ลู่ธัท อาก จะเดิม ขาว ไป ปะเพก ที่สาม ต็อย่าว ปะเทกไท และ แต่จาจบ ตจม ทึกพาย ปะเทก ที่สาม บั้น . ສະຖານ ທູດອະເມຣິກັນ ອາດ ຈະ ບໍ່ ໃຫ້ ວິອຸ ຕາມການ ແຕ່ງງານ ນີ້ເພາະ ບໍ່ ຢາກ ໃຫ້ ເສັຽ ການ ເມືອງ ຢ້ອນ ຜິດຈຸດ ປະສົງ ກົດ ໝາຍ ລາວ ທີ່ບໍ່ ໃຫ້ຍິງລາວ ແຕ່ງ ງານ ກັບ ຄົນ ຕ່າງ ປະ ເທດ ຖ້າ ເປັນ ດັ່ງນີ້, ຍີງ ລາວ ຈະ ຂໍ ວິຊາ ໃດ ໃນ ກໍຣະນີ ແບບ ນີ້ ?

ຕາມ ພາກ ປະຕິບັດ ແລ້ວ ທຸກ ຣັຖ ໃນ ສະຫະຣັຖ ອະເມຣິກາ ຮັບຮູ້ ການ ແຕ່ງ ງານ ຖືກ ຕ້ອງ ທີ່ຕ່າງ ປະ ເຫດ. ໃນຣັຖ ເຫລົ່າ ນີ້ໂຮມ ຫັງຮັຖ California, ຄົນທີ່ແຕ່ງງານ ໃນປະເທດ ທີ່ສານ จะหือา "แต่ภูวาม" ล่แต่ภูวาม สาอ ลาอ จิ๋งข่ มิสิก อ อ๋อล่า K-1 ເພາະຄົນ ທີ່ແຕ່ງງານ ແລ້ວ ບໍ່ມີສິດອໍວິຊາ K-1. ເຖິງ ແມ່ນ ວ່າ ທາງ ສະຖານ ທູດ ອະເມຣິກັນ ຈະ ຖຽງ ຢ່າງອື່ນ ເອົາກໍຄົງ ຈະບໍ່ຊ ะบะ เพาะสาบ อะเมริทับ ทิ่วไป จะเร็ก ตาม ทึกพาย รัก เวลา ทัดสิบ ทาบ แต่กาาบ. ยีกลาอ ที่แต่ก กาบ ใบ ปะเพด ที่สาม

ຄວນ ຈະມີສິດ ຂໍເອົ້າ ປະເຫດ ອະເມຣິກາ ໃນ ຖານະ K-3 ເມັຽ ຫລື ເມັຽ ຂອງ ຄົນ ສັນຊາດ ອະເມຣິກັນ.

ทุ้า พาภ อามาๆ สาอ ลาอ ผู้หี้อานะเจ้า ได้เอ้าเหี ຢູ່ຂ້າງ ເທີ່ງນັ້ນ ໄດ້ເດີນ ທາງ ເຂົ້າ ມາ ໃນ ປະເທດ ອະເມິກາ ໃນ ทามะ เมื่อ ออก ผู้อาย สัมอาก อะเมธิทัม มาก นั้ม จะ มีสิก ชียู่ ใน อะเมธิภา ได้โดย ทาออม เทิว อ่า ผู้อุจย ถิ่มมั้น จะ ข้ยอม ธับโท ธะ สับ มาก พลัก จาท ชิ่มาก มา ธอก อะเมธิภา ້ສາຍເກີນໄປ["] — ເວລາ ຄວາມ ຣັກ ຢຸດ ເປັນ ອະມະຕະ.

👊 ท้าอาจก ปะสิว ภิกฆาย ชี้เป็น ลอาม จิวเป็น พยัว ภิกฆาย ลาอจิ่ງอะบยาก ใต้มีภาม พั้นภับ ล์มต่าๆ ปะเพก ไก้? ผู้แต่ๆ ตั้ງ ภิกฆาย ลิก อาคุฒั้ม มั้มจะเธัก ตยัๆ ผาย ตลัๆ จาท ภาม ขั้น แล้อ?





