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Kikuchi, Maria Victoria SHIZUKA (KIKUSHIMA)
nee NAGANUMA

1951-1955

78/177

c

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

August 27, 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Maria Victoria Shizuka Kikushima
San Francisco, California

Enclosed find three original application forms to reopen cause for the purpose of enabling Maria Victoria Shizuka Kikushima, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavit of merits and notice of appearance. An original application form is also being sent to the District Director, USI&NS, San Francisco, inasmuch as the alien above-named resides at 1745 Laguna St., San Francisco. A notice of appearance had been forwarded previously to the Immigration Office at San Francisco.

If the matter is not now pending before you, I would thank you to transmit the enclosed application for suspension of deportation to the Board of Immigration Appeals if the cause is pending before that Board.

Very truly yours,

Copy to:
USI&NS, San Francisco, Calif.

August 27, 1951

District Director
U.S. Immigration and
Naturalization Service
630 Sansome Street
San Francisco, California

Dear Sir:

In re: Maria Victoria Shizuka Kikushima
San Francisco, California

Enclosed find copies of application to
reopen cause and to enable the applicant
above-named to apply for a suspension of
deportation, the originals of which are
being forwarded to the Commissioner of
Immigration, Washington, D. C.

Very truly yours,

October 24, 1951

Miss Maria Shizuka Kikushima
1745 Laguna Street
San Francisco, California

Dear Miss Kikushima:

Please telephone my office at your
earliest convenience concerning your applica-
tion for suspension of deportation.

Very truly yours,

106 So. Hewitt St.
Los Angeles 12, Calif.
October 29, 1951.

Mr. Wayne Collins.
220 Bush St.
San Francisco 4, Calif.

Dear Mr. Collins,

This is to thank you for your letter of October 24, 1951, since I am unable to phone you, I am writing to ask about the latest development in the deportation proceeding.

I shall appreciate hearing from you at the earliest possible moment.

Sincerely yours,

Maria Shizuka Kikuchi
MARIA SHIZUKA KIKUCHI (Mrs.)

Nov. 5, 1951

Mr. Norris of Immigration
had asked about the name of
"Kikushima" -- not being able to
locate it.

I informed him that the proper
full name was --

Maria Victoria Shizuka Kikuchi
nee Naganuma

DP

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

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

6153101
Kikushima

December 27, 1951

Wayne M. Collins, Esquire
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

Thos. G. Finucane
Chairman



DEC 28 1951

IN THE MATTER
OF
MARIA VICTORIA SHIZUKA KIKUSHIMA
nee NAGANUMA

FILE: A-6153101

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
220 Bush St.
San Francisco 4, California

This case is before us on motion of counsel dated August 27, 1951, requesting a reopening of the hearing for the purpose of affording the respondent an opportunity to apply for the discretionary relief provided in Section 19(c)(2)(b) of the Immigration Act of 1917, as amended (Public Law 863, 80th Congress, approved July 1, 1948).

The respondent, a 26-year-old female, native and citizen of Peru, of full Japanese blood, accompanied by her Japanese citizen parents and her six brothers and sisters all of whom are natives and citizens of Peru, entered the United States on March 21, 1944, aboard the U. S. Army Transport "Cuba" and has resided continuously in this country since her arrival. On February 19, 1947, this Board entered an order directing the respondent's deportation to Peru on the documentary grounds contained in the warrant of arrest dated March 30, 1946.

Upon full consideration of the entire record and the representations made by counsel on motion, we have concluded to reopen the hearing for the purpose of permitting the respondent, who has established statutory eligibility for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended, to apply for such relief.

ORDER: It is ordered that the outstanding order of deportation be withdrawn and the hearing reopened for further proceedings in accordance with the provisions of the foregoing opinion.

JEK/mjw

Chairman

16-360a
(Rev. 11-21-51)

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

Date: November 25, 1952

File No. 1600-45364 (IB)

Mrs. Shizuka Naganuma Kikushima,
106 So. Hewitt Street,
Los Angeles, California.

Dear Madam:

Reference is made to the warrant of arrest issued under the provisions of Section 19 of the Immigration Act of 1917 (8 U.S.C. 155) and served upon you, charging that you have been found in the United States in violation of the Immigration Laws.

You are requested to appear for a hearing to be held at **12:30 P.M.** on **December 8, 1952**, in Room **140**, 458 South Spring Street, Los Angeles, California.

You have the right to be represented by counsel in these proceedings, which counsel may be an attorney at law, representative of a recognized social service agency or other person permitted to practice pursuant to Part 95, Title 8, Code of Federal Regulations. If you desire service of such a counsel, he should appear with you at the time and place above designated. You may, however, waive counsel if you wish.

The hearing will be conducted by a Hearing Officer in accordance with Part 151, Title 8, Code of Federal Regulations. The purpose of the hearing is to determine your right to be and remain in the United States under Immigration Laws and particularly Section 19 of the Immigration Act of February 5, 1917, as amended.

Please completely fill out the attached Form I-256 A and bring it to the hearing with you.

Yours very truly,

Encl.

For the District Director

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

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

November 26, 1952

File
Mrs. Shizuka Naganuma Kikushima
106 So. Hewitt Street,
Los Angeles, California

Dear Mrs. Kikushima:

The Immigration Service has sent you a notice to appear for your hearing on December 8, 1952, at 12:30 P.M. in Room 140, 458 South Spring Street, Los Angeles, California.

You should appear there promptly and bring with you the Form I-256A and other documents mentioned in that letter.

It will not be necessary for me to be personally present. However, you should ask the hearing officer to forward me a copy of the decision he makes in your case.

Very truly yours,

16-404a
(Rev. 6-4-52)

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

REGISTERED MAIL

Date: DEC 10 1952

RETURN RECEIPT REQUESTED

File No.: ~~A6-153101~~(IB)
1600-45364(IB)

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

Dear Sir:

Reference is made to the hearing on 12/8/52
in the deportation proceedings against Shizuka Kikuchi nee Naganuma

Transmitted herewith is a copy of the Hearing Officer's decision
in the case, furnished in accordance with 8 C.F.R. 151-5(d).

You have the right to take exceptions to the Hearing Officer's
decision only as provided on the reverse of the Forms I-290 which are attached.
Such exceptions, if taken, will constitute an appeal to the Board of Immigra-
tion Appeals. You may also submit argument or brief for the consideration of
the Board of Immigration Appeals and, if you wish, a request for oral argument
before that Board. If you desire to submit exceptions, you should execute
both sides of the enclosed Forms I-290 in duplicate, which must then be filed,
together with any argument or brief in duplicate, in this office before the
expiration of five business days from receipt of this letter. If you do not
desire to submit exceptions, you may file a written waiver of this right.

If exceptions are not filed within the time allowed, or if a waiver
of exceptions is filed, the decision of the Hearing Officer will become final.

Yours very truly,

Alfred E. Edgar, Jr.
For the District Director.

Encls.

rec'd 12/12/52

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

File No. 1600-45364 -Los Angeles (A6153101)

DEC 10 1952

IN RE: SHIZUKA KIKUCHI nee NAGANUMA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Mr. Wayne M. Collins, Attorney at Law,
1701 Mills Tower, 220 Bush Street,
San Francisco 4, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - economic detriment
Suspension of deportation - Seven years residence

DETENTION STATUS: Released on conditional parole.

DISCUSSION AS TO DEPORTATION: This record relates to a 27 year old married female, a native and citizen of Peru, of the Japanese race, who last entered the United States at New Orleans, Louisiana on March 21, 1944. She was brought to the United States by the United States military authorities for internment from Peru as an enemy alien. At the time of entry she was not in possession of a valid immigration visa nor did she present the required passport. Not having satisfied the requirements of the immigration laws at time of entry, the respondent is deportable under the Immigration Act of 1924 and the Act of 1918 on the charges specified in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The record relates that after having been brought to the United States on March 21, 1944 the respondent was interned and remained in internment until November 1947. She was then at large as an internee at large and now is at large on conditional parole. She has been in the custody, in one way or another, of this Service since her entry into the United States, and having been brought to this country solely for reasons connected with war and not having departed from this country, although having previously been ordered deported, she is ineligible for suspension of deportation on the grounds that she has resided in the United States continuously for seven years or more.

1600-45364
A6153101

The record relates that the respondent was legally married to a native born citizen of the United States at Los Angeles, California on April 11, 1948. She has no children. As she is employed as a sewing machine operator, at a salary of \$75.00 a week, and has been so employed for the last four and one-half years, her deportation from the United States would not result in a serious economic detriment to her United States citizen husband. According to the record, she and her husband have approximately \$2300. in cash and other assets consisting of an automobile, household furniture and equipment valued at approximately \$3,000. Her husband is employed at a salary of about \$60.60 a week. As she has not shown that her deportation would result in a serious economic detriment to her United States citizen husband, she is ineligible for suspension of deportation on this ground.

As the respondent is a nonquota immigrant under the Immigration and Nationality Act of 1952, she could readily obtain an Immigration visa if granted the privilege of voluntary departure. The record relates that she is financially able to defray the expense of departing from the United States for the purpose of securing an immigration visa.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record. Inquiry has disclosed that she has no connection with subversive groups. Affidavits of witnesses have been produced which establish that she has been a person of good moral character for more than the past five years.

On the basis of the evidence of record, the application for suspension of deportation of the respondent is denied and she will be granted the voluntary departure privilege.

The respondent has not specified the country for deportation in the event she is found subject to deportation and so ordered.

FINDINGS OF FACT:

- (1) The respondent is an alien, a native and citizen of Peru;
- (2) The respondent last entered the United States on April 21, 1944 at New Orleans, Louisiana, ex SS "Cuba";
- (3) The respondent was brought to the United States as an alien enemy for internment;
- (4) The respondent at time of entry was not in possession of a valid immigration visa;
- (5) The respondent at time of entry did not present a valid passport or other travel document in lieu thereof.

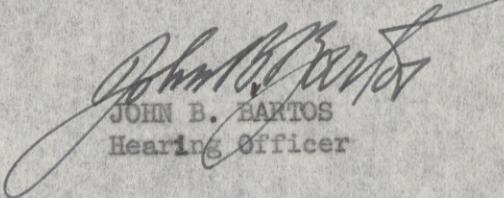
CONCLUSIONS OF LAW:

- (1) Under Sections 13 and 14 of the Immigration Act of 1924, the respondent is subject to deportation on the ground that at the time of entry she was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) Under the Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, the respondent is subject to deportation on the ground that at the time of entry she did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which she owes allegiance or other travel document showing her origin and identity as required by Executive Order in effect at time of entry.

ORDER: IT IS ORDERED that the alien be 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 .

IT IS FURTHER ORDERED that if the alien fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the alien deported from the United States pursuant to law on the charges stated in the warrant of arrest.

JBB/emd


JOHN B. BARTOS
Hearing Officer

1600-45364
A6153101

December 24, 1952

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

Attn: Mr. John B. Bartos
Hearing Officer

Dear Sir:

Kikuchi
Re: Mrs. Shizuka Kikushina
nee Naganuma - File No:
1600-45364 (IB)

I am unable to prepare my brief on appeal by reason of the fact that I have not a copy of the transcript of the evidence upon which your order of Dec. 10th was made.

In consequence, I would thank you to forward to me a copy of the transcript and to give me a period of five days after receipt of same within which to prepare my exceptions and brief on appeal. I am enclosing notices of appeal.

Very truly yours,

Form 16-168
Rev. 8-1-52

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

REGISTERED MAIL
RETURN RECEIPT REQUESTED

File No: 1600-45364 (IB)
A6 153 101
Date: Dec. 30, 1952

Naganuma Shizuka
106 So. Hewitt Street
Los Angeles, California

Dear Madam:

Referring to deportation proceedings instituted against you, you are informed that the final order in your case directs that an order of deportation be not entered at this time but that you be required to depart from the United States without expense to the Government, to any country of your choice, within such period of time and under such conditions as the Officer in Charge of the District deems appropriate. Pursuant to this order, you will be granted until MARCH 1, 1953 to effect your departure.

The order further provides that if you fail to depart when and as required, the privilege of voluntary departure be withdrawn without further notice or proceedings and you be deported from the United States.

If you elect to depart as provided above, exact information as to the date and port of your intended departure from the United States must be furnished this office within 10 days of receipt of this letter either by telephoning MUTual 1281, Extension 28, or by calling in person, making reference to the file number shown in the upper right hand corner of this letter. 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 port of departure.

If you fail to furnish departure information as above specified, the privilege of voluntary departure will be withdrawn, you will be ordered deported pursuant to law, and steps taken to enforce your departure from the United States.

Very truly yours,

(9)

For the District Director

CC: Wayne M. Collins, Atty.
220 Bush Street
San Francisco 4, Calif.

ALIEN ADDRESS REPORT--NOTICE

Who?

The law requires that every alien who is in the United States on January 1, of each year shall report his address during the month of January. Any alien who is temporarily absent on January 1, shall report his address within ten (10) days after his return to the United States.

How?

