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SHIGA, YOSHISADA

1952-1954

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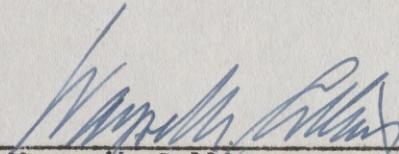
BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
) No. _____
YOSHISADA SHIGA)

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YOSHISADA SHIGA hereby requests that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 115 (c) effective as at July 1, 1948, (Public Law No. 863), on the ground that he is and has been, for a period of time in excess of five years, a person of good moral character and that he has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, the effective date of said Act.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of him eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.



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

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

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

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

Ernest R. Deering
Notary Public in and for the City and
County of San Francisco, State of California.
My Commission Expires
December 23, 1952

BEFORE THE BOARD OF IMMIGRATION APPEALS

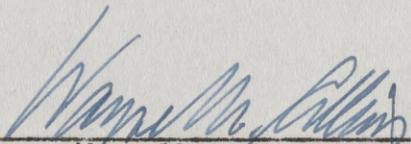
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
MASAKO) No. _____
SHIGA)
-----)

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

MASAKO SHIGA hereby requests that the deportation proceeding heretofore instituted against her be reopened for the purpose of enabling her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 115 (c) effective as at July 1, 1948, (Public Law No. 863), on the ground that she is and has been, for a period of time in excess of five years, a person of good moral character and that she has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, the effective date of said Act.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of her eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.

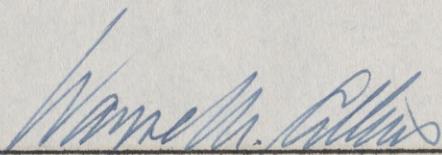


Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.
Attorney for Applicant

AFFIDAVIT OF MERITS

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

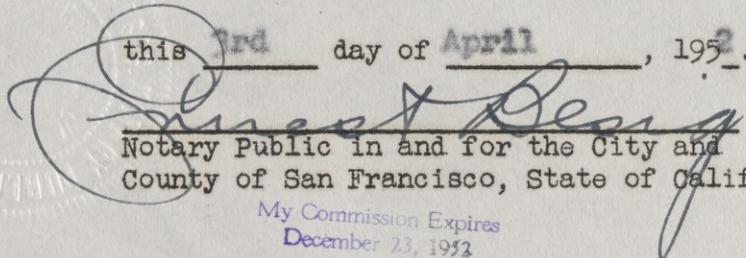
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ MASAKO SHIGA _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant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



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

Attorney for Applicant.

Subscribed and sworn to before me
this 3rd day of April, 1952.



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
5 Attorney for Appellants.

6
7 BEFORE THE BOARD OF IMMIGRATION APPEALS

8
9 In the Matter of:

10 Yoshisada Shiga File A6 161 498, L.A. 1600-46455
11 and
12 Masako Takahashi Shiga
13 his wife, File A6 161 497; L.A. 1600-46456
14 (Consolidated Cases)

15
16 Appellants.

17 BRIEF ON APPEAL

18 These two causes heretofore were reopened by order of this
19 Board on June 2, 1952, for the purpose of enabling the appellants
20 above-named to apply for suspensions of deportation under the
21 provisions of Title 8 USCA, Sec. 155(c).

22 The appellant Yoshisada Shiga, age 46 years, and his wife,
23 the appellant Masako Takahashi Shiga, age 35 years, are natives
24 and nationals of Japan, who lawfully had been admitted to Peru
25 where they acquired a permanent residence.

26 The husband was seized in Peru by local authorities in
27 1944 and was delivered over to U.S. military authorities and
28 brought to this country on March 21, 1944, entering at New Orleans,
29 La. He was interned here until August 16, 1946, when he was
30 released from the provisions of the Alien Enemy Act. His wife
31 likewise was brought to this country on March 21, 1944, together
32 with their foster children, Shizuko Iwamoto, nee Suematsu,

1 File A6 616 503, L.A. 1600-46456, Teruko Sakai, nee Suematsu,
2 File A6 616 502, L.A. 1600-46456, and Masayoshi Suematsu,
3 File A6 616 501, L.A. 1600-46456, as "guests" of our Government
4 to undergo "voluntary internment" so as not to be separated from
5 Yoshisada Shiga, the head of the family. Each of them has
6 resided here continuously ever since. All are and were found
7 to be persons of good moral character. Each of said children
8 is a native and citizen of Peru.

9 To date the Peruvian Government has refused to grant each
10 of the appellants and their said foster children the right to
11 return to Peru simply because of their Japanese lineage. Our
12 State Department, our Ambassador to Peru and counsel for
13 appellants still endeavor to persuade the Peruvian authorities
14 to authorize their repatriation to their home in Peru but without
15 success so far. See letter from State Department dated February
16 18, 1953, attached hereto supporting this statement.

17 Following hearing Hearing Officer Phil Hamilton by order
18 dated December 12, 1952, at Los Angeles, California, denied their
19 applications for suspension of deportation but ordered that each
20 be given the privilege of voluntary departure with the proviso
21 that if they failed to depart when and as required the privilege
22 of voluntary departure be withdrawn and the appellants be
23 deported on the charges stated in the warrants of arrest.

24 Motions to Reopen and For Reconsideration, with supporting
25 Affidavits, and Supplemental Points and Authorities, were denied
26 by order of Phil Hamilton, Special Inquiry Officer, on March
27 16, 1953, affirming the aforesaid orders of December 12, 1952.
28 Thereupon these appeals were initiated in said cases.

29 The denial of suspension of deportation appears to be based
30 upon a construction by the hearing officer that Interim Decision
31 No. 225, Matter of W., A5908 014, established the policy of
32 denying suspension to aliens brought to this country under

1 circumstances beyond their control and as a result acquired
2 seven years residence here by failing to depart when given an
3 opportunity so to do.

4 We submit, however, that the hearing officer's construction
5 of said decision is erroneous. We are informed that on May 6,
6 1952, it was held by the Acting Attorney General that discre-
7 tionary relief in the form of suspension of deportation, under
8 Title 8 USCA, Sec. 155(c), may be authorized in the case of an
9 alien brought to the United States as an internee for war
10 connected reasons even if he has no family ties in this country
11 where the facts indicate deportation would result in undue
12 hardship, it appearing that the alien had been here for some
13 ten years and was unable to return to the country where he had
14 his lawful residence and that he had been absent for a prolonged
15 period from the country of his origin and citizenship. Such
16 was the actual holding in Matter of W., Int. Dec. No. 225.
17 A similar ruling involving members of the Peruvian-Japanese
18 group brought to this country in 1943 and 1944 appears to have
19 been made in a number of similar cases. See, for example,
20 decision of this Board on Feb. 24, 1953, in re: Yaju Ganiko,
21 A-5967239, L.A. 1610-2043, so holding in the case of a member
22 of the Peruvian-Japanese group, a national of Japan; also
23 decision of Feb. 13, 1953, in re: Carlos Magoichi Kato, et. ux.
24 et al., A-6097897, A6139156, A-60979891-2, so holding in like
25 cases; see also, matter of Junken Kamisato, and family, File
26 A6-139-148 to A6-139-151, L.A. Nos. 1600-46459, decided March
27 16, 1953, by this Board relating to similar Peruvian-Japanese.

