

18:13

NASHIRO, SHISHO

1950-1955

78/177

c

1 justify the removal from the face of the earth of persons who
2 were the objects of governmental enmity.

3 The Peruvian authorities, in plotting this cruel program for
4 application to its own residents and citizens, violated Peruvian
5 law and the law of nations. Although individuals, under a
6 favorable environment, are able to suppress their instinct of
7 cruelty governments seldom rise even to that level. The
8 reckless participation of the United States in this outrage does
9 not indicate its own emergence from barbarism to the dignity of
10 a civilized State.

11 The appellant is not a prisoner of war although, until
12 Aug. 6, 1946, he was treated as such by our government. The
13 mass uprooting of these innocent Peruvian-Japanese was for the
14 pernicious governmental purpose of getting bodily possession
15 of them to exchange them for Allied prisoners of war held by the
16 Japanese in Japan. This ruthless action of the United States
17 and Peruvian governments was unlawful from the viewpoint of
18 international law and the common principles of justice. The
19 appellant did not enter the U.S. of his own free will and desire.
20 Our government is estopped to assert that his entry on February 6,
21 1943, was unlawful because it forcibly brought him here and for
22 an unlawful purpose at that. It cannot prevail over him by
23 asserting its own wrongs or the wrongs of its agents. See
24 principle announced in Weeks v. U.S., 232 U.S. 383; Upshaw v. U.S.,
25 335 U.S. 410; McNabb v. U.S., 318 U.S. 332; Lustig v. U.S., 338
26 U.S. 74.* The sole contention that our immigration authorities
27 heretofore have seen fit to assert in connection with the Peruvian-
28 Japanese so outrageously uprooted from their homes is that their
29

30 *The application of this principle of law was neither raised,
31 argued, considered nor decided in U.S. ex rel. Sommerkamp v.
Zimmerman (CCA-3), 178 Fed. 2d, 645, or in Schirmeister v.
Watkins (CCA-2), 171 Fed. 2d 858.

32

1 presence in the U.S. is unlawful because they lack admission
2 credentials. The above-mentioned estoppel principle, however,
3 precludes the U.S. from making such a contention. In addition,
4 the consent of the U.S. to his entry is established by the fact
5 that it not only authorized his entry but actually brought him
6 here.

7 Until released from internment on August 6, 1946, the appel-
8 lant was nothing but a political prisoner of the United States.
9 Brought here through the instrumentality of the wrongdoing and
10 the evil doing of the United States and its co-conspirator,
11 the Peruvian government, he is entitled to refuge and asylum even
12 from being returned to Peru. He is entitled to freedom from
13 any threat of being removed to Peru or Japan by virtue of the
14 stated principle that the United States is not authorized to
15 assert its own illegal acts and wrongdoing to take advantage of
16 his misfortune which was caused thereby.

17 He was released from any claim of being subject to alien
18 enemy internment on August 6, 1946, and from internment on that
19 date. Thereafter he was permitted to reside in the U.S., not
20 as an excludable alien but as a non-resident alien subject to
21 deportation proceedings simply because his presence here without
22 admission credentials was deemed by the immigration authorities
23 to be unlawful. That contention is specious. He has resided
24 continuously in the U.S. since his arrival in 1943. His is not
25 an exclusion case. It is not even a deportation case by reason
26 of the said estoppel principle which precludes the U.S. from
27 denying him the status of a resident alien.

28 In view of the fact that he actually has resided here for
29 a period of time in excess of seven (7) years, $3\frac{1}{2}$ as an internee
30 and almost 5 as a resident, and is a person of good moral
31 character he is entitled to a suspension of deportation under
32

1 8 USCA Sec. 155 (c).

2 The forcible bringing of the appellant into the United States
3 had no relevancy whatsoever, to our successful prosecution of
4 the war. It had no reasonable relation to national defense or
5 to western hemispheric defense. Neither the Peruvian nor the
6 United States government would dare to lodge a factual accusation
7 against the appellant charging him with having been a menace to
8 any such security and neither would dare to try him on any such
9 fictitious charge. Neither government has the courage or the
10 honesty to admit the truth or to reveal the truth concerning its
11 participation in the outrage. Both resort to the subterfuge of
12 secrecy to conceal their crimes against these unfortunates.

13 The Commissioner's Order erred in assuming, without any
14 supporting evidence whatever, that his detention for the full
15 period of his residence here was as an alien enemy, under the
16 provisions of the Alien Enemy Act, and that his entry and presence
17 here was necessitated because of the war. (Further, attention
18 is directed to the fact that no express provision of the Alien
19 Enemy Act makes that statute applicable to aliens seized abroad
20 in either a neutral or an allied country and forcibly brought here.
21 Its legislative history contains no suggestion that it was to be
22 applicable to such a situation. No court in this land has ever
23 held that such an alien properly may be subjected to the provisions
24 of the Alien Enemy Act.) Nevertheless, the appellant's detention
25 under the claim that he was an alien enemy subject to the
26 provisions of the Alien Enemy Act was cancelled and terminated
27 on August 6, 1946. Further, his presence here never was
28 legitimately necessitated by reason of the war. The present
29 proceeding is not one under the Alien Enemy Act where the reasons
30 for a detention or removal of an alien enemy can be concealed by
31 the executive branch of the government. It is a deportation
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1 proceeding in which the reasons for the appellant's entry and
2 the reasons, if any, demonstrating his presence was necessitated
3 by reason of the war, matters which the Commissioner's Order
4 assumes without evidence being adduced thereon, must be proved
5 by a preponderance of evidence if the requirements of the due
6 process clause of the 5th Amendment are to be satisfied. There
7 is not a scintilla of evidence in the record showing that the
8 appellant was brought to this country for legitimate purposes.*
9 There is not an iota of evidence in the record tending to show
10 that he was brought here "solely for reasons connected with the
11 war" or even for reasons remotely related thereto. The act of
12 an executive officer is not to be taken "as conclusive proof of
13 its own necessity" and is not to be "accepted as in itself due
14 process of law". See Sterling v. Constantin, 287 U.S. 378, 398.

15 In consequence, it is apparent that the real factual reasons
16 for the acts of our executive agencies in seizing these persons
17 abroad and in interning them here until August 6, 1946, would have
18 to have been established by the immigration authorities in these
19 proceedings by the production of evidence proving the necessity
20 for those acts before a finding could be made that the appellant
21 who no longer is detained under a claim of being subject to
22 the Alien Enemy Act was brought here for legitimate governmental
23 purposes. This is an evidentiary condition precedent and a burden
24 the immigration authorities first must establish in order to
25 sustain an order based upon a mere conclusion that his entry
26 and presence does not constitute such residence as is prescribed
27 by 8 USCA, 155 (c) for a suspension of deportation.

28
29 *In U.S. ex rel. Sommerkamp v. Zimmerman (CCA-3) 178 Fed. 2d. 645
30 at 646, the appellant's counsel did not question that his client
31 had been removed to the U.S. as a national security measure. In
the instant case we have and do question the reasons for the bring-
ing of the appellant to this country.

32

1 The Constantin case decided that the validity of an executive
2 act claimed to have been taken in good faith in the face of a
3 public emergency is not sustained by "mere executive fiats".
4 Proof that the seizure of these people in Peru and their trans-
5 portation to this country and their internment actually was
6 based upon a public emergency and that our treatment of them was
7 "conceived in good faith, in the face of an emergency" must be
8 proved by evidence offered by the government. The "allowable
9 limits" of executive discretion and "whether or not they have
10 been overstepped in a particular case, are judicial questions".
11 See Sterling v. Constantin, supra. Because the appellant by
12 oral testimony and documentary evidence proved his seven years'
13 residence as required by 8 USCA, Sec. 155 (c), to satisfy the
14 residence requirement for suspension of deportation and that
15 proof was not met or overcome by the production of contrary
16 evidence offered by the immigration service the Commissioner's
17 Order denying suspension of deportation was erroneous. If the
18 appellant had done nothing more than to have raised a presumption
19 of seven years' residence the Commissioner's Order denying him
20 suspension of deportation for want of the required period of
21 residence still would have been erroneous because the presumption
22 would have been sufficient to require a finding of the required
23 period of residence. See Department of Water and Power v. Anderson
24 (CCA-9), 95 Fed. 2d 577, 583-5.

26 The secret internment of these Peruvian-Japanese was revealed
27 in early 1946. Thereupon the State Department washed its hands
28 of the matter. J. Edgar Hoover, Director of the F.B.I., pronounced
29 them harmless. The Justice Department disclaimed any responsibility
30 for their internment. On August 6, 1946, their internment,
31 originally asserted to have been authorized by the Alien Enemy
32 Act, was cancelled. The restraint thereupon was transformed into

1 simple detention and they passed into the custody of the USI&NS.
2 Thereafter, deportation proceedings were instituted against them.
3 On June 25, 1946, two habeas corpus test proceedings were
4 instituted in the U.S. District Court at San Francisco, California,
5 (proceedings Nos. 26139 and 26140), and the deportation proceed-
6 ings were brought to a halt. Thomas M. Cooley II who became
7 Director of the Alien Enemy Control Unit of the Justice Depart-
8 ment was one of the counsel who represented the government *in*
9 those proceedings.

10 During 1946 and 1947 every Congressman has been informed
11 of the plight of these unfortunates by letters from counsel for
12 the Peruvian-Japanese group. Congress was aware of the plight
13 of these Peruvian-Japanese when it amended 8 USCA, Sec. 155 (c)
14 on July 1, 1948. That law was enacted with the intent that it
15 enable these mistreated persons, as well as illegal entrants and
16 persons who had lost their admission statute, to be granted a
17 suspension of deportation and to acquire a permanent residence
18 status in this country. It is significant that in neither
19 Schirrmeister v. Watkins (CCA-2), 171 Fed. 2d. 858, nor U.S. ex
20 rel. Sommerkamp v. Zimmerman (CCA-3), 178 Fed. 2d. 645, was the
21 legislative history of the relief statute, 8 USCA, Sec. 155 (c),
22 as amended July 1, 1948, raised, inquired into or considered.
23 That legislative history, however, as it bears on the rights of
24 the Peruvian-Japanese group and also of Japanese aliens who
25 entered this country illegally or lost their admission status by
26 reason of the war, is particularly significant and pertinent to
27 the instant case for it discloses the intention of Congress to
28 benefit these aliens in particular. That legislative history,
29 in consequence, is to be considered in construing the provisions
30 of the relief statute.