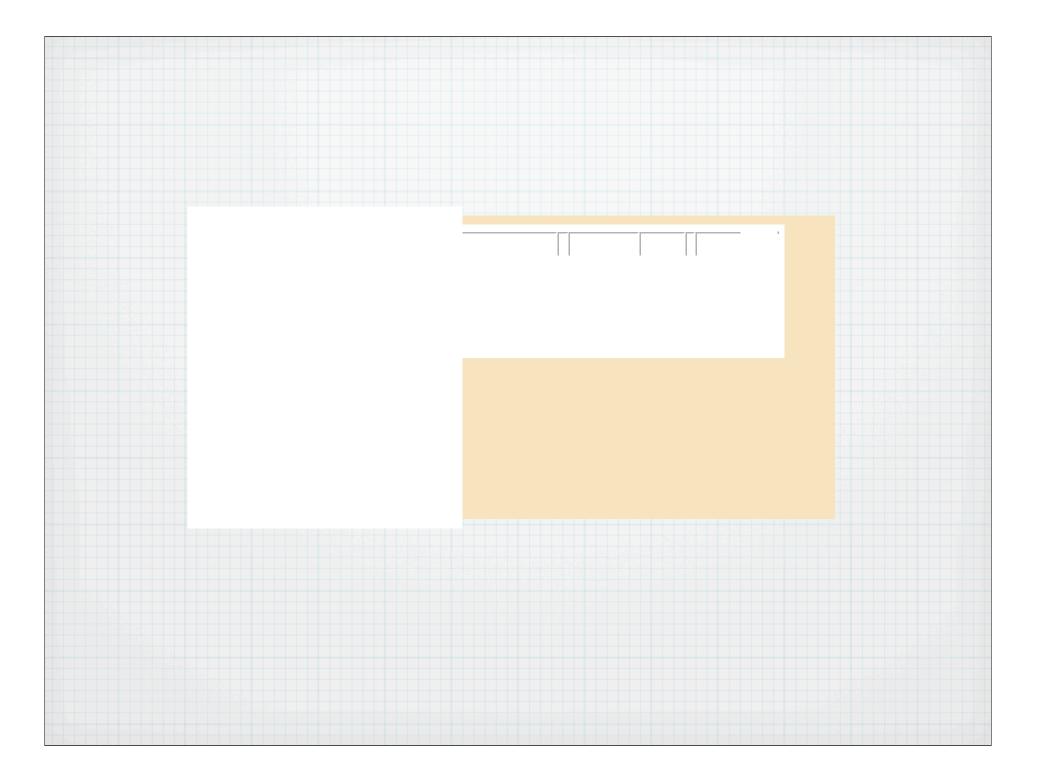
b. Criminal Law Violations

The more common and less understood problems resulted from criminal law violations. Why do Laotians who French colonists used to call the "Bor Pen Yaang" ("It doesn't matter") people are among the group with the largest percentage in prison in the US? (1.65% for 18-39 Males as compared to .89% for Vietnameses, .38 for Koreans, and .28% for Chineses-Taiwaneses). What are the main causes?



Table 1. Percent of Males 18 to 39 Incarcerated in the United States, 2000, by Nativity and Level of Education, in Rank Order by Ethnicity

	Males, ag	ges 18 to 39:	Percent nativity							
Ethnicity	Total in US	Percent incarcerated	Nativi	High school graduate?						
Ethnicity	N N	%	Foreign- born %	US born %	No %	Yes %				
Total:	45,200,417	3.04	0.86	3.51	6.91	2.00				
Latin										
American Ethnicities:										
Salvadoran, Guatemalan	433,828	0.68	0.52	3.01	0.71	0.62				
Colombian, Ecuadorian, Peruvian	283,599	1.07	0.80	2.37	2.12	0.74				
Mexican	5,017,431	2.71	0.70	5.90	2.84	2.55				
Dominican	182,303	2.76	2.51	3.71	4.62	1.39				
Cuban	213,302	3.01	2.22	4.20	5.22	2.29				
Puerto Rican (a)	642,106	5.06	4.55	5.37	10.48	2.41				