1. In January, go to any United States Post Office or any Immigration and Naturalization Office to obtain the Alien Address Report Card, Form I-53.
2. Read the instructions on the back of the card before you fill in the answers on the front, and sign the card. If you do not understand the instructions, ask the postal clerk or an employee of the Immigration and Naturalization Service for help in completing the card.
3. When you have completed the card hand it to a clerk in any Post Office, or Immigration and Naturalization Office.

When?

You must hand in your Alien Address Report, Form I-53, during January. You will assist the Immigration and Naturalization Service if you do so as early as possible in January.

PENALTIES

An alien or his parent or legal guardian in the United States who willfully or inexcusably fails to report is liable to be taken into custody and deported. Furthermore, imprisonment or fine may be levied before deportation.

TO UNITED STATES CITIZENS

If you are a citizen of the United States this notice does not apply to you. However, you will be assisting your Government, and any of your friends or acquaintances who are not United States citizens, if you will remind them of their responsibilities concerning the Address Report.

Argyle R. Mackey
Commissioner of Immigration and Naturalization
United States Department of Justice
Washington, D. C.

Recd 1/12/52

106 South Hewitt Street
Los Angeles 12, California
January 8, 1953

Mr. Wayne M. Collins
220 Bush Street
San Francisco, California

Dear Mr. Collins:

I have just spoken with the Immigration and Naturalization Office of Los Angeles and learned that a letter giving the outcome of my hearing was sent your office by registered mail and a receipt from your office signed by a Mr. Kajikawa was returned. Just a moment before during our telephone conversation, you informed us that such a letter had not reached your office.

The order for voluntary departure was sent me because I had not sent a form requesting exception in my deportation order. You had not advised me regarding this important matter.

In view of these facts, you will understand why I will no longer require your counsel.

Sincerely yours,

Shizuka Kikuchi

January 9, 1953

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

Attn: Mr. John B. Bartos
Hearing Officer

Dear Sir:

Re: Mrs. Shizuka Kikuchi,
nee Naganuma - File No:
1600-45364 (IB)

On Dec. 24, 1952, I wrote and requested a copy of the transcript of the hearing upon which the adverse order the hearing officer dated Dec. 10, 1952, was based so that I might take exceptions thereto and be enabled to prepare my brief. I have not yet received the said transcript.

I have received a copy of your letter of Dec. 30, 1952, granting the alien voluntary departure to March 1, 1953. In consequence, I request that this latter order be recalled until such time as my exceptions and brief on appeal which yet is to be prepared can be made upon with transcript references and be submitted.

Very truly yours,

January 9, 1953

Mrs. Shizuka Naganuma Kikuchi
106 So. Hewitt Street
Los Angeles, California

Dear Mrs. Kikuchi:

On Dec. 24, 1952, I wrote the U.S. Immigration office in Los Angeles requesting it to forward to me a transcript of the testimony taken in your case so that exceptions might be taken to the decision of the hearing officer and a brief be prepared. To date, however, I have not received a reply from that office.

I am now in possession of a copy of the letter the Immigration Service sent to you on Dec. 30, 1952, which, I believe, it sent to you prematurely in view of the fact that it has not yet sent me the transcript I requested.

In any event, you need not worry. Despite the fact that the hearing officer has recommended your deportation and that your appeal therefrom probably will be unsuccessful the law would permit your deportation only to Peru of which country you are a native and a citizen. Inasmuch as the Peruvian Government will not authorize you to return to Peru you obviously cannot be deported to Peru. You could not be deported to Japan because you are a citizen of Peru.

The hearing officer erroneously, I believe, decided that your husband would not suffer serious economic detriment if you were deported. His conclusion was based upon a finding that he was self supporting and that your earnings were not necessary to assist him. It is my belief that on an appeal it would be held that you and your husband mutually support each other and that he would be occasioned serious economic detriment if you were to be deported and he to be deprived of the benefits flowing to him from your earnings.

For your information, it now is the practice and policy of the Immigration Service to deny members of the Peruvian-Japanese group a suspension of deportation and to order them to be deported even though they are married to U.S. citizens or have U.S. born citizen children, largely on the theory that they may thereafter be permitted to enter the United States on immigration quotas. This practice and policy means that, eventually, if and when all

other avenues of relief from deportation may be exhausted, individual court test cases may have to be instituted to prevent the government from actually deporting them. A citizen of Peru, however, can be deported to Peru only provided the Peruvian government would consent to it.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

January 16, 1953

PLEASE REFER TO THIS FILE NUMBER

1600-45364 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

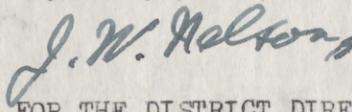
Wayne M. Collins, Atty. at Law
220 Bush St.
San Francisco 4, Calif.

Re: SHIZUKO KIKUCHI nee NAGANUMA

Dear Sir:

Referring to your letter of January 9, 1953 this will advise that our file relating to the above case contains copy of a letter addressed to you by the subject alien under date of January 8, 1953 in which she states that she will no longer require your counsel. We are therefore unable to comply with your request that you be furnished a copy of the transcript of hearing in this case.

Very truly yours,



FOR THE DISTRICT DIRECTOR

Mr. and Mrs. I. Naganuma
1745 Laguna Street
San Francisco, Calif.
January 15, 1953

Mr. Wayne M. Collins
Mills Tower
San Francisco, Calif.

Case of Shizuka Naganuma Kikuchi

Dear Mr. Collins:

We deeply sorry to know that our daughter, Shizuka Naganuma Kikuchi, sent you very impolite letter concerning her deportation order, and humbly ask your generous pardon,

She told us that she could not write the English letter, so she asked some other person to write it. She is very regretful she could not find out the fact that the letter was written with such unadequate words. She acknowledges well that, without your understanding and help, her case will be very hard and asked us to beg your pardon in this matter.

We do not know why she should receive the deportation order now. She maybe forgot to report to the Immigration Service that she was married with Mr. Hideo Kikuchi, one of renunciants, on April 8, 1948 at Los Angeles.

During we were in the Crystal City Internment camp, Tex., we did not consent her marriage with Mr. Kikuchi, but afterward when we came to this city we heard your kind advice and perfectly consented with their wedding. Fortunately their matrimonial life going on very smoothly and harmoniously. They are enjoying peaceful life and working earnestly.

She is faithful daughter to us now and cooperative to her parent-in-law. Accordingly, Mr. Kikuchi's parent cherish her just as their own natural daughter. She visit us in this city several times in a year to encourage us. She is really very kind and helpful eldest sister to youngers.

In deed, we believe and trust that she is surely a faithful and law-abiding resident in this country. She is now desiring to be naturalized in the near future under the new Immigration Law.

We sincerely ask your most generous understanding and please take urgent legal procedure to suspend the deportation order.

Rev. Fukuda sympathize with her case and joins us to ask your kindest reconsideration in this matter. Waiting your advice,
yours very respectfully,

Iwaichi Naganuma

Isoka Naganuma Rev. Yoshitaki Fukuda

January 15, 1953.

U. S. Immigration Service,
458 South Spring Street,
Los Angeles 13, Calif.

Attention: Alfred E. Edgar, Jr., Esq.

In re: Yoshisada Shiga,	A6 161 498 (IB)
Masako T. Shiga,	A6 161 497 (IB)
Teruko S. Sakai,	A6 616 503 (IB)
Shizuko S. Iwamoto,	A6 616 502 (IB)
Masayoshi Suematsu,	A6 616 501 (IB)
Yako Nakamatsu,	A5 967 513
Kameyo Nakamatsu,	A5 153 134
Seiko Nakamatsu,	A6 153 131
Tokusei Nakamatsu,	A6 153 129
Seisun Nakamatsu,	A6 153 132
Masayoshi Nakamatsu,	A6 153 133
Sueko Nakamatsu,	A6 153 130
Shirao Nakamatsu,	A6 153 135
Shizuka Kikuchi,	1600-45364

Gentlemen:

Copies of the adverse rulings of the hearing officer in each of the above-mentioned cases apparently were received in my office at the same time on December 15, 1952, by a temporary employee. Due to her and my regular secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 renunciants and several hundred alien clients requesting them to comply with the registration and annual report requirements of the Walters-McCarran Act she evidently laid aside the said copies of the adverse decisions and forgot to call them to my attention.

Unfortunately the existence of these decisions was neither called to my attention nor were they delivered to me at the time. On the evening of December 23rd or the morning of the 24th my regular secretary found this group of decisions and delivered them to me. On Dec. 24th I wrote your office requesting copies of the respective transcripts in each of said cases so that I could take the proper exceptions, appeals and prepare my briefs thereon. I recall insisting that my requests

for said transcripts be typed on that day even though my secretary had hoped to be free that day because of Christmas eve.

If any Forms I-290 were returned to you from my office along with my letters of Dec. 24th without exceptions being indicated thereon they were forwarded in such manner through inadvertance without specific instructions from me so to do even if those forms were partially made out. My instructions to my staff was that the I-290's were not to be forwarded until such time as I received transcripts of the hearings so that I would know what precise exceptions might be applicable.

Under these circumstances I request that the said causes be reopened for the purpose of enabling me to take the proper exceptions and appeals and to prepare briefs thereon. I make this request for a reopening even in the case of Shiruka Kikuchi, nee Naganuma, who, I understand, wishes to be represented by an attorney from Los Angeles.

Each of the above-mentioned aliens is a member of the Peruvian-Japanese group brought here in 1943 or 1944, the male heads of the families for internment and the wives and children as voluntary internees. They constitute a portion of the remainder of some 297 like persons whom I represent and whose cases are pending administratively in various stages before the Immigration authorities here and in Hawaii.

A majority of these cases fall into the same category insofar as their administrative rights are concerned. However, it is essential to the preservation of their legal rights that their administrative remedies be exhausted before their judicial remedies, if necessitated, will be available to them in the event that our Government's and my own continued negotiations with Peru finally fail to repatriate them to Peru.

Due to the aforesaid inadvertance which occasioned my failure to take the proper exceptions, appeals and prepare and file briefs in said causes in proper time I would be grateful were you to reconsider the said causes, this request, and thereupon set aside those final orders and extend the time within which I may take exceptions and appeal and file my briefs therein.

Very truly yours,

106 South Hewitt Street
Los Angeles, California
January 22, 1953

Mr. Wayne Collins
220 Bush Street
San Francisco, California

Dear Mr. Collins:

I am very much relieved to hear my parents and Reverend Fukuda were able to see you to explain to you how sorry I felt and to extend to you, my deepest apologies concerning my parent's letter of January 8, 1953.

I hope that you will please overlook my letter and take the necessary steps in order to suspend my deportation orders.

Please accept my deepest apologies and my heartfelt thanks for your generosity for the many favors in the past.

It was hard for me to reason why I should receive such severe orders of deportation at this time, especially in the light that many Peruvian-Japanese have received permits to stay as permanent residents of the United States.

I hope you will continue on my case and find out the reason of the deportation order and see that my case is reopened and have another hearing. I will feel greatly relieved if the re-hearing is set at which time I will be able to explain my situation.

Thanking you for your consideration, I remain

Sincerely yours,

Shuzuko Kikuchi

January 30, 1953

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

Gentlemen:

In re: Shizuko Kikuchi, nee Naganuma
File No. 1600-45364

By letter of January 16, 1953, you informed me that the Shizuko Kikuchi, nee Naganuma, addressed to you a letter stating she no longer required me as counsel.

By a letter dated January 22, 1953, she wrote me requesting me to continue representing her.

Assuming that she did not engage the services of another attorney to represent her or was unable to obtain the services of one and that no other attorney has filed an appearance for her I consent to continue representing her. In consequence, I would be grateful were you to favor me with a copy of the transcript of that hearing.

Very truly yours,

February 2, 1953

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

Attn: Alfred E. Edgar Jr., Esq.

Gentlemen:

Supplementing my letter of January 9, 1953, following a telephone conversation with Mr. Grattan (I am not certain of the spelling of his name), I enclose a copy of the letter of January 22, 1953, I received from Mrs. Shizuka Kikuchi, which will confirm my authority to continue representing her.

Enclosed also find triplicate original Motions To Reopen And For Reconsideration in her cause together with affidavits, in triplicate, in support of said motions. My check in the sum of \$5.00 covering the required fee also is enclosed.

Very truly yours,

February 3, 1953

U.S. Immigration Service
458 South Spring Street
Los Angeles 13, Calif.

Attn: Alfred E. Edgar, Jr., Esq.

Gentlemen:

In re: Shizuka Kikuchi
A6 153 101, L.A. 1600-45364 (IB)

Enclosed find "supplemental Points and Authorities In Support Of Motions To Reopen And For Reconsideration" in the above-entitled cause.

Very truly yours,

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

File

February 3, 1953

Mrs. Shizuka Kikuchi
106 South Hewitt St.
Los Angeles, California

Dear Mrs. Kikuchi:

Motions to re-open your case and for re-consideration on the question of your deportability and also on the question of your right to a suspension of deportation have been filed with the Immigration authorities at Los Angeles.