28 The ~~minor~~ appellants are natives and citizens of Peru who
29 have been refused readmission to their homeland. Their ~~appellant~~^{father}
30 parents are nationals of Japan who lawfully were admitted to
31 Peru for permanent residence and there acquired both a residence
32 and a domicile but have been denied the right to return to that

1 country. The circumstances surrounding their uprooting in
2 Peru, their transportation to this country and their prolonged
3 residence here is a novation occasioned by the United States and,
4 because of the profound change in their circumstances, so
5 occasioned, deportation would result in serious economic detri-
6 ment to each of them and also would result in exceptional and
7 extremely unusual hardship to each of them. These facts would
8 seem to justify their suspension of deportation also under
9 Section 244(a) of the Immigration and Nationality Act of 1952.

10 We submit that these causes should have been reopened and
11 reconsidered on the merits of respondent's application for a
12 suspension of deportation, made under the provisions of Title
13 8 USCA, Sec. 155(c), and regulations implementing said statute,
14 on the grounds the findings of fact and conclusions of law,
15 contained in the aforesaid decision denying appellants' applica-
16 tions for suspension of deportation and ordering voluntary
17 departure or deportation thereafter if they failed to depart,
18 to the effect that the appellants are deportable and the conclu-
19 sion of law that they were not exempted from the presentation
20 of valid visas at the time of entry into the United States are
21 erroneous and contrary to fact and to law. The evidence demon-
22 strated that the U.S. Government itself brought them to this
23 country with full knowledge they then were not in possession of
24 visas or passports and that the circumstances of their entry
25 constituted a waiver by the government of the possession and
26 presentation of visas and passports by them and that it exempted
27 them from the possession and presentation thereof.

28 Further, the legislative history of the relief statute,
29 Title 8 USCA, Sec. 155(c), evidences the fact that Congress,
30 in enacting that legislation, contemplated that members of the
31 Peruvian Japanese group forcibly brought here in 1944 and 1945
32 by the Government, contrary to their will and desire, would

1 benefit from the relief provided thereunder. Their presence
2 in this country for a period of seven (7) years under such
3 circumstances was deemed by Congress to satisfy the residential
4 requirement thereof and to render them eligible thereunder for
5 the relief thereby provided. This matter does not seem to have
6 been weighed or considered in reaching a conclusion of their
7 deportability or in reaching the decision that their applications
8 for suspension of deportation should be denied and that they be
9 granted voluntary departure and thereafter be deported if they
10 failed to depart.

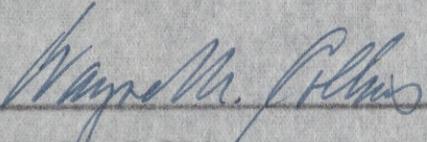
11 The fact of entry and proof of presence in the United States
12 on the part of appellants for a period in excess of seven (7)
13 years is inconsistent with the conclusion of law of nonresidence
14 within the meaning of the statute. The conclusion that their
15 period of residence here was not of a type contemplated by the
16 statute and hence was not residence but nonresidence thereunder
17 is erroneous. That conclusion was drawn solely because of an
18 arbitrary assumption that their enforced entry and actual
19 residence here arose from a form of internment assumed, in the
20 absence of evidence thereon being introduced or even offered
21 by the government at the hearing in this cause, to have been
22 justified as a wartime Western Hemispheric security measure.
23 A finding based upon a mere assumption that the appellants or
24 any of them actually constituted a real source of danger to such
25 security or to our security is purely arbitrary and whimsical.
26 The theory that a form of punishment, such as deportation, may
27 be inflicted in the absence of wrong by a person, and the theory
28 that one may be punished for an assumed wrong of another, such
29 as here imposed on family members, and which are unique forms
30 of guilt by association, violate the whole concept of due process
31 of law and are repugnant to the due process guaranty of the 5th
32 Amendment.

That conclusion, based upon such an arbitrary assumption,

1 was not supported by any evidence whatever introduced in these
2 causes. Inasmuch, therefore, as the government did not sustain
3 its burden of proof on this issue the finding that appellants
4 were deportable was erroneous for being unsupported by evidence
5 and for being contrary to the evidence. That conclusion of law
6 and the order for their deportation and the conclusion of law
7 that they were not entitled to a suspension of deportation and
8 the order denying such application and ordering their voluntary
9 departure and deportation thereafter if they do not depart are
10 illegal and void for being repugnant to the due process guaranty
11 of the 5th Amendment.

12 Inasmuch as the appellants were brought here by our Govern-
13 ment for what is asserted to have been war connected reasons
14 (an ambiguous reason to say the least) and deportation would
15 result in undue, exceptional and extremely unusual hardship
16 to each of them it is urged that their applications for suspen-
17 sion of deportation under Title 8 USCA, Sec. 155(c) and also under
18 Sec. 244(a) of the Immigration and Nationality Act of 1952,
19 should be granted.

20
21 Respectfully submitted,

22
23 
24 _____

25 Wayne M. Collins
26 Mills Tower,
27 San Francisco 4, Calif.
28 Garfield 1-1218

29 Attorney for Appellants.
30
31
32

April 3, 1952

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

Dear Sir:

Re: Yoshisada Shiga and Masako Shiga
Shizuko Rosa Suyematsu, Victoria
Suyematsu and Francisco Masayoshi
Suyematsu.

Enclosed find copies of applications
to reopen cause and to enable the applicants
to apply for a suspension of deportation,
the originals of which were this date
forwarded to the Commissioner of Immigra-
tion, Washington, D. C.

Very truly yours,

April 3, 1952

The Commissioner of Immigration
Washington, D. C.

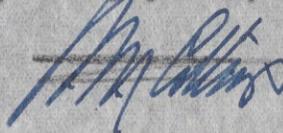
Dear Sir:

Re: Yoshisada Shiga and Masako Shiga
Shizuko Rosa Suyematsu, Victoria Suyematsu
and Francisco Masayoshi Suyematsu

Enclosed find three each of original application forms to reopen cause for the purpose of enabling the following Peruvian-Japanese to apply for a suspension of deportation, together with accompanying affidavits of merits and notices of appearance: Yoshisada Shiga and wife, Masako Shiga; and Shizuko Rosa Suyematsu (Suematsu), Victoria Suyematsu and Francisco Masayoshi Suyematsu. An original application form for each is also being sent to the District Director, USI&NS, Los Angeles, California, inasmuch as the above-named persons reside at 128 E. 1st St., Los Angeles, Calif. Notices of appearance had been forwarded previously to the Immigration Office at Los Angeles.

If the matter is not now pending before you, I would thank you to transmit the enclosed applications 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, Los Angeles, Calif.

HEARING:

File No. **1400-5631**

Date: **4-3-46**
Time: **10 A.M.**
Place: **Crystal City, Texas**
Presiding Inspector: **Edward L. Gengher**
Stenographer: **Florence R. Hill**
Respondent: **Masako Takahashi-Shiga.**

BY PRESIDING INSPECTOR TO ALLEN:

- Q. Are you able to speak and understand the English language? A. **No, I prefer that the hearing be conducted in the Spanish language.**
- Q. There is presented to you herewith original warrant of arrest No. **1400-5631** issued at San Antonio, Texas, on the **30th** day of **March**, 19**46** the indorsement on which shows it was served on you on **March 30th, 1946**

, and
which states that **Masako Takahashi-Shiga**

who entered the United States on the **21st** day of **March** 19**44** appears subject to be taken into custody and deported for the following reasons to wit:

The Immigration Act of May 26, 1924, in that, at the time of entry, **he** 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. A visa is a document which must be secured from the Consular Service of the United States for presentation at the time of entry, and you are charged with not being in possession of this document at the time of your entry.

The Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, in that, at the time of entry, **he** did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which **he** owes allegiance or other travel document showing ~~his~~ **his** origin and identity, as required by Executive Order in effect at time of entry. This charge is urged against you as you did not present a passport or other document issued by the government of the country to which you owe allegiance, such document or passport showing your origin and identity.

Do you clearly understand the charges contained in this warrant of arrest?

A. **Yes.**

Q. You are advised that this proceeding is to allow you an opportunity to show cause, if any, why you should not be deported from the United States on the charges contained in the warrant of arrest. Do you understand?

A. **Yes.**

- Q. You are advised that at this proceeding, you have the right to be represented by counsel of your own choice and at your expense, which counsel may be an attorney at law, or any person of good character. Do you wish to be represented? A. **No, Mr. Masaru Ben Akahori is here and if there is anything I do not understand he will help me.**
- Q. Do you solemnly swear/affirm that all the statements you are about to make in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God? A. **Yes.**
- Q. You are warned that if you willfully and knowingly give false testimony at this proceeding regarding a material fact, you may be prosecuted for perjury, the penalty for which is imprisonment for not more than five years and a fine of not more than \$2000. Do you understand? A. **Yes.**
- Q. You are advised that a copy of warrant of arrest No. **1400-5631**, which has just been read and explained to you, will be attached to and made a part of this hearing and will be identified as Government Exhibit 1. Do you have any objections thereto? A. **No.**
- Q. What is your true and correct name? A. **Masako Takahashi-Shiga.**
- Q. Have you ever been known by any other name or names? A. **No.**
- Q. What is your age and occupation? A. **I am 31 years of age and a housewife.**
- Q. Where and on what date were you born? A. **I was born in Ehima-ken, Japan May 21st, 1914.**
- Q. What is your race and nationality? A. **Japanese race and a citizen of Japan.**
- Q. What is your father's name and address? A. **His name is Kazo Takahashi. He was living in Ehima-ken, Japan when the war began but I don't know whether he is still living or not.**
- Q. What is your father's birthplace and nationality? A. **He was born in Ehima-ken Japan, and was a citizen of Japan.**
- Q. What is your mother's name and address? A. **Her name is Fujiye Takahashi. She was living in Ehima-ken, Japan when the war began but I don't know whether she is still living or not.**
- Q. What is your mother's birthplace and nationality? A. **She was born in Ehima-ken, Japan, and was a citizen of Japan.**
- Q. Have you or, to your knowledge, has either of your parents ever taken steps to become a naturalized citizen of any other country? A. **No.**

Q. What is your marital status? A. **I am married.**

Q. (If married) State the name, place of birth, nationality, and present location of your spouse? A. **My husband's name is Yoshisada Shiga. He was born in Ehima-ken, Japan, is a citizen of Japan and is in the Internment Camp with me at Crystal City, Texas.**

Q. Do you have any children? If so, state their names, dates and places of birth, nationality, and present location? A. **I have no children of my own but I have 3 children whom my husband and I are raising. Their names are: Shizuko Suematsu, female, born April 15, 1927 in Lima, Peru, a citizen of Peru; Teruko, female, born December 12, 1928 in Lima Peru, a citizen of Peru; and Masayoshi Suematsu, male, born in JuaJa, Peru January 13, 1932, a citizen of Peru. All of them are with me in the Internment Camp here at Crystal City, Texas. They were never legally adopted by me but I took them to raise when their parents died.**

Q. When, where, and how did you last enter the United States? A. **I entered March 21, 1944 at New Orleans, La. by ship.**

Q. By whom were you accompanied? A. **I was accompanied by my husband; Yoshisada Shiga, and my 3 foster children; Shizuko, Teruko and Masayoshi Suematsu.**

Q. Were you inspected and admitted at the time of your last entry? A. **We were inspected by officers -- maybe they were Immigration Officers, I don't know.**

Q. Were you questioned by an inspector or did you make any statement to him?
A. **No, no questions were asked.**

Q. Were you brought to the United States for internment? A. **Yes.**

NOTE: **Crystal City file No. 940/423 shows that Masako Takahashi-Shiga was brought to the United States and landed at New Orleans, La. March 21, 1944. Internment status: voluntarily interned.**

Q. At the time of your last entry into the United States, were you in possession of an unexpired immigration visa? A. **No, owing to the fact that my husband was taken into custody by the officials to be sent to the United States, I had to come along because I had no one to support or take care of me in Peru.**

Q. At the time of your last entry into the United States, did you present a valid passport or other official document in the nature of a passport showing your origin and identity? A. **No.**

Q. At the time of your last entry into the United States, were you able to read in any language or dialect? A. **I can read Japanese.**

Q. Have you ever been excluded, deported, or allowed to voluntarily depart from the United States in lieu of deportation proceedings being instituted against you? A. **No.**

Q. Have you ever been arrested, fined, or convicted for any criminal offense?

A. **No.**

Q. What is the condition of your health? A. **I just recently had an operation for varicose veins and am still being treated by the doctor.**

Q. Have you ever been legally admitted to the United States for permanent residence? A. **No.**

Q. What previous residence have you had in the United States? A. **No.**

Q. Do you own any property in the United States? A. **No.**

Q. Do you own any property elsewhere? A. **My husband and I have some furniture in Peru, and some money deposited in the bank there.**

Q. Are you a party to any lawsuit or claims or does anyone have any lawsuits or claims pending against you? A. **No.**

Q. Do you owe any money in the United States or does anyone here owe you money?
A. **No.**

Q. What was your last residence abroad? A. **Calle Junin #1100, Juaja, Peru.**

Q. What are the names, addresses and citizenship of relatives you might have in the United States?

A. **My husband; Yoshishida Shiga, and 3 foster children; Shizuko, Teruko and Masayoshi Suenatsu are here in the Internment Camp at Crystal City, Texas with me.**

Q. What relatives have you abroad other than those you might have previously mentioned? A. **I have no relatives in Peru. I have one sister: Komayo and 2 brothers: Yukio and Kyujiro Takahashi, who were living in Ehima-ken, Japan when the war started, but I don't know whether they are living now or not.**

Q. What is your religion? A. **Buddhist.**

Q. Where were you baptized? A. **No.**

Q. Where is your birth registered? A. **In Ehima-ken, Japan**

Q. Where have you attended school? A. **In Ehima-ken, Japan**

Q. In what places, other than those previously named, have you resided?
A. **Only in Ehima-ken, Japan and in Juaja, Peru.**

Q. Have you registered under the Alien Registration Act of 1940? A. **Yes.**
Note: Crystal City file No. 940/423 shows alien registration receipt card No. 6161497.

Q. Have you registered as an Enemy Alien as required by Presidential Proclamation? A. **Yes.**
Note: Crystal City file No. 940/423 shows that she was registered on July 13, 1945 at Crystal City, Texas alien Internment Camp.

Q. Do you have any witnesses or documentary evidence to present which might have a bearing on your immigration status? A. **No.**

Q. How long did you live in Peru?
A. **About 9 or 10 years.**

Q. When and where did you enter Peru?
A. **I don't know the date of my entry, it was on December 20 but I don't remember the year. It was about 1927 or 1928. The year on the Japanese calendar is Showa-9th. I entered at the port of Callao, Peru.**

Q. Were you admitted to Peru for permanent residence?
A. **Yes.**

Q. Crystal City file No. 940/423 contains an application executed by Masako Takahashi-shiga, in which she requests repatriation to Peru for herself, her husband: Yoshisada Shiga, and 3 foster children: Shizuko, Teruko and Masayoshi Suematsu. Is that correct?
A. **Yes.**

Q. Have you any further statement you wish to make at this time?

A. My desire is like my husband's. That is all I wish to say. I would like to be sent back to Peru if possible. I don't want to be sent to Japan. If I can't be sent back to Peru, I would like to be permitted to remain in the United States.