31 In 1947 or early 1948, Thomas M. Cooley II, who then was
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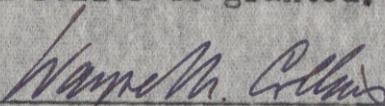
1 the Director of the Alien Enemy Control Unit of the Department
2 of Justice, submitted to the House and Senate immigration
3 committees' proposals which ultimately resulted in the July 1,
4 1948, amendment of 8 USCA, Sec. 155 (c). The House and Senate
5 immigration committees then were fully aware of the hardship our
6 foreign policy had caused these unfortunates. The then Attorney
7 General, Tom Clark, testified in favor of the passage of the
8 legislation. Congress enacted the relief statute. It knew what
9 it was doing when it enacted that statute and certainly intended
10 that the Peruvian-Japanese should benefit by its provisions.
11 In consequence, it was error for the Commissioner to base his
12 Order denying the appellant relief upon the ground that the
13 seven years' residence of the appellant in this country is not
14 to be construed as residence contemplated by the statute. Congress
15 had been fully informed, prior to the passage of the statute,
16 that the male heads of these Peruvian-Japanese families had been
17 brought to this country under a claim they were subject to
18 internment as alien enemies under the provisions of the Alien
19 Enemy Act, 50 USCA, Sec. 21 et seq. and that their wives and
20 children accompanied them as voluntary internees, that the
21 internment terminated on August 6, 1946, that thereafter all
22 were held in simple detention for possible deportation proceedings
23 and that a number of them were parents of American born citizen
24 children. In view of these facts it is apparent that Congress
25 passed the relief legislation with the intent that the seven
26 year residence provision thereof was to be satisfied in whole
27 or in part not only by the period of residence here since their
28 release from internment under the asserted authority of the Alien
29 Enemy Act but also by the period during which they were interned
30 under the asserted authority of that Act. The statute is to be
31 interpreted in the light of its legislative history which reveals
32

1 Congress intended the Peruvian Japanese to benefit by its provi-
2 sions.

3 Subsequent to the passage of the relief statute, the two
4 test cases which had been held in abeyance by consent of their
5 counsel and counsel for the Justice Department, of whom the said
6 Thomas M. Cooley II was one, were dismissed without prejudice
7 in order to enable these Peruvian-Japanese to apply for the
8 administrative benefits afforded by the relief statute.

9 Efforts are still being made to persuade the Peruvian
10 Government to permit the appellant and all the members of the
11 kidnapped Peruvian-Japanese to return to their homes in Peru.
12 Our Ambassador there has used and still is using his good offices
13 for that purpose. Counsel for the group is still engaged in
14 endeavors to prevail upon the Peruvian authorities to accept
15 them. Because the Peruvian government is not particularly noted
16 for its stability the progress has been slow but some progress
17 has been made. It has authorized a few persons to return. It
18 is reasonably expected that a good many of the remainder in
19 due course of time will be permitted to return there. The
20 appellant is anxious there to be reunited with his family from
21 which he long has been separated. He has no conclusive objection
22 to returning to Peru when his entry is authorized. However,
23 he has serious objection to being deported to Japan.

24 For the foregoing reasons it is urged that the order that
25 appellant depart be cancelled and the order denying the appellant's
26 application for discretionary relief under the Act be set aside
27 and that his applications for such relief be granted.

28
29 

30 Wayne M. Collins
31 1701 Mills Tower
32 San Francisco 4, Calif.
Garfield 1-1218

Attorney for Appellant

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

May 2, 1950

The Board of Immigration Appeals
Department of Justice
Washington 25, D. C.

Gentlemen:

In re: Shisho Nashiro
Los Angeles, Calif.

Enclosed find appearance form and three original application forms to reopen cause for the purpose of enabling Shisho Nashiro, Peruvian-Japanese, who is living at 2310 Cotner Avenue, West Los Angeles 64, Calif., to apply for a suspension of deportation, together with accompanying affidavit of merits. An original application form is also being sent to the District Director, USI&NS, Los Angeles, California.

Very truly yours,

Copy to:
District Director, USI&NS
Los Angeles, California

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ SHISHO NASHIRO, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c), as amended, became effective; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant.

Subscribed and sworn to before me

this _____ day of _____, 195_.

Notary Public in and for the City and
County of San Francisco, State of California.

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

May 16, 1950

In re: Shisho Nashiro
File No. 5967502
ALM:rmd

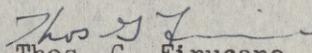
Wayne M. Collins, Esquire
Mills Tower, 220 Bush Street,
San Francisco, California.

My dear Mr. Collins:

This will acknowledge receipt of your communication dated May 2, 1950, with reference to the above case.

You will be informed of further action which may be taken by the Board. However, the filing of a motion with the Board does not operate to stay the outstanding order in the case. Until such time as a new decision is entered by the Board, the outstanding order remains in full force and effect.

Sincerely yours,


Thos. G. Finucane
Chairman

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

File
ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

5967502

SHISH Nashiro

May 26, 1950

Wayne M. Collins, Esquire
1701 Mills Tower
220 Bush Street
San Francisco 4, California

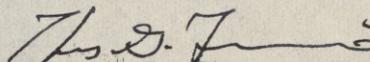
My dear Mr. Collins:

Reference is made to the motion submitted in the above case.

For your information, there is enclosed herewith copy of the decision of the Board of Immigration Appeals.

This decision will not become effective until notification has been transmitted by the Immigration and Naturalization Service to the field office which handled the case. Any further information concerning this matter may then be obtained from the field office.

Sincerely yours,


Thos. G. Finucane
Chairman

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

MAY 26 1950

IN THE MATTER
OF
SHISHO NASHIRO

FILE NO: 5-967502

IN DEPORTATION PROCEEDINGS

MOTION

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower, 220 Bush St.
San Francisco 4, Calif.

This case comes before us for reconsideration.

Our most recent order herein directed that action be held in abeyance pending the conclusion of litigation involving the same subject matter, viz: The possible relief from deportation of certain aliens of the Japanese race. Since that order was entered such litigation has been concluded or has become inactive and Congress has amended Section 19(c) to broaden the class of aliens who may be granted suspension of deportation (Public Law 863, 80th Congress, approved July 1, 1948).

ORDER: It is ordered that the hearing be reopened for the reception of such application for relief from deportation as may be made and for further appropriate proceedings in connection therewith.

It is FURTHER ORDERED that the order of deportation and warrant predicated thereon be withdrawn.

REL/lar

Acun_g Chairman

Jan 31, 1957

Miss Wayne:

Received "Recommendation of Repatriation" for Shiko Nishio today. Will prepare the same objections as you filed in the Koshio Shimabakuro case.

Will have to appear in Los Angeles Feb. 2, 1957, for the Oyahara family, also Peruvians. This is the leading, I understand, since they went through the preliminary oral examination in

the early part of January. Lons appeared with them so that documents, photographs, papers, etc. would be in order.

These Peruvian cases will be docketed one at a time I am afraid, and, no doubt, the authorities in L.A. are not satisfied with a perfunctory examination.

Shinn

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

January 30, 1951

A5 967 502
1610/2038

REGISTERED MAIL

RETURN RECEIPT REQUESTED

Y. R. Hiraoka, Attorney at Law
1435 Fresno Street
Fresno, California

Dear Sir:

Reference is made to the hearing on January 9, 1951 in the deportation proceedings against SHISHO NASHIRO.

Transmitted herewith is a copy of the Hearing Officer's decision in this case, furnished in accordance with 8 CFR 151.5(b).

For consideration by the Commissioner of this Service in the case, you may submit to this office exceptions to the decision and supporting reasons for such exceptions, or you may waive this action.

Your exceptions, with supporting reasons, if this action is taken, should be submitted to this office in duplicate on or before the expiration of five business days from receipt of this letter. Upon receipt here, your communication, with the record of hearing and the Hearing Officer's decision, will be forwarded to the Commissioner at Washington for decision in the case.

You will be informed in due course of the decision. Please notify this office promptly of any change of address of your client.

Yours very truly,

H. R. LANDON
District Director

By:

George W. Scallorn

GEORGE W. SCALLORN
Acting Chief, Hearing Section

Enclosure - 1

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Los Angeles 13, California

DECISION OF THE HEARING OFFICER

In re: SHISHO NASHIRO
File Nos. A5 967 502
and 1610/2038

CHARGES:

Warrant: Act of 1924 - Immigrant - no visa
Act of May 22, 1918 - No passport
Act of 1924 - Alien ineligible to citizenship

Lodged: None

HISTORY OF THE CASE

A warrant for the arrest of the respondent was issued on March 31, 1946 by the District Director, El Paso, Texas. A hearing under that warrant was accorded the respondent at Santa Fe Internment Camp, Santa Fe, New Mexico on April 6, 1946. Subsequently the record was forwarded to the Central Office for decision.

On May 26, 1950 the Board of Immigration Appeals ordered that the proceedings be reopened to permit the respondent to apply for such relief as he might be eligible pursuant to Section 19(c) of the 1917 Act, as amended. Pursuant to that order, respondent's hearing was reopened at Los Angeles, California on January 9, 1951. The order of the Board as reflected in Exhibit 2 indicates that respondent's deportability from the United States has been adjudicated. As the reopened hearing disclosed no new evidence in that regard, further discussion and findings will not be made.

Respondent specified Peru as the country to which he desires to be deported if such an order is issued.

SUMMARY OF THE EVIDENCE AS TO DISCRETIONARY RELIEF

The respondent has applied for suspension of deportation or, in the alternative, for voluntary departure. His application for suspension is based upon alleged residence in the United States for more than the past seven years and residence therein on July 1, 1948.

Respondent has entered the United States one time only. Exhibit 12 shows that he arrived in the United States aboard the United States Army Transport "Puebla"

A5 967 502
1610/2038

SUMMARY OF THE EVIDENCE AS TO DISCRETIONARY RELIEF (Cont'd.)

on February 6, 1943, at San Pedro, California. The following day he was held for a Board of Special Inquiry which Board excluded him on that date. He was then paroled into the United States for internment at Kenedy, Texas.

Authority for the alien to be brought to the United States from Peru and interned in this country is contained in Presidential Proclamation No. 2662 of September 8, 1945 which states in part "Whereas, in accordance with Resolution 17 of the Conference of Foreign Ministers at Rio de Janeiro adopted on January 28, 1942 and subsequently by undertakings based upon Resolution 20 of the Emergency Advisory Committee for Political Defense adopted at Montevideo on May 21, 1943, there has been assumed by the Government of the United States responsibility for the restraint and repatriation of certain dangerous alien enemies sent to the United States from other of the American republics in the interest of the security of the Western Hemisphere."