1) Incompetent Interpreters

- a) Some cases because of incorrect translation
- b) Will there ever be a competent interpreter for many Laotian children who had to wait in refugee camps for many years without any education, had to start earning a living performing manual labor upon arriving in the US, or shortly thereafter, with little or no opportunity to learn English, and can neither understand Laotian or English well enough to comprehend the intricacies of the American legal system?
- c) Although immigration "court" hearings are recorded, practically all other courts do not and rely on antiquate court reporting system.



2) Interpreters Acting As Counsels

Many interpreters tend to give legal advice sometimes at the request of the immigrants.





3) "The O.J. Simpson Syndrome":

If O.J. was not found guilty, I should not be found guilty.

Beyond a reasonable doubt: Really? In general, Asians do not like to serve on the jury (#Abraham Lincoln: ~Jury service is the most important duty of a citizen ... perhaps more important than voting b/c it determines the conscience of the community). No Asian or Laotian perspective on the jury (Not because people are racists but they tend to base their judgment on their life experience)





4) "The Guilty-Until-Proven-Innocent" Mentality

Whenever a Laotian is arrested, the Lao community would immediately think that such person is guilty => More difficult to find witnesses to testify on his/her behalf. This is the opposite of the basic legal principle in the US that a person is innocent until proven guilty.



*

5) Lack of Education

In Laos, students attended classes based on the educational ability. Those students who had to repeat the same grade many years, started school late, or had to wait in refugee camps for many years, were placed in grades based on their age upon their arrivals in the US and could not catch up to their new grade. Consequently, some of them could neither speak Lao or English well.





6) The Environment

Many Laotian immigrants grew up in high crime areas





7) Cultural Differences

- i) Demeanors during testimony;
- ii) Although *looking someone in the eyes* shows truthfulness in the American culture, it shows disrespect in most situations in the Laotian culture.



8) Lack of Family Support

- i) Laotians tend to be *individualistic* => tend to be more creative => "You are on your own";
- ii) Chineses tend to be *family-centered* => tend to be more disciplined => #Sometimes, too much pressures;
- #iii) Parent's liability: A Lao Teenager in Northern California was sent to jail 14 times ("Asian Pacific Islander Prisoner Reentry", p 62)

TORM

is an organizer who works with the LAOTIAN community in northern California. His son has been in and out

of the juvenile detention system for many years. He has been sent to the County Juvenile Hall **FOURTEEN** times, has spent one year at the County Boys Ranch, one year in a group home in Santa Clara, and has been placed on electronic home arrest with an ankle bracelet three times. The son's offenses have primarily been minor, including fighting with other youth and attempted burglary. According to Torm, 90 percent of his son's detention time has been due to violations of probation terms that result in more time in custody.

Torm has faced **DIFFICULTY** as a parent dealing with the juvenile justice system. Few services have been offered to his family or his son. He has had only limited legal assistance and

no counseling services. The probation officers and other court officials have been **UNSUPPORTIVE** and judgmental. Torm has found that the system has no services geared towards immigrant families.

He and his wife work **FULL-TIME**. They have often had to miss work to attend court hearings and meet with probation officers. Some of the facilities his son has been sent to have been far from home. In order to meet with him, Torm and his wife have had to drive considerable distances on predetermined days and times, placing an added strain on their jobs and other children.

The incarceration of his **SON** has also been a significant financial burden for Torm's family. Both Torm and his wife have had their wages garnished and have paid a total of \$40,000 over the years in restitution.