Q. You are advised that a copy of the proposed findings of fact, conclusions of law, and order will be furnished you as soon as completed. You will be allowed twenty-four hours in which to file exceptions thereto in writing if you so desire. Do you understand? A. **Yes.**

Q. I now advise you that under the Act of March 4, 1929, as amended, you will, if ordered deported and thereafter enter or attempt to enter the United States, be guilty of a felony, and upon conviction be liable to imprisonment for not more than two years or a fine of not more than \$1,000 or both such fine and imprisonment, unless you, following your departure from the United States in pursuance of an order of deportation, receive permission from the Attorney General to apply for admission after one year from the date of such departure. Do you understand? A. **Yes.**

Q. Is it satisfactory with you that the hearing be closed? A. **Yes.**

HEARING CLOSED

DESCRIPTION: Height **5** ft. **3** in.; weight, **105** lbs.; complexion, **yellow brown**
hair **black** ; eyes **brown** ; distinguishing marks, **no marks.**
female.

I CERTIFY the foregoing to be a true and correct transcript of my shorthand notes of the testimony taken by me in the above case.

Original signed

Stenographer
Florence R. Hill

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

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

A-6161498, A-6161497
A-6161501, A-6161502
A-6161503
Shiga

June 2, 1952

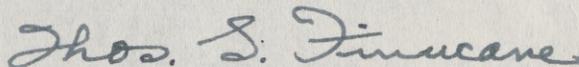
Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco 4, California

My dear Mr. Collins:

Reference is made to your interest in the above case.

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

Sincerely yours,



Thos. G. Finucane
Chairman

JUN 2 - 1952

IN THE MATTER
OF

YOSHIZADA SHIGA and his wife MASAKO
TAKAHASHI-SHIGA and their foster children
SHIZUKO SUBATSU; TOSIKO SUBATSU;
MASAYUKI SUBATSU

FILE NO: A-616198
A-616197
A-6161501
A-6161502
A-6161503

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne H. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco 4, California

These records relate to a family consisting of a husband/father, wife/mother, natives of Japan, last residents of Peru and their children, natives of Peru. They last entered the United States on March 21, 1944 at New Orleans, Louisiana being brought to this country for the purpose of internment. Their deportation has been ordered.

On motion, counsel requests that the proceedings be reopened for the purpose of permitting the aliens to apply for suspension of deportation. The aliens have resided continuously in the United States since their entries in 1944.

The cases will be reopened for the purpose of permitting the aliens to make application for appropriate relief. At the reopened hearing the aliens should present evidence showing whether or not they are now acceptable to Peru.

ORDER: It is ordered that the outstanding orders and warrants of deportation be withdrawn.

IT IS FURTHER ORDERED that the proceedings be reopened for the purpose of permitting the aliens to make application for appropriate discretionary relief.

LS/erc

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: **October 16, 1952**

File No. **1600-46455 (IB)**

**Mr. Yoshisada Shiga,
128 E. First Street,
Los Angeles, California.**

Dear Sir:

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 **November 5, 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,

For the District Director

Encl.

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

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

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

Date: October 16, 1952

File No. 1600-46456 (IB)

Mrs. Masako Shiga,
128 E. First 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 **November 5, 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,

For the District Director

Encl.

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

Peruvian

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

October 27, 1952

Mr. Yoshisada Shiga
128 E. First Street
Los Angeles, California

Dear Sir:

The Immigration Service has sent you a notice to appear for your hearing on Nov. 5, 1952, at 12:30 P. M. in Room 140, 458 South Spring Street, Los Angeles.

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,

Peruvian

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

October 27, 1952

Mrs. Masako Shiga
128 E. First Street
Los Angeles, California

Dear Mrs. Shiga:

The Immigration Service has sent you a notice to appear for your hearing on Nov. 5, 1952, at 12:30P. M. in Room 140, 458 South Spring Street, Los Angeles.

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,

md Wm

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

REOPENED HEARING
IN DEPORTATION PROCEEDINGS
IN THE CASE OF

YOSHISADA SHIGA
A6 161 498 (1600-46455)

MASAKO TAKAHASHI SHIGA
A6 161 497 (1600-46456)

DATE OF HEARING: November 5, 1952
PLACE OF HEARING: Los Angeles, California

PERSONS PRESENT :

Phil Hamilton, Hearing Officer
Chiyoko Tayama, Japanese Interpreter
YOSHISADA SHIGA
MASAKO TAKAHASHI-SHIGA
Respondents

Record by dictaphone and conducted in the
Japanese language

HEARING OFFICER TO INTERPRETER:

- Q Do you solemnly swear that you will truly and accurately interpret and translate from English to Japanese and Japanese to English the questions and answers given during the course of this hearing to the best of your knowledge so Help you God?
A I do.

HEARING OFFICER TO MALE RESPONDENT:

- Q Did you receive a notice to appear at this office today in connection with deportation proceedings pending against you?
A Yes, I did.

HEARING OFFICER TO THE FEMALE RESPONDENT:

- Q Did you receive a notice to appear at this office today?
A Yes, I did.

TO BOTH RESPONDENTS:

- Q Will you both stand and be sworn. Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?
A (by both) Yes, I do.
Q If you wilfully and knowingly testify falsely in this proceeding you may be prosecuted for perjury, the penalty for which is not more than five years imprisonment or \$2,000 fine, or both such fine and imprisonment. Do you understand?
A (by both) Yes, sir.

HEARING OFFICER TO MALE RESPONDENT:

- Q What is your full true name?
A YOSHISADA SHIGA.

A6 161 498 (1600-46455)
A6 161 497 (1600-46456)

Q Are you the same person known by that name upon whom a warrant of arrest in deportation proceedings was served at Crystal City, Texas on March 30, 1946?

A I do not remember clearly but I think I did receive such a notice.

HEARING OFFICER TO FEMALE RESPONDENT:

Q What is your full, true name?

A MASAKO TAKAHASHI SHIGA.

Q Are you the same person known by that name on whom a warrant of arrest in deportation proceedings was served at Crystal City, Texas on March 30, 1946?

A Yes.

TO BOTH RESPONDENTS:

Q It has been ordered that your hearings be reopened in order that you may apply for suspension of deportation. Do you understand?

A (by both) Yes.

Q In this reopened hearing you have the right to be represented by counsel of your own selection and at your own expense. There has been put on file a notice of appearance by Attorney Wayne M. Collins of San Francisco, California. Is it your desire that he represent you in these proceedings?

A (by both) Yes.

BY HEARING OFFICER: Have the record show that Mr. Shiga has handed the Hearing Officer a letter signed by Wayne M. Collins, which reads as follows: "The Immigration Service has sent you a notice to appear for hearing on November 5, 1952 at 12:30 P.M. in Room 140, 458 S. Spring St., Los Angeles. You should appear there promptly and bring with you the Form I-256 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 a copy of the decision he makes in your case."

TO BOTH RESPONDENTS:

Q Do you both wish to proceed without your attorney being present at this hearing with the understanding a copy of the decision will be sent to him?

A (by both) Yes.

Q Is it satisfactory that both of you will consolidate your hearing, that is that we hold both of your hearings now at the same time, and make a consolidated decision?