The Presidential Proclamation quoted above further states in part "All alien enemies now within the continental limits of the United States (1) who were sent here from other American republics for restraint and repatriation pursuant to international commitments of the United States Government and for the security of the United States and its associated powers; and (2) who are within the territory of the United States without admission under the immigration laws - - -." From the foregoing it appears that respondent was brought to the United States involuntarily and was admitted to this country without regard to the immigration laws. He was kept in internment in the United States until August 16, 1946 on which date he was released on parole and has remained at liberty on parole since that date.

In addition to the evidence of record concerning respondent's internment in the United States, he has submitted numerous letters and affidavits which clearly establish that he has been continuously in the United States since February 6, 1943. However, in considering his residence IN THE UNITED STATES, it is well to consider a decision of the Board of Immigration Appeals in matter of E, File 56028/552, dated March 18, 1949. In that decision the Board found that an excluded alien is not a resident within the meaning of Section 19(c) of the Immigration Act of 1917 and that such alien is ineligible for relief under Section 19(c)(2) of that Act and further, is not entitled to be heard on an application therefor. The facts of the instant case insofar as residence is concerned therefore closely parallel those in the matter cited. It cannot therefore be found that the respondent has resided continuously in the United States for the past seven years and was residing therein on July 1, 1948.

Respondent is married to a native and citizen of Japan. Of this marriage four children were born, all natives and citizens of Peru. His wife and children now live in Callao, Peru. They own a grocery store in that place and receive

SUMMARY OF THE EVIDENCE AS TO DISCRETIONARY RELIEF (Cont'd.)

a satisfactory living from the proceeds thereof. Respondent is presently employed as a dishwasher in a restaurant and receives a salary of \$6.00 a day plus board. His only assets in the United States consist of cash of about four to five-hundred dollars. He has no relatives in the United States nor anyone in this country dependent upon him for support. He is a male of the Japanese race, 58 years of age.

Respondent has submitted numerous letters and affidavits which attest to his good moral character in the United States. His only arrest other than in the instant proceeding was one time in October, 1948 for drunk, being fined \$10.00 and costs. His second and last arrest was in November, 1948 for gambling for which he was fined \$10.00 and costs. Although he was brought to the United States and interned as a dangerous alien enemy, inquiry has disclosed that he has had no connection with subversive groups in the United States and has enjoyed a good reputation since February, 1943. The evidence of record satisfactorily establishes his good moral character during his stay in the United States.

No information has been developed to indicate that he is ineligible for naturalization on grounds other than that of race or that he is deportable under any of the laws mentioned in Section 19(d) of the Immigration Act of 1917, as amended. It appears that he has the ability to depart from the United States at his own expense. He has been registered and fingerprinted in compliance with the Alien Registration Act of 1940. He was not required to register under the Selective Training and Service Act of 1940 nor under the Selective Service Act of 1948.

One factor given considerable weight in the granting of suspension of deportation in many cases is that such relief will prevent the breaking up of the close family unit in the United States. In the instant case, a grant of suspension would have the opposite effect inasmuch as respondent would then be lawfully in the United States whereas his wife and children who are now in Peru would be permanently separated from him inasmuch as they are persons of Japanese nativity or descent and therefore ineligible to immigrate to this country. Respondent should be permitted to reunite with his family in Peru if that country will accept him.

FINDINGS OF FACT AS TO DISCRETIONARY RELIEF

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is not ineligible for naturalization except on racial grounds;
- (2) That the respondent has been a person of good moral character for the past five years;

FINDINGS OF FACT AS TO DISCRETIONARY RELIEF (Cont'd.)

- (3) That the respondent has no close relatives in the United States;
- (4) That the respondent has not resided continuously in the United States for the past seven years and was not residing therein on July 1, 1948;
- (5) That no evidence has been adduced to establish that the respondent is deportable on any of the grounds specified in Section 19(c) of the Immigration Act of 1917, as amended.

CONCLUSIONS OF LAW AS TO DISCRETIONARY RELIEF

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That the respondent does not meet the statutory requirements for eligibility for suspension of deportation pursuant to Section 19(c)(2)(b) of the Immigration Act of 1917, as amended;
- (2) That the respondent meets the statutory requirements for eligibility for voluntary departure in lieu of deportation pursuant to Section 19(c)(1) of the Immigration Act of 1917, as amended.

ORDER

It is ordered that the alien be required to depart from the United States without expense to the Government to any country of his choice within 90 days after notification of decision conditioned upon arrangements being made with the local immigration office for verification of departure.

Wade H. Westmoreland

WADE H. WESTMORELAND
Hearing Officer

Done at Los Angeles, California January 29, 1951

Y. R. HIRADKA
ATTORNEY AT LAW
1435 FRESNO STREET
FRESNO, CALIFORNIA
PHONE 4-2078

file

February 23, 1951

Mr. Wayne M. Collins,
Attorney at Law,
1701 Mills Tower, 220 Bush Street,
San Francisco 4, California.

Re: Shisho Nashiro
Peruvian deportation case

Dear Wayne:

Along the first of February, I sent you the decision of Wade H. Westmoreland in the above case. The exceptions and objections as per your form and words were filed in due time. I failed, however, to make a copy of Westmoreland's decision for my file. I would thank you to send back to me the decision, and, upon my making a copy thereof, I shall return it.

Lately, more and more Tule Lake renunciants have been coming in to ask about their status. More than anything, what they desire to know is whether they are on that list of 58 or 85 who were held not to have lost their citizenship. If you have those names, I may be of some service in letting them know, provided they live in or near Fresno.

Very truly yours,

Shim

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

April 27, 1951.

A-5967502

Y. R. Hiraoka, Esquire
1435 Fresno Street
Fresno, California.

Dear Mr. Hiraoka:

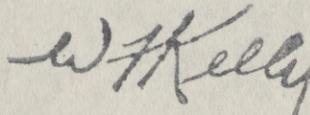
The attached is a copy of the decision and order of the Commissioner in the case of SHISHO NASHIRO.

This order is final unless an appeal is taken to the Board of Immigration Appeals in Washington, D. C., and notice of appeal is filed within 15 days (not including Saturdays, Sundays, and holidays) after receipt of this notice.

If appeal is desired, notice of appeal, forms for which are attached, should be executed in triplicate. Two copies must be filed with the local field office of the Immigration and Naturalization Service in which the proceedings were held and the third copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington, D. C.

Any questions which you may have will be answered by the local immigration office nearest your residence.

Sincerely yours,



ASSISTANT COMMISSIONER
ENFORCEMENT DIVISION

REGISTERED MAIL

Enclosures

ADJ-18
7-22-47

R-3/2
we
5/1/51
WPA 5/8/51
To Bd IA
& WSKNS
LH
W
B 5/10/51

COPY FOR ATTORNEY
OR REPRESENTATIVE

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A-5967502 - Los Angeles (1610-2038)

(Appeal 15)

In re: SHISHO NASHIRO

APR 4 1952

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: That an order of deportation be entered

DISCUSSION: This record relates to a 59-year-old male, native and citizen of Japan of the Japanese race, who was apprehended in Peru and brought to the United States for internment on a United States Army Transport arriving at San Pedro, California February 6, 1943. Respondent has since remained in the United States. Although found to be deportable on the charges in the warrant, the Assistant Commissioner on April 23, 1951 authorized voluntary departure. The Board of Immigration Appeals on June 8, 1951 dismissed the appeal from the Commissioner's order of April 23, 1951 denying suspension of deportation. At the same time the Board of Immigration Appeals affirmed the Commissioner's voluntary departure order.

Respondent was advised that he would have until August 13, 1951 within which to effect departure from the United States under the outstanding order. Respondent did not so depart and he and his

attorney of record advised the local office that respondent is financially unable to effect departure from the United States without expense to the Government. In suggesting that an order of deportation be entered attorney of record advised that no exceptions would be taken to such an order. Notice of the proposal to enter an order of deportation was served upon respondent and counsel of record on August 17, 1951 at which time they were advised that they would have 10 days after receipt of the notice within which to file exceptions. No exceptions were filed and pursuant to the provisions of Title 8 CFR 152.1, the record is now before the Commissioner for consideration.

Respondent obviously is unable to comply with the outstanding voluntary departure order hence no purpose is to be served in allowing him additional time within which to effect departure. The voluntary departure order therefore will be withdrawn and an order of deportation entered.

ORDER: It is ordered that the voluntary departure order of April 23, 1951 be withdrawn.

IT IS FURTHER ORDERED that the alien be deported from the United States, pursuant to law, on the charges contained in the warrant of arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

May 11, 1951

Board of Immigration Appeals
Washington, D. C.

Gentlemen:

Re: Nashiro Shisho - A-5967502

Enclosed find brief in support of appellant above named. Notices of appeal were mailed to your Board and the District Director, USI&NS, at Los Angeles on May 8th. Duplicate original copies of this brief are being forwarded to the District Director, USI&NS, at Los Angeles.

Very truly yours,

ORIENT WATER
DEERBLES ONION SKIN
RAGHONTENT

May 11, 1951

District Director
U.S. Immigration and
Naturalization Service
W. M. Garland Bldg.
117 West 9th Street
Los Angeles, California

Dear Sir:

In re: Shisho Nashiro - A-5967502

Enclosed find duplicate original briefs for the appellant above-named for whom I filed notice of appeal on May 8th. An original notice of appeal was forwarded to the Board of Immigration Appeals on May 8th and an original brief for the appellant is being forwarded to that Board today.

Very truly yours,

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

5967502
Nashiro

June 11, 1951

Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco 4, California

My dear Mr. Collins:

Reference is made to the appeal entered from the order of the Commissioner of Immigration and Naturalization concerning the above case.

For your information, there is enclosed herewith copy of the decision of the Board of Immigration Appeals.

This decision will not become effective until notification has been transmitted by the Immigration and Naturalization Service to the field office which handled the case. Any further information concerning this matter may then be obtained from the field office.