For your information, practically all of the Peruvian Japanese group brought here from Peru either have or will in due course, with few exceptions, have their applications for suspension of deportation denied and will be ordered deported but will be given the privilege of voluntary departure before deportation actually can be effected. Thereupon Congressional relief will be sought and if that fails court action will be required to prevent deportation to Japan, or to Peru in the case of Peruvian citizens if the Peruvian Government authorizes them to return.

In your case no different conclusion would be reached by the Immigration authorities except that you could not be deported to Peru if the Peruvian Government refused you permission to re-enter.

Inasmuch as under the Immigration and Nationality Act of 1952 which became effective Dec. 24, 1952, and which is now in effect, you will be able to obtain an immigration visa and thereafter enter the United States for permanent residence because your husband is a native-born citizen.

To save time and expense of various administrative appeals, you should therefore apply for an immigration visa. You may do this, either yourself or your husband, by writing to the U.S. Consul at Tijuana, Mexico, or Mexicali, Mexico, and ask one of them for the necessary application forms and requirements for the issuance of an immigration visa to enable you to enter the United States as the wife of a native-born American citizen. When you receive and have filled out those papers and forward them to the U.S. Consul, he examines them and thereafter will notify you by letter that the papers are in order and that on a given day he

will issue to you an immigration visa, and that if you appear at his office at such time, it will be delivered to you and you will be able immediately thereupon to return to the United States for legal residence purposes. Thereupon your status will be cleared and in due course of time you will be able to apply to become a citizen of the United States.

You should have your letter to the U.S. Consul typewritten and sent to him immediately. Please keep a copy thereof and forward the same to me. When you have completed your papers, kindly let me know. In the meantime inasmuch as the Immigration Service granted you until March 1, 1953, for voluntary departure it will be necessary to ask for an extension of that time if the American Consul does not prior thereto fix a day for you to appear at his office to pick up your immigration visa.

Very truly yours,

Copy to:
Mrs. I. Naganuma
Rev. Yoshiaki Fukuda

ISSUED TO

SHIZUKA KIKUCHI
c/o W.M. Collins 230 Bush St.,
SAN FRANCISCO, CALIFORNIA

FILE NO.

A6 153 101

PLEASE QUOTE THIS NO.
← IN CORRESPONDENCE REL-
ATIVE TO THIS PAYMENT
OR APPLICATION.

PAYMENT FOR

MOTION TO REOPEN

DATE RECEIVED

2-4-53

AMOUNT RECEIVED

\$

5.00

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

LOS ANGELES, CALIFORNIA

RECEIPT

RECEIPT IS ACKNOWLEDGED OF YOUR REMITTANCE
IN THE AMOUNT AND FOR THE PURPOSE AS STATED ABOVE.

Pers. check No. 153
Bank of America.

X

No. 1600

48480

FORM G-234A (4-21-52)
FORM PRESCRIBED BY
COMPTROLLER GENERAL, U. S.
APRIL 16, 1945

Peruvian

KONKOKYO CHURCH OF SAN FRANCISCO

-INCORPORATED-

金光教桑港教會

1909 BUSH STREET

SAN FRANCISCO 15, CALIFORNIA

Feb/ 6, 1953

Dear Mr. Collins:

Thank you very much for your kind efforts for Mrs. Kikuchi's case. Mrs. Naganuma came my place with your letter and she was also very grateful for your endeavouring.

I explained her about your idea to get Immigration visa through U.S. consule at Tijuana or Mexicali.

Concerning some points I could not understand your plan. If you could explain your opinion about the following points we would be very grateful.

- (1) Mrs. Kikuchi is Peruvian citizen, so do you not think she will be required to take a passport of Peruvian Government before she applies for U.S. Consule's visa?
- (2) Do you not think it will be necessary that Mrs. Kikuchi move in Mexico first in order to apply visa to enter to this country? Or is it right to mention her present address in Los Angeles?
Sometime ago, I asked the Immigration officer about possibility to change the status of a temporary visitor after he married to an American citizen (Nisei). The officer told me that the temporary visitor cannot change the status unless he return to his own country and take a new pass port as an American citizen's husband.
- (3) Mr. Kikuchi is rennouncee. Do you think U.S. Government will approve his citizenship to call his wife as a citizen's wife?

I think you have already taken some understanding with U.S. Government about these points. Mrs. Kikuchi will do her best to follow after your instruction, but we are also desiring to hear your kind explanation.

Thanking again for your great efforts,

yours very sincerely,

Rev. Yoshiaki Fukuda
Rev. Yoshiaki Fukuda

February 11, 1953

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

Attn: Alfred E. Edgar, Jr., Esq.

Gentlemen:

Re: Mrs. Shizuka Kikuchi
A6 153 101; L.A. 1600-45364

Enclosed find Supplement To Motion To
Reopen And For Reconsideration in the above-
entitled case in triplicate. If any addi-
tional fee is due thereon I would thank you
to let me know.

Very truly yours,

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

February 11, 1953

Rev. Yoshiaki Fukuda
1909 Bush Street
San Francisco, Calif.

Dear Rev. Fukuda:

In view of the fact that your letter of February 6, 1953, directs my attention to the fact that the husband of Shizuka Kikuchi, nee Naganuma, is a renunciant whose political status has not yet been determined by reason of the fact that his case was reopened by order of the Court of Appeals I have requested the United States Immigration Service at Los Angeles to reopen her case and reconsider it because the order for voluntary departure was based upon the assumption or evidence that Mr. Kikuchi was in truth and fact a native born American citizen.

It is my Opinion that since Mr. Kikuchi's status has not yet been cleared that there would be grave doubt that she could obtain an immigration visa through the American's Consul's office in Tijuana or Mexicali to enable her to go into Mexico and to return the same day. It is my opinion that if she departed from the United States she would be permitted to return as the wife of a resident alien only under the provisions of Sec. 203 (a) (3) which means that she could enter as such only provided she could get in the 3rd preference 20% quota list for a quota in any one year, and therefore might have to remain abroad for a considerable period of time before she would be qualified thereunder to enter. Therefore it is my opinion until this matter is further clarified by the Immigration Service at Los Angeles that Mrs. Shizuka Kikuchi should not cross the border to Mexico.

Very truly yours,

Copy to: Shizuka Kikuchi
106 S. Hewitt St.
Los Angeles, Calif.

Mr. & Mrs. I. Naganuma
1745 Laguna St.
San Francisco, Calif.

February 19, 1953

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

Attn: Alfred E. Edgar, Jr., Esq.

Gentlemen:

In re: Mrs. Shizuka Kikuchi
A6 153 101; L.A. 1600-45364

It appears to me that although the alien above named might not be able to procure an immigration visa on the ground of being married to a legally resident citizen because the status of her husband's citizenship is in doubt that she may, nevertheless, be entitled to obtain a nonquota immigration visa in her own right as being a citizen of Peru.

In consequence, I have instructed her to apply to the nearest U.S. Consul in Tijuana or Mexicali for the necessary documents to obtain such a visa.

In view of these facts, it is requested that she be given an additional sixty days time within which to procure such a visa and to depart voluntarily in the event her motions to reopen and for reconsideration be denied.

Very truly yours,

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

February 19, 1953

Mrs. Shizuka Kikuchi
106 S. Hewitt Street
Los Angeles, Calif.

Dear Mrs. Kikuchi:

According to an interpretation of the present law relating to your right to the procurement of a non-quota immigration visa it appears that an American Consul in Tijuana or Mexicali might issue you a "nonquota immigration visa" on the ground that you have resided here for a period in excess of seven years and that you are a native born citizen of Peru. That country is not on a quota basis under our immigration law.

Therefore, without delay you should write to such an American Consul and request him to forward to you the necessary application form for the issuance of a nonquota immigration visa to you as a Peruvian citizen, who has resided here about 10 years.

It may be that he will issue you such a visa despite the fact that your husband is a renunciant whose citizenship status has not yet been determined. Your application will be made on your own behalf and not in the ground of your marriage to a citizen of the United States.

The consul will send you the necessary application form together with a letter of instruction concerning the papers and documents he will require you to submit to him. If your papers are found by him to be in order he will make an appointment for you to appear at his office on a given date to receive a nonquota immigration visa which would enable you to return to the United States the same day.

However, in the meantime you must not leave the United States unless and until the consul notifies you he will issue the visa to you. Even then, before you leave you should inform the U.S. Immigration Service at Los Angeles before departing just to make certain that you will be permitted to re-enter the United States without difficulty.

Very truly yours,

cc: Rev. Yoshiaki Fukuda
Mr. & Mrs. I. Naganuma

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File No. 1600-45364 - Los Angeles (A6153101)

In re: SHIZUKA KIKUCHI, nee NAGANUMA

FEB 24 1953

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Mr. Wayne M. Collins, Attorney at Law,
1701 Mills Tower, 220 Bush Street,
San Francisco 4, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - economic detriment
Suspension of deportation - Seven years residence

DETENTION STATUS: Released on conditional parole.

WARRANT OF ARREST SERVED: March 30, 1946.

MOTION: To reconsider decision entered on December 10, 1952 and to reopen hearing.

DISCUSSION: On December 10, 1952 an order was entered by the Hearing Officer in this case that the alien be required to depart from the United States without expense to the government and that if she failed to depart when and as required the voluntary departure privilege be withdrawn and that she be deported without further notice or proceedings. The decision was served on counsel for the respondent and no appeal or exceptions to the decision was taken within the time allowed. Under date of December 30, 1952 the alien was notified that she was granted until March 1, 1953 within which to effect her departure from the United States without expense to the government and without the issuance of an order of deportation.

Original motion of counsel together with his affidavit to reopen and reconsider this case was received at this office on February 3, 1953. His supplement to the motion was received at this office on February 12, 1953.

Careful consideration has been given to the motion of counsel together with his supplemental motion and his affidavit in support of his motion, as well as his supplemental points and authorities in support of his motions to reopen and for reconsideration.

The reasons given in the motion as to why an appeal was not taken within the time allowed do not merit reopening the hearing in this case.

Loss of services

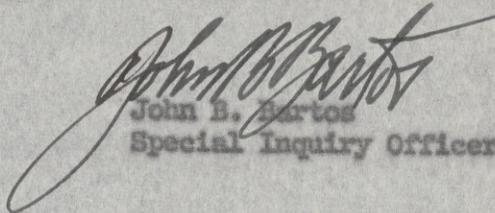
Nothing has been set forth that affirmatively establishes that the deportation of the respondent would result in a serious economic detriment to her husband. Nor do any of the reasons set forth establish that the deportation of the respondent would result in an extreme or unusual hardship to the respondent or her spouse(8 USC 155(c); 8 USC 1254(a)(1)).

Supplemental motion to reopen and for reconsideration shows that the husband of the respondent, although a native born citizen of the United States renounced his United States nationality during World War II and that an action in equity is pending in the United States District Court at San Francisco, California for a determination of his status relative to his citizenship.

Careful consideration has been given to all the facts and circumstances in this case. It is concluded that the facts in the case do not warrant that it be reopened for further hearing. The decision of the Hearing Officer has been carefully considered and the facts and circumstances of the case do not warrant a change in the order of the Hearing Officer entered on December 10, 1952.

ORDER: It is ordered that the decision of the Hearing Officer together with his order entered on December 10, 1952 be and the same is hereby affirmed.

IT IS FURTHER ORDERED that the motion to reopen the hearing in this case be and the same is hereby denied.


John B. Bartos
Special Inquiry Officer

JBB/emd

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

Please address reply to
District Director
and refer to this
File No. 1600-45364(A6153101)
IB

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

*Recd
2/26/53*

FEB 25 1953

Dear Sir:

The attached is a copy of the decision and order of Special Inquiry Officer in the case of Shizuka Kikuchi, nee Naganuma.

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 ten days (not including Sundays and holidays) after receipt of this notice.

If an appeal is desired, the Notice of Appeal on Form I-290A, copies of which are enclosed, should be executed in triplicate and filed with this office. A brief or other written statement in support of your appeal may be submitted with the Notice of Appeal.

You may also request oral argument before the Board of Immigration Appeals. However, an alien who is in detention or who has been denied admission at the Canadian or Mexican border will not be released from detention nor permitted to enter the country to present oral argument to the Board. Such an alien desiring representation must arrange to have someone appear on his behalf before the Board. Unless the name and address of the representative is forwarded with the Notice of Appeal, the Board of Immigration Appeals will not calendar the case for argument.

Any question which you may have will be answered by the local immigration office nearest your residence or at the address shown in the heading of this letter.

Please sign and return the enclosed receipt for the loan of a copy of the transcript.

Sincerely yours,

Harold J. Dotson
For the District Director

Enclosures

March 5, 1953

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

Dear Sir:

In re: Shizuka Kikuchi, nee Naganuma,
No. 1600-45364; A6153101

Enclosed find notices of appeal Form I-290-A
executed in triplicate, accompanied by Brief on
Appeal likewise executed in triplicate, and
Form 16-260 executed in triplicate in the above
entitled cause.

My check in the sum of \$25 covering the
necessary fee also is enclosed.

Very truly yours,

Encs.

