

19:4

ONAGA, YOSHIHIKO

1951-1954

78/177
c

December 14, 1951

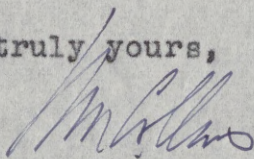
District Director
U.S. Immigration and
Naturalization Service
458 South Spring Street
Los Angeles, California

Dear Sir:

In re: Yoshihiko Onaga and Family
Los Angeles, California

Enclosed find copies of applications to
reopen cause and to enable the applicants
to apply for a suspension of deportation,
the originals of which are being forwarded
to the Commissioner of Immigration, Washington,
D. C.

Very truly yours,



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

Dec. 14
~~August 30~~, 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Yoshihiko Onaga and Family
Los Angeles, California

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: Yoshihiko and Yuki Onaga and their alien dependent minor child, Yoshinori Onaga. An original application form for each is also being sent to the District Director, USI&NS, Los Angeles, inasmuch as the Onaga family resides at 736 San Julian St., Los Angeles, California. 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.

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

YOSHIHIKO ONAGA,) A-6185233 L.A. 1600/32793
YUKI ONAGA, his wife, and) A-6185234 L.A. 1600/32798
YOSHINORI ONAGA, their son.) A-6185235 L.A. 1600/32798

EXCEPTIONS TO RECOMMENDATION

On January 24, 1952, the hearing officer recommended that the aliens Yoshihiko Onaga, and his wife, Yuki Onaga, natives of Japan and resident of Peru, together with Yoshinori Onaga, their minor son, a native of Peru, be deported on the charges stated in the warrant of arrest. On March 10, 1952, the District Director, USI&NS, at ~~Philadelphia~~ *Los Angeles* sent a notice of that recommendation.

Because the Peruvian Government thus far has not granted the applicants authority to return to Peru, in which country they have their residence, their efforts to return there have not yet proved successful. In consequence, they did not depart from the United States. Of the causes and reasons connected with their failure to depart the Commissioner has actual knowledge and takes administrative notice.

We except and object to the finding and conclusion, unsupported by any evidence whatever, that the aliens cannot meet the residence requirements for suspension of deportation under Title 8 USCA, Sec. 155 (c).

We submit that there is no evidence in the record that the aliens were brought to this country for any legitimate war connected reason. We contend that the government is estopped to deny that their entry was lawful and likewise is estopped to

1 assert that their presence in this country is unlawful. It is
2 nonsense for the government to assert that they did not present
3 unexpired passports or other travel documents at the time of
4 entry and that they were not in possession of valid immigration
5 visas. The secret orders of the Peruvian government which
6 authorized their uprooting constitute blanket visas to the
7 Peruvian-Japanese who were brought forcibly to this country.
8 The concealed *also* orders of the U.S. government, under which they
9 were banished from Peru and transported to the U.S. constitute
10 blanket admission credentials which, euphemistically enough,
11 are referred to in the recommendation as "passports or other
12 travel documents".

13 We submit that the applicants were brought involuntarily to
14 this country for nefarious political reasons only. Because
15 they are, in fact, involuntary refugees from Peru, they are
16 entitled to asylum in this country. It is time that the govern-
17 ment ceased using the Immigration authorities and the pretext
18 of the immigration laws as an excuse to mask the cruel persecution
19 of the applicants and like Peruvian-Japanese for what is
20 nothing but the wrongdoing of the governments of Peru and the
21 United States.

22 Our ambassador to Peru and our State Department still are
23 trying to prevail upon the Peruvian authorities to re-admit
24 the applicants and similarly situated members of the Peruvian-
25 Japanese group here to Peru. So long as those negotiations are
26 pending we suggest that no order of deportation should issue
27 against them.

28 For the foregoing reasons we urge that the recommendation
29 of the hearing examiner be disregarded and that the aliens'
30 applications for suspension of deportation be granted.

31 Respectfully submitted,
32

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

BEFORE THE BOARD OF IMMIGRATION APPEALS

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of
YOSHINORI ONAGA

No. _____

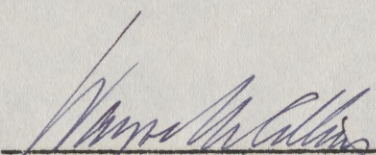
APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YOSHINORI ONAGA

hereby requests

that the deportation proceeding heretofore instituted against him
be reopened for the purpose of enabling him to apply for a sus-
pension 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 his eligibility to apply for and to receive the benefits
afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regula-
tions thereunder and for the grant of said application for suspension
of deportation.