Sincerely yours,

Thos. G. Finucane

Thos. G. Finucane
Chairman

JUN 8 - 1951

File: A-5967502

In re: SHISHO NASHIRO

IN DEPORTATION PROCEEDINGS

IN BEHALF OF APPELLANT: Wayne M. Collins, Esquire
220 Bush Street
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: Suspension of deportation or voluntary departure

DETENTION STATUS: Released on parole

This matter is before us by reason of an appeal from the decision of the Assistant Commissioner of Immigration and Naturalization, dated April 23, 1951 wherein an application for suspension of deportation was denied and an order of deportation was not entered but the alien is required to depart from the United States, without expense to the Government, within such period of time and under such conditions as the officer-in-charge of the District deems appropriate.

The record in this case relates to a native and citizen of Japan who was brought from Peru for internment and he entered the United States at San Pedro, California on February 6, 1943.

The facts in this case are set forth in the decision of the Assistant Commissioner of Immigration and Naturalization in opinion of April 23, 1951 and it is deemed unnecessary to discuss these facts again. Counsel's principal contention is that the appellant was seized in his home in Peru in 1942 and subsequently brought to this country for internment, it being asserted that such procedure was not a legal one and was violative of the constitutional guarantees.

The fact remains that this alien is unlawfully within the United States in that at the time of entry he was not in possession of any documentation whatsoever. In addition thereto the alien's wife and four children resided in Callao, Peru where they are engaged in the grocery business.

This Board has given very careful consideration to all of the evidence of record as well as all of the representations by counsel in connection with this appeal and it is our conclusion that such appeal must necessarily be dismissed.

ORDER: It is ordered that the appeal from the decision of the Assistant Commissioner of Immigration and Naturalization be and the same is hereby dismissed.

Chairman

RMC:lr

COMMITTEE
Y. HONDA
Y. KAKU
T. KONO
J. KIMURA
Y. KIYOHIRO
M. MATSUMOTO
K. MATSUOKA
I. NAMEKAWA
T. NAKAMURA
R. NARIMATSU
H. OKITA

TULE LAKE DEFENSE COMMITTEE

ROOM 302, 117 NORTH SAN PEDRO STREET

LOS ANGELES 12, CALIFORNIA

Michigan 4728

ROOM 215, 124 SOUTH SAN PEDRO STREET

July 16, 1951

COMMITTEE
T. OBATAKE
M. SASAKI
T. SHONO
Y. SHIBATA
I. SHIMIZU
H. TAKETAYA
G. TSUETAKE
H. TAKEUCHI
H. UCHIDA
M. YAMAICHI

Mr. Wayne M. Collins
1701 Mills Tower
220 Bush Street
San Francisco 4, Calif

Re: Shisho Nashiro

Dear Wayne:

Shisho Nashiro, 478 Winona Avenue, Pasadena, California, was here this morning with a notice of voluntary departure from the United States within the next 30 days.

He is the Peruvian Japanese, who has his wife in Peru. I have stated to Mr. Nashiro that I will communicate with you in regards to the stay of deportation. I have also stated to them that the Peruvian should organize a group to finance these suits. They have stated that they will communicate with their headquarter at Seabrook, but I am very skeptical of their promises.

I shall appreciate your informing me what you expect to do for these Peruvians under the present circumstance.

Enclosed please find some of the contributions of the renunciants, which were forwarded to this office. Also I shall appreciate your advancing us some fund for the committee.

Very truly yours,

T. K.

Mr. Wayne M. Collins
Mills Tower, 220 Bush st.
San Francisco, Calif.

Koshiro Mukoyama
55 Hoover Annex
Seabrook, N.J.

Shisho Nashio

Dear Mr. Collins:

As you are already aware, Mr. Shisho Nashio was required recently by Immigration Service, to depart from United States, at his own expense, to any country of his choice, on or before August 13, 1951.

I understand that this requirement is a formal phrase of Immigration Service and there will be enough ground for discussion. However, I entertain apprehensions that my optimistic view may be imprudence, therefore, I wish to hear your opinion on this matter for my future reference.

Awaiting your explanation, I remain

Very truly yours

Koshiro Mukoyama

Form 16-168
1-18-1945

U. S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Office of the District Director
458 South Spring Street
Los Angeles 13, California

Return 1281
PL

Mr Shiguo Washiro
478 Winona Ave.
Pasadena 3, Calif.

In Replying Please Refer to
File Number 1610-2038

July 11, 1951

Dear Sir:

Referring to deportation proceedings instituted against you, you are informed that the Department has directed that an order of deportation will not be entered at this time but that you are required to depart from the United States, without expense to the Government, to _____ within _____ from the _____ date this letter is received, or on or before ~~August 12, 1951~~ provided arrangements are made with this office to have your departure verified.

This office should be given at least five days' advance notice of the port and date of your intended departure so that it may be verified and your case closed.

Please acknowledge receipt of this letter by return mail, and inform this office of your intention.

Very truly yours,

H. R. LANDON
District Director
Los Angeles District

By *[Signature]*
Chief, Border Patrol Section

Copy to:

Wayne M. Collins Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

7/14/51
Handed out to [unclear] & [unclear]
when departed
Very [unclear] not [unclear] [unclear]
[unclear]

August 14, 1951

Mr. Tex Nakamura
c/o Tule Lake Defense Committee
124 So. San Pedro St. (Rm. 215)
Los Angeles 12, California

Dear Tex: Re: Shisho Nashiro, L.A. 1610-2038

I telephoned Mr. Grattan of the USI&NS at Los Angeles this morning.

Shisho Nashiro had asked for voluntary departure - naturally for the purpose of being restored to his family in Peru. Inasmuch as the Peruvian Government has not yet O.K.'d him for return to Peru it was obvious that he could not depart voluntarily at his own expense to Peru. In consequence, I suggested to Mr. Grattan that he issue his notice to Mr. Nashiro asking why he has not departed so that the right to depart voluntarily will be cancelled. Thereafter Mr. Nashiro will be ordered deported. However, he will not be deported. His 7-year period of residence will commence to run from the date that his right to depart voluntarily is cancelled. Thereafter my negotiations with the Peruvian Government will continue. It seems to me that after the peace treaty is signed I shall be able to prevail either on the Peruvian Government or the United Nations to use its influence with the Peruvian Government to authorize the return of those Peruvians to Peru who wish to return there. The Immigration Service at Los Angeles and especially Mr. Grattan are fully aware of this procedure.

If at any time the Government actually attempted to deport any of the Peruvians involuntarily to Japan then I would bring habeas corpus or equity proceedings to prevent such a deportation. Thereafter if the Supreme Court of the United States decided against the Peruvians, I would request congressmen to introduce a special bill authorizing their permanent residence in this country. I suggest that you inform Mr. Nashiro of these facts.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

PLEASE REFER TO THIS FILE NUMBER

August 17, 1951

1610-2038 BP G

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Wayne M. Collins
Attorney at Law
Mills Tower
220 Bush Street
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Under date of July 11, 1951 we informed the subject alien, with a copy to your office, that he would be permitted a period of 30 days, or to on or before August 13, 1951, within which to voluntarily depart from the United States. Subject has not departed and it is our understanding from information received from you and from the alien that he is financially unable to effect voluntary departure at his own expense.

You are hereby placed on notice that it is the intention of this office to recommend that the outstanding order granting voluntary departure be withdrawn and deportation ordered. You will be granted a period of 10 days from receipt of this letter within which to file exceptions to the proposed recommendation if you care to do so. Any such exceptions must be filed in writing and must be received at this office in original and two copies.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

CC: Shisho Nashiro
478 Winona Ave.
Pasadena 3, Calif.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

April 8, 1952

A-5967502 WU

*Rec'd
4/14/52*

Wayne M. Collins, Esquire
Mills Tower, 220 Bush Street,
San Francisco, California

Dear Sir:

The attached is a copy of the decision and order of the Commissioner in the case of SHISHO NASHIRO.

This order is final unless an appeal is taken to the Board of Immigration Appeals in Washington, D. C., and notice of appeal is filed within 15 days (not including Saturdays, Sundays, and holidays) after receipt of this notice.

If appeal is desired, notice of appeal, forms for which are attached, should be executed in triplicate. Two copies must be filed with the local field office of the Immigration and Naturalization Service in which the proceedings were held and the third copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington, D. C.

Any questions which you may have will be answered by the local immigration office nearest your residence.

Sincerely yours,

W Kelly

ASSISTANT COMMISSIONER
ENFORCEMENT DIVISION

REGISTERED MAIL

Enclosures

ADJ-18
7-22-47

Rec'd April 14, 1952

April 17, 1952

Board of Immigration Appeals
Department of Justice
Washington 25, D.C.

Gentlemen:

Re: Shisho Nashiro, File No. A-5967502 WU

Enclosed find Notice of Appeal and Brief
for Appellant.

Duplicate original notices of appeal
and duplicate briefs have been forwarded
to the District Director, U.S. Immigration
and Naturalization Service at Los Angeles.

Very truly yours,

Encs.

April 17, 1952

District Director
U.S. Immigration and
Naturalization Service
458 South Spring Street
Los Angeles 13, California

Dear Sir:

Re: Shisho Nashiro, File No. A-5967502 WU
Los Angeles (1610-2038)

Enclosed find duplicate original Notices
of Appeal and Briefs for Appellant.

A like notice and brief have been for-
warded to the Board of Immigration Appeals.

Very truly yours,

Encs.

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

June 25, 1952

Mr. Shisho Nashiro
2310 Cotner Ave.
W. Los Angeles 64, Calif.

Dear Mr. Nashiro:

Enclosed find a copy of the brief I have filed on your behalf with the "Board Of Immigration Appeals" in the appeal I took on your behalf to that Board from the adverse recommendations of the hearing officer and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of the case and of your status in this country.

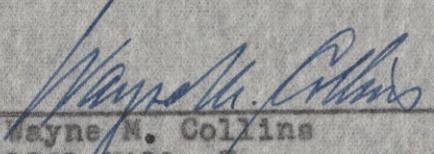
Very truly yours,

Encs.

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until the Peruvian government finally determines whether it will
authorize the alien to re-enter Peru.

Respectfully submitted,



Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Appellant

U. S. DEPARTMENT OF JUSTICE

BOARD OF IMMIGRATION APPEALS

WASHINGTON

July 10, 1952

ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

A-5967502

Nashiro

*Ready
7/14/52*

Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco, California

My dear Mr. Collins:

Reference is made to your interest in the above case.

For your information, there is enclosed herewith copy of the
decision and order of the Board of Immigration Appeals.