March 10, 1953

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

Dear Mr. Collins:

This is in answer to your letter of March 5.

I have written to the American Consulate Office, P.O. Box 87, San Ysidro, California, dated February 21, as you suggested, but I have not received an answer from them as yet. As soon as I receive an answer, I will let you know.

I am concerned about the denial of my motion for reconsideration, although I know for sure that you will represent me and take the proper steps in regards to my case.

I am enclosing \$30.00 in money order, as per your instruction, to be forwarded to the Immigration Office.

Thanking you, I am

Sincerely yours,

Shizuka Rikuchi

March 17, 1953

Mrs. Shizuka Kikuchi
106 So. Hewitt St.
Los Angeles, Calif.

Dear Mrs. Kikuchi:

I have written out in full your answer to Question No. 12 and attached it to the consular form.

Your answers to Questions No. 11, 28 and 31 should be written in as follows:

No. 11: Write in "self-employed as seamstress" if that is true, otherwise write in "I am employed as a seamstress by (add name of your employer).

No. 28: You must answer each part of the question showing your personal resources which are the same as those of your husband, namely Cash _____ Bank Deposit _____ Stocks and Bonds _____ Real estate _____ Other (such as automobile, savings and loan accounts, etc. _____.)

No. 31: (If you read and write Spanish and English as well as Japanese your answer should read, Japanese, Spanish and English).

You must send in the completed form to the Consul so soon as possible.

Very truly yours,

Answer to Question No. 12:

I was brought by the U.S. Government to the United States on March 21, 1944, as a "voluntary internee", along with my mother, sisters and brothers, to join my father, a national of Japan, who had been brought here for internment purposes from Peru. I have resided in the United States uninterruptedly ever since. On April 11, 1948, at Los Angeles, Calif., I was united in marriage to Hideo Bill Kikuchi, a native born resident of the United States whose citizenship status is in doubt by virtue of an asserted coerced renunciation thereof in 1945 while he was detained in a WRA Center and over which litigation to establish his U.S. citizenship is pending in the U.S. District Court at San Francisco, California.

Having been brought to the United States without admission credentials such as a passport and visa the USI&NS instituted deportation proceedings against me and thereafter ruled me deportable. I applied to that Service for a suspension of deportation under Title 8 USCA, Sec. 155 (c). In due course my application was denied but I was granted voluntary departure largely upon the ground that being a native born citizen of Peru I readily could obtain a nonquota visa from a United States Consul. I have appealed from such ruling to the Board of Immigration Appeals where the matter is now pending. Nevertheless, I desire to apply for a nonquota visa as a citizen of Peru who long has resided in the United States. (The Peruvian Government has denied me the right to return to Peru.).

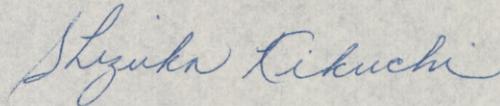
March 15, 1953

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

Dear Mr. Collins:

Enclosed American Foreign Service application for registration which came a few days ago. I have filled in part of the form but some part I have not completed because I would like your advice on the matter before sending.

Sincerely yours,



Shizuka Kikuchi

SK/rt

ISSUED TO

SHIZUKA KIKUCHI c/o W.M. COLLINS ATT.
Mills Tower, 220 Bush St.,
SAN FRANCISCO, CALIFORNIA

FILE NO.

1600-45364

← PLEASE QUOTE THIS NO.
IN CORRESPONDENCE REL-
ATIVE TO THIS PAYMENT
OR APPLICATION.

PAYMENT FOR

NOTICE OF APPEAL

I-290A

DATE RECEIVED

3- 16-53

AMOUNT RECEIVED

\$

25.00

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

LOS ANGELES, CALIFORNIA

RECEIPT

RECEIPT IS ACKNOWLEDGED OF YOUR REMITTANCE
IN THE AMOUNT AND FOR THE PURPOSE AS STATED ABOVE.

Bank of America San
Francisco Branch check
No. 187.

X

No. 1600

53902

FORM G-234A (4-21-52)
FORM PRESCRIBED BY
COMPTROLLER GENERAL, U. S.
APRIL 16, 1945

106 South Hewitt St.
Los Angeles, Calif.

April 14, 1953

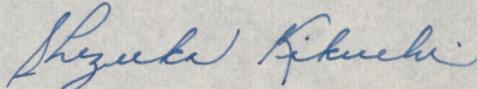
Mr. Wayne Collins
Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins:

The enclosed application form for petition of visa arrived last week for myself according to your suggestion from the American Consulate Office in Mexico. Since it appears very complicated, I am enclosing the entire letter to you.

I have had the instructions read to me and I am preparing the necessary documents to be submitted to the Consulate. However, since there are many things in the application which a lawyer will not be able to make out accurately and appropriately, I am sending the whole thing for your advise.

Sincerely yours,



Shizuka Kikuchi

Encls.

April 24, 1953

Mrs. Shizuka Kikuchi
106 South Hewitt St.
Los Angeles, Calif.

Dear Mrs. Kikuchi:

I have circled in blue on the consular information list the documents it will be necessary for you to obtain and submit to the consul.

You should obtain the necessary documents so soon as possible.

Thereupon you should get in touch with Mr. Nakamura or Mr. Kono of the Tule Lake Defense Committee at 124 South San Pedro Street, Los Angeles 12, California, telephone Michigan 4728, who will assemble them for you and notify me thereof so that if the documents required by question Numbers 10 and 13 have not been prepared the information relating thereto can be supplied to me and I will prepare them.

Very truly yours,

*American Consulate
PO Box 87,
San Ysidro,
Calif*

May 20, 1953

Mrs. Shizuka Kikuchi
106 South Hewitt Street
Los Angeles, California

Dear Mrs. Kikuchi:

The Immigration Service at Los Angeles apparently is under the impression that you can obtain a "nonquota immigrant visa" to enter the U.S. because you were born in Peru and, therefore, are defined as a "nonquota immigrant" under Section 101(a)(27)(C) of the Immigration and Nationality Act of 1952. (If your husband's renunciation had been cancelled and he had been declared to be a citizen of the U.S. you would be entitled to a "nonquota immigrant" visa for being the wife of a citizen under Sec. 101(a)(27)(A) of that Act and there would be no doubt that you could enter the U.S. on a properly issued nonquota immigrant visa.

If the Board of Immigration Appeals decides that you are not entitled to a nonquota immigrant visa it is possible it may order that you be granted a suspension of deportation and, if Congress approves, you will be given permanent residence status in this country.

Although it may be ruled that you are entitled to a nonquota immigration visa because you were born in Peru, it also may be decided that you are entitled to enter the U.S. only on a "quota immigrant" basis, under Sec. 205(b)(2) of the Act, upon the claim of your husband made not as a citizen of the U.S. but as an alien lawfully admitted to the U.S. as a permanent resident or its equivalent, that is to say, by reason of his birth here. In such an event you might be allowed to enter the U.S. on a "quota immigrant" basis within the twenty (20%) of the quota for a given year, under Sec. 203(a)(3) and your entry would be charged to the appropriate quota list.

In any event it seems necessary that your husband apply for a "nonquota immigrant status and visa" for you by obtaining from the U.S. Immigration Service at Los Angeles "Forms I-133" as a claimant to U.S. citizenship (disclosing thereon that he renounced U.S. nationality and that a suit

to have him declared a U.S. National is pending in the U.S. District Court at San Francisco) or for a "quota immigrant status and visa" on "Forms I-133A" on the claim that he is a lawful resident alien (disclosing thereon the same facts relating to his renunciation). Thereupon the District Director can make a ruling on whether you are entitled to a "nonquota immigrant status" or "immigrant quota status" and transmit the same to the Attorney General who, if he approves the classification, will notify the Secretary of State who will notify the U.S. Consul at San Ysidro.

I realize that this matter may appear to you to be complicated. However, it is necessary that these steps be taken to make certain that we exhaust all your remedies in the event the Board of Immigration Appeals disapproves your application for suspension on the theory that you can enter the U.S. either as a nonquota immigrant or as a quota immigrant with a preference as to entry.

The Tule Lake Defense Committee will obtain the Forms for you and will assist you in filling them out and will communicate with me thereon.

Very truly yours,

RECEIVED
MAY 10 1952
U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SAN FRANCISCO OFFICE

May 21, 1953

*file
Naganuma*

Mr. Tex Nakamura
Tule Lake Defense Committee
124 South San Pedro St., Rm. 215
Los Angeles 12, California

Dear Tex:

Enclosed find copy of my letter of May 20th to Mrs. Shizuka Kikuchi, nee Naganuma, 106 S. Hewitt St., Los Angeles, California.

I suggest that you obtain Forms I-133 and Forms I-133A from the USI&NS at Los Angeles and type them out for her.

Her Immigration File No. is A6153101 and L.A. 1600/45364.

On Dec. 10, 1952, Hearing Officer John B. Bartos, L.A., ruled that she is "a nonquota immigrant" under the immigration law and could readily obtain an immigration visa (by which he evidently meant a "nonquota immigration" visa if granted voluntary departure) and, as a result, recommended a denial of her application for suspension of deportation theretofore made under the old law, 8 USCA Sec. 155(c). I believe he reached that conclusion because he assumed her husband was a citizen of the United States. If her husband was actually a citizen she could get a nonquota immigration visa without doubt from the U. S. Consul at San Ysidro. However, her husband is a renunciant which makes a difference.

Under the new law she is defined as a "nonquota immigrant" under Sec. 101(a)(27)(C), Immigration and Nationality Act of 1952, because she was born in Peru. However, as I interpret the law, she might not be able to enter as a nonquota immigrant because her husband is a renunciant whose citizenship has not yet been determined. It is likely that her husband would be viewed as an alien having lawful residence here (if the fact of his birth here is to be deemed equivalent to a legal entry into the U.S. on his part, which is somewhat

doubtful), in consequence of which she might be entitled to an immigrant visa (not a nonquota immigrant visa) under Section 203(a)(3) and be given the provided preference on a quota provided for the Pacific-Asia triangle. Sec. 205(a) and (b) of the Act provide that if the alien (wife) claims to be entitled to a "non-quota immigrant" status as the wife of a U.S. citizen or to a "quota immigrant" status or a "preference" as the wife of a legally resident alien that a petition for such status must be filed with the Attorney General.

The petition is made on Form I-133 for a citizen and I-133A for an alien. These petitions are obtained from the USI&NS at Los Angeles and are provided for by Sections 205.11 and 205.12 of Title 8 of the Nationality Regulations adopted by the Attorney General. If the District Director of the USI&NS approves the petition and decides that the applicant is entitled to a "non-quota immigrant" or "quota immigrant" or "preference" status the Attorney General transmits a record thereof to the State Department which notifies the consular officer of that decision. Thereupon the application to the consul for a visa to enable the applicant to enter the U.S. should be granted.

It is possible that, under the circumstances, it might be ruled that Mrs. Kikuchi is entitled to a non-quota immigrant status and visa. If so, that would solve matters. However, it is possible that she might be granted only an immigrant visa and that it might take considerable time before she could enter on a quota or preference basis even though she might be entitled to enter on the Pacific Asia quota formula.

I suggest, therefore, that you consult the USI&NS at Los Angeles as to whether, under the circumstances, Form I-133 for a citizen or Form I-133A for a legally resident alien applying to enable her to enter should be filled out. Whichever form might be deemed applicable it seems to me that it must be clearly revealed thereon that Mr. Kikuchi, her husband, renounced U.S. nationality at Tule, that he sued to set aside the renunciation, that he prevailed in the U. S. District Court, that the Attorney General and defendants appealed, that the Court of Appeals for the Ninth Circuit ordered the cause reopened for the introduction of additional evidence and that the cause is still pending undecided, and that, by reason thereof, it cannot be known definitely whether Mr. Kikuchi is a citizen of the U.S. or a legally resident alien.

(Further, attention must be directed to the fact that Mr. Kikuchi is a native resident of the U.S. and is not an alien of whom there is a record of entry into the U.S., unless he heretofore has gone abroad and reentered the U.S.).

When the applicable forms have been obtained and filled out I will review them before filing and prepare any necessary affidavits, etc.

Very truly yours,

COMMITTEE

T. AKUNE
 A. HAYASHIDA
 Y. HONDA
 K. IKEDA
 Y. KAKU
 L. KATAOKA
 J. KIMURA
 Y. KIYOHIRO
 T. KONO
 T. KOSUGI
 M. MATSUMOTO
 K. MATSUOKA
 K. MORISHIGE
 T. NAKAMURA
 I. NAMEKAWA
 R. NARIMATSU
 T. OBATAKE
 H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
 Los Angeles 12, California
 Michigan 4728

May 25, 1953

COMMITTEE

M. SASAKI
 Y. SHIBATA
 I. SHIMIZU
 R. SHIRAISHI
 T. SHONO
 K. TAKAHASHI
 M. YEGO
 H. TAKETAYA
 H. TAKEUCHI
 M. TOYOTA
 G. TSUETAKE
 H. UCHIDA
 B. WATANABE
 M. YAMAICHI
 T. YAMAMOTO
 M. UEDA
 K. UYENO

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

In re: Mrs. Shizuka Kikuchi nee Naganuma

Dear Wayne:

I wish to acknowledge receipt your letter of May 21st and May 15th concerning the welfare of the Peruvians in Los Angeles.