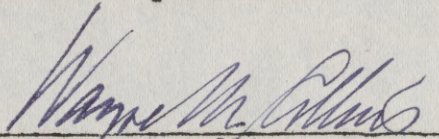

Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant

AFFIDAVIT OF MERITS


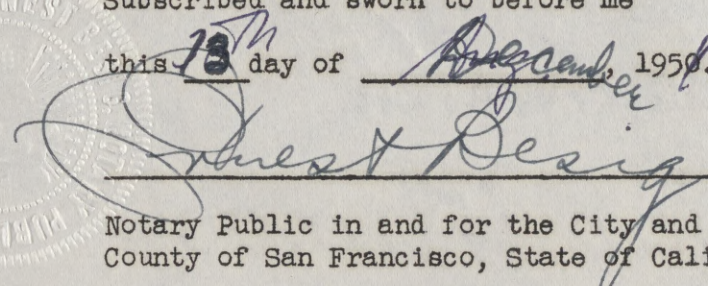
STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____
_____~~YOSHINORI OHAGA~~_____, 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 an alien dependent minor child of _____
_____~~YOSHIE OHAGA AND~~_____
_____~~YUKI OHAGA~~_____, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each 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 did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.


Wayne M. Collins

Subscribed and sworn to before me

this 18th day of December, 1950.



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

In the Matter of

No.

YOSHIHIKO ONAGA

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YOSHIHIKO ONAGA

hereby requests

that the deportation proceeding heretofore instituted against him

be reopened for the purpose of enabling him to apply for a sus-

(c) effective as at July 1, 1948, (Public Law No. 863), on the ground

that 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

WHEREFORE, applicant requests that said cause be reopened for the

aforesaid purposes to enable applicant to introduce oral and documentary

evidence of his eligibility to apply for and to receive the benefits

afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regula-

tions thereunder and for the grant of said application for suspension

of deportation.

Wayne M. Collins

1701 Mills Tower

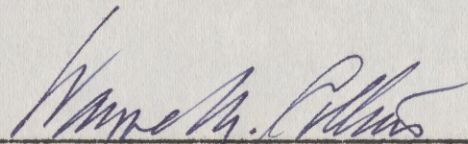
San Francisco 4, Calif.

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 _____
~~YOSHITAKO ONAGA~~, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c) as amended, became effective; that applicant desires to have ~~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.

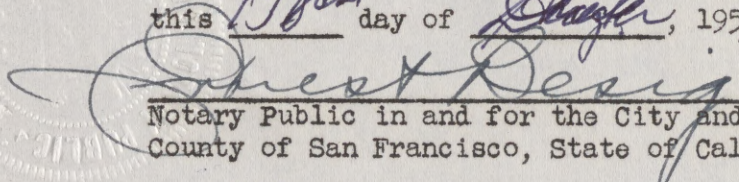


Wayne M. Collins
1704 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant.

Subscribed and sworn to before me

this 15th day of August, 1951.



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

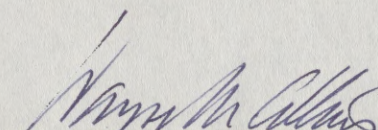
No. _____

~~YUKI ONAGA~~ -----

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

----- ~~YUKI ONAGA~~ hereby requests
that the deportation proceeding heretofore instituted against ~~her~~
be reopened for the purpose of enabling ~~her~~ to apply for a sus-
pension 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 regula-
tions thereunder and for the grant of said application for suspension
of deportation.

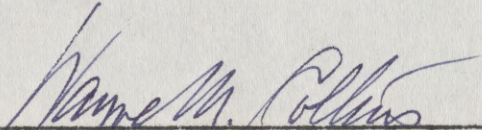

Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant

AFFIDAVIT OF MERITS

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

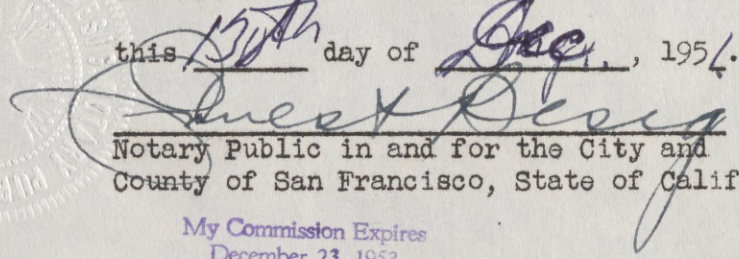
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c) as amended, became effective; that applicant desires to have _____ deportation proceeding reopened to enable _____ to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating _____ 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 15th day of Dec., 1954.