Sincerely yours,

Thos. G. Finucane

Thos. G. Finucane
Chairman

JUL 9 - 1952

File: A-5967502 - Los Angeles (1610-2038)

In re: SHISHO NASHIRO

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
Mills Tower,
220 Bush Street,
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: That an order of deportation be withdrawn

This case comes to us on appeal from an order of the Acting Assistant Commissioner of Immigration and Naturalization entered on April 4, 1952, wherein it was directed that a voluntary departure order of April 23, 1951, be withdrawn and that the alien be deported from the United States pursuant to law. Counsel urges that this order be set aside.

The respondent is a native and citizen of Japan of the Japanese race, 59-years-old, married, who was brought to the United States from Peru on February 6, 1943, for interment. He has since remained in the United States. When we considered this case on June 8, 1951, we found the respondent deportable on the charges stated above and dismissed his appeal from an order of the Assistant Commissioner which denied his application for suspension of deportation but granted him the privilege of voluntary departure.

According to the Acting Assistant Commissioner's decision of April 4, 1952, the respondent was advised that he would have until August 13, 1951 within which to effect voluntary departure. The respondent did not depart and he and his Attorney of record advised the Immigration and Naturalization Service that the respondent is financially unable to

A-5967502

effect departure from the United States without expense to the Government. The Assistant Commissioner states that in suggesting that an order of deportation be entered, the respondent's Attorney advised that no exceptions would be taken to such an order. Counsel now urges, however, that the denial of voluntary departure and the order of deportation be set aside until the Peruvian Government determines whether it will authorize the respondent to enter that country. Counsel does not submit any evidence to support his contention that he has been unable to obtain permission for the alien to return to Peru or that he has even tried to obtain such permission. Counsel states that the respondent is anxious to return to Peru to his wife and children.

The respondent has had ample opportunity to avail himself of the privilege of voluntary departure. His Attorney indicated prior to the April 4, 1952 order of the Acting Assistant Commissioner, that the respondent is unable to effect departure from the United States without expense to the Government and suggested that an order of deportation be entered. We feel that setting aside the order of deportation entered after such advice from the respondent's Attorney is not warranted by the record. The appeal will be dismissed.

ORDER: It is ordered that the appeal be and the same is hereby dismissed.

Chairman

ME:pe

KEI UCHIMA
ATTORNEY AT LAW
124 SOUTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
ROOM 208
MADISON 6-9746

July 30, 1952

Wayne F. Collins, Esq.
Attorney at Law
Mills Tower
220 Bush St.
San Francisco 4, Calif.

Re: Mr. Seisho Nashiro
a Japanese from Peru

Dear Sir:

Mr. Nashiro, a client of yours, has asked me to write to you with regard to his case before the Immigration authorities.

Today he was directed by letter to appear before the immigration authorities, and was told that his appeal for stay of deportation with the Board of Appeals was decided adversely to him. As a consequence he was given the opportunity of designating to which country he chose to be involuntarily deported. Mr. Nashiro was given one week so that I could correspond with you as to what he should do in the matter. It appears that Mr. Nashiro can choose one country; he would like to go back to Peru and his family there but it seems that the Peruvian Government may not accept him. Then according to the immigration laws he can be deported elsewhere which would probably be Japan. Mr. Nashiro does not have any desire to return to Japan; he would like to stay here or else go back to Peru to his family.

I am not representing Mr. Nashiro in any way other than to write this letter as he has had some disagreement with your representative here.

Mr. Nashiro would like to know what can be done in the future as to his case. He was advised that in due time he would be deported and was given the enclosed form to fill out. And unless he specified a country to which he would like to be deported, he would be deported according to law.

Please advise him as to his future course of action by return mail. You may write to him personally or in care of this office. His address is Rex Hotel Rm. 7, 124 N. Fair Oaks Ave., Pasadena, Calif.

Yours truly,

Kei Uchima

Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

July 31, 1952

Kei Uchima, Esq.
Attorney at Law
124 South San Pedro Street
Los Angeles 12, California

Dear Mr. Uchima:

In re: Mr. Shisho Nashiro

On April 17, 1952, I appealed to the Board of Immigration Appeals on behalf of Mr. Nashiro. I have not yet been notified of any decision from that Board.

I am returning herewith form I-228 which is to be signed by Mr. Nashiro after it has been filled in with his address and the date. Thereupon he should file it with the U.S. Immigration Service at Los Angeles.

When I receive a notice from the Board of Immigration Appeals of an adverse decision against him, I shall request the District Director, UBI&NS, at Los Angeles to delay his deportation until such time as the Peruvian government acts upon the blanket requests I have made to permit his re-entry and the re-entry of similarly situated Peruvians to Peru.

Very truly yours,

Copy: Mr. Shisho Nashiro

Tex Nakamura

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

RA 11/52

REGISTERED MAIL
RET. REC. REQ.

1610-2038

File No.
August 7, 1952

Date

Shisho Nashiro
124 North Fair Oaks Ave., Rex Hotel - Rm. 7
Pasadena, Calif.

Dear Sir:

The deportation proceedings in your case have resulted in the issuance of an Order directing your deportation from the United States.

If you so desire, you may depart from the United States under the Order of deportation, at your own expense, provided arrangements are made with this office within 15 days from the date you receive this letter, for verification of your departure. Advance notice of the port and date of your intended departure must be given by telephoning MUTual 1131, Extension 28 or by calling in person at this office, and at that time an appointment will be made for you to appear personally for the purpose of securing a letter of identification to be presented at the office of this Service located at the proposed departure port.

You are again warned that under existing law you will be guilty of a felony and upon conviction be liable to imprisonment for not more than two years or a fine of not more than \$1,000, or both, if you enter or attempt to enter the United States after leaving this country under an Order of deportation, unless you receive permission from the Attorney General to apply for admission to the United States. Such permission may not be granted until at least one year has elapsed after departure.

If we do not hear from you within the time specified above, the privilege of arranging your own departure from the United States will be withdrawn without further notice.

Very truly yours,

CC: Wayne M. Collins, Atty. at Law For the District Director
220 Bush St., San Francisco 4.

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

August 11, 1952

Mr. Shisho Nashiro
124 North FairOaks Ave., Rex Hotel-Rm.7
Pasadena, California

Dear Mr. Nashiro:

Enclosed find a copy of the letter I have forwarded to the District Director of the U.S. Immigration and Naturalization Service at Los Angeles. This copy is forwarded to you simply to keep you informed from time to time of the progress of your case and of your status in this country.

Very truly yours,

August 11, 1952

District Director
U.S. Immigration & Nat. Service,
458 South Spring Street
Los Angeles 13, Calif.

Dear Sir:

In re: Shisho Nashiro No. 1610-2038

The Peruvian Government has indicated that it is to reconsider the issuance of re-entry credentials to Peru for the Peruvian-Japanese who were brought to this country during 1943 and 1944. Among the number of such exiled persons is Shisho Nashiro, the alien above-named.

I am enclosing herewith a copy of the letter of Harold H. Tittman, our Ambassador to Peru, dated May 29, 1952, which demonstrates that said matter is being reconsidered by the Peruvian authorities. The original of said letter was forwarded by me to the Commissioner of Immigration, Washington, D. C.

In view of these circumstances I believe that you should grant an extension of approximately six (6) month's time within which the said alien may depart.

Very truly yours,

BMP/cc

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

C
O
P
Y

Address Official Communications to

American Embassy
Lima, May 29, 1952

Mr. Wayne M. Collins, Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continued between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter.

Sincerely yours,

/s/ Harold H. Tittmann

August 11, 1952

District Director
U.S. Immigration & Nat. Service,
458 South Spring Street
Los Angeles 13, Calif.

Dear Sir:

In re: Shisho Nashiro No. 1610-2038

The Peruvian Government has indicated that it is to reconsider the issuance of re-entry credentials to Peru for the Peruvian-Japanese who were brought to this country during 1943 and 1944. Among the number of such exiled persons is Shisho Nashiro, the alien above-named.

I am enclosing herewith a copy of the letter of Harold H. Tittman, our Ambassador to Peru, dated May 29, 1952, which demonstrates that said matter is being reconsidered by the Peruvian authorities. The original of said letter was forwarded by me to the Commissioner of Immigration, Washington, D. C.

In view of these circumstances I believe that you should grant an extension of approximately six (6) month's time within which the said alien may depart.

Very truly yours,

SMP/cc

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

C
O
P
Y

Address Official Communications to

American Embassy
Lima, May 29, 1952

Mr. Wayne M. Collins, Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continued between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter.

Sincerely yours,

/s/ Harold H. Tittman

KEI UCHIMA
ATTORNEY AT LAW
124 SOUTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
ROOM 208
MADISON 6-9746

August 11, 1952

Wayne M. Collins, Esq.
Mills Tower, 220 Bush Street
San Francisco 4, Calif.

Re: Shisho Nashiro
Immigration File No.: 1610- 2038
A-5 967 502

Dear Sir:

As directed by you in your letter of July 31, 1952, Mr. Nashiro has filed form I-228 with the U. S. Immigration Service in Los Angeles. Enclosed please find a copy of form I-228.

Immediately thereafter Mr. Nashiro received form 16-210 of which a copy has been sent to you from the U.S. Immigration Service; stating that Mr. Nashiro has 15 days in which to arrange his own transportation if he so desires.

Mr. Nashiro has requested me to write to you concerning the above developments, and to request that his deportation be delayed until your request to the Peruvian Government permitting his re-entry be acted upon.

Yours truly,

Kei Uchima
Kei Uchima

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Los Angeles District

Place: Los Angeles, California
Date: August 6, 1952
File No.: 1610-2038
A-5 967 502

My name is Shisho Nashiro

My address is Rex Hotel, Rm. 7, 184 N. Fair Oaks Avenue, Pasadena, California.

I acknowledge that I have been notified that an order for my deportation from the United States to _____ was entered on July 9, 1952 .
(date)

~~on the grounds that~~

Section 20 (a) of the Immigration Act of 1917, as amended by the Internal Security Act of 1950, provides that the deportation of aliens shall be directed to the country specified by the alien, if it is willing to accept him into its territory; otherwise, such deportation will be directed by the Attorney General to some other country.

Therefore, I specify Peru as the country of my choice.

I (have) applied for and (XXXXXX) received necessary permission to
(XXXXXX) (have not) (have not)
enter that country.

I understand that the Immigration and Naturalization Service will assist me in applying for permission for entry into the country specified by me, but if that country is not willing to permit my entry, I will be deported pursuant to law.