Torm believes there is a need for real support and assistance for families, especially





immigrant families with limited English proficiency. He has learned the following:

- Families need help throughout the process from when a family member is initially arrested all the way through to when they are released and allowed to reenter their community:
- Immigrant parents of incarcerated youth need language and culture based programs to help them understand and cope with the juvenile justice process;
- Parents and other family members need better emotional support and counseling to help them with anxieties and tensions;
- Instead of punishment, programs for troubled juveniles should be focused on building their selfesteem and helping them become productive members of the community. There should be more options for community service rather than incarceration; and,
- Immigrant parents also need services that help them learn to communicate and support their children so that they do not keep getting into trouble with the law.

Torm's son is now 19 years old and has been **OUT** of trouble for the past year. He understands that the next time he gets in trouble he will be prosecuted as an adult.



c. Criminal Case v. Civil Case

(See, "The Difference Between Criminal And Civil Cases: A Costly Lesson For Recent Immigrants", Laonet Magazine, April 2006, p 75-78)







1) Funeral Expense Sharing

When a member of the group dies, all other members pay an agreed amount to the surviving family members of the deceased member for the "funeral" expenses.

- = Life Insurance?
- Generally, a small amount. The community polices itself.



2) Community Loan Group ("Houia")

Each member of the Community Loan Group agrees to pay a fixed sum each period (usually, monthly) to the member who successfully bid the highest interest for the period. The successful-bid member will pay the fixed sum plus his bid interest until all members who paid him/her receive the fixed sum plus his bid interest. The member who never bid or did not win the bid, would earn interest.

- i) Sometimes, the "Mother" (the fiduciary leader) disappeared with all the money.
- ii) Does this violate usury law when the interest rate far exceeds the usury interest rate?
- iii) This Community Loan Group and the Funeral Expense Sharing will make a great law review article!!!



3) Title to Real Property In Another Person's Name

i) <u>See</u>, "Time Bombs At Lao And Thai Temples", Laonet Magazine, July 2006, p 13-18.

ii) Spouse who had a bad credit, quitclaimed the community property to his/her spouse in most cases, for the wrong reason(s).



by Into Bo Champon, Esq. ໂດຍ: ຫະນາຍ ອິນໂຕ ຈຳພັນ

Since I first started practicing law 14 years ago, I have been asked many times to serve on the "board of directors" of various Lao and Thai temples in the United States, and have politely but regretfully declined after a few short preliminary inquiries even though I consider it an honor just to be asked.

In most cases, the temples were just too far for me to serve effectively. In several cases, the existing board members wanted me to simply add my name to a long list of names on the board and rubber stamp their actions without giving me a copy of the articles of incorporation, bylaws or operational details of the temple. I hope that this article will help explain my decision.

Most Lao and Thai temples in the US were started by older immigrants who would like to have a place to worship. Only a small number of these immigrants were employed or had a credit history. In most cases, the temples were not properly formed and did not initially have sufficient fund to buy the real estate for the temples.

In a typical case, the "founders" would ask someone (Hereinafter, refers to as "Mr. X") to apply for a loan to buy a house for the temple. As the lenders would

ask that the loan be secured by the house, they would ask that the title to the house be under the name of Mr. X. The temple would then start raising money to pay off the loan. In most cases, Mr. X would be a nice person and would voluntarily deed the house to the temple after the loan was paid off.

In California, the county assessor would re-assess the house to its value at the time that Mr. X deeded the house to the temple and would raise the property taxes of the house. This increase in property taxes is a very minor problem compared to other potential issues.

A more serious problem starts when Mr. X claims that his "CPA" or "lawyer" advised him that he would have to pay income taxes on the gain for the difference between the acquisition cost (typically, the price paid for the house plus other non-recurring costs) and the fair market value at the time of the quitclaim deed. Even if Mr. X would eventually be found not to owe any income taxes, he would need to pay his "CPA" or "lawyer" to defend him against the claim by the IRS or other state/local income tax authorities. Prior to deeding the house to the temple, he

*

"A Monk With A Dream"!