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

My Commission Expires
December 23, 1952

Omaga

See file of Kato, Maguchi
re hearing of Omaga Family

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

Files No. A-6185233 - Los Angeles (1600-32793)
A-6185234 - Los Angeles (1600-32798)
A-6185235 - Los Angeles (1600-32798)

January 24, 1952

In Re: YOSHIHIKO ONAGA, and wife, YUKI ONAGA, and minor son, YOSHINORI ONAGA.

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Mr. Wayne M. Collins,
1701 Mills Tower,
220 Bush Street,
San Francisco, California.

CHARGES:

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

Lodged : None.

APPLICATION: Suspension of deportation - 7 years residence.

DETENTION STATUS: Released on conditional parole.

DISCUSSION AS TO DEPORTATION: This record relates to a 55 year old married male, and his wife, a 48 year old female, both of whom are natives and citizens of Japan, and their minor son, a 17 year old male, a native and citizen of Peru. All of the respondents are of the Japanese race.

The adult respondents were brought to the United States from Peru by the military authorities for internment as enemy aliens, and the minor child accompanied them. They entered the United States at New Orleans, Louisiana on March 21, 1944. On April 26, 1946 the aliens were ordered deported from the United States, and on May 1, 1951 the hearings in their cases were ordered reopened for the purpose of permitting them to apply for discretionary relief under Section 19(c) of the Immigration Act of 1917, as amended.

After having been brought into the United States in 1944 these aliens were detained as enemy aliens until August, 1946 when they were released as internees at large, and they remained in that status until January, 1951 when they were released on conditional parole.

Since their release from internment camps they have not departed from the United States and have stated in their hearings that they are not willing to depart voluntarily from this country to any other country. As they have not satisfied the requirements of law relating to immigrants, they may be deported and each of the aliens is amenable to deportation under the Immigration Act of 1924 and the Act of 1918 on the charges specified in the warrants of arrest, as at the time of entry, they were not in possession of valid immigration visas, nor did they present unexpired pass-

1600-32793
1600-32798

ports or other travel documents.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: Application has been made for suspension of deportation in the case of each alien on the ground that he has resided in the United States continuously for seven years or more and was residing in this country on July 1, 1948.

As has been previously stated, each of the respondents have been in custody since their arrival in the United States on March 21, 1944 by detention until August, 1946, and thereafter under constant supervision. It has been held that residence of seven years in the United States as an alien enemy where the alien's presence in the United States was necessitated because of the war would not be construed as residence required within the meaning of Section 19(c) of the Immigration Act of 1917, as amended. (ID - #225) In view of the foregoing, while the respondents have been present in the United States for more than seven years, no residence accrues to them by this presence.

The elder respondents are operating a hotel in Los Angeles, California. The record relates that they leased this hotel and claim to have paid \$9000.00 for the lease on which they still owe \$2000.00, and that the lease includes the ownership of furniture in the hotel which consists of 58 rooms. The adult respondents alleged that they had a gross income of about \$9000.00 for the year 1951. However, the record shows that they made no report for income tax purposes of estimated income to the Bureau of Internal Revenue. Other than their equity in the lease of this hotel, the aliens have cash in the bank of about \$500.00. They have no other assets in the United States.

As all of the aliens are racially ineligible to citizenship in the United States, they cannot secure immigration visas to enter this country for permanent residence.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record in the United States. No evidence was developed at the hearing showing that the aliens have connection with subversive groups. Affidavits have been presented from two witnesses, the same two persons being affiants for all three of the respondents, alleging that they have been persons of good moral character for more than the past five years. However, one of the affiants was brought to the United States as an enemy alien internee. As a matter of administrative discretion none of the aliens are eligible for or should be granted suspension of deportation. They have stated they will not depart from the United States voluntarily.

The adult aliens have declined to specify the country to which they shall be deported in the event they are found subject to deportation and so ordered.

Peru has been specified as the country to which the respondent YOSHINORI ONAGA shall be deported in the event he is found subject to deportation and so ordered.