(Signature) _____

(Witness) _____

(Title) _____

Immigration & Naturalization Service

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

August 13, 1952

PLEASE REFER TO THIS FILE NUMBER

1610-2038 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

Wayne M. Collins, Attorney at Law
220 Bush Street
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Referring to your letter of August 11, 1952 and attachment forwarded therewith, you are advised that deportation of the above named alien, under the outstanding order and warrant in his case, will be stayed to October 15, 1952.

It is suggested that efforts to secure permission for entry of this alien into Peru be pressed to whatever extent possible and we should like to be kept currently informed as to progress made. Unless progress can be shown, we will not be inclined to stay deportation beyond the date above specified.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

CC: Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, California

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

October 16, 1952

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

PLEASE REFER TO THIS FILE NUMBER

1610-2038 BP G

Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHISHO NASHIRO

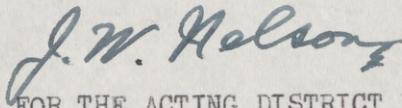
Dear Sir:

It is noted that the stay of deportation granting the subject alien by our letter of August 13, 1952 expired on October 15, 1952. No request for further stay of deportation has been received.

This office does not propose to approve a blanket stay of execution of the outstanding orders relating to Peruvian Japanese nor do we wish to stay execution for an extended period of time. We wish to handle each case individually and consider requests for stay of deportation or extension of time for voluntary departure on that basis. Such requests should be made prior to expiration of any stay of execution previously granted and should include a report as to progress being made in the matter of securing permission for reentry into Peru.

Please promptly advise whether you propose to request a further stay of deportation in the case of the subject alien.

Very truly yours,



FOR THE ACTING DISTRICT DIRECTOR

October 17, 1952

District Director
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Attn: Mr. J. W. Nelson

Dear Sir:

Re: Shisho Nashiro - File 1610-2038 BP G

The Peruvian Government has not made a final determination as to whether or not it will permit the re-entry of Shisho Nashiro to his home in Peru. Our Ambassador to Peru has made overtures to the Peruvian Foreign Minister with a view to obtaining Peruvian authorization for the return of Shisho Nashiro and the other Peruvian Japanese who are still within the United States.

Until such time as our Ambassador either directly or through the State Department communicates the final decision of the Peruvian Foreign Minister on the question, it will not be known whether he will be re-admitted to Peru or not. In consequence, until such time as our Ambassador or the State Department communicates such a final decision, it is requested that the deportation of Shisho Nashiro and similarly situated Peruvian-Japanese be stayed.

Very truly yours,

WMC

By: *DP.*
Sec.

P.S. The reason Mr. Collins did not apply sooner was because of illness.

DP.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

1610-2038 BP G

October 23, 1952

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

REGISTERED MAIL
RET. REC. REQ.

Wayne M. Collins, Attorney at Law
220 Bush Street
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Referring to your letter of October 17, 1952, you are hereby informed that deportation of the above named alien from the United States under the outstanding order and warrant in his case will be stayed to January 22, 1953.

In the event a further stay of deportation is desired in this case a written request for same should be made approximately ten days prior to the above date and should be supported by a statement of the progress being made in securing permission for this and other Japanese aliens similarly situated to enter Peru.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

November 12, 1952

U. S. Immigration and
Naturalization Service
458 South Spring Street
Los Angeles 13, California

Gentlemen:

In re: Shisho Nashiro, 1610-2038 BP G

I am enclosing herewith a copy of the letter of May 29, 1952 of our Ambassador to Peru at Lima concerning the prospect of the alien above-named being authorized to return to his home in that country.

The Peruvian Government has not yet made a final determination as to whether or not it will permit his re-entry to Peru. Our Ambassador to Peru has made and continues to make overtures to the Peruvian Foreign Minister with a view to obtaining Peruvian authorization for the return of the alien and similarly situated Peruvian-Japanese who are still within the United States.

Until such time as our Ambassador either directly or through the State Department communicates the final decision of the Peruvian Foreign Minister on the question it will not be known whether he will be readmitted or not.

In consequence, until such time as our Ambassador or the State Department communicates such a final decision it is requested that the deportation of the alien above named be stayed for a reasonable period of time at least.

Very truly yours,

11/12/52 - Longworth Initial

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

C
O
P
Y

Address Official Communications to

American Embassy
Lima, May 29, 1952

Mr. Wayne M. Collins, Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952, referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continued between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter.

Sincerely yours,

/s/ Harold H. Tittmann

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

November 14, 1952

Mr. Shisho Nashiro
124 North FairOaks Ave., Rex Hotel-Rm. 7
Pasadena, California

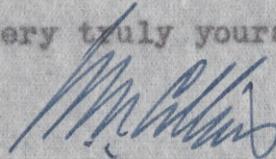
Dear Mr. Nashiro:

Enclosed find copy of application for extension of time I have requested of the Immigration Service. This is for your files.

I would thank you to inform me by letter immediately as to what steps, if any, you have taken to ascertain whether the Peruvian Government will permit you to return to Peru. That is to say, have you had any of your relatives or friends in Peru request the Peruvian Foreign Minister to authorize your return? Have you requested a Peruvian consul or other Peruvian official to authorize your return? Have you applied to a Peruvian consul for any documents such as a visa to enable you to return to Peru?

If you or any of your friends here or in Peru have made such written requests to any Peruvian officer in Peru or to a Peruvian consul or to the Peruvian Ambassador here, I would thank you to let me know the dates you made such requests and the answers you have received thereto. If you have a carbon copy of any letters that you sent making such requests and any answers thereto, I would thank you to forward them to me forthwith so that I can make copies thereof and present them to the Immigration authorities. Please send your reply to me immediately in the envelope which is enclosed.

Very truly yours,



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

November 19, 1952

1610-2038 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

REGISTERED MAIL
RET. REC. REQ.

Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Referring to your letter of November 12, 1952, you are hereby informed that deportation of the above named alien from the United States under the outstanding order and warrant in his case will be stayed to March 1, 1953.

In the event a further stay of deportation in this case is desired, a request for same should be made approximately 10 days prior to the above date and should be supported by a statement of the progress being made in securing permission for this alien to enter Peru.

Very truly yours,

J. W. Nelson

FOR THE ACTING DISTRICT DIRECTOR

CC: Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, Calif.

Emergency?

KEI UCHIMA
ATTORNEY AT LAW
124 SOUTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
ROOM 208
MADISON 6-9746

November 19, 1952

Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush St.
San Francisco 4, Calif.

Dear Sir:

Re: Shisho Nashiro
1610-2038 BP G

Peruvian

Your communication of November 14, 1952, was received by Mr. Nashiro. You have asked whether or not he has taken steps by himself or by his friends or relatives in Peru regarding reentry to Peru. Mr. Nashiro has asked me to write the following:

I have had nothing done in my behalf outside of your knowledge, but about 4 or 5 years ago my family made an application to the Peruvian State Department, I believe, but I have no copy and to my knowledge there has been no answer. Locally I have not applied for a visa at the Peruvian Consul in Los Angeles, California.

With regard to my extension of stay here, I would like your advice regarding the following.

Will it help my cause if I applied at the Los Angeles office of the Peruvian Consul for a visa to reenter Peru on my own expense? If there is no harm, I would like to try to get a visa from the Peruvian Consul to return to Peru.

Please advise me as soon as possible. Also, I would like to ask you whether or not it would help if you can get in touch with the Peruvian Ambassador in Washington, D.C., to inquire into my hardship case.

One further question: Do you think that it will help my case, if I had my friends and family to request the Peruvian Foreign Minister or Consul to admit me to Peru?

Please advise me and thank you very much for your continued efforts on my behalf.

Yours truly,

Kei Uchima
Kei Uchima

November 25, 1952

Mr. Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, Calif.

Dear Mr. Nashiro:

On Nov. 17, 1952, in response to my request, the District Director of the U.S. Immigration Service at Los Angeles extended your time to depart to Feb. 15, 1953.

Very truly yours,

January 9, 1953

Mr. Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, Calif.

*New 2 124 N. Fair Oaks Ave
Rex Hotel, Room 10
Pasadena*

Dear Mr. Nashiro:

Inasmuch as you still are anxious to return to Peru and be re-united with your family I suggest that you apply to the Peruvian Consul for a visa to return. If he refuses to issue one to you I believe you than might make a request of the Peruvian Ambassador in Washington, D.C.

It is my belief that your relatives and friends in Peru could be of more help to you if you would have them apply to the Minister of Foreign Affairs at Lima.

I suggest, therefore, that you take the above steps so soon as possible. You should save copies of the letters you send or applications you make for permission to re-enter Peru and also save the answering letters you receive and send copies of your letters and the answers you receive to me so soon as possible to help me in connection with your case.

Our Ambassador to Peru still is trying to get the Peruvian Government to agree to your return.

Very truly yours,

RECEIVED
JAN 10 1953
U.S. DEPARTMENT OF STATE
WASHINGTON, D.C.

KEI UCHIMA
ATTORNEY AT LAW
124 SOUTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
ROOM 208
MADISON 6-9746

January 24, 1953

Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, Calif.

Dear Sir;

Re: Shisho Nashiro
Peruvian Japanese

I am writing on behalf of Mr. Nashiro who is desirous of returning to Peru.

Your letter of Jan. 9, 1953 addressed to Mr. Nashiro suggesting that Mr. Nashiro apply with the Peruvian Consul in Los Angeles for a visa to return to Peru has been received by Mr. Nashiro.

On January 23, 1953, Mr. Nashiro went to see the Consul of Peru in Los Angeles. According to the Consul, he is unable to issue a visa without authorization from the home government in Peru. He advised Mr. Nashiro to have his family or relatives get in touch with the Immigration authorities under the Foreign Minister at Lima, Peru, to obtain such authorization. As you suggest in your letter, it seems that it would be best for Mr. Nashiro to have his friends in Peru see the Immigration authorities. The Consul stated that if he has a letter or wire from the home government then if Mr. Nashiro would present his passport something could be done.

Mr. Nashiro has written to his family to have them help him by getting in touch with the authorities in Peru. He will send you a copy of any application or letter from the authorities when received.

Enclosed is a copy of the letter sent by Mr. Nashiro to the Peruvian Ambassador in Washington, D. C. Mr. Nashiro feels that any attempt on his part to return to Peru may help his case.