A (by both) Yes.

A6 161 498 (1600-46455)

A6 161 497 (1600-46456)

BY HEARING OFFICER: The application which Mr. Shiga executed in my presence today will be marked as EXHIBIT No. 2 and made a part of the record.

The application which Mrs. Shiga executed in my presence will be marked EXHIBIT 3 and made a part of the record.

DO BOTH RESPONDENTS:

Q Do you understand?

A (by both) Yes.

Q We have under consideration the cases of the three children, Masayoshi Suematsu and Shizuke Suematsu and Teruko Suematsu. Have you legally adopted those children?

BY MALE RESPONDENT: I never legally adopted them, but they are just like my own children.

BY HEARING OFFICER: The record should show that these children have heretofore been considered in conjunction with the respondents' cases, and they are covered by File 1600-46456. The child Masayoshi is covered by file 6 161 501, Shizuke is covered by file 6 161 503 and Teruko is covered by file 6 161 502.

HEARING OFFICER TO BOTH RESPONDENTS:

Q Is it satisfactory with you if reference is made to the children's files, so that consideration may be given to their cases when the decision is given in connection with your cases?

A (by both) Yes.

Q Are those three children living with you?

BY MALE RESPONDENT: Two of the girls have married and Masayoshi is living with me and attending school.

Q Do you have any evidence you wish to present to show that you have resided in the United States for more than seven years?

BY MALE RESPONDENT: I do not have anything with me here today.

BY FEMALE RESPONDENT: I do not have anything with me here today.

BY HEARING OFFICER TO BOTH RESPONDENTS:

Q You should secure affidavits and character references to cover the last five years, and if possible the last seven years, and any other papers you wish to present to show that you have resided in the United States in excess of seven years and you were so residing on July 1, 1948. Do you understand?

A (by both) yes.

BY HEARING OFFICER: We will give you until 5:00 o'clock on November 14, in which to submit those affidavits, together with any other evidence which you care to submit, and upon the receipt of the papers which you submit they will be given the next consecutive numbers and made a part of your record. Do you understand?

BY BOTH RESPONDENTS: Yes.

A6 161 498 (1600-46455)
A6 161 497 (1600-46456)

Q Do you have any further statements to make or explanation to give to show cause why you should not be deported from the United States?

A (by both) I have nothing to say today.

Q If you are found to be subject to deportation and ordered deported, what country do you wish to specify as the country to which you shall be deported?

A (by both) I would like to go to Peru.

Q That is if you are ordered deported?

A (by both) Yes.

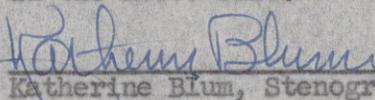
Q It is the intention of the Hearing Officer to make a written decision in your case, a copy of which will be furnished to your representative, Mr. Wayne M. Collins, together with a letter of transmittal, which will give him all necessary information and instructions. Do you understand?

A (by both) Yes.

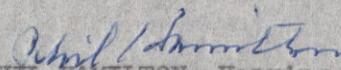
BY HEARING OFFICER: This hearing is closed.

HEARING CLOSED

I certify that the foregoing is a true and correct transcript of the recording made of the testimony taken in the above case.


Katherine Blum, Stenographer

I certify that, to the best of my knowledge and belief, the foregoing record is a true report of everything that was stated during the course of the hearing, including oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record.


PHIL HAMILTON, Hearing Officer.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File Nos. A6 161 498 - Los Angeles (1600-46455)
A6 161 497 - Los Angeles (1600-46456)

In re: YOSHISADA SHIGA, and wife
MASAKO TAKAHASHI SHIGA

DEC 12 1952

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne M. Collins, Attorney at Law
Mills Tower, 220 Bush Street, San Francisco, 4, Calif.

CHARGES: (both respondents)

Warrant - Act of 1924 - no immigration visa
Act of 1918 - no passport

Lodged - None

APPLICATION: Suspension of deportation - 7 years residence (both respondents)

DETENTION STATUS: Released on conditional parole (both respondents)

DISCUSSION: This record relates to a 46-year-old married male and a 35-year-old married female, both natives and citizens of Japan, who both last entered the United States at New Orleans, La., on March 21, 1944, as United States Military internees. Neither of the respondents had immigration visas at the time of their entry, nor did they present any passport or documents of any nature at the time of their entry. As indicated above each respondent was brought to the United States for internment purposes. Having not satisfied the immigration requirements they are both now amenable to deportation on the warrant charges under the Immigration Acts of 1924 and 1918.

If found subject to deportation and ordered deported, respondents have elected Peru as the country to which they shall be deported.

The respondents have three children who are ages 20, 22 and 23 years of age, but not their own blood children. They have cared for them for many years. Two of the children are married and the other one is a male residing with the respondents. All three of the children are under deportation proceedings having entered the United States at the same time that the respondents entered. The male respondent in this case is operating two hotels, from one he receives a net income of \$500.00 a month, and on the other hotel he realizes the sum of \$400.00 a month. His assets consist of \$4,000 in the bank. The female respondent is unemployed. Affidavits which the respondents submitted, together with numerous correspondence in the government files, indicate that the respondents have resided in the United States in excess of seven years and were so residing on July 1, 1948. It is established that they meet the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917.

A6 161 498 - Los Angeles (1600-46455)
A6 161 497 - Los Angeles (1600-46456)

As they are quota immigrants they could not readily obtain immigration visas. Accordingly they could not adjust their immigration status to that of lawful permanent residents through voluntary departure with the additional privilege of preexamination.

They claim they would not be able to arrange a trip outside of the United States to obtain an immigration visa. However, they give no explanation and the record does not show any reason why they would not be able to return to Peru.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record. The male respondent did not register under the Selective Training and Service Act of 1940 and is not presently required to register under the Selective Service Act of 1948. Witnesses have been produced to establish that the respondents have been persons of good moral character for the preceding five or more years. On the record they have established statutory eligibility for suspension of deportation. Since both of the respondents are aliens and have no blood children residing in the United States or any parents residing in this country, the maximum relief to be granted is voluntary departure. On the record they have established their statutory eligibility for voluntary departure.

FINDINGS OF FACT (AS TO BOTH RESPONDENTS) Upon the basis of all the evidence presented, it is found:

- (1) That the respondents are aliens, natives and citizens of Japan;
- (2) That they last entered the United States March 21, 1944, at New Orleans, La., on a United States Army Transport as internees;
- (3) That neither of the respondents had immigration visas at the time of their entry;
- (4) That the respondents were brought to the United States for an indefinite period of time;
- (5) That neither of the respondents had passports or documents of any nature at the time of their last entry.

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

A6 161 498 - Los Angeles (1600-46455)
A6 161 497 - Los Angeles (1600-46456)

- (1) That under Sections 13 and 14 of the Immigration Act of May 26, 1924, both respondents are subject to deportation on the ground that at the time of their entry they were immigrants not in possession of valid immigration visas and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) That under Section 19 of the Immigration Act of Feb. 5, 1917, and the Passport Act approved May 22, 1918 as amended, both respondents are subject to deportation on the ground that at the time of their entry they did not present unexpired passports or official documents in the nature of passports issued by the Government of the country to which they owe allegiance, or travel documents showing their origin and identity as required by Executive Order in effect at the time of entry.

ORDER: It is ordered that an order of deportation not be entered at this time and that the aliens 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 aliens fail to depart when and as required the privilege of voluntary departure be withdrawn without further notice or proceedings and the aliens deported from the United States pursuant to law on the charges stated in the warrant of arrest.