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

- (1) That the respondents are aliens, the two adults natives and citizens of Japan, the minor a native and citizen of Peru;
- (2) That the respondents last entered the United States on March 21, 1944 at New Orleans, Louisiana when they were brought into the United States by military

1600-32793

1600-32798

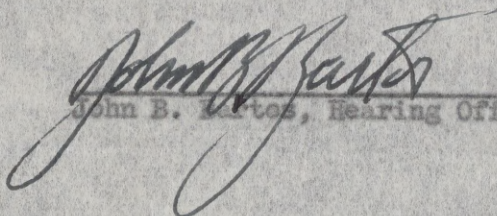
authorities as alien enemy internees;

- (3) That the respondents have declined to depart from the United States voluntarily;
- (4) That the respondents, at the time of entry, were not in possession of valid immigration visas;
- (5) That the respondents, at the time of entry, did not present unexpired passports or other travel documents in the nature of passports.

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

- (1) That under Sections 13 and 14 of the Immigration Act of 1924, the respondents are subject to deportation on the ground that, at the time of 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 the Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, the respondents are subject to deportation on the ground that, at the time of entry, they did not present unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity, as required by Executive Order in effect at time of entry.

RECOMMENDED ORDER: It is recommended that the respondents be deported from the United States pursuant to law on the charges stated in the warrant of arrest.


John B. Fortes, Hearing Officer.

JBB/lmh

16-404
5-21-51

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

Rec'd 3/10/52
WLS

REGISTERED MAIL

RETURN RECEIPT REQUESTED

Date MAR -7 1952

File No. 1600-32793 (HS)
1600-32798 (HS)

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

Dear Sir:

Reference is made to the hearings on January 24, 1952, in the deportation proceedings against YOSHIHIKO ONAGA, YUKI ONAGA, and minor child, YOSHINORI ONAGA.

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

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

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

Yours very truly,

H. R. LANDON
District Director
By: *HRL*

Encl.

March 14, 1952

District Director
Immigration and Naturalization Service
458 S. South Spring St.
Los Angeles, California

Dear Sir:

Re: Yoshihiko Onaga & Family
1600-32793 (HS); 1600-32798 (HS)

Enclosed find Exceptions to Recommendation
in triplicate original in the above-entitled
causes.

Very truly yours,

March 21, 1952

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

Dear Sir:

Re: Yoshihiko Onaga and Family
1600-32793 (HS); 1600-32798 (HS)

On March 14th I forwarded to you triplicate originals of "Exceptions to Recommendation" in the above cases. On page 1, lines 14 and 15 thereof, I erroneously stated that "On March 10, 1952, the District Director, USI&NS, at Philadelphia sent a notice of that recommendation". The sentence should have read "On March 7, 1952, the District Director, USI&NS, at Los Angeles, sent a notice of that recommendation". In view of that fact, the enclosed "Exceptions to Recommendation" are identical with those forwarded to you on March 14th with the exception of the one erroneously written sentence.

Very truly yours,

COPY FOR
PARTY IN INTEREST

ADJ-302
(2-28-51)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

MAY 5 1952

File: A-6185233 - Los Angeles(1600-32793)
A-6185234 - Los Angeles(1600-32798)
A-6185235 - Los Angeles(1600-32798)
In re: YOSHIHIKO ONAGA, YUKI ONAGA, and YOSHINORI ONAGA

Appeal 15

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of Deportation

DETENTION STATUS: Released on parole

DISCUSSION: Upon consideration of the entire record, including the exceptions taken, the recommended order of the officer conducting the hearing is hereby adopted.

ORDER: It is ordered that the alien be deported from the United States, pursuant to law, on the charges in warrant of arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

Form 16-270
(8-7-47)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

PERSONAL SERVICE ()

458 S. Spring Street
Los Angeles 13, California

REGISTERED MAIL (X) - Return receipt requested

Recd
6/2/52

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

FILE: 1600-32733-32798 BP-H

DATE:

Dear Sir or Madam:

Re: Yoshiriko Onaga, Yuki Onaga, and Yoshinori Onaga

Pursuant to the provisions of Part 90, Title 8, Code of Federal Regulations, the attached copy of decision and order of the Commissioner, Immigration and Naturalization Service, in ^{above} ~~your~~ cases is hereby served upon you. This order is final unless an appeal is taken to the Board of Immigration Appeals in Washington, D.C., and notice of appeal is filed within 15 days (Not including Saturdays, Sundays, and holidays) after receipt of this notice, on or before June 20, 1952.