Yours truly,

Kei Uchima
Kei Uchima

Please note: Mr. Shisho Nashiro's
address is:

124 N. FAIR OAKS AVE.
MARINE HOTEL, ROOM 10
PASADENA, CALIF.

Shisho Nashiro
124 N. Fair Oaks Ave.
Marine Hotel, Room 10
Pasadena, California

Ambassador from Peru
Washington, D.C.

Dear Sir:

Re: Visa to re-enter Peru

I am writing this letter to you to see if something can be done about my case by your office. In 1943 I was among the group of Japanese residing in Peru who were sent to the United States from Peru and interned at Santa Fe, New Mexico.

In 1946 I was released and since then have been working. As it has been almost 10 years since I left Peru and my family I am anxious to return. According to the Peruvian Consul, I cannot get a visa unless there is authorization from the home government in Peru.

Please advise me as to the proper steps to take in order to obtain a visa to enter Peru. My family and relatives are all in Peru and I have four children born in Peru. It is with the hope that we can be reunited after some 10 years separation that I am making this request.

Your consideration of this matter as soon as possible will be greatly appreciated.

Yours truly,

Shisho Nashiro

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

March 6, 1953

PLEASE REFER TO THIS FILE NUMBER

1610-2038 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

Wayne M. Collins, Atty. at Law
220 Bush Street
San Francisco, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Under date of November 19, 1952 we informed you that deportation of the subject alien from the United States would be stayed to March 1, 1953. We have received no request for further stay. In the event you wish us to consider holding execution of the order in this case in abeyance for a further period of time, your request should be submitted promptly unless it has already been mailed prior to receipt of this letter.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

March 7, 1953

Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Attn: Mr. J. W. Nelson

Dear Sir:

Re: Shisho Nashiro 1610-2038 BP G

A request is hereby made for an extension of 90 days within which the alien above-named may depart from the United States in accordance with your order heretofore issued. Our State Department is still attempting to obtain the consent of the Peruvian Government to his return to Peru. A copy of the letter of Feb. 18, 1953, from the State Department which is enclosed demonstrates that our government is still attempting to secure authority for his repatriation.

Very truly yours,

*(Sent to
you on
March 7, 1953)*

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

REGISTERED MAIL
RET. REC. REQ.

March 11, 1953

1610-2038 BP G

Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Referring to your letter of March 7, 1953, you are hereby informed that deportation of the above named alien from the United States under the outstanding order and warrant in his case will be stayed to June 1, 1953.

In the event a further stay of deportation is desired a request for same should be made approximately 10 days prior to the above date.

Very truly yours,

J. W. Nelson
FOR THE DISTRICT DIRECTOR

CC: Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, Calif.

file

March 13, 1953

Mr. Shisho Nashiro
2310 Cotner Avenue
West Los Angeles 64, Calif.

Dear Mr. Nashiro:

My request for a postponement of your voluntary departure has been granted by the District Director of the Immigration Service at Los Angeles to June 10, 1953.

In due course I shall ask for a reopening of your case to renew your request for a suspension of deportation.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

June 5, 1953

PLEASE REFER TO THIS FILE NUMBER

1610-2038 BP G

ADDRESS YOUR REPLY TO -
DISTRICT DIRECTOR

Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

On March 11, 1953 we informed you that deportation of the subject alien would be stayed to June 1, 1953. No request for an additional stay has been received. Please give this matter your prompt attention.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

Rec'd 6/8/53

June 9, 1953

Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Attn: Mr. J. W. Nelson

Dear Sir:

Re: Shisho Nashiro 1610-2038 BP G

A request is hereby made for an extension of 90 days within which the alien above-named may depart from the United States in accordance with your order heretofore issued. Our State Department is still attempting to obtain the consent of the Peruvian Government to his return to Peru. A copy of the letter of Feb. 18, 1953, from the State Department which I sent to you on March 3, 1953, demonstrates that our government is still attempting to secure authority for his repatriation.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

June 15, 1953

1610-2038 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

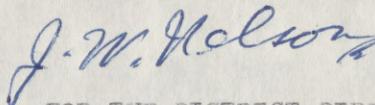
Wayne M. Collins, Atty. at Law
220 Bush Street
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Referring to your letter of June 9, 1953 you are informed that deportation of the subject alien from the United States will be further stayed to September 1, 1953.

Very truly yours,



FOR THE DISTRICT DIRECTOR

CC: Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Rm 7
Pasadena, Calif.

July 30, 1953

Mr. Shisho Nashiro
2310 Cotner Avenue
West Los Angeles, Calif.

Dear Mr. Nashiro:

Enclosed find a copy of the motion to reopen and for reconsideration of your case which I have forwarded to the Board of Immigration Appeals.

It is my expectation that the Board will reconsider your case and probably order that you be given a suspension of deportation. If the Board and also Congress finally grant you a suspension of deportation you will be given a permanent resident status in the United States.

Very truly yours,

July 29, 1953

District Director
U.S. Immigration Service
458 South Spring Street
Los Angeles 13, California

Dear Sir:

In re: Shisho Nashiro
File No. A-5967502, L.A. (1610-2038)

Enclosed find triplicate originals of "Motion To Reopen And For Reconsideration Of Cause And For Stay Of Deportation Pending Determination Of Cause On Its Merits" in the above-entitled matter which I would thank you to forward to the Board of Immigration Appeals.

My check in the sum of \$5.00 covering the necessary filing fee also is enclosed.

Very truly yours,

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of	}	
SHISHO NASHIRO		A-5967502
Respondent.		L. A. (1610-2038)

MOTION TO REOPEN AND FOR RECONSIDERATION OF CAUSE
AND FOR STAY OF DEPORTATION PENDING DETERMINATION OF
CAUSE ON ITS MERITS

Shisho Nashiro, the respondent above-named, moves and requests that the above-entitled cause be reopened and that the order of this Board dated July 9, 1952, dismissing his appeal be set aside and that his application for suspension of deportation heretofore made in the cause, under the provisions of Title 8 USCA, Sec. 155 (c), be reconsidered and be granted and that, pending a final determination on the merits of these motions and on his application for suspension of deportation, a stay of deportation be granted him.

The respondent is a 60 year old Japanese national who was admitted to Peru for permanent resident purposes. His wife is a resident of Peru. He is the father of four (4) children, who are citizens and residents of Peru.

He was brought involuntarily to the United States, along with other like Japanese male heads of Peruvian-Japanese families,

1 on February 6, 1943, and interned under the provisions of the
2 Alien Enemy Act. At the time of his entry he possessed neither
3 a visa, passport nor travel documents in the nature thereof.
4 On August 16, 1946, he was released from the provisions of said
5 Alien Enemy Act.

6 This Board on May 26, 1950, ordered his cause reopened for the
7 reception of an application for suspension of deportation under
8 the provisions of Title 8 USCA, Sec. 155(c). On January 29,
9 1951, the hearing officer recommended that his application for
10 suspension of deportation be denied and that he be deported. On
11 April 23, 1951, the Assistant Commissioner, Adjudications Division,
12 ordered that his application for suspension of deportation be
13 denied but that he be granted voluntary departure and this Board
14 dismissed his appeal therefrom on June 8, 1951. The said adverse
15 decisions rested chiefly on the grounds that he was an alien
16 ineligible to citizenship, without family ties here and that
17 he had not resided in the United States for the seven year
18 period prescribed by the statute because a portion of the time
19 of his residence here had been spent as an internee and that,
20 in consequence, such period did not apply in partial satisfaction
21 of the residential requirement of said statute. Thereafter, on
22 April 4, 1952, the Assistant Commissioner, Adjudications Division,
23 ordered him deported for failing to depart. Thereafter, this
24 Board, by its order of July 9, 1952, dismissed his appeal from
25 the adverse decision against him, apparently for like reasons as
26 above stated.

27 The Peruvian Government to date has refused to permit the
28 respondent to re-enter Peru and there be joined with his family.
29 Nevertheless, our State Department continues its efforts to
30 prevail upon the Peruvian Foreign Minister to authorize his
31 repatriation and that of similarly situated members of the
32 Peruvian-Japanese group. See copy of letter from the State

1 Department dated February 18, 1953, attached hereto.

2 The respondent is a person of good moral character and now
3 has resided in the United States for a period in excess of ten
4 (10) years. Prior to being brought to the United States he had
5 resided in Peru from the time he was a young man. He has not
6 resided in Japan for over 20 years.

7 The respondent presently resides at 2310 Cotner Avenue,
8 West Los Angeles, California and gainfully employed.

9 By reason of the provisions of Sec. 311 of the Immigration
10 and Nationality Act of 1952 the respondent no longer is
11 ineligible to citizenship. By reason of the want of family ties
12 in this country he is not eligible to receive a nonquota
13 immigrant status and hence a visa to enter the United States
14 as nonquota immigrant. The Peruvian Government has refused to
15 authorize his repatriation to Peru.

16 Since the denial of his appeal by this Board on July 9,
17 1952, it appears to have become the policy of this Board, fol-
18 lowing the policy determination by the Acting Attorney General,
19 that aliens in like predicament and circumstances as the
20 respondent should be granted a suspension of deportation because
21 deportation would work undue hardship upon them. See for example,
22 the decision of this Board dated July 6, 1952, in the case of
23 Yko Nakamatsu, et fam., Files A-5967513 and A-6153120 to
24 A-6153135, and that of May 27, 1953, in re Chika Yamasaki,
25 A-5977644 (Chicago 0900/56013).

26 We believe, therefore, that the respondent should be
27 granted a suspension of deportation under the provisions of
28 Title 8 USCA, Sec. 155(c), or under the provisions of Sec. 244(a)
29 of the Immigration and Nationality Act of 1952.

30 In conclusion, we urge: (1) that the said cause be reopened
31 and be reconsidered on the merits of his application for a
32 suspension of deportation under the provisions of said statutes;

1 (2) that said order of this Board of July 9, 1952, denying his
2 application for suspension and dismissing his appeal be set aside
3 and that the order for his deportation be set aside and (3) that
4 upon reconsideration of the cause his said application for
5 suspension of deportation be granted. In addition, in the
6 meantime and until a final decision be had herein on the merits
7 of these motions and upon respondent's application for suspension
8 of deportation, herein renewed, that an order issue, directed
9 to the District Director of the U.S. Immigration and Naturaliza-
10 tion Service at Los Angeles, staying his deportation.

11 (For the reason that these motions raise pure questions
12 of law rather than facts which already have been decided in
13 this and similar Peruvian-Japanese cases the motions are not
14 supported by affidavit.)

