



# AALAM NEWS

The Newsletter of the Asian American Lawyers Association of Massachusetts  
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## AALAM Briefed on Bilingual Education Ballot Initiative

By Flora Chan

On January 17, 2002, AALAM members received a briefing from Jane Lopez of Multicultural Education, Training and Advocacy ("META") on a November 2002 ballot initiative that would place new limits on bilingual education in Massachusetts. The initiative, entitled "AG Petition #01-11, An Initiative Petition for a Law: An Act Relative to Teaching of English in Public Schools," was proposed by Ron Unz, a wealthy Californian, who financed successful campaigns to pass similar initiatives in California and Arizona. Ms. Lopez is a member of a citizens' group opposed to the initiative, commonly referred to as the "Unz Initiative."

According to Ms. Lopez, if the Unz Initiative passes, existing bilingual education programs in Massachusetts would be eliminated. In addition to banning the use of Transitional Bilingual Education programs, under which native language is used temporarily to help students both to learn English and to gain competence in all subject matters, the Unz Initiative would also bar the use of "two-way bilingual programs," such as the innovative program used at a Cambridge school under which students (both native English speakers and non-native English speakers) learn subject matter using both English and Mandarin Chinese.

Instead, the Unz Initiative would mandate that students who lack English language ability must be placed in a one-year English immersion program with other similarly situated students. After one year of such study, the students would be mainstreamed into classes with "native English speakers." If schools or teachers failed to comply with the provisions of the initiative, parents would be able to sue teachers and administrators in their individual capacities, and such persons could be held personally liable and barred from future employment in any school district for at least five years.

Currently the Massachusetts legislature is considering proposals to reform bilingual education without adopting the requirements of the Unz Initiative. M.G.L. Ch. 71A, Transitional Bilingual Education, provides that a non-native English speaker may be placed in a bilingual program for up



*Ms. Lopez discusses the Unz Initiative with AALAM members.*

to three years until he or she is capable of participating in classes that are taught in English. Statistics show, Ms. Lopez said, that students usually stay for about 23 years in such programs before being transitioned into a regular classroom setting. For those students who stay in the programs longer, it is usually due to some challenging circumstances, such as a lack of formal education prior to coming to the United States or learning disabilities.

Ms. Lopez believes that the solution to the problems that exist in the current bilingual programs is to pass one of the legislative proposals rather than to adopt the more restrictive Unz Initiative. In her opinion, the Unz Initiative strips parents of their ability to choose an appropriate bilingual program for their children. Ms. Lopez advocates choice and flexibility over the "one size fits all" approach of the Unz Initiative.

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### *Announcements*

## AALAM

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### **AALAM Elections Around the Corner**

AALAM will hold its annual elections for its officers (President, Vice President, Secretary, and Treasurer) and Board of Directors in April. AALAM is seeking interested members to run for office this year and help shape the direction of AALAM in the future. Any AALAM member who is interested in serving as an officer or director for the 2002-2003 year, or who would like more information about the positions, should contact AALAM President Perry Wu (617-526-6141, [perry.wu@haledorr.com](mailto:perry.wu@haledorr.com)) or any current officer or director (for a list, see [www.aalam.org](http://www.aalam.org)). Deadlines for nominations and candidate statements, to be submitted to [aalamass@hotmail.com](mailto:aalamass@hotmail.com), will be announced by e-mail and on the AALAM website.

### **Boston Lawyers' Group Honors New Asian American Partners**

On February 12, 2002, the Boston Lawyers' Group, a consortium of Boston law firms and public sector attorneys dedicated to increasing diversity in the Boston legal community, honored nine attorneys of color who ascended to partnership in Boston firms in the past year. Among the honorees were AALAM Director Meerie Joung of Bingham Dana LLP; and Anita Varma and Howard Zhang, both of Foley Hoag LLP.

The six other honorees included four African Americans, including former Suffolk County District Attorney Ralph Martin (now of Bingham Dana LLP), and two Latinos. The annual reception, hosted by Foley Hoag LLP, was attended by approximately 50 attorneys. AALAM members in attendance included AALAM President Perry Wu, former President Rebecca Lee, Eunice Kim Chapon, Cindy Oh, Theodore Chuang, and John Park.