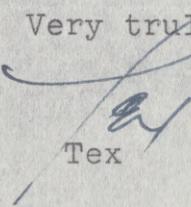
I do not know what promises Kurotobi may have made in the conference with you, but you will be sadly mistaken if these Peruvians will ever pay a cent toward the cost of any undertaking.

I note that Mrs. Kikuchi's husband is in our mass suit, and to this date ^{he} has not contributed a penny. I do not think it wise and advisable to assist these people. They have not called at our office, and I do not care to look them up. I think Mrs. Kikuchi is a daughter of Shiga.

This morning I went to the Immigration office, and they contend that a Peruvian citizen cannot come in under the non-quota provision. For this reason, I would have to wrangle with other Immigration officials to get some kind of ruling whether they will even accept these application forms.

In separate envelope we have mailed to your via Registered Mail Return receipt the sum of \$3,584.50.

Very truly yours,


 Tex

Rec'd 7/22/53

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

Date: July 21, 1953

File Number: 1600-45364 1

Mrs. Shizuka Kikuchi
106 S. Hewitt Street
Los Angeles, Calif.

Dear Madam:

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.

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,

For the District Director

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

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

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

A-6153101
KIKUCHI

July 7, 1953

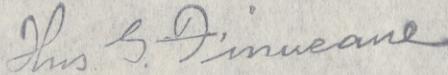
Rec'd 7/10/53

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

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
Chairman

JUL 6 - 1953

A-6153101 - (1600-45364) Los Angeles

SHIZUKA KIKUCHI, nee HAGANUMA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower
San Francisco 4, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - economic detriment
Suspension of deportation - seven years residence

DETENTION STATUS: Released on conditional parole

DISCUSSION AS TO DEPORTABILITY: Respondent is 28 years of age, female, a native and citizen of Peru, of the Japanese race. Her only entry into the United States occurred at New Orleans, La., on March 21, 1944, at which time she was brought to the United States from Peru by the United States Army for internment during World War II. Respondent was one of seven children who with their mother accompanied their father in "voluntary internment" when he was brought to the United States for internment as an alien enemy. They were not in possession of the necessary immigration documents and therefore are deportable on the documentary charges stated in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: Respondent has applied for the privilege of suspension of deportation on the grounds that she has been in the United States for seven years and was resident in the United States on July 1, 1948, and also that she is married to a United States citizen and her deportation would result in serious economic detriment to her United States citizen husband.

Respondent's application for suspension of deportation will be considered under Section 19(e) of the Immigration Act of 1917, as amended, because her request for suspension was filed before the Immigration and Nationality Act of 1952 became effective. On August 27, 1951, respondent's counsel addressed a communication

to the Commissioner of Immigration at Washington, D. C. stating that he enclosed therewith three original application forms to reopen the proceedings in order that respondent might apply for a suspension of deportation. This communication and the applications accompanying it are considered by us to have been an application for suspension of deportation prior to the passage of the new Act. They precede by some time the later application for suspension forms dated December 8, 1952.

On April 11, 1948 respondent was married to a person of the Japanese race who has been a native born citizen of the United States. Her husband renounced his United States nationality while he was detained in a W.R.A. Center during World War II. Cancellation of that renunciation is now in litigation in the United States courts, and the matter has not yet been finally adjudicated. Since there is doubt as to the citizenship status of respondent's husband we will not grant suspension of deportation on the ground that her deportation would result in serious economic detriment to a United States citizen. It is our belief that respondent is eligible for suspension of deportation on the ground that she has been in the United States for seven years and was resident in the United States on July 1, 1948. After three and a half years in detention respondent was permitted to leave the internment camp and has been employed since October 1947. At the time of her hearing in 1952 she testified that she was earning \$75 a week as a power machine operator in the garment industries. There has been no finding that she has not been a person of good moral character for the past five years and that the record showed no criminal or arrest record for her.

Until recently it was the policy of this Department to deny suspension of deportation to aliens brought into the United States solely for reasons connected with the war. Many of these persons, after a period of internment, were permitted to depart from the detention centers, and proceedings against them as alien enemies were terminated after favorable findings were made by the Alien Enemy Division of the Department of Justice. They were permitted to obtain employment, and they lived and worked in the United States, subject to the usual restrictions on parolees. After the termination of World War II some of these persons desired to remain in the United States and applied for suspension of deportation. This relief was denied them as a matter of policy. However, in Matter of W., Int. Dec. 225 (BIA, May 31, 1950, A. G. May 6, 1952) the Acting Attorney General reviewed the policy and concluded that, in that case at least, deportation of the subject alien would bring about undue hardship. Accordingly, he reversed this Board and ordered the grant of suspension of deportation to E. W., the alien involved in that proceeding. On the authority of that case it has become possible for this Board now to grant suspension of deportation to the Peruvian Japanese in the group of cases now before us.

We are informed that the Government of Peru has continued to decline to permit respondent and other persons similarly situated to reenter that country. They cannot remain in the United States permanently as illegally resident aliens. Having left Japan many years ago, none of them desires to return to that country. The most equitable solution to this problem within the power of this Government is to permit respondent to remain in the United States by granting her suspension of deportation.

It is our opinion that because respondent has been in the United States for seven years and was residing in this country on July 1, 1948, and because she has an otherwise good record, and because she is unable to return to the country from which she was brought for internment, respondent should be granted suspension of deportation.

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 order entered by the Hearing Officer of December 10, 1952 be and the same is hereby withdrawn.

IT IS FURTHER ORDERED that if during the session of the Congress at which this 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, the proceedings be canceled upon the payment of the required fee and that the alien, a nonquota immigrant, be not charged to any quota.

Chairman

July 13, 1953

Mrs. Shizuka Kikuchi
106 South Hewitt Street
Los Angeles, California

Dear Mrs. Kikuchi:

I wish to inform you that I have received a notice from the Board of Immigration Appeals dated July 7, 1953, and a copy of its decision of July 6, 1953, informing me that the appeal I took on your behalf has been sustained. This means that the unfavorable decision heretofore rendered against you has been set aside.

As a result of the favorable decision of the Board of Immigration Appeals, your case will be referred to Congress for its approval. If Congress approves your application for suspension of deportation, you will be granted permanent residence status in the United States. The Immigration Service in due course will notify you if Congress approves your application for suspension of deportation. If it refuses it, other action will have to be taken on your behalf.

As a result of this favorable decision from the Board of Immigration Appeals, it will not be necessary for you to apply for a nonquota immigrant visa from a U.S. consul in Mexico.

Very truly yours,

Form 16-164
1-10-45

RECEIVED
JUN 18 1954

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

Date: June 17, 1954

File Number: 1600-45364 IB

OR #: 61-14

Formian

Mrs. Shizuka Kikuchi *NEE NAGANUMA*
204 N. Eastern Ave.
Los Angeles, Calif.) *new all*
noted 6/18/54

Dear Madam:

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,

nmh

For the District Director

Copy to: Mr. Wayne M. Collins, Attorney at law, 220 Bush Street,
Mills Tower, San Francisco 4, Calif.

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
GARfield 1-1218

June 18, 1954

Mrs. Shizuka Kikuchi
204 N. Eastern Avenue
Los Angeles, California

Dear Mrs. Kikuchi:

Congress has approved a suspension of deportation for you and has granted you permanent residence in the United States.

You must pay, therefore, the sum of \$18.00 to the U.S. Immigration Service at 458 South Spring Street, Los Angeles, to create a record of your lawful entry into the United States. You should make that payment promptly in the form of a U.S. Postal Money Order made payable to the "COMMISSIONER OF IMMIGRATION AND NATURALIZATION."

When you have paid that fee please notify me. After that has been paid you will be eligible to apply for naturalization, that is, to become a U.S. citizen.

When you have become a U.S. citizen it is likely that you will be able to visit Peru if you wish simply by obtaining a U.S. passport from an office of the U.S. State Department and a visa from the Peruvian Consulate.

In any event you should not leave the United States and go to Mexico or Canada or any foreign country while you still are an alien unless you first obtain a re-entry permit from the Immigration Service and a passport from the country of which you are a national. When and if you become a U.S. citizen you should first obtain a passport from the U.S. State Department before you visit any foreign country.

Very truly yours,

Los Angeles Calif.
July 9, 1954.

Dear attorney Collins.

Peruvian

This is to notify you
that I had paid the sum of
\$1800 to the Immigration Service
at 458 South Spring Street, Los
Angeles on June the 15th of
1954. I made payable to the
Commissioner of Immigration
and Naturalization.

I thank you very much
for your corporation.

Very truly yours,

Shizuka Kikuchi

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: Garfield 1-1218

Mailed to each of 4
Committeemen - as shown
at end of letter

October 7, 1954

By Public Law 751 approved on August 31, 1954, Congress amended the "Refugee Act of 1953" to provide that an alien who lawfully entered the U.S. as a bona fide nonimmigrant before July 1, 1953, and who is unable to return to the country of his birth, nationality or last residence because of racial, religious or political reasons or an alien who was brought to the U.S. from other American republics for internment may, not later than June 30, 1955, apply to the Attorney General for an adjustment of his immigration status to that of a person lawfully admitted to the U.S. for permanent residence.

This new law makes certain persons eligible to apply for an adjustment of their immigration status by obtaining special nonquota immigrant visas without having to depart from the U.S. to another country to obtain such special visas.

The Refugee Act of 1953, however, limits the number of special nonquota immigrant visas which can issue to such refugees to the figure of 205,000, divided among various refugees of different ethnic origin from different areas.

By interpretation of the statute it appears that Congress did not intend that any of these special nonquota immigrant visas would issue to persons who are able through other statutory means to legalize their entry into the United States. It appears that Congress did not intend to grant such special visas to Peruvian-Japanese or any other aliens who are granted voluntary departure with the right of preexamination to go abroad and there obtain nonquota immigrant visas and then re-enter the U.S. legally and then be entitled to permanent resident status in the U.S. The reason Congress apparently intended to exclude such persons from obtaining such special nonquota immigrant visas under the Refugee Act of 1953 is because if such persons were allowed to adjust their status to permanent residents under that statute the number of such persons would cut down the number of special visas available to genuine refugees who had no other way to legalize entry into the United States except by the special nonquota immigrant visas.

In consequence, it seems to me that the best procedure for members of the Peruvian-Japanese group to follow who have been granted voluntary departure with the right of preexamination is

to make arrangements to go to Canada or Mexico and there obtain nonquota immigrant visas and then return promptly and have their entry into the U.S. legalized. If they would do so promptly much time and effort would be saved and considerable worry be avoided.

It is my opinion that the following members of the group who have been granted voluntary departure with the right of pre-examination which enables them to go to Canada and there obtain nonquota immigrant visas and thereupon return promptly to the U.S. should make arrangements so soon as possible. They are:

Kunio Takeshita
Eisuke Muroto
Toyoko Muroto
Robert Yoshinaga Furuya

It is my opinion that any others in the group who in the future become eligible for the same relief should follow the same procedure.

If any of the Peruvian-Japanese group are unwilling to accept my interpretation of this new legislation and still wish to apply to the Immigration Service office for an "Application For Adjustment Of Status Of Nonimmigrant To That Of A Person Admitted For Permanent Residence" they may do so by asking that Service for Application Forms I-507 filling them out, filing them, producing the documentary evidence required and by having a hearing thereon. They can obtain a ruling thereon from that Service as to whether or not they are eligible for an adjustment of their immigration status through the medium of special nonquota immigrant visas authorized by the Refugee Act of 1953.

It is my opinion that if a member of the Peruvian-Japanese group were to be denied a suspension of deportation, or was granted voluntary departure without the right of preexamination or was ordered deported that such a person would be entitled to apply for an adjustment of his immigration status under the provisions of the Refugee Act of 1953, as amended by Public Law 751.

Heretofore I suggested to the spokesman for the Peruvian-Japanese group that outside interference with the orderly program of obtaining relief for the Peruvian-Japanese group was apt to lead to confusion and would prolong obtaining the desired relief. It is unfortunate that members of this group may have been misled by JACL publicity to believe that proposed legislation favored by it would solve the immigration status problem of the Peruvian-Japanese group. All that has been accomplished is an unnecessary delay in having the immigration status of a number of the group delayed for an unreasonable period of time.

Very truly yours,

P.S. If any member of the Peruvian-Japanese group who has been granted or who, in the future may be granted, voluntary departure with the right of pre-examination by the Immigration Service to depart from the United States to Canada, Mexico or elsewhere to obtain a non-quota immigrant visa decides to delay taking steps so to do in order to apply for an adjustment of his or her immigration status under the provisions of the Refugee Act of 1953, as amended by Public Law 751, such person or persons, nevertheless, should make a written request of the Immigration Service to postpone the time fixed for his or her voluntary departure until such time as a final decision is made on the application for adjustment of his or her immigration status.