15 Respectfully submitted,

16
17
18 _____
19 Wayne M. Collins
20 Mills Tower
21 220 Bush Street
22 San Francisco 4, Calif.
23 Garfield 1-1218

24 Attorney for Respondent.
25
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C
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P
Y

DEPARTMENT OF STATE
Washington

C
O
P
Y

February 18, 1953

My dear Mr. Collins:

I refer to your letter of January 12, 1953, to the Commissioner of Immigration concerning the Peruvian Japanese in the United States and your hope that the Peruvian Government might be induced to accept the return of these former Japanese residents through diplomatic approaches between Japan and Peru. The Commissioner has referred your letter to the Department of State.

I appreciate your interest in the Matter of the former Japanese residents of Peru who have been living in the United States since 1943 and 1944. Let me assure you of the sympathetic concern of the Department of State toward these unfortunate persons and of our continuing efforts to persuade the Peruvian Government to accept their return.

Sincerely yours,

S/ Robert J. C. McClurkin
Acting Director
Office of Northeast Asian Affairs

Mr. Wayne M. Collins
Attorney at Law,
Mills Tower, 220 Bush Street
San Francisco 4, California.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA
August 18, 1953

PLEASE REFER TO THIS FILE NUMBER

A-5 967 502 BP G

Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHISHO NASHIRO

Dear Sir:

Your motion to reopen and reconsider the above case has been forwarded to the Board of Immigration Appeals. Execution of the outstanding order in this case will be held in abeyance pending decision on the motion.

Very truly yours,

J. W. Nelson

FOR THE DISTRICT DIRECTOR

CC: Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Rm. 7
Pasadena, Calif.

March 17, 1954

Mr. Shisho Nashiro
124 N. Fair Oaks Avenue
Pasadena, California

Dear Mr. Nashiro:

The Board of Immigration Appeals has approved your application for suspension of deportation.

In consequence, if Congress likewise approves the suspension you will be given permanent residence status in this country. In due course of time the Immigration Service will inform you whether or not Congress grants your suspension.

Very truly yours,

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

A-5967502
Nashiro

March 11, 1954

Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco, California

Peruvian
Shicko Nashiro
Responsion

Reference is made to your interest in the above case.

For your information, there is enclosed herewith copy of the
decision and order of the Board of Immigration Appeals.

Sincerely yours,

Thos. G. Finucane

Thos. G. Finucane
Chairman

124 N. FAIR
OAKS AVE.
PASADENA,
CAL.

MAR 10 1954

A-5967502 - Los Angeles

SHISHO HASHIRO

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
Wills Tower,
220 Bush Street,
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: Suspension of deportation - 1917 Act, as amended - seven
years' residence

DETENTION STATUS: Not detained

This case comes forward on counsel's motion dated August 4, 1953, requesting that the hearing be reopened for the purpose of reconsidering and granting the respondent's application for suspension of deportation under the Immigration Act of 1917, as amended. When this case was last before us on July 9, 1952, we dismissed the appeal from an order entered by the Acting Assistant Commissioner on April 4, 1952, directing the withdrawal of the outstanding order granting the respondent permission to depart voluntarily from the United States, in lieu of deportation. Prior thereto, on June 8, 1951, we dismissed the appeal from an order entered by the Assistant Commissioner on April 23, 1951, denying the respondent's application for suspension of deportation or voluntary departure.

DISCUSSION AS TO DEPORTABILITY: The respondent, a 62-year-old married male, native and citizen of Japan, has had continuous residence in the United States since his arrival at San Pedro, California on February 6, 1943 aboard the United States Army transport "Puebla". He was brought to this country from Peru for the purpose of being interned as an enemy alien. The respondent along with other Japanese aliens was brought to

the United States involuntarily and admitted thereto without regard to the immigration laws. He was kept in internment in this country until August 16, 1946, at which time he was released on parole. He has been found subject to deportation on the charges stated in the warrant of arrest.

Section 311 of the Immigration and Nationality Act of 1952 provides that the right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race or sex or because such person is married * * *. In view of the foregoing, the respondent is not ineligible to citizenship. Accordingly, he is not subject to deportation under the Immigration Act of 1924, as amended on the ground that he is an alien ineligible to citizenship and was not entitled to enter the United States under any exception of paragraph (c) of section 13 thereof. He is subject to deportation under the Immigration Act of 1924, no immigrant visa and the Passport Act approved May 22, 1916, as amended and the Act of February 5, 1917, in that at the time of entry he did not present an unexpired passport or official document in lieu thereof.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The respondent's application requesting that his deportation be suspended under the Immigration Act of 1917, as amended was subscribed, sworn to and submitted for consideration on February 7, 1950. The respondent's wife, a native and citizen of Japan is residing in Peru with his four children, all of whom are natives and citizens of that country. The respondent has not seen his family since his enforced departure from Peru in 1943. The record reflects that the respondent was residing in the United States on July 1, 1948, the effective date of the Act amending subsection (c) of section 19 of the Immigration Act of 1917, as amended. The record discloses that the respondent is gainfully employed in a restaurant at a salary of \$6 per day plus board. He was convicted on October 23, 1948 at Seabrook, New Jersey for being drunk and disorderly and on November 30, 1948 he was arrested for gambling and sentenced to pay a fine of \$10. Except for the foregoing convictions, he has no police or criminal record in the United States or elsewhere (Ex. 10 & 11). Affidavits and letters of persons who have long known the respondent attest to his being a person of good moral character and not connected with any subversive or proscribed organizations (Ex. 4 thru 9 incl.). There is nothing in the record to indicate that the respondent has ever been the recipient of public or private assistance. Independent character investigations conducted by the Service are entirely favorable to the respondent's application for the relief sought (Ex. 4). There has been made part of the record a report of investigation conducted by the Service dated January 5, 1954 which is favorable to the respondent's application for suspension of deportation.

The record reflects that the respondent has been a person of good moral character since his involuntary admission to the United States in February

1943. He entered the United States along with other Japanese aliens who were brought from Peru for internment during World War II. Efforts to return the respondent to his family living in Peru have been fruitless. The Government of Peru will not authorize the return of the Japanese aliens evacuated from that country during World War II. The respondent has resided continuously in the United States for approximately eleven years. He is unable to return to the country from whence he came and he has not lived in his native country for over 40 years. He has no family living in his native country.

Upon full consideration of all the evidence of record together with counsel's representations by brief on appeal, it is our considered opinion that the ends of justice and mercy would best be served by granting suspension of the respondent's deportation under the Immigration Act of 1917, as amended. Accordingly, we will so order.

ORDER: It is ordered that deportation of the alien be ~~suspended under~~ the provisions of section 19(c)(2) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that the outstanding order and warrant of deportation be withdrawn.

IT IS FURTHER ORDERED that if during the session of Congress at which this case is reported, or prior to the close of the session of Congress next following the session at which this case is reported, the Congress passes a concurrent resolution, stating in substance that it favors the suspension of the alien's deportation, the proceedings be cancelled upon the payment of the required fee and the alien be charged to the appropriate quota.

Chairman

April 7, 1954

Mr. Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, California

Dear Mr. Nashiro:

The District Director's office of the U.S. Immigration and Naturalization Service at Los Angeles has approved your application for suspension of deportation.

In consequence, if Congress likewise approves the suspension you will be given permanent residence status in this country. In due course of time the Immigration Service will inform you whether or not Congress grants your suspension.

Very truly yours,

Cur.

16-70
Rev. 2-14-50

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: March 26, 1954

File Number: A5 967 502 IB

Mr. Shisho Nashiro
184 N. Fair Oaks Ave.
Rex Hotel, Room 7
Pasadena, Calif.

Dear Sir:

Deportation has been suspended in your case, which action will be reported to Congress pursuant to Section 19(c)(2) of the Immigration Act of February 5, 1917, as amended.

The outstanding order and warrant of deportation are withdrawn.

If during the session of the Congress at which your case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a Concurrent Resolution stating in substance that it favors the suspension of such deportation, you will be so notified later and will at that time be requested to submit the fee required for creation of a record of lawful entry.

Very truly yours,

nmh

For the District Director

✓ Copy to Wayne M. Collins, Attorney at law, 220 Bush St.,
1701 Mills Tower, San Francisco 4, Calif.

Form 16-164
1-10-45

*Carwein Jap.
cc: [unclear]*

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: April 22, 1955
File Number: A5 967 502 IB
CR #: CR-92 - 3

Mr. Shisho Nashiro
184 N. Fair Oaks Ave.
Box Hotel, Room 7
Pasadena, California

Dear Sir:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

[Signature]
Officer in Charge
For the District Director

d

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

CC: Wayne M. Collins, Attorney-at-law, 220 Bush St.,
1701 Mills Tower, San Francisco 4, California ✓

April 26, 1955

7-10
COPY

Mr. Shisho Nashiro
184 N. Fair Oaks Avenue
Box Hotel, Room 7
Pasadena, California

Dear Mr. Nashiro:

Your application for suspension of deportation has been approved by Congress. Therefore you are entitled to the status of an alien who has permanent residence status in the United States.

However, it is necessary for you immediately to send to the District Director of the Immigration and Naturalization Service, 458 South Spring Street, Los Angeles 13, California, along with its letter to you of April 22, 1955, the sum of \$18.00 to create a record of your permanent residence. The remittance in the sum of \$18.00 should be in the form of a U.S. Postal Money Order made payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As soon as you have sent the \$18.00 to the District Director of the U.S. Immigration and Naturalization Service, kindly send me a post card or letter informing me that you have paid it.

After you have paid that sum to the Immigration Service, that office will issue to you in a month or two your permanent Alien Registration Card. You must not go to a foreign country, whether it be Canada, Mexico, Cuba, Japan or any other foreign country, unless you first obtain from the Immigration Service, upon an application being made therefor, a re-entry permit. If you do leave the U.S. at any time without first obtaining such a re-entry permit you will be denied the right to enter the U.S. because you will then become an alien who has lost permanent residence status.

When your permanent Alien Registration Card is issued to you by the U.S. Immigration and Naturalization Service, you will become eligible for naturalization as a United States citizen. Therefore, when that card issues to you, you should go to the Immigration Service office nearest you and apply to become a naturalized U.S. citizen as soon as possible.

Very truly yours,

May 5, 1955

Cerritos

Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

This is to inform you that I have submitted my \$18.00 to the Immigration and Naturalization Service and wish to thank you for your services you have rendered me.

Sincerely yours,

Shisho. Nashiro.
Shisho Nashiro