"I am a Laotian Monk who came to California ... with a plan and a dream to build a Buddhist Temple... When I first came to Orange County I rented a house and performed a Buddhist ceremonies for which I was compensated... I purchased a home ... under my name. I lived in the home and made all the payments on the mortgage... I am listed as a single man and my friend ... was listed on the Deed because I did not by myself have sufficient credit to qualify for a loan."

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

DOES 1-50

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): . A California Corporation SUM-100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

CENTRAL JUSTICE CENTER

NOV 08 2006

ALAN SLATER, Clerk of the Court

BY: G. GALON DEPLITY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales

The name and address of	f the court is:
(El nombre y dirección de	la corte es):

CASE NUMBER: 6 (Número del Caso):

SUE	PERIC	UR C	OURT	OF C	ALIFC	RNIA	, CO	DUNTY	OF	ORANGI	3
/00	Civic	Cente	r Drive	West,	Santa	Ana, (CA	92701			

JUDGE DENNIS S. CHOATE DEPT. C26 The name, address, and telephone number of plaintiffs attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Phone No. (626) 943-9999 Into Bo Champon (Bar # 159802) William S. Yee (Bar # 143641) G. GALON (626) 281-1999

Into Champon & Assoc., A Law Corporation

1909 W. Valley Boulevard, Alhambra, CA 91803 (Fecha) NOV 0 8 2006 ALAN SLATER

Clerk, by (Secretario)

Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served (SEAL) 1. as an individual defendant. 2. as the person sued under the fictitious name of (specify): 3. on behalf of (specify): under: CCP 416.10 (corporation) CCP 416.60 (minor) CCP 416,20 (defunct corporation) CCP 416.70 (conservatee) CCP 416.90 (authorized person)

4. ____ by personal delivery on (date):

CCP 416.40 (association or partnership) other (specify):

Page 1 of 1

Code of Civil Procedure §§ 412.20, 465

Form Adopted for Mandatory Use Judicial Council of California SUM-100 [Rev. January 1, 2004]