I direct your attention to the fact that there is always the possibility that the Peruvian government sometime in the future might authorize the return to Peru of some of the Peruvian group. To date it has not given to the State Department an outright refusal to authorize their repatriation to Peru but merely has indicated that it was studying the problem and giving it consideration. If the Peruvian government sometime in the future were to authorize the return of any of them the question of the deportability to Japan of such of them as then had not been granted permanent residence status in the U.S. again might arise if such persons then refused to return to Peru. Therefore, it seems to me essential that each member of the group should attempt to have his or her entry into the U.S. legalized and be granted permanent residence status in this country so soon as possible and thereby avoid the possibility of future difficulty with the immigration laws.

c.c. Mr. Jorge K. Mukoyama
Mr. Ginzo Murono
Mr. Isamu Enrique Kurotobi
Mr. Yasuhiko Ohashi

July 8, 1955

United States Department of Justice
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Re: 1600-45364 (A6 153 101) 1B

Gentlemen:

Enclosed find transcript requested per your
letter of July 6.

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

1600-45364 (A6 153 101)IB

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

July 6, 1955

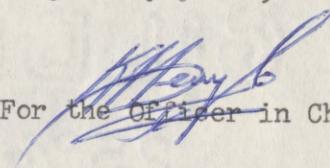
Mr. Wayne M. Collins
Attorney at Law
1701 Mills Tower
220 Bush Street
San Francisco, California

Dear Sir:

A record of lawful entry for permanent residence has today been created in the case of Shizuka Kikuchi, nee Naganuma. Suspension of her deportation was approved by Congress in its Concurrent Resolution No. 61.

A copy of transcript of hearing, consisting of pages 1 to 10 inclusive, was loaned to you in February, 1953. Inasmuch as the deportation proceedings in the above case are now considered closed, it is requested that the copy of transcript loaned you be returned to this office.

Very truly yours,


For the Officer in Charge

U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Field File No.

Central Office
File No.

Alien
Registration No.

(For office use. Do not write in this space)

GENERAL INFORMATION FORM

This general information form is submitted in connection with an application for:

- Suspension of my deportation pursuant to the provisions of Section 19(c) of the Immigration Act of 1917, as amended.
- Voluntary departure and/or preexamination.

(1) My name given at birth was Maria Victoria Shizuka Naganuma
(First) (Middle) (Last)

(2) I entered the United States under the name of Maria Victoria Shizuka
(First) (Middle)

Naganuma (Last) (3) My race is Japanese
(White, Negro, Japanese, Chinese, or any other)

(4) I last arrived in the United States on March 21 1944 at New Orleans
(Month) (Day) (Year) (Port or place of entry)
by means of U. S. Army transport (name unknown)
(Name of vessel or railroad. If other means of

conveyance was used, describe such conveyance)

(5) I was inspected and admitted by an immigrant inspector.
(Was, or was not)

(6) I was born at Callao, Peru on April 1 1925
(Place and country) (Month) (Day) (Year)

THE FACTS IMMEDIATELY FOLLOWING ARE GIVEN AS OF THE DATE OF THIS APPLICATION:

(7) My present name is (print full name) Maria Victoria Shizuka Kikuchi
(First) (Middle) (Last)

(8) I now reside at 106 So. Hewitt St. Los Angeles
(Number and street) (City or town)
California
(County) (State)

(9) My personal description is as follows:

5' 3" Japanese Brown Black
(Height: Feet-Inches) (Complexion) (Color of eyes) (Color of hair)

Visible distinctive marks: None

(10) My nationality is Peruvian (11) My sex is Female
(Country of which citizen or subject)

(12) I did register under the Alien Registration Act, 1940. The number of my Alien
(Did, or did not)
Registration Receipt Card is No. 6153101

(13) My father was born in Japan He is a citizen of Japan

(14) My mother was born in Japan She is a citizen of Japan

(15) I am married. The name of my wife or husband is Hideo Kikuchi
(Am, or am not)

We were married on April 8 1948 at Los Angeles, California
(Month) (Day) (Year) (City or town) (State)

(16) She or he was born at Stockton California
(City or town) (State or country)

on Feb. 16 1923, arrived in the United States at _____
(Month) (Day) (Year) (City or town)

on _____, for permanent residence, and now resides at _____
(Month) (Day) (Year) (City or town)

_____ ; was naturalized on _____
(Month) (Day) (Year)

at _____, and Certificate No. _____ issued.*
(City or town) (County) (State)

*If applicant has been previously married give facts relative to each such marriage as to date, place, name of spouse, and manner and date of termination of marriage.

(17) My assets consist of the following: Total

Cash, including amount in bank	\$ 200.00	
War bonds (purchase value).	\$ none	
Other	\$ 100.00	\$ 300.00

(18) I have no children, whose names, ages, places of birth, and places of residence are as follows:*

NAME	AGE	PLACE OF BIRTH	NOW RESIDING AT—

(19) Since the date of entry upon which this application is based I have resided in the United States as follows:*

STREET AND NUMBER	CITY OR TOWN	STATE	FROM—		TO—	
			MONTH	YEAR	MONTH	YEAR
I.N.S. Det. Station	New Orleans	La.	March	1944	March	1944
Alien Int. Camp	Crystal City	Tex.	March	1944	Sept.	1947
106 So. Hewitt St.	Los Angeles	Cal.	Oct.	1947		

*Use separate sheet for additional entries.

(20) My entries into and departures from the United States are as follows:*

ENTRIES				DEPARTURES			
PORT	MONTH	DAY	YEAR	PORT	MONTH	DAY	YEAR
New Orleans	March	21	1944				

(21) During my residence in the United States my employment has been as follows:*

FULL NAME OF EMPLOYER	NATURE OF WORK	ADDRESS	FROM YEAR TO YEAR	SALARY PER
				(Wk., mo., yr.)

(If not employed by others, describe business or other activities followed since entry.)

(22) I have registered under the Selective Training and Service Act. The number and address of my Local Board is _____ My present classification is _____

(23) I have been debarred from entry into the United States, or deported, ordered deported, permitted in lieu of deportation to depart voluntarily from the United States, or been the subject of an investigation by the immigration authorities.

If answer is in the affirmative in any particular, give complete information in the spaces immediately following:

I was brought from Peru for internment by U. S. Army transport and after the war was ordered to be deported to Peru or to Japan.

(24) To the best of my knowledge and belief, I am not a member of any one of the following classes

(Am, or am not)

of individuals deportable or excludable under the immigration laws: Idiots; imbeciles; feeble-minded; epileptics; insane persons; persons with constitutional psychopathic inferiority; persons afflicted with chronic alcoholism; persons afflicted with tuberculosis; persons afflicted with a loathsome or contagious disease; persons convicted of or admitting the commission of a crime involving moral turpitude; anarchists; persons who believe in or advocate the overthrow by force or violence of the Government of the United States; persons deportable under provisions of the Act entitled "An Act to exclude and expel from the United States aliens who are members of the Anarchistic and Similar Classes," approved October 16, 1918, as amended; prostitutes, or persons connected with the business of prostitution; polygamists; smugglers of aliens; persons convicted of violating the narcotic laws; or persons convicted under the Alien Registration Act of 1940 of interfering with the military or naval forces of the United States, or of subversive activities against any government in the United States.

*Use separate sheet for additional entries.

(25) My deportation would result in serious economic detriment to my ~~citizen or legally resident-alien spouse, parent, or minor child.~~ Hideo Kikuchi

(Would, or would not)

* Maria Victoria Shizuka Kikuchi
(Signature of applicant)

NOTE CAREFULLY.—This application must be sworn to before a notary public or an officer of the Immigration and Naturalization Service.

I, Maria Victoria Shizuka Kikuchi, do swear (affirm) that I know the contents of this application and the same are true to the best of my knowledge.

* Maria Victoria Shizuka Kikuchi
(Complete and true signature of applicant)

Subscribed and sworn to before me by the above-named applicant at Los Angeles, Calif.

this 10th day of February, Anno Domini 19 49

Salvador Pido
Notary Public in and for the County
of Los Angeles, State of California
(Title of officer)

My Commission Expires March 10, 1952

INSTRUCTIONS TO APPLICANT

The information requested of you in this form is required to assist the Government in deciding upon your application. Your application cannot be granted unless you cooperate with the Government by giving this information as completely as you can. You must file with your application three copies of this form filled out and sworn to before a notary public or an immigrant inspector.

If you wish, you may take an extra copy of the form to use while you are securing the information. Then, when you are sure that you have answered all the questions clearly on this sample form, you may copy your answers on the three forms which are to be filed.

Any immigration officer or the representative of any social service agency will be glad to explain the questions to you and assist you in filling out this form. The answers to the questions, however, must be your own answers and not those suggested to you by any other person. If you do not have room to answer certain of the questions in the space provided, you may continue your answers by adding ordinary sheets of paper at the end of the form. If you do this, however, be sure to give the number or numbers of the questions which you are answering.

Be sure to answer every question. If you do not know the answer to certain of the questions and cannot find out, write "I do not know," and then explain why you cannot secure the information.

Your attention is called to section 22 (c) of the Immigration Act of 1924, which provides that whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than 5 years, or both. Your answers to any of the questions in this form may be used as evidence in any proceedings to determine your right to enter, reenter, pass through, or reside in the United States. False answers to any of the questions may result in the denial of your application.

SUBMISSION TO DEPORTATION PROCESS AND APPLICATION
FOR SUSPENSION OF DEPORTATION
(Prior to arrest)

District file _____

A. R. No. 6153101

I, Maria Victoria Shizuka Kikuchi
(Name of alien)

residing at 106 So, Hewitt St, Los Angeles California
(Residence of alien in the United States)

hereby voluntarily submit myself to the jurisdiction of the Immigration and Naturalization Service. I believe that I am in the United States in violation of immigration laws for the following reasons:

I was brought from Peru for Internment by U. S. Army transport
and I did not bring pass port or visa or any other effective
documents to enter this Country.

I request that deportation in my case be suspended under the provisions of section 19 (c) (2) of the Immigration Act of 1917, as amended.

I was born at Callao-Peru on April 1, 1925

and am a citizen of Peru My race is Japanese

I last entered the United States on March 21, 1944 at New Orleans, Louisiana

via _____ under the name of _____

My true name at time of entry was _____

My deportation would result in serious economic detriment to My husband Bill

Hideo Kikuchi

who ~~is~~ are Citizen of the United State
(Citizen(s) or lawful resident(s) of the United States)

I attach documentary evidence of my relationship to the persons named and evidence of their citizenship.

As a part of this application I have completely filled in and duly executed General Information Form I-55, which is annexed hereto.

Maria Victoria Shizuka Kikuchi
(Signature of applicant)

Subscribed and sworn to (affirmed) before me this 10th day of February, 1949

Jalisco
(Signature)

Notary Public in and for the County of
Los Angeles, State of California
(Title)

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 _____
_____, the applicant in the foregoing applica-
tion names; 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 _____ deportation proceeding reopened to enable _____
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 dem-
onstrating _____ said eligibility to apply for and to be granted such
suspension of deportation.

Wayne M. Collins

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

Subscribed and sworn to before me

this 27th day of Sept, 1951.

James P. Deary

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

My Commission Expires
December 23, 1952



1 Wayne M. Collins
2 Mills Tower
3 San Francisco 4, Calif.
4 GARfield 1-1218
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11 Attorney for Respondent

8 BEFORE THE UNITED STATES IMMIGRATION SERVICE

11 In the Matter of)
12)
13 Shizuka Kikuchi) A6 153 101
14) L.A. 1600-45364 (IB)
15)

16 SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
17 MOTIONS TO REOPEN AND FOR RECONSIDERATION

18 On May 6, 1952, it was held by the Acting Attorney
19 General that discretionary relief in the form of suspension of
20 deportation, under Title 8 USCA, Sec. 155(c), may be authorized
21 in the case of an alien who was brought to the United States as
22 an internee, for war connected reasons, even if he has no family
23 ties in this country, when the facts of the case indicate deporta-
24 tion would result in undue hardship, it appearing that the alien
25 had been here for some ten years and was unable to return to the
26 country where he had his lawful residence and that he had been
27 absent for a prolonged period from the country of his origin
28 and citizenship. See, Matter of W., Int. Dec. No. 225. See
29 also, decision of Jerome T. McGowan, Special Inquiry Officer,
30 USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro
31 Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467,
32 certified to the Assistant Commissioner, Inspections and

1 Examinations Division, for review.

2 Inasmuch as the respondent was brought here by the
3 United States Government for what is claimed to have been war
4 connected reasons and deportation would result in undue hardship,
5 it appearing that respondent has been here for a period of time
6 in excess of seven years and is unable to return to Peru where
7 respondent has lawful residence because the Peruvian Government
8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

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12 Respectfully submitted,

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14 _____
15 Wayne M. Collins
16 Mills Tower
17 San Francisco 4, Calif.
18 GARfield 1-1218

19 Attorney for Respondent
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1 Wayne M. Collins
2 Attorney at Law
3 1701 Mills Tower
4 San Francisco 4, Calif.