Phil Hamilton

PHIL HAMILTON, Hearing Officer.

PH-kb

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

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

rec'd 12/15/52

REGISTERED MAIL

Date: DEC 12 1952

RETURN RECEIPT REQUESTED

File No.: A6 161 498 (IB)
A6 161 497 (IB)

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

Dear Sir:

Reference is made to the hearing on November 5, 1952 in the deportation proceedings against Yoshisada Shiga, and wife, MASAKO TAKAHASHI SHIGA.

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 Immigration 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
For the District Director.

Encls.

240
December 14, 1952

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

Attn: Mr. Phil Hamilton
Hearing Officer

Dear Sir:

Re: Yoshisada Shiga
Masako Takahashi Shiga
A6 161 498 (IB)
A6 161 497 (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. 12th 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,

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

REGISTERED
RETURN RECEIPT REQUESTED

File No. A6 161 498 (IB)
A6 161 497 9(B)
Date January 14, 1953

Yoshisada Shiga, and
Masako Takahashi Shiga
126 E. 1st Street
Los Angeles, California

Dear Sir and 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 April 9, 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 23, 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,

For the District Director

✓
CC: Mr. Wayne M. Collins
Attorney at Law
Hills Tower, Bush Street
San Francisco, 4, Calif.

Recd 1/15/53

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

PLEASE REFER TO THIS FILE NUMBER

January 14, 1953

A6 161 498 (IB)
A6 161 497 (IB)
A6 616 503 (IB)
A6 616 502 (IB)
A6 616 501 (IB)

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

Dear Sir:-

Reference is made to your communications of December 24, 1952, in the pending deportation cases of Yoshisada Shiga, Masako Takahashi Shiga, Teruko Suematsu Sakai, Shizuko Suematsu Iwamoto and Masayoshi Suematsu.

The record shows that decisions of the Hearing Officer in each of these cases were transmitted to you on December 12, 1952 and were received by you or your agent on December 15, 1952 as evidenced by postal receipts. The letter transmitting the decisions stated that exceptions, if taken, would constitute an appeal, and that the exceptions must be filed in this office before the expiration of five business days from receipt of the decisions. Form I-290, Notice of Appeal to the Board of Immigration Appeals, were submitted by you, however, the appeal forms I-290 were received in this office on December 29, 1952, which date was beyond the expiration of the period during which appeal could be taken. Appeal Forms I-290 likewise did not show that any exceptions were taken to the decision of the Hearing Officer. In accordance with 8 CFR 151.5(e) the decision of the Hearing Officer is final.

Copies of the hearings in these cases are attached. It is requested that you sign the attached receipts, Form 16-260, and return the receipts promptly to this office.

Very truly yours,

Alfred E. Edgar
For the District Director.

Encls.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

January 26, 1953

Recd 1/28/53

PLEASE REFER TO THIS FILE NUMBER *102*

See File Nos. below

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

Dear Sir:

Reference is made to your letter of January 15, 1953, concerning the deportation cases of fourteen of your clients, as follows:

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
Shizuo Nakamatsu	A6 153 135
<i>out</i> Shizuka Kikuchi	1600-45364

In each of these cases the Hearing Officer made a decision and order in accordance with 8 CFR 151.5 directing the deportation of the alien, copies of which decisions and orders were served upon you by registered mail. Under the regulations (8 CFR 151.5(f)) you were allowed five business days from receipt of copy of the Hearing Officer's written decision and order within which to take exceptions to his order. Since timely exceptions were not taken, the Hearing Officer's order is therefore final under 8 CFR 151.5(e).

If you wish to submit in these cases motions for reopening or reconsideration, such motions should be submitted to this office in triplicate in accordance with the provisions of 8 CFR 8, effective December 24, 1952, each of which motion should be accompanied by the required fee of \$5.00.

In accordance with your request, a transcript of the records of hearings in these cases will be furnished as soon as the records are transcribed.

Yours very truly,

H. R. Landon
H. R. Landon
District Director

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-1218

January 31, 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	
	Shizuo Nakamatsu	A6	153	135	

Gentlemen:

Enclosed find Motions To Reopen And For Reconsideration in the above-entitled cause, made in triplicate, together with Affidavit In Support Of Motions, in triplicate.

Very truly yours,

of deportation and ordering voluntary departure or deportation thereafter if respondent does not depart, to the effect that respondent is deportable and the conclusion of law that respondent was not exempted from the presentation of a valid visa at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U. S. Government itself brought respondent to this country with full knowledge that respondent then was not in possession of a visa and that the circumstances of that entry constituted a waiver by the government of the possession and presentation of a visa by the respondent and that it exempted the respondent from the possession and presentation thereof.

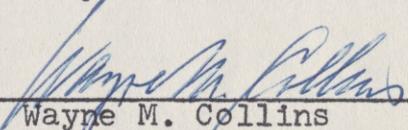
Further, the legislative history of the relief statute, Title 8 USCA, Sec. 155(c), evidences the fact that Congress, in enacting that legislation, contemplated that members of the Peruvian Japanese group forcibly brought here in 1944 and 1945 by the Government, contrary to their will and desire, would benefit from the relief provided thereunder and that, in consequence, their presence in this country for a period of seven (7) years under such circumstances was deemed by Congress to satisfy the residential requirement thereof and to render them eligible thereunder for the relief thereby provided. This matter does not seem to have been weighed or considered in reaching a conclusion that respondent is deportable or in reaching the decision that respondent's application for suspension of deportation should be denied and that respondent be granted voluntary departure and thereafter be deported if respondent does not depart.

The fact of entry and proof of presence in the United States on the part of respondent for a period in excess of seven (7) years is inconsistent with the conclusion of law of nonresidence within the meaning of the statute. The conclusion that respondent's period of residence here was not of a type contemplated by the

statute and hence was not residence but nonresidence thereunder is erroneous. That conclusion was drawn solely because of an arbitrary assumption that respondent's entry and actual residence here arose from a form of internment assumed, in the absence of evidence thereon being introduced or even offered by the government at the hearing in this cause, to have been justified as a wartime Western Hemispheric security measure. A finding based upon a mere assumption that the respondent or a member or members of respondent's family actually constituted a real source of danger to such security or to our security is purely arbitrary and whimsical. The theory that a form of punishment, such as deportation, may be inflicted in the absence of wrong by a person, and the theory that one may be punished for an assumed wrong of another, such as here imposed on family members, which is a unique form of guilt by association, violate the whole concept of due process of law and are repugnant to the due process guaranty of the 5th Amendment.

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

Respectfully submitted,



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

Attorney for Respondent Alien

of deportation and ordering voluntary departure or deportation thereafter if respondent does not depart, to the effect that respondent is deportable and the conclusion of law that respondent was not exempted from the presentation of a valid visa at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U. S. Government itself brought respondent to this country with full knowledge that respondent then was not in possession of a visa and that the circumstances of that entry constituted a waiver by the government of the possession and presentation of a visa by the respondent and that it exempted the respondent from the possession and presentation thereof.

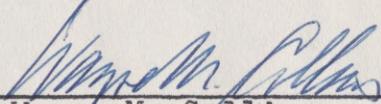
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Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent Alien

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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.

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or notice of appeal being indicated thereon the same were forwarded by her in such manner through inadvertance 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.