IF APPEAL IS DESIRED, all copies of the attached Form ADJ-19, Notice of Appeal, should be executed by you. One copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington, D. C., and the other copies must be filed with the local field office of the Immigration and Naturalization Service. Distribute the forms exactly as follows:

- (a) Mail one copy to "Board of Immigration Appeals, Department of Justice, Washington 25, D.C.".
- (b) Mail 2 copies to: this office at 458 S. Spring Street
Los Angeles 13, California

IF YOU DO NOT DESIRE TO APPEAL, you are requested to sign, date and return at once to the office indicated in (b) above, the enclosed copy or copies of the mimeographed form(s) entitled "Waiver of Right to Appeal". Also return at the same time the unexecuted Forms ADJ-19.

Very truly yours,

Henry T. Patton
~~XXXXXXXXXXXX~~

For the District Director

~~XXX~~

(If you receive this letter by mail, the following does not apply to you)
FOR USE IN CASES WHERE SERVICE IS MADE PERSONALLY:

Received the above notice with attachments on _____.

(Signature)

I hereby certify that I have served copy of the above notice and attachments on the aforementioned party on _____.

(Title)

Form 16-269
(8-7-47)

6185235
File: 1600-32798

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

Form 16-269
(8-7-47)

46185233
File: 1600-32793

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

Form 16-269
(8-7-47)

A 6185233
File: 1600-32793

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

Form 16-269
(8-7-47)

6185235
File: 1600-32798

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

Form 16-269
(8-7-47)

6185234
File: 1600-32798

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

Form 16-269
(8-7-47)

File: 6185234
1600-32798

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

June 6, 1952

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

Gentlemen:

Re: Yoshihiko Onaga, A-6185233 (1600-32793)
Yuki Onaga, A-6185234 (1600-32798)
Yoshinori Onaga, A-6185235 (1600-32798)

Enclosed find original Notice of Appeal
and supporting Brief for appellant in the
above entitled matter.

Duplicate original copies of said Notice
and Brief have been forwarded to the District
Director, U.S. Immigration and Naturalization
Service at Los Angeles.

Very truly yours,

Encs.

June 6, 1952

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

Dear Sir:

Re: Yoshihiko Onaga, A-6185233 (1600-32793)
Yuki Onaga, A-6185234 (1600-32798)
Yoshinori Onaga, A-6185235 (1600-32798)

Enclosed find duplicate original Notices
of Appeal and supporting Brief in the above
entitled matter.

An original Notice and like Brief have
been forwarded this date to the Board of
Immigration Appeals.

Very truly yours,

Encs.

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

June 25, 1952

Mr. & Mrs. Yoshihiko Onaga
736 San Julian St.,
Los Angeles, Calif.

Dear Mr. & Mrs. Onaga:

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

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

Very truly yours,

Encs.

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of)	
)	
YOSHIHIKO ONAGA)	A-6185233 - L.A. (1600-32793)
YUKI ONAGA)	A-6185234 - L.A. (1600-32798)
YOSHINORI ONAGA)	A-6185235 - L.A. (1600-32798)
)	
-----)	

BRIEF FOR APPELLANT

On January 24, 1952, the hearing officer, John B. Bartos, recommended that the adult aliens, Yoshihiko Onaga and Yuki Onaga, his wife, natives of Japan and residents of Peru, and their son, Yoshinori Onaga, a resident and citizen of Peru, be deported on the charges stated in the warrants of arrest. On May 5, 1952, the Assistant Commissioner, Adjudications Division, contrary to law and the evidence, denied them the relief provided by Title 8 USCA, Sec. 155 (c) and ordered them deported on the charge stated in the warrants of arrest.

Because the Peruvian Government thus far has not granted the appellants authority to return to Peru, in which country they have residence, their efforts to return there have not yet proved successful. Further, their counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow his entry to Peru. Of the causes and reasons connected with their failure to depart from the U.S. the Commissioner had actual knowledge and takes administrative notice. Annexed hereto is a copy of the letter dated May 29, 1952, from Hon. Harold H. Tittman, our Ambassador to Peru, demonstrating that our Embassy at Lima, Peru, is endeavoring to obtain the consent of the Peruvian Government to the repatriation of the appellants and similarly situated Peruvian-Japanese whom it and our own Government long have abused. The original of said letter has been forwarded to the Commissioner of Immigration for examination.