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6
7 BEFORE THE UNITED STATES IMMIGRATION SERVICE

8
9 In the Matter of

10 Shizuka Kikuchi, nee
11 Naganuma

)
) A6-153-101

) L.A. 1600-45364
12 -----

13 MOTIONS TO REOPEN AND FOR RECONSIDERATION

14
15 I.

16 The respondent alien above-named moves and requests that
17 the above-entitled cause be reopened and that the finality of the
18 decision of the Hearing Officer denying respondent's application
19 for suspension of deportation and ordering the respondent to
20 depart voluntarily or thereafter be deported be set aside and
21 that the time within which respondent may take and file exceptions
22 to the findings of fact and conclusion of law and decision therein,
23 to appeal therefrom and to file a brief in support thereof, be
24 extended for a period of five business days from receipt of notice
25 of such reopening, for the reason that said decision became final
26 by inadvertence, as related in the affidavit of merits filed in
27 support of this motion, and that respondent be permitted to
28 introduce oral and documentary evidence in proof of the circum-
29 stances thereof, if such be required.

30 II.

31 The respondent also moves and requests that said cause be
32 reopened and reconsidered on the merits of respondent's application

1 for a suspension of deportation, made under the provisions of
2 Title 8 USCA, Sec. 155 (c), and regulations implementing said
3 statute, on the following grounds:

4 (1) Finding of Fact No. 3, contained in the aforesaid
5 decision denying her application for suspension of deportation,
6 to the effect that she was brought to the United States as an
7 alien enemy for internment is wholly erroneous, unsupported by
8 evidence and is contrary to fact, evidence and law. She desires
9 to except thereto. The fact is, as the evidence reveals, she,
10 her mother, brothers and sisters were brought here as invitee
11 guests of our government, later referred to as "voluntary internees",
12 simply to prevent their separation from her father who was brought
13 here for internment purposes.

14 (2) Findings of Fact Nos. 4 and 5, that she was not in
15 possession of a valid immigration visa and did not present a
16 valid visa or other travel document in lieu thereof at the time
17 of her entry on March 24, 1944, is wholly erroneous, unsupported
18 by evidence and is contrary to fact, evidence and law. She desires
19 to except thereto. The evidence demonstrated that the U.S. Govern-
20 ment itself brought her to this country with full knowledge that
21 she then was not in possession of a visa and passport that it
22 gave her no opportunity to obtain a visa or passport and that it
23 did not make the possession and presentation thereof a condition
24 of her entry. The evidence and the circumstances of her entry,
25 of which the Hearing Officer should have taken administrative or
26 judicial notice, demonstrated that the government waived the
27 possession and presentation of such documents by her and exempted
28 her from the possession and presentation thereof and consented to
29 her entry. For the same reasons she wishes to except to Conclusions
30 of Law Nos. (1) and (2). She asks that these matters be recon-
31 sidered.

32 (3) The finding and conclusion set forth in the "Discussion

1 As To Eligibility For Suspension Of Deportation" that by reason
2 of her employment and consequent earnings of \$75 per week and
3 interest in community property assets of the approximate value
4 of \$5300 her U.S. citizen husband would not suffer serious
5 economic detriment if she were deported is wholly erroneous for
6 being contrary to fact, evidence and law. She desires to except
7 thereto and to the order denying her a suspension based upon that
8 erroneous finding and conclusion.

9 She urges for reconsideration on her application that her
10 earnings and interest in the \$5300 assets constitute community
11 property of her husband and herself and, in the event of her
12 deportation, her husband would suffer the loss of her earnings.
13 In addition thereto he would be required to use the \$5300 of assets
14 (part being equities only and offset by liabilities), or the
15 greater part thereof, to defray her expenses to a foreign country,
16 even though she there might obtain a non-immigrant visa and then
17 return, and support her abroad. This would cause serious economic
18 detriment to him by exhausting practically all their assets and
19 occasion to him the additional loss of her earnings.

20 She believes, therefore, that this important matter should
21 be re-weighed and reconsidered on the merits and that her
22 deportation should be suspended on the proofs already submitted,
23 under Title 8 USCA, Sec. 155 (c), and now also under the provision
24 of Sec. 244 (a) of the Immigration and Nationality Act of 1952.
25 She also moves to reopen said cause to introduce additional
26 evidence on this issue, if that heretofore be deemed insufficient,
27 i.e., to prove that the aforesaid assets and earnings are community
28 property, to prove the total cost and expense to her husband of
29 a journey on her part to a foreign country to obtain a non-immi-
30 grant visa, and return, and the cost to her husband for her
31 maintenance and support while abroad to demonstrate that such
32 would deprive him of substantially all his and their assets, and

1 earnings and that he thereby would suffer serious economic detri-
2 ment by virtue of her deportation and also that her deportation
3 would result in exceptional and extremely unusual hardship to him.
4 (Further, we wish to direct attention to the fact that it is not
5 likely that Peru or any foreign country will admit her simply for
6 the purpose of enabling her to obtain a visa from a U.S. consular
7 officer there.)

8 Further, the legislative history of the relief statute, Title
9 8 USCA, Sec. 155(c), evidences the fact that Congress, in enacting
10 that legislation, contemplated that members of the Peruvian
11 Japanese group forcibly brought here in 1944 and 1945 by the Govern-
12 ment, either as internees or as invitees for voluntary internment,
13 contrary to their will and desire, would benefit from the relief
14 provided thereunder and that, in consequence, their presence in
15 this country for a period of seven (7) years under such circum-
16 stances was deemed by Congress to satisfy the residential require-
17 ment thereof and to render them eligible thereunder for the relief
18 thereby provided. This matter does not seem to have been weighed
19 or considered in reaching a conclusion that respondent is deportable
20 for want of 7 years residence/^{or in}reaching the decision based on that
21 construction, that respondent's application for suspension of
22 deportation should be denied and that respondent be granted
23 voluntary departure and thereafter be deported if respondent does
24 not depart.

25 The fact of entry and proof of presence in the United States
26 on the part of respondent for a period in excess of seven (7) years
27 in inconsistent with the conclusion of law of nonresidence within
28 the meaning of the statute. The conclusion that respondent's
29 period of residence here was not of a type contemplated by the
30 statute and hence was not residence but nonresidence thereunder is
31 erroneous. That conclusion was drawn solely because of an arbitrary
32 assumption that respondent's entry and actual residence here arose

1 from a form of internment assumed, in the absence of evidence
2 thereon being introduced or even offered by the government at the
3 hearing in this cause, to have been justified as a wartime Western
4 Hemispheric security measure. A finding based upon a mere assump-
5 tion that the respondent or a member or members of respondent's
6 family actually constituted a real source of danger to such security
7 or to our security is purely arbitrary and whimsical. The theory
8 that a form of punishment, such as deportation, may be inflicted
9 in the absence of wrong by a person, and the theory that one may
10 be punished for an assumed wrong of another, such as here imposed
11 on family members, which is a unique form of guilt by association,
12 violate the whole concept of due process of law and are repugnant
13 to the due process guaranty of the 5th Amendment.

14 That conclusion, based upon such an arbitrary assumption,
15 was not supported by any evidence whatever introduced in this
16 cause. Inasmuch, therefore, as the government did not sustain
17 its burden of proof on this issue the finding that respondent was
18 deportable was erroneous for being unsupported by evidence and for
19 being contrary to the evidence. That conclusion of law and the
20 order for respondent's deportation and the conclusion of law that
21 respondent was not entitled to a suspension of deportation and
22 the order denying such application and ordering respondent's
23 voluntary departure and deportation thereafter if respondent does
24 not depart are illegal and void for being repugnant to the due
25 process guaranty of the 5th Amendment.

26 By reason of the foregoing, respondent request also that
27 the time for her voluntary departure be extended for a period of
28 ninety days following a determination of the within motions if
29 such motions are denied.

30 Respectfully submitted,

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

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

SHIZUKA KIKUCHI,

nee NAGANUMA

A6153-101

L.A. 1600-45364

AFFIDAVIT IN SUPPORT OF MOTIONS

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 of record for the alien above-named; that he heretofore duly entered his appearance as such in the above-entitled cause;

That on December 10, 1952, an adverse decision was rendered in said cause by the Hearing Officer ordering a withholding of a deportation order but requiring the alien to depart voluntarily at a time to be determined by the Officer in Charge of the USI & NS, Los Angeles, and ordering that if the alien failed to depart when and as required that said alien be deported. A copy of said decision and notice thereof were mailed to me on December 10, 1952. The envelope bears Post Office seal stamps "Los Angeles, Calif. Dec. 11, 1952, Arcade Sta." and "San Francisco, Calif. Dec. 12, 1952 (name of station illegible)"

The copy of said decision and notice thereof apparently were delivered to my office on Friday, December 12, 1952, or thereafter, on Monday, December 15, 1952, my office being closed on Saturdays and Sundays. The letter apparently was received and receipted for by a girl typist I had employed temporarily because of the pressure of work in my office. Due to her and

my secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 clients who had renounced U. S. citizenship and whose causes I represent in proceedings pending in the U. S. District Court at San Francisco, California, and to several hundred alien clients, requesting them to comply with the fingerprinting and registration requirements of the new Immigration and Nationality Act of 1952 and the procuring and filing of Forms I-53 required thereunder, she evidently laid said decision and notice thereof aside, and either on the 12th or 15th clipped them together with several other like decisions and notices apparently received by her at the same time, on December 15, 1952, and forgot to deliver any of them to me or to call my attention thereto.

The existence of said copy of said decision and notice thereof was not brought to my attention until either the evening of December 23, 1952, at office closing time, or early on the morning of December 24, 1952, when my secretary found the said bundle of decisions and notices containing the said copy of decision and notice relating to the alien above named. Promptly thereafter, on December 24, 1952, I wrote to your office requesting a copy of the transcript of the hearing in this cause and in each of the causes to which the aforesaid decisions related so that I could review the testimony therein as a necessary condition precedent to enable me to take the proper exceptions thereto and appeal therefrom and to prepare a brief in support thereof. I recall insisting that my secretary type the requests for said transcripts on that day even though she had expressed to me her desire to be free from work early that day because of the advent of Christmas Eve.

I recall also that I examined the Forms I-290 that were attached to the said copies of decision and notices thereof in several or each of said causes. I may partially have filled out

or signed one or more of those forms although I am not certain on this point. I do recall that I instructed my secretary not to mail out the Forms I-290 but to withhold them until I received the transcripts. If any Forms I-290 were returned to the District Director, USI & NS, Los Angeles, California, either with or without exceptions or notice of appeal being indicated thereon the same were forwarded by her in such manner through inadvertence and contrary to my specific instructions. Those requests were typed up by her from a copy of a prior similar request used in my office as a standard form containing a concluding sentence that notice of appeal are enclosed. In all likelihood I signed said letters without taking notice of that concluding sentence and my secretary, therefore, must have enclosed therewith the Forms I-290 in an incomplete state for no such Forms are in my files.

For the foregoing reasons it is respectfully requested that the cause be reopened and be reconsidered and that the finality of said decision be set aside and that the time of the alien above-named to take exceptions to said decision, to appeal therefrom and to file a brief in support thereof be extended.

The alien above-named is a member of the Peruvian Japanese group brought to the United States in 1943 and 1944, the male heads of the family for internment and the wives and children as voluntary internees to accompany them. Our Secretary of State, our Ambassador to Peru and affiant have endeavored and still are endeavoring to persuade the Peruvian Government to permit the alien above-named and the residue of said Peruvian-Japanese group to be repatriated to Peru. Friends and relatives of the members of this group likewise are continuing their efforts here and in Peru to have them returned to Peru. To affiant's knowledge no conclusive decision has yet been made by the Peruvian Foreign Minister as to whether the Peruvian

Government will authorize their return to Peru but he did, so I am informed and believe, some time ago suggest that individual applications on their behalf for repatriation would be considered.

Affiant represents substantially all the members of said Peruvian-Japanese group remaining in this country in proceedings pending before various offices of the U. S. Immigration and Naturalization Service and, anticipating that, some time in the future, it might become necessary to institute litigation in our federal district courts to obtain a final judicial determination on the questions of their deportability, denial of the right to a suspension of deportation or other relief, steadily has endeavored to protect and exhaust their administrative rights and remedies as conditions precedent to their right to institute and prosecute to conclusion whatever judicial proceedings ultimately may become necessary to preserve their rights in the event they are not finally granted, in administrative proceedings or through legislation, a suspension of deportation and permanent resident status in this country. A failure to exhaust the remedies of an administrative consideration of exceptions and of an administrative review on appeal, open to the alien above-named by statute and regulation, from the aforesaid order for voluntary departure and for deportation if the alien does not so depart, not only deprives said alien of the administrative review provided in such case but also might seriously impair the alien's judicial rights and remedies.

Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively to a suspension from deportation under the provisions of Title 8 USCA, Sec. 155(c) as a person proved to be of good moral character who, actually and within the meaning and intent of that

Act, as contemplated by Congress in enacting that legislation, has resided continuously in the United States for a period in excess of seven years and so resided on the effective date of that Act and that, in consequence, the order for voluntary departure and for deportation in the event said alien does not so depart, in affiant's opinion, is contrary to law.

The respondent also wishes to take exception to Finding of Fact No. 3 in said decision denying her application for suspension of deportation which is to the effect she was brought to this country as an alien enemy for internment. Affiant is informed and believes and therefore alleges she was brought here by and with the consent of our government not as an alien enemy for internment for Western Hemisphere security reasons during the recent war but as an invitee guest of our government to be "voluntarily interned" simply to prevent her from being separated from her father who was brought here for internment purposes.

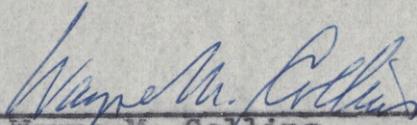
The denial of respondent's application for suspension is based upon findings that she earns \$75 per week and, jointly with her citizen husband, possesses property of a valuation of some \$5300 and that, in consequence, her deportation would not cause serious economic detriment to her husband who earns some \$60 per week and upon the conclusion of law she readily could obtain abroad a non-immigrant visa. Affiant is informed and believes that said property constitutes community property of the respondent and her citizen husband; that her deportation would deprive her husband of the benefits of her earnings and would deplete their said community property and his earnings to defray her transportation expenses abroad and to maintain her abroad, even if she obtained a non-immigrant visa, and to defray the expense of her return trip, each and all of which would result in

serious economic detriment to him and which, under Title 8 USCA, Sec. 155(c), would seem to justify an order granting her a suspension of deportation, and which also would result in exceptional and extremely unusual hardship to him and which, therefore, under Sec. 244(a) of the Immigration and Nationality Act of 1952 also would seem to justify granting her a suspension of deportation and an adjustment of her status to that of an alien lawfully admitted for permanent residence.

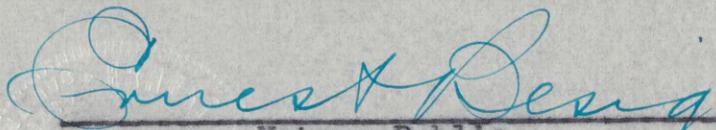
The alien wishes to except to Findings of Fact Nos. 4 and 5 and to Conclusion of Law Nos. (1) and (2) based thereon, that said alien is deportable, and was not exempted from the presentation of a valid visa, passport or travel document at the time of entry into the United States, and also to except to the order to depart voluntarily or thereafter to be deported, on the ground that the evidence introduced at said alien's hearing conclusively demonstrated, and it is a fact of which the Hearing Officer should have taken administrative or judicial notice, that the United States waived and exempted said alien from the possession and presentation of a visa, passport and travel documents at the time of said alien's entry into the United States by knowingly and intentionally consenting to her entry without them and by bringing her here.

By reason of the foregoing the respondent requests and moves that said cause be reopened and be reconsidered on the merits of her application for a suspension of deportation made under the provisions of Title 8 USCA, Sec. 155(c), and now also under the provisions of Sec. 244(a) of the Immigration and Nationality Act of 1952 on the grounds she satisfies the residential requirements thereof, is a person of good moral character and has been so for

the period prescribed, and that her deportation would result in exceptional and extremely unusual hardship to her spouse, a native born U. S. citizen.


Wayne M. Collins

Subscribed and sworn to before me
this 2nd day of February, 1952.



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

My Commission Expires
December 23, 1956

1 Wayne M. Collins
Mills Tower
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4 Attorney for Respondent
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6 BEFORE THE UNITED STATES IMMIGRATION SERVICE
7

8 In the Matter of)
9 Shizuka Kikuchi) A6 153 101
10 -----) L.A. 1600-45364
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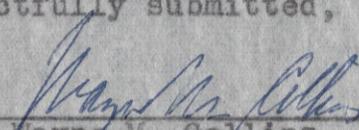
12 SUPPLEMENT TO MOTION TO REOPEN AND FOR RECONSIDERATION
13

14 In the "Discussion As To The Eligibility For Suspension Of
15 Deportation" in the decision of the Hearing Officer dated Dec. 10,
16 1952, it appears that the adverse decision was rendered in part
17 due to a finding that the respondent was legally married to a
18 native-born citizen of the United States at Los Angeles, California,
19 on April 11, 1948", and a conclusion drawn therefrom that by
20 reason thereof she could readily obtain an immigration visa if
21 granted the privilege of voluntary departure. That conclusion
22 was reached apparently by virtue of the provisions of Sec. 205 (b)
23 and Sec. 101 (a) (27) (A) of the Immigration and Nationality Act
24 of 1952. However, it is likely that the respondent, and her
25 husband, were laboring when the impression that her husband Hideo
26 Bill Kikuchi actually was a citizen of the United States. However,
27 your attention is directed to the fact that Hideo Bill Kikuchi
28 renounced his U.S. nationality while detained in a W.R.A. Center.
29 Thereafter in equity suit No. 25294, U.S. District Court at San
30 Francisco, a judgment was entered in his favor on April 12, 1949
31 cancelling his renunciation and the order of the Attorney General
32 approving the same and declaring him to be a U.S. citizen by birth.

1 Thereafter the Attorney General appealed from said decision and
2 on Jan. 17, 1951, the cause was reopened as to him and others to
3 enable the Attorney General to introduce additional evidence.
4 that court declared. However, that there was a presumption that
5 his renunciation had been caused by coercion. Certiorari was
6 applied for to the United States Supreme Court but was denied on
7 Oct. 8, 1951. Thereafter on May 29, 1952, the order executing
8 the Mandate of the Court of Appeals was entered in the District
9 Court and the case of Hideo Bill Kikuchi was reopened. It is now
10 pending for final disposition and presently I am negotiating with
11 the Justice Department concerning a disposition of his case. In
12 view of these facts it appears that Hideo Kikuchi's political
13 status, that is to say, as to whether he is a citizen or a state-
14 less person or an alien has not yet finally be decided. In conse-
15 quence, the respondent is not eligible for an immigration visa
16 under the provisions of Sec. 205 (b) at the present time and she
17 could not readily obtain an immigration visa if granted the
18 privilege of voluntary departure. Under the circumstances it is
19 likely that she would be eligible to enter the United States only
20 on the third preference basis specified by Sec. 203 (a) (3) of the
21 Immigration and Nationality Act of 1952.

22 For the foregoing reason respondent requests that the matter
23 be reopened and be reconsidered in the light of the foregoing facts
24 and in the event that it is denied requests that the period for
25 voluntary departure be extended for a period of six months to
26 enable her husband, Hideo Kikuchi, to have his citizenship conclu-
27 sively determined and which, if favorable, would entitle the
28 respondent to an immigration visa under Sec. 205 (b) and Sec. 101
29 (a) (27) (A).

30 Respectfully submitted,

31 
32 _____
Wayne M. Collins

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Attorney for Respondent

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4 Attorney for Appellant
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7 BEFORE THE BOARD OF IMMIGRATION APPEALS
8

9 In the Matter of)
10 Shizuka Kikuchi) A6 153 101
11) L.A. 1600-45364
12 -----)

13 BRIEF ON APPEAL
14

15 The appellant, Shizuka Kikuchi, nee Naganuma, is a 27 year
16 old female of Japanese ancestry who is a native born citizen of
17 Peru. She was brought to the United States on March 21, 1944,
18 as a "voluntary internee", along with her mother, sisters and
19 brothers, to join her father, a national of Japan, who had been
20 brought here for internment purposes from Peru. (On Feb. 19, 1952,
21 the Special Inquiry Officer, USI&NS at San Francisco, Calif., in
22 the cases of her parents and six brothers and sisters, the
23 Files Nos. 6153095, 6, 7, 8, 9, 6153100, 2 and 3, re: The Naganuma
24 family, entered an order suspending their deportation, subject to
25 Congressional approval and certified the cases to the Commissioner
26 for review.)

27 The Peruvian government to date has refused to permit her
28 repatriation to her native country as it also has refused to permit
29 the repatriation of the members of her family simply because they
30 are of Japanese lineage. Our State Department, however, continues
31 its endeavors to persuade the Peruvian Foreign Minister to authorize
32 their reentry to Peru. See attached copy of letter of Feb. 18, 1953.

1 from the State Department.

2 The appellant lawfully was united in marriage on April 11,
3 1948, at Los Angeles, California to Hideo Bill Kikuchi, a native
4 born resident of the United States, whose citizenship status is in
5 doubt by virtue of an asserted coerced renunciation thereof in
6 1945 while he was detained in a WRA Center and over which litigation
7 to establish his citizenship is pending in the U.S. District
8 Court at San Francisco, California.

9 She applied for a suspension of deportation under the pro-
10 visions of Title 8 USCA, Sec. 155(c). On December 10, 1952, her
11 application was denied. The hearing officer's findings of fact
12 recited that she was brought here "as an alien enemy for internment",
13 was not in possession of a valid immigration visa at the time of
14 her entry and did not then present a valid passport or other travel
15 document in lieu thereof. His conclusion of law recited she was
16 not exempted from presentation of a valid immigration visa at the
17 time of her entry and that, in consequence, she was deportable
18 under Secs. 13 and 14 of the Immigration Act of 1924, and likewise
19 deportable under the Passport Act approved May 22, 1918, as amended,
20 and the Act of February 5, 1917, for her failure to present an
21 unexpired visa or official document issued by Peru or other
22 travel document required by Executive Order in effect at the time
23 of her entry.

24 The order denying her application granted her voluntary
25 departure and provided that if she failed to depart that she be
26 deported on the charges stated in the warrant of arrest. Peru,
27 however, still excludes her from repatriation.

28 Her motions to reopen and for reconsideration of the order
29 denying suspension, and supplement thereto, were denied on
30 February 24, 1953. This appeal is taken therefrom.

31 The denial of her application for suspension is based upon a
32

1 finding that her husband would not suffer serious economic detri-
2 ment in the event of her deportation because the evidence disclosed
3 that she and her husband possess assets valued at approximately
4 \$3,000 and that she earns a salary of \$75 per week as a sewing
5 machine operator and her husband earns a salary of some \$60.00 per
6 week, and upon the finding that she could obtain a nonquota immi-
7 gration visa abroad.

8 We direct attention to the fact that the earnings of the
9 appellant and her husband constitute community property under
10 the laws of the State of California and that her husband would be
11 deprived not only of her personal services but also of her earnings
12 were ~~she~~ to be deported or be put to the expense of going abroad
13 with the hope of procuring a nonquota immigration visa and the
14 consequent costs of her support and maintenance in the interim.
15 We submit that this would deprive her husband of a substantial
16 amount of their community property and be almost confiscatory
17 of their limited assets they have accumulated and that this would
18 constitute a serious economic detriment to him under the provisions
19 of Title 8 USCA, Sec. 155(c), and would result in exceptional and
20 extremely unusual hardship to him under Sec. 244(a) of the Immi-
21 gration & Nationality Act of 1952. We submit, therefore, that the
22 order denying her application for suspension was erroneous and
23 should be reversed.

24 We urge also that the question whether or not the appellant
25 might be able to obtain a nonquota immigration visa abroad and
26 and thereupon be granted legal entry to the United States ought not
27 to have been taken into consideration by the hearing officer. The
28 relief authorized by Congress under Title 8 USCA, Sec. 155(c), and
29 by Sec. 244(a) of the Immigration & Nationality Act of 1952,
30 are separate and distinct from and in addition to the remedy
31 obtainable by the procurement of a nonquota immigration visa.
32

1 Congress has not provided that one of the remedies it has provided
2 for relief must be exhausted before the other can be sought. The
3 expense and burden of procuring a nonquota immigration visa would
4 seriously deplete the trifling amount of assets possessed by the
5 appellant and her husband and work an additional hardship upon them.

6 We direct attention also to our repeated contention that she
7 was not brought here for internment but as a guest of our govern-
8 ment simply to prevent separation from her father albeit she since
9 has been termed a "voluntary internee". We also point out that
10 inasmuch as our government actually transported her from her home
11 in Peru to the United States it waived the presentation of an
12 immigration visa, passport and other travel documents and exempted
13 her from the presentation thereof at the time of her entry. We
14 suggest, in consequence, that the order finding her deportable was
15 erroneous and should be reversed.

16 For each and all of the foregoing reasons we urge that the order
17 finding appellant deportable, denying her a suspension thereof but
18 granting her voluntary departure, and the orders denying her motions
19 to reopen and for reconsideration, and supplemental motion therefor,
20 be set aside and that her application for suspension of deportation
21 be granted and that, in the event this be denied, we request a
22 sixty day extension of time within which to obtain a nonquota
23 immigration visa for appellant.

24 March 5, 1953.

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29 Attorney for Appellant.
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Address official communications to
The Secretary of State
Washington 25, D.C.
(SEAL)

DEPARTMENT OF STATE

Washington

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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. G. McClurkin

Robert J. G. McClurkin
Acting Director
Office of Northeast Asian Affairs

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