SUMMONS

LexisNexis® Automated California Judicial Council

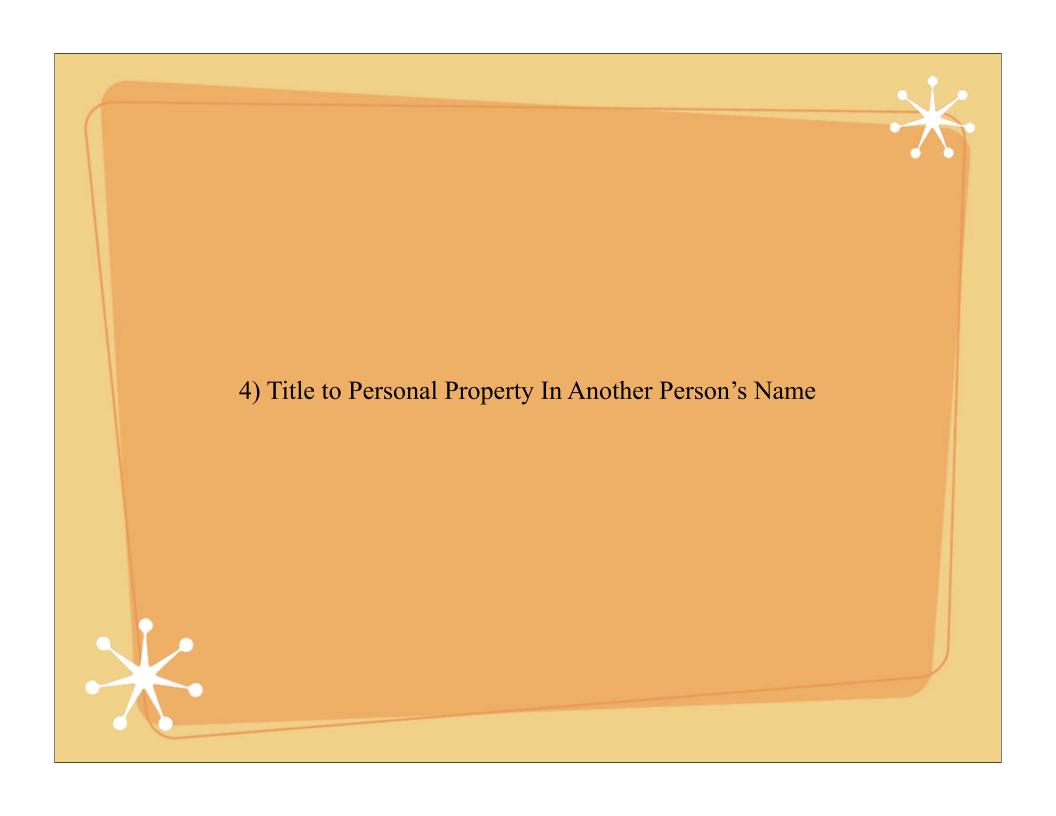
INTO CHAMPON & ASSOC. A LAW CORPORATION	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	COUNTY CO	SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER NOV 0 8 2006 ALAN SLATER, Clerk of the Court BY: G. GALON DEPUTY DESTABLE OF CALIFORNIA OF ORANGE STICE CENTER CASE NO.: 0 6 C C 1 1 [Assigned to Judge] VERIFIED COMPLAINT 1) TO QUIET TITLE 2) FOR IMPOSITION OF CONSTRUCTIVE TRUST, ORDER OF CONVEYANCE, AND ACCOUNTING, 3) TO ESTABLISH RESULTING TRUST IN REAL PROPERTY AND FOR ORDER OF CONVEYANCE 4) FOR DECLARATORY RELIEF. JUDGE DENNIS S. CHOATE DEPT. C26 , A California and at all times herein mentioned was, a non-ler the laws of the State of California with its	
	17 18 19 20 21 22 23	DOES 1-50, Defendants. Plaintiff alleges: 1. Plaintiff WAT Corporation ("WAT") is,	ORDER OF CONVEYANCE 4) FOR DECLARATORY RELIEF. JUDGE DENNIS S. CHOATE DEPT. C26 , A California and at all times herein mentioned was, a non- ler the laws of the State of California with its Orange, California. Plaintiff is a title holder	
		COMF	1- PLAINT	

LAW OFFICES OF DEC 19 2006 3 ALAN SLATER, Clerk of the Court Attorneys for Defendant BY: W. FLORES , DEPUTY 5 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER Case No.: 06CC11 8 WAT Assigned to: Hon. Dennis S. Choate , A California Corporation, 9 Dept C26 Plaintiff, 10 DECLARATION OF DEFENDANT VS. 11 SUPPORT OF DEMURRER AND MOTION TO STRIKE PLAINTIFF'S AND DOES 12 COMPLAINT. 1-50 13 Date: February 1, 2007 Defendants Time: \$:30 a.m. 14 Dept: C-26 15 16 , declare under penalty of perjury that I know of my own knowledge and could and would if called upon competently testify to each of the 18 following facts. 19 I am a Laotian Monk who came to California from 20 October 1994 with a plan and dream to build a Buddhist Temple. 21 When I first came to Orange County I rented a house and performed 22 Buddhist ceremonies for which I was compensated. 23 I purchased a home on Avenue in in about 1999 24 under my name. I lived in the home and made all of the payments on the mortgage. Declaration Of Defendant In Support Of Demurrer And Motion To Strike Plaintiff's Complaint.