### **AALAM to Host Annual Mentorship and Scholarship Reception**

AALAM will host its annual Mentorship/Scholarship Reception on Tuesday, March 12, 2002 at 6:00 pm at the Conference Center, 2<sup>nd</sup> Floor, Goodwin Procter LLP, Exchange Place, Boston. Come get acquainted or reacquainted with your AALAM mentor or mentee and to congratulate this year's AALAM scholarship recipient, who will receive the award during the reception. Refreshments will be served. For more information, contact Meerie Joung (617-951-8000 or [joungmm@bingham.com](mailto:joungmm@bingham.com)).

### **AALAM Names Representative to Legal Needs Study Advisory Committee**

AALAM has designated Professor Allan Tow of Suffolk University, an AALAM member and former legal services attorney, as its representative to the Massachusetts Legal Needs Study Advisory Committee. The Committee, organized by the Massachusetts Legal Assistance Corporation (MLAC), will be conducting a study to assess the current needs for legal services in the Commonwealth and to make recommendations on how to meet those needs. In the future, Professor Tow will report on the work of the Committee in the AALAM News.



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### *Calendar of Events*

Please check our website [www.aalam.org](http://www.aalam.org) for updates on events and other current AALAM information.

March 1-2, 2002	<b>Eighth Annual Harvard Asian American Conference on Law and Public Policy</b> Harvard Law School and J.F.K. School of Government, Cambridge, MA Contact/Information: Gigi Chang, <a href="mailto:gchang@law.harvard.edu">gchang@law.harvard.edu</a> ; <a href="http://www.apalsa.org">www.apalsa.org</a>
March 3, 2002 1:30-5:00 pm	<b>After Pearl Harbor and 9/11: Civil Liberties Under Threat</b> <i>See "Announcements" for more details.</i> MIT Building 10, Room 250, Cambridge (T: Kendall) Contact: Janet Gee, 617-426-5313, <a href="mailto:kneeland160@aol.com">kneeland160@aol.com</a>
March 7, 2002 12:00-1:30pm	<b>AALAM Executive Board Meeting</b> Hale and Dorr LLP, 60 State Street, 26th Floor, Boston (T: State) Contact: Perry Wu, 617-526-6141, <a href="mailto:perry.wu@haledorr.com">perry.wu@haledorr.com</a>
March 12, 2002 6:00-8:00pm	<b>Annual AALAM Mentor/Mentee and Scholarship Award Reception</b> <i>See "Announcements" for more details.</i> Goodwin Procter LLP, Conference Center, 2 <sup>nd</sup> Floor, Exchange Place, Boston (T: State) Contact: Cindy Oh, 617-570-1000, <a href="mailto:coh@goodwinprocter.com">coh@goodwinprocter.com</a>
March 21, 2002	<b>AALAM Social Event/Dinner</b> <i>See "Committee Reports" for more details.</i> Contact: Eunice Kim Chapon (617-248-5256; <a href="mailto:ekc@choate.com">ekc@choate.com</a> )
April 27, 2002	<b>NAPABA Northeast Regional Conference</b> Duane, Morris & Heckscher LLP, Philadelphia, Pennsylvania Contact: Julie Lu, <a href="mailto:jslu@duanemorris.com">jslu@duanemorris.com</a>
July 13, 2002 8:30am-3:30pm	<b>Joint Minority Bar Habitat for Humanity Community Service Project</b> <i>See "Committee Reports: Community Service" for more details.</i> Contact: Sherry Mulloy: 617-523-8300 x210; <a href="mailto:sym@mddf.com">sym@mddf.com</a> Cindy Oh: 617-570-1853; <a href="mailto:coh@goodwinprocter.com">coh@goodwinprocter.com</a>

### *Announcements (cont'd from page 2)*

#### **AALAM Co-Sponsors Pearl Harbor / Sept. 11 Program**

On Sunday, March 3, 2002, the MIT Program on Human Rights and Justice, the Japanese American Citizens League, the Asian American Resource Workshop, the Arab American Antidiscrimination Committee, the Islamic Society of Boston, and other groups hosted an event on civil liberties and security entitled "After Pearl Harbor and 9/11: Civil Liberties Under Threat."