1 The appellant Yoshihiko Onaga was brought to this country and
2 interned on March 21, 1944, under an asserted claim that he was
3 subject to the provisions of the Alien Enemy Act. His said wife
4 and son entered the U.S. as guests of our government to accompany
5 him. On August 16, 1946, he was released from the Provisions of
6 the Alien Enemy Act and his detention under authority of the Act
7 thereupon ceased. Of these facts the Commissioner, this Board
8 and the Attorney General have actual knowledge and take executive
9 notice.

10 We submit that the finding and conclusion that the aliens
11 cannot meet the residence requirements for suspension of deporta-
12 tion under Title 8 USCA, Sec. 155 (c), is contrary to law, to
13 fact and to the evidence.

14 The seven (7) year period of residence required by Title 8
15 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
16 the elapse of time from March 21, 1944, when applicant arrived
17 here or is, at least, partially satisfied by the elapse of time
18 from August 16, 1946, when Yoshihiko Onaga was released from
19 internment and from any claim of being subject to the provisions
20 of the Alien Enemy Act.

21 We submit that there is no evidence in the record that the
22 aliens were brought to this country for any legitimate war connect-
23 ed reason. We contend that the government is estopped to deny
24 that their entry was lawful and likewise is estopped to assert
25 that their presence in this country is unlawful. It is nonsense
26 for the government to assert that they did not present unexpired
27 passports or other travel documents at the time of entry and that
28 they were not in possession of valid immigration visas. The
29 secret orders of the Peruvian government which authorized this
30 cruel uprooting of the appellants and similarly situated
31 Peruvian-Japanese constitute a blanket visa to the appellants
32 and those other Peruvian-Japanese who forcibly were brought to

1 this country. The concealed orders of the U.S. Government, under
2 which they were banished from Peru and transported to the U.S.,
3 constitute blanket admission credentials.

4 We submit that the appellants were brought involuntarily to
5 this country for political reasons only. Because they are, in
6 fact, involuntary refugees from Peru, they are entitled to asylum
7 in this country.

8 Our Ambassador to Peru and our State Department still are
9 trying to prevail upon the Peruvian authorities to re-admit the
10 appellants and similarly situated members of the Peruvian-Japanese
11 group here to Peru. So long as those negotiation are pending
12 we suggest that no order of deportation should issue against them.

13 For the foregoing reasons we urge that the finding of
14 deportability be set aside and that the aliens' applications for
15 suspension of deportation be granted.

16 June 6, 1952

17 Respectfully submitted,

18 
19

20 Wayne M. Collins
21 1701 Mills Tower
22 San Francisco 4, Calif.
23 Garfield 1-1218

24 Attorney for Appellants.
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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Address Official Communications to

American Embassy
Lima, May 29, 1952

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

Dear Mr. Collins:

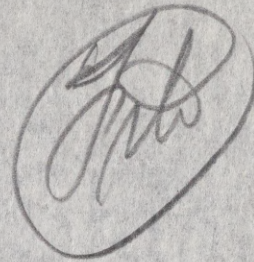
I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

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

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

Sincerely yours,

/s/ Harold H. Tittmann



Yoshihiko Onaga
L. A. Peruvian Group
736 San Julian Street
Los Angeles 14, California
December 22, 1952.

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

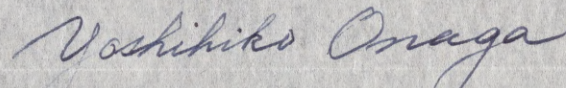
Dear Mr. Collins:

We, the Los Angeles Peruvian group, wished to send you a Christmas gift. However, we could not find anything that you might like. So we decided to send you \$100.00 in Y. Shiga's check with the hope that you might be able to purchase with that small sum of money something that you might need in your office.

We wish you A MERRY CHRISTMAS AND A HAPPY NEW YEAR.

Sincerely yours,

Los Angeles Peruvian Group



By Yoshihiko Onaga, Chairman.

Enclosure: Y. Shiga's check.

File

January 14, 1953

Mr. Yoshihiko Onaga
736 San Julian Street
Los Angeles 14, California

Dear Mr. Onaga:

I received your kind letter of December 22nd enclosing the gift of \$100 from the Los Angeles Peruvian group represented by the check of Yoshisada Shiga drawn on the Bank of America, 660 South Spring Street Los Angeles.