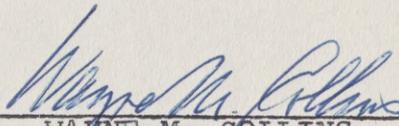
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addressed a letter to him thereon setting forth the facts that he would present it to the District Director, USI&NS, at Los Angeles for determination. Accordingly I wrote and mailed such a letter on January 15, 1953, and thereafter, on January 28, 1953, received a reply from H. R. Landon, District Director, stating that if I wished I might submit motions for reopening or reconsideration of this and said other like causes.

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, 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 alien wishes to except to the findings of fact and conclusion of law contained in said decision that said alien is deportable and also to the conclusion of law that said alien was not exempted from the presentation of a valid visa 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 presentation of a visa at the time of said alien's entry into the United States, and by reason thereof,

said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

MASAKO T. SHIGA

A6 161 497 IB

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 12, 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 12, 1952.

The copy of said decision and notice thereof apparently were received in my office on December 15, 1952, 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, along with several other like decisions and notices apparently received by her at the same time, and forgot to deliver them to me or to call my attention thereto.

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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.

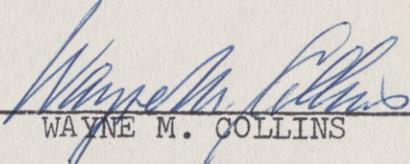
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Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively 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, 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.

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said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

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.

ISSUED TO

YOSHISADA SHIGA
c/o W.M. Collins
Mills Tower 220 Bush St.,
SAN FRANCISCO, 4, CALIFORNIA

FILE NO.

AS 161 498

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

PAYMENT FOR

DATE RECEIVED

AMOUNT RECEIVED

MOTION TO REOPEN

2-2-53

\$

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.

Bank of America
Pers. check No. 140

X

No. 1600

48362

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

ISSUED TO

MASAKO T. SHIGA
c/o W.M. Collins
Mills Tower 220 Bush St.,
SAN FRANCISCO, CALIFORNIA

FILE NO.

A6 161 497

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LOS ANGELES, CALIFORNIA

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FORM G-234A (4-21-52)
FORM PRESCRIBED BY
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APRIL 16, 1945

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-1218

February 3, 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	
	Shizuo Nakamatsu	A6	153	135	

Gentlemen:

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

Very truly yours,

1 Wayne M. Collins
2 Mills Tower
3 San Francisco 4, Calif.
4 Garfield 1-1218

5 Attorney for Respondent

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7
8 BEFORE THE UNITED STATES IMMIGRATION SERVICE

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11 In the Matter of)

12 Yoshisada Shiga)

A6 161 498 IB

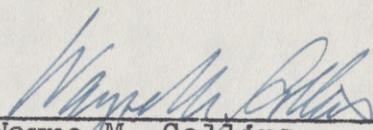
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14 _____)
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16 SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
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18 On May 6, 1952, it was held by the Acting Attorney
19 General that discretionary 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
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5 it appearing that respondent has been here for a period of time
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8 has not authorized respondent's return to that country it is
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10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

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13 
14 _____
Wayne M. Collins

Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

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16 Attorney for Respondent
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1 Wayne M. Collins
2 Mills Tower
3 San Francisco 4, Calif.
4 GARfield 1-1218
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8 Attorney for Respondent
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11 BEFORE THE UNITED STATES IMMIGRATION SERVICE

12 In the Matter of)

13 Masako T. Shiga)

14 A6 161 497 IB)

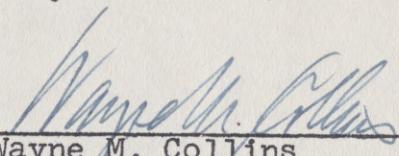
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15 Wayne M. Collins
16 Mills Tower
17 San Francisco 4, Calif.
18 GARfield 1-1218

19 Attorney for Respondent
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UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

458 South Spring Street
Los Angeles 13, California

MAR 16 1953

R. 3/17/53
Please address reply to
District Director
and refer to this
File No. A6 161 498 (IB)
A6 161 497 "

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

Dear Sir:

The attached is a copy of the decision and order of the Special Inquiry
Officer in the case of
YOSHISADA SHIGA and MASAKO TAKAHASHI SHIGA.

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.

Sincerely yours,

Hazel G. Dotson
For the District Director

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

MAR 16 1953

Files: A6 161 498 - Los Angeles (1600-46455)
A6 161 497 - (1600-46456)

In re: YOSHISADA SHIGA (Husband)
MASAKO TAKAHASHI SHIGA (Wife)

IN DEPORTATION PROCEEDINGS

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

CHARGES: (Both respondents)

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

APPLICATION: Motion to Reopen and For Reconsideration

DETENTION STATUS: Released on conditional parole

WARRANTS OF ARREST SERVED: March 30, 1946

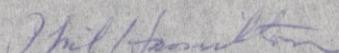
DISCUSSION: Hearing under deportation proceedings in the above-entitled cases was closed at Los Angeles, California, on November 5, 1952. Counsel for the respondents was served with a copy of the Decision by registered mail on January 16, 1953. No exceptions were taken to the Order granting voluntary departure to the aliens, within the time allotted.

On February 2, 1953 Counsel for the respondents submitted to the Immigration and Naturalization Service at Los Angeles, California, a Motion to Reopen and For Reconsideration, together with Supplemental Points and Authorities in Support of Motions To Reopen and For Reconsideration.

Counsel's motion does not present persuasive reason for reopening the hearings. Careful reconsideration has been given to Counsel's brief and authorities cited.

ORDER: It is ordered that the Motion to Reopen be denied.

IT IS FURTHER ORDERED that the Hearing Officer's Order of December 12, 1952 be affirmed.



Phil Hamilton - Special Inquiry Officer

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

March 17, 1953

Mr. Yoshisada Shiga,
Mrs. Masako Takahashi Shiga,
Mr. Masayoshi Suematsu,
Mrs. Teruko Suematsu Sakai,
Mrs. Shizuko Suematsu Iwamoto.
128 East First St.,
Los Angeles, California

Gentlemen:

The Immigration Service hearing officer at Los Angeles on December 12, 1952, ordered that the application for suspension of deportation filed by Yoshisada Shiga, Masako Takahashi Shiga, Masayoshi Suematsu, Teruko Suematsu Sakai and Shizuko Suematsu Iwamoto, be denied but that you be granted the right to depart voluntarily from the United States and that if you fail to depart when and as ordered that each of you be deported.

Upon behalf of each of you I filed motions to reopen and to have your cases reconsidered. Thereafter, on March 16, 1953, the Special Inquiry Officer denied my motion and affirmed the order of December 12, 1952.

In consequence, it now becomes necessary for appeals to be taken in each of your cases direct to the Board of Immigration Appeals where your deportability may be reconsidered and where your right to a suspension of deportation finally is to be decided. These appeals must be filed by me on or by the 27th day of March, 1953.

Under the new regulations established by the Attorney General and Commissioner of Immigration which became effective as at Dec. 24, 1952, the Immigration Service charges \$5 for each motion to reopen or to reconsider and a \$25 fee for each appeal. Therefore, inasmuch as I have advanced and am advancing these fees I would thank each of you to send me a remittance in the sum of \$30 to reimburse me for advancing these.

Very truly yours,

March 24, 1953

Mr. Yoshisada Shiga
128 E. 1st Street
Los Angeles, California

Dear Mr. Shiga:

Enclosed find copy of Brief I have filed in your appeal and that of Mrs. Shiga with the Board of Immigration Appeals. It cannot be predicted what the final outcome of your application for suspension of deportation may be.

Congress has approved some applications for suspension and has refused to approve others.

Very truly yours,

Enc.