Panelists compared and contrasted the experience of Japanese Americans during World War II and the experience of Arab

Americans, South Asians, Muslims, and Sikhs since September 11.

Topics included personal experiences of harassment, discrimination, and detention; individual responses ranging from military service to civil disobedience; and organized political and legal challenges to violations of civil liberties. The event concluded with an hour of informal discussion among all participants. Japanese, Middle Eastern, and Punjabi snacks were provided.



## New Challenges in Immigration Law: Foreign Workers and Their Families Face Increased Scrutiny when Traveling

By Punam Rogers and George Lester



*Punam Rogers*

After the September 11 terrorist attacks, it was widely reported that most, if not all, of the hijackers had entered the United States legally using temporary "nonimmigrant" visas. One of the consequences since then has been stricter scrutiny by the Immigration and Naturalization Service ("INS") of persons traveling to the United States in a nonimmigrant status, to verify the bona fides of the stated purpose of the visit, be it

temporary work, study, business or pleasure, and to check for any prior immigration violations. INS inspectors are asking more questions when foreign visitors present themselves for entry to the United States, carefully reviewing the documentation required for admission in a particular status, and using a variety of computer resources to verify or investigate information.

In this climate, employers should caution foreign national employees when traveling to make sure to carry all necessary and appropriate documentation relevant to their jobs and status in the United States and be prepared to answer questions that may arise at the port of entry upon returning. Procedures which formerly gave port of entry inspectors the discretion to waive a documentary requirement in the event of a mistake or oversight by the foreign national, for example, have been eliminated or strictly curtailed. A good awareness of all requirements and careful planning will reduce the traveler's risk of being subject to delay or questioning at the time of entry or, at worst, denial of admission and removal from the country.



*George Lester*

The following are the typical items an H-1B (temporary professional worker) or L-1 (intracompany transferee) foreign national employee should have when seeking to enter the United States from overseas: (1) current passport, valid for at least six (6) months from the date of entry; (2) a valid, unexpired visa in the nonimmigrant category (i.e. H-1B or L-1, or H-4 or L-2 for family members, etc.); (3) the Form I-797 Notice of Approval of the underlying Petition for Nonimmigrant Worker classifying the worker as eligible for the status, or, if the person works under H-1B "portability" while the petition is pending, the Receipt Notice showing proper INS filing; (4) a copy of the relevant Petition for Nonimmigrant Worker forms and supporting documents filed with INS; (5) proof of continued employment or job offer with the petitioning company, in the form of recent paychecks and/or a current employment verification letter; and (6) contact information for the company and immigration attorney.

If the employee and any family members have filed applications for adjustment of status to permanent residency (Form I-485) while continuing to maintain H or L status, then in addition to the above they should each have the I-485 Receipt Notice (Form I-797). If the employee and any family members have filed applications for adjustment of status to permanent residency (Form I-485) and no longer maintain H or L status, then they must each have the I-485 Receipt Notice and an Advance Parole Travel Document (Form I-512) in place of the H or L visa, petition and petition approval notice (items 2-4 above). An Employment Authorization Card (EAD) is required for such persons to continue working after the re-entry.

Visa applications at U.S. consulates abroad in the H and L categories have similarly come under heightened scrutiny, to more strictly enforce the eligibility criteria and to conduct broader security related background checks. In one new procedure, males between the ages of 16 and 45 must now prepare a special form (the "DS-157") asking a series of detailed personal background questions on such topics as travel for the prior ten years, employment history, military service or participation in an armed conflict, and organizations to which the applicant has belonged or contributed. Depending on the responses, a person may be subjected to a further security clearance procedure through the State Department



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taking at least 20 days. Males 16-45 years old from certain Muslim countries have all been subject to this security clearance requirement since late last year. Travelers needing to apply for a visa should plan their travel schedules to account for these potential delays.

Even domestic travel by foreign national employees requires caution. Legally, foreign nationals in the United States have always been required to carry in their possession certain evidence of lawful status such as, for H or L nonimmigrants, the I-94 card issued upon entry to the country or as part of a petition approval for change or extension of status. As a result of the events of September 11th, security with respect to domestic as well as international travelers continues to be high.