1	4. In 2000 I sold my home in and purchased the home
2	located at , , California in 2001. I am attaching hereto as Appendix
3	"A" a true and correct copy of the Grant Deed.
4	5. The Grant Deed for the property was recorded on , 2001.
5	I am listed as a single man and my friend was listed on the Deed because I did
6	not by myself have sufficient credit to qualify for a loan.
7	6. On or about , 2006 my friend, , granted to
8	my corporation, the Plaintiff herein, Wat , his half of the
9	property.
10	7. On December 3, 2004, I signed a "Will" indicating that I intended the
11	
12	property to be used for Buddhist purposes after I died. The Will was never published and could
13	be revoked, modified or revised at any time before I died.
15	8. I incorporated Wat in approximately 1995
16	and acted as the Incorporating Director.
17	9. No stock was ever issued and no meetings of the Board of Directors was
18	ever held and no By-Laws were adopted.
19	10. Each year I would appoint officers who held one year terms.
20	11. I have now been sued by my own corporation.
21	12. The Verification to the Complaint is signed by , who has not
22	been an officer or director or member for over 6 years.
23	is listed with the Secretary of State's office as the agent for
24	Service of Process. He was named that when the corporation was first formed in 1995 but it was
25	
	Declaration Of Defendant In Support Of Demurrer And Motion To Strike Plaintiff's Complaint.

1	changed at that time. As the attachments reflect, has not been the Agent for
2	Service of Process since 1995.
3	14. , who signed the Verification is not an officer or director of
4	the Plaintiff and has not been such an officer for over six years.
5	15. In the last six years, who signed the Verification has never
6	come to the temple. He is not an officer, director or member of the Plaintiff and his signature is
7	a fraud.
8	16. Each year I filed with the California Secretary of States' office a
9	Statement of Information for a Domestic Nonprofit Corporation.
10	17. I am attaching hereto as Appendix "B" a Certified Copy of the Articles of
11	Incorporation of the Plaintiff which was filed by me on August 2, 2005.
12	
13	18. I am attaching hereto as Appendix "C" a Certified Copy of the Statements
14	of Information filed with the Secretary of State for the State of California for the years 2002,
16	2003, and January and November 2006.
17	19. I am attaching hereto as Appendix "D" true and correct copies of the
18	Statements of Information filed with the California Secretary of State for the years 1999,
	2000,2001, 2002, 2003, 2004, 2005, and 2006.
19 20	20. As the Attachments "B", "C", and "D" reflect has not been,
21	since 1995, and is not now, an officer, director or member of the Plaintiff and his verification is a
22	fraud.
23	21. Since the Complaint was not filed by my corporation and since the
24	Plaintiff never authorized the filing of the Complaint and never authorized to sign
25	
	Declaration Of Defendant In Supp ¹¹ Of Demurrer And Motion To Strike Plaintiff's Complaint.

1 2 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16	the Verification, I respectfully request that the demurrer to the Complaint be sustained without leave to amend and that the Motion to Strike the Complaint be granted without leave to amend 22. I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct and that this Declaration is executed this the 18 th day of December 2006 at , California.
9	
10	
11	
12	
16	
18	
19	
20	
21	
22	
23	
24	
25	
	Declaration Of Defendant In Support Of Demurrer And Motion To Strike Plaintiff's Complaint.





5) Co-Signer Problems

Laotian immigrants tend to have extended family and friends and would co-sign loan(s) for them because they do not have no credit or negative credit history OR they try to avoid creditor(s).

- i) Most lenders frequently insist on naming ONLY the cosigner as the borrower and the owner;
- ii) Typical problems: a) Value of collateral (usually, automobile) goes down faster than the principal paydown; b) After the loan is paid off, the co-signer and the real owner no longer get along OR the co-signer can not be found.
- iii) Insurance Coverage



6) Life Insurance

i) Agents lied on the form(s) to qualify anyone for a life insurance policy. The false statements would not be discovered until the claim is denied after death.

ii) Unintended beneficiary(ies)





7) Real Estate Loan Scam

i)No APR disclosure;

ii) No license: Agent claims that he/she does not need one because he/she works for a bank but does not. See, California Real Estate security fund.





8) Injury Cases

- i)Fake lawyers stole the settlement money. Until recently, California state bar had no jurisdiction and most police departments would not accept these types of cases;
- ii) Runners who worked for licensed lawyers, stole the settlement money. State bar security funds would pay for the losses.



9) Other Legal Problems

- a) Running businesses without proper licenses
- b) Conflict of interests
- c) ...