March 24, 1953

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

Gentlemen:

In re: Yoshisada Shiga, File A6 161 498
L. A. 1600-46455
and
Masako Takahashi Shiga, File A6 161 497
L.A. 1600-46456

Enclosed find duplicate notices of appeal
in each of the above mentioned cases containing
exceptions noted on the reverse sides thereof
and duplicate briefs in support of each of the
appellants in said cases.

My check in the sum of \$50.00 is enclosed
covering the \$25 fee required in each of said
appeals.

Very truly yours,

Encs.

JUL 6 - 1953

A-6161498 - Los Angeles (1600-46455)
A-6161497 (1600-46456)

YUKIHISADA SHIGA (Husband)
MASAKO TAKAHASHI SHIGA (Wife)

IN DEPORTATION PROCEEDINGS

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

CHARGES: (Both respondents)

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

APPLICATION: Suspension of deportation - seven years residence

DETENTION STATUS: Released on conditional parole

DISCUSSION AS TO DEPORTABILITY: Respondents are husband and wife, 47 and 40 years of age, both natives and citizens of Japan, of the Japanese race. Their only entry into the United States occurred at New Orleans, La., on March 21, 1944, at which time they were brought to this country from Peru by the United States Army for internment during World War II. They are deportable because at the time of entry they were not in possession of the necessary documents. They are deportable on the documentary charges only.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: Respondents have applied for the privilege of suspension of deportation on the ground that they have been in the United States for seven years and were residing in the United States on July 1, 1948. They are technically eligible for suspension on this ground. When the male respondent was brought to the United States for internment he was accompanied not only by his wife, but by three foster children who have been under deportation proceedings also. (Shizuko Iwamoto, A-6616503; Teruko Sakai, A-6616502; Hisayoshi Suematsu, A-6616501.) Recently we granted suspension of deportation to these three aliens. Since they have been in the United States they have achieved their majority, and the two girls have married. However, the boy is still living

with respondents. He is going to school and is being supported by them.

After two and a half years in detention respondents were permitted to leave the internment camps and the male respondent worked at the Seabrook Farms Company, Bridgeton, New Jersey for a year and a half. Since that time respondents have lived in Los Angeles, Calif. where the male respondent is self-employed as a manager of two hotels from which he receives an income of \$900 a month.

Prior to amendment by the Act of July 1, 1948 (Pub. Law 863, 80th Cong.) a person of the Japanese race was not eligible for suspension of deportation, because he was racially ineligible for naturalization in the United States. By that Act an alien who was ineligible for naturalization solely by reason of his race became eligible for suspension of deportation. Further, the Immigration and Nationality Act of 1952 (Pub. Law 414, 82d Cong.), Section 311, provides that the right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race.

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 respondents 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 respondents to remain in the United States by granting them suspension of deportation.

A-6161498

A-6161497

-3-

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

ORDER: It is ordered that deportation of the aliens 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 on December 12, 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 aliens be charged to the quota of Japan.

Chairman

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

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

A-6161497,8
Shiga

July 7, 1953

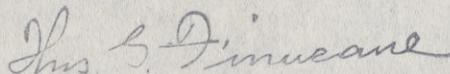
Rec'd 7/10/53

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

July 13, 1953

Mr. Yoshisada Shiga
and Mrs. Masako Takahashi Shiga
128 E. First St.
Los Angeles, California

Dear Mr. and Mrs. Shiga:

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 appeals I took on your behalf have 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 cases will be referred to Congress for its approval. If Congress approves your applications 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 applications for suspension of deportation. If it refuses them, other action will have to be taken on your behalf.

Very truly yours,

July 20, 1953

REGISTERED MAIL

Mrs. Masako Takahashi Shiga
128 East First Street
Los Angeles, California

Dear Mrs. Shiga:

Enclosed find two letters bearing postmark of July 16, 1953, from the U.S. Treasury Department at Los Angeles. These letters apparently contain a refund of the excessive fees charged by the Immigration and Naturalization Service at Los Angeles in connection with the motions to reopen your case and the appeals I took therefrom which have been successful.

Very truly yours,

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

Date: Sept. 8, 1953

File Number: 1600-46456
(A6 161 497) IB

Mrs. MASAKO SHIGA
128 E. First St.,
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, Atty.,
220 Bush St.,
San Francisco 4, Calif.

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

Date: Sept. 8, 1953

File Number: 1600-46455
(A6 161 498) IB

Mr. YOSHISADA SHIGA,
128 E. First St.,
Los Angeles, Calif.

Dear Sir:

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

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
Wgyne M. Collins, Atty.,
220 Bush St.,
San Francisco 4, Calif.

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

September 11, 1953

Mrs. Masako Shiga
128 E. First St.,
Los Angeles, Calif.

Dear Mrs. Shiga:

The Attorney General has approved your application for a suspension of deportation.

The Attorney General will report to Congress at its next session the fact that he approves your application. If Congress likewise approves your application you will be entitled to a suspension of deportation and to permanent residence status in the United States. Thereupon the Immigration office at Los Angeles will send you a notice to pay to the Commissioner of Immigration the sum of \$18.00 to establish a record of your entry. Thereafter you will be permitted to remain in the United States free from a threat of deportation. However, if Congress refuses to approve your application for a suspension of deportation, other steps will have to be instituted on your behalf.

Very truly yours,

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

September 11, 1953

Mr. Yoshisada Shiga
128 E. First St.,
Los Angeles, Calif.

Dear Mr. Shiga:

The Attorney General has approved your application for a suspension of deportation.

The Attorney General will report to Congress at its next session the fact that he approves your application. If Congress likewise approves your application you will be entitled to a suspension of deportation and to permanent residence status in the United States. Thereupon the Immigration office at Los Angeles will send you a notice to pay to the Commissioner of Immigration the sum of \$18.00 to establish a record of your entry. Thereafter you will be permitted to remain in the United States free from a threat of deportation. However, if Congress refuses to approve your application for a suspension of deportation, other steps will have to be instituted on your behalf.

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: 1600-46455 IB

CR #: 61-15

Mr. Yoshisada Shiga
1038 South Hope Street
Los Angeles 15, Calif.

*Peruvian
new order
noted 6/19/54*

Dear Sir:

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

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

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

Very truly yours,

nmh

For the District Director

Copy to: Mr. Wayne M. Collins, Attorney at law, 220 Bush St.,
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. Masako Takahashi Shiga
1028 So. Hope Street
Los Angeles 15, California

Dear Mrs. Shiga:

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,

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

June 18, 1954

Mr. Yoshisada Shiga
1038 South Hope Street
Los Angeles 15, California

Dear Mr. Shiga:

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,

Permanently Japanese

Yoshisada Shiga and family
1028 South Hope Street
Los Angeles 15, California
June 30, 1954

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

Dear Mr. Collins:

My family - my wife Masako Shiga who passed away last August, my daughters Shizuko Suematsu Iwamoto and Teruko Suematsu Sakai, and my son Masayoshi Suematsu - and I received your letter concerning Congress' approval of a suspension of deportation for us and the permission for each of us to become a permanent resident of the United States.

Each of us has payed the fee of \$18.00 to the U. S. Immigration Service at 458 South Spring Street, Los Angeles, in the form of a U. S. Postal Money Order on June 18, 1954.

We would like to thank you very much, for we are very grateful for everything you have done to make this possible.

Very truly yours,

of. Shiga and family.

July 16, 1954

File

To: WMC

For your information. No reply
required.

Return it to us for filing.

DP

Pr...