Consequently, INS Border Patrol agents have been conducting random checks of the immigration status of domestic travelers, in locations such as bus stations and airports. H-1B or L-1 employees should be advised that foreign nationals in the U.S. can be stopped anytime by INS and asked for proof of identification and lawful status. They should always carry their passport and I-94 card, a copy of the underlying H-1B or L-1 petition approval notice, and some proof of employment. Similarly, permanent residents of the United States should always carry their Alien Registration or Permanent Residence cards.

In the event a person is stopped and questioned and cannot provide proper documentation, he or she may be detained while the INS agent attempts to verify the person's status through INS records. If that process is not successful then the person may be placed in proceedings for removal from the country.

*Ms. Rogers and Mr. Lester are attorneys at Foley Hoag LLP in Boston.*

## Committee Reports

### Social Committee

The Social Committee will host a Social Event/Dinner on March 21, 2002. Join us for a casual, fun and social evening including good food and great company. Location and time to be announced.

In addition, AALAM is planning to co-sponsor a social/networking event in April 2002 with the Boston chapter of the National Association of Asian American Professionals (NAAAP). Be on the lookout for an email with more details.

The Social Committee plans events to bring AALAM members together on an informal basis. These events provide members with networking opportunities as well as a forum for sharing ideas and having fun. To get involved, please contact Eunice Kim Chapon: 617-248-5256; [ekc@choate.com](mailto:ekc@choate.com)

### Law Student Outreach Committee

The Law Student Outreach Committee has received applications for this year's AALAM Scholarship and has reviewed them. This year's scholarship recipient will be announced at the AALAM Mentorship / Scholarship Reception on March 12 at Goodwin Procter LLP (see Announcements and Calendar of Events for details).

General Contact: Sam Kim: 617-350-6800; [dskim@lgu.com](mailto:dskim@lgu.com)

Mentor Program: Myong Joun: 617-742-4100; [mjjoun@civil-rights-law.com](mailto:mjjoun@civil-rights-law.com)

Scholarship: Meerie Joung: 617-951-4614; [mmjoung@bingham.com](mailto:mmjoung@bingham.com)

### Community Service Committee

The Community Service Committee has arranged with the Massachusetts Black Lawyers Association (MBLA) and the Massachusetts Association of Hispanic Attorneys (MAHA) to hold a joint minority bar Habitat for Humanity Community Service Project, to take place on July 13, 2002 from 8:30 am to 3:30 pm. Tentatively, a total of 15 members of AALAM, MBLA, and MAHA will spend the day together working on the building/renovation of a house in Boston.

For more information, or to express interest in participating, contact one of the Community Service Committee Co-Chairs: Sherry Mulloy, 617-523-8300 x210, [sym@mbbf.com](mailto:sym@mbbf.com); Cindy Oh, 617-570-1853, [coh@goodwinprocter.com](mailto:coh@goodwinprocter.com).

### CONTRIBUTE TO THE AALAM NEWS

If you have an announcement or article for inclusion in the AALAM News, or would like to write articles or otherwise assist with the production of the newsletter, contact any of the following:

Theodore Chuang: 617-748-3173, [chuang@post.harvard.edu](mailto:chuang@post.harvard.edu)  
Sam Kim: 617-350-6800, [dskim@lgu.com](mailto:dskim@lgu.com)  
John Park: 617- 570-8134, [JPark@goodwinprocter.com](mailto:JPark@goodwinprocter.com)



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### *Professional Opportunities*

The following employment and professional opportunity announcements are posted on the AALAM website, [www.aalam.org](http://www.aalam.org), under "Professional Opportunities":

- **Dean of the School of Law, Fordham University School of Law**
- **Staff Attorney, Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association**
- **Customs Inspectors, Canine Enforcement Officers and Criminal Investigators, U.S. Customs Service**
- **Civil Rights Paralegal, Law Offices of Howard Friedman**
- **Legal Writing and Research Instructor, Suffolk University Law School**
- **Law Professor, Western New England College School Of Law**
- **In-House Counsel, State Street Research & Management Company**

If you have a job announcement you would like to have posted on the AALAM website, send the announcement, preferably by e-mail, to:

Lisa Nam, Esq., Choate, Hall & Stewart, [een@choate.com](mailto:een@choate.com), Tel: 617-248-5256, Fax: 617-248-4000



**AALAM**

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