That check is enclosed herewith inasmuch as it has been returned by the bank with the information that there were no funds at that Bank in Mr. Shiga's account to pay the same, in consequence of which it was dishonored by that Bank.

Very truly yours,

Enc.

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

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

6185233

6185234

6185235

Onaga

March 31, 1953

Wayne M. Collins, Esquire
1701 Mills Tower
220 Bush Street,
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

Thos. G. Finucane
Chairman

Rec'd 4/6/53

MAR 31 1953

Files: A-6185233 - Los Angeles (1600-32793)
A-6185234 - Los Angeles (1600-32798)
A-6185235 - Los Angeles (1600-32798)

In re: YOSHIHIKO ONAGA, his wife, YUKI ONAGA, and their child,
YOSHINORI ONAGA

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of deportation - 7 years' residence

DETENTION STATUS: Released on parole

We first considered the cases of these aliens on April 26, 1946, and found them deportable on the charges stated above. On May 1, 1951, on motion of the aliens, we directed that the orders and warrants of deportation be withdrawn and that the proceedings be reopened for the purpose of permitting them to make application for suspension of deportation. The cases of the aliens are before us now on appeal from an order entered by the Assistant Commissioner on May 5, 1952, denying suspension of deportation and directing that the aliens be deported from the United States on the charges in the warrants of arrest. Counsel takes exception to the finding of deportability and to the denial of suspension of deportation.

DISCUSSION AS TO DEPORTABILITY: The respondents are a 56-year-old male, his 50-year-old wife, natives and citizens of Japan of the Japanese race, and their only child, an 18-year-old unmarried male, a native and citizen of Peru. The respondents last entered the United States at the port of New Orleans, Louisiana on March 21, 1944, when the adult respondents were brought here from Peru for internment as enemy aliens, accompanied by the minor respondent.

The respondents are not willing to depart from the United States voluntarily. The deportability of aliens who came to the United States under like circumstances as the respondents has been settled by decision of the courts. Schirrmeister v. Watkins, 171 F. 2d 858 (C.A. 2, 1949); United States ex rel. Sommerkamp v. Zimmerman, 178 F. 2d 645 (C.A. 3, 1949). It is concluded from the evidence of record that the respondents are subject to deportation on the charges stated above.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The respondents have based their application for suspension of deportation on seven years' continuous residence in the United States. The evidence of record establishes that the respondents have been residing in the United States continuously for over seven years including July 1, 1948. We find that they meet the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917.

The respondents were released from internment as alien enemies in August 1946. They then had the status of internees-at-large until January 1951, when they were released on conditional parole.

The adult respondents operate a 58-room hotel in Los Angeles, California. They state that they paid \$9,000 for the lease to this hotel including the ownership of the furniture in the hotel. They paid for the lease with \$7,000 of their own money and \$2,000 borrowed by them. At the warrant hearing in January 1952, the adult respondents estimated the gross income from the hotel for the year 1951 as approximately \$9,000. They have been operating the hotel since February 1951. They stated that they did not know what their net income would amount to. They made no report for income tax purposes of estimated income. The adult respondents' other assets consist of \$500 in cash. The minor respondent attends school and has no outside employment.

The adult male respondent testified that he came to Peru about 1925. He further testified that he served in the Japanese Army from 1916 to 1918 and was thereafter a member of the Japanese Army reserves for about four years. He said that while in Peru he was a member of the Japanese Central Society in that country. He asserted that the Japanese Central Society was not under the direction of the Japanese Government. It may be noted that the Japanese Overseas Central Society is on the list of organizations designated by the Attorney General pursuant to Executive Order 9835. The record fails to show whether the Japanese Central Society of Peru was a branch or affiliate of such proscribed organization.

The respondent stated that the only organization of which he is a member in the United States is the Federation for Rebuilding Okinawa. He advised that the purpose of this society is to help needy people in Okinawa. The adult respondents testified that they have never been members of the Communist Party in the United States or elsewhere.

A check of appropriate local and federal records has failed to reveal an arrest or criminal record relating to either one of the respondents. An independent character investigation is favorable. The respondents have presented affidavits from two persons, one of whom was also brought to the United States as an alien enemy internee, attesting to their good moral character. We find that the evidence of record establishes that the respondents have been persons of good moral character for the preceding five years. There is no evidence of record that they are subject to deportation on any ground specified in Section 19(d) of the Immigration Act of 1917. It is concluded that the respondents are eligible for suspension of deportation.

The Japanese quota, to which the aliens are chargeable, has an annual quota of one hundred and eighty-five.

Since Peru has not and apparently will not authorize the return of these aliens, and as so much time has elapsed since they were brought here, it is our view that the only fair way to dispose of the cases of these aliens is by authorizing suspension of their deportation. Accordingly, the respondents' application for such relief will be granted.

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 Assistant Commissioner on May 5, 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

April 6, 1953

Mr. Yoshihiko Onaga
Mrs. Yuki Onaga
Mr. Yoshinori Onaga
736 San Julian Street
Los Angeles 14, California

Dear Mr. & Mrs. Onaga and son:

The Board of Immigration Appeals has sustained my appeal in your cases. In consequence, the order of the hearing officer and Commissioner ordering your deportation has been reversed. The Board order is to the effect that your deportation has been suspended and you are permitted to remain in this country. If Congress approves the suspension you will be granted permanent residence status in this country.

Very truly yours,

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

Date: April 7, 1953

File Number: 1600-32793 IB

Mr. Yoshihiko Onaga
736 San Julian Street, City Hotel
Los Angeles 14, 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: Wayne M. Collins, Attorney at law, 1701 Mills Tower,
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: April 7, 1953

File Number: 1600-32798 IB

Mrs. Yuki Onaga
736 San Julian Street, City Hotel
Los Angeles 14, Calif.

Dear Madam:

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

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

Very truly yours,

For the District Director

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

16-70
Rev. 2-14-50

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

Date: April 7, 1953

File Number: 1600-32798 IB

Mr. Yoshinori Onaga
736 San Julian St., City Hotel
Los Angeles 14, 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: Wayne M. Collins, Attorney at law, 1701 Mills Tower,
220 Bush St., San Francisco 4, Calif.



*Season's
Greetings*

"Warm wishes always
go to you!"



Mr. Wayne M. Collins

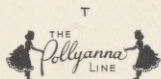
Greetings
at Christmas

and

\$10⁰⁰ every good wish
for
the New Year

Los Angeles Peruvian
Club

Yoshihiko Onaga



5X513
Made in U.S.A.

Form 16-164
1-10-45

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

*Peruvian -
Japanese*

Date: Nov. 4, 1954

File Number: A6 185 233 IB
A6 185 234, -235
OR #: 60-17

Mr. Yoshihiko Onaga
Mrs. Yuki Onaga
Mr. Yoshinori Onaga
736 San Julian St., City Hotel
Los Angeles 14, Calif.

*add
ok*

Dear Sirs and Madam:

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

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

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

Very truly yours,

[Signature]
ACTIVE

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

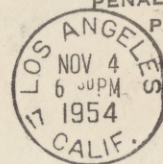
COPY TO: Wayne M. Collins, Atty. at Law, 1701 Mills Tower,
220 Bush St., San Francisco 4, Calif.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

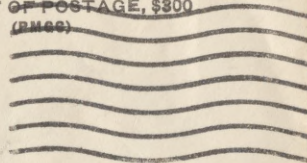
DISTRICT DIRECTOR
458 SOUTH SPRING STREET
LOS ANGELES 13, CALIF.

OFFICIAL BUSINESS

(over)



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300
(PMCS)



RECEIVED

NOV 5 1954

~~NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES~~

Wayne M. Collins, Atty. at Law
Mills Tower
San Francisco 4, Calif.

Suspension of deportation
letter enclosed to the
following persons:

ONAGA, Yoshihiko
Yuki
Yoshinori

GANIKO, Yaju

MIYAHIRA, Setsuko
Tetsuo
Emiko
Tadashige
Tadanobu

HONDA, Fujie

KATO, Carlos Magoichi
Kazumi
kazuo

November 5, 1954

Mr. Yoshihiko Onaga
Mrs. Yuki Onaga
Mr. Yoshinori Onaga
736 San Julian St., City Hotel
Los Angeles 14, California

Dear Sirs and Madam:

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

However, it is necessary for you immediately to send to the District Director of the Immigration and Naturalization Service, 458 South Spring Street, Los Angeles 13, California, along with its letter to you of November 4, 1954, the sum of \$18.00 to create a record of your permanent residence. The remittance in the sum of \$18.00 should be in the form of a U.S. Postal Money Order made payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

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

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

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

Very truly yours,

DP:rm