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SHIROMA, ZENSUKE

1950-1954

* Deceased

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C

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

Sept. 15, 1950

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

Gentlemen:

In re: Zensuke Shiroma
Seabrook Farms, N. J.

Enclosed find three original application forms to reopen cause for the purpose of enabling Zensuke Shiroma, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavit of merits and notice of appearance. An original application form is also being sent to the District Director, USI&NS, Philadelphia, Penn., inasmuch as Mr. Shiroma resides at Seabrook Farms, Bridgeton, New Jersey. A notice of appearance had been forwarded previously to the Immigration Office at Philadelphia.

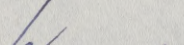
If your Board has not yet acquired jurisdiction in the cause, I would be grateful were you to forward the enclosed application for suspension of deportation to the Commissioner of Immigration at Washington, D.C., before whom the cause necessarily must be pending if not before your Board.

Very truly yours,

Copy to:
USI&NS, Philadelphia, Pa.

In the Matter of)
ZENSUKE SHIROMA) No. _____

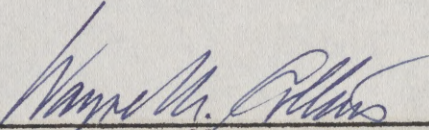
that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 115 (c) effective as at July 1, 1948, (Public Law No. 863), on the ground that he is and has been, for a period 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.


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.
-----)

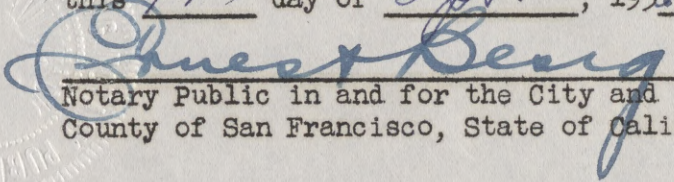
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for ZENSUKE SHIROMA, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and 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
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant.

Subscribed and sworn to before me

this 19th day of Sept., 1950.


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

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

September 27, 1950.

In re: Zensuke Shiroma
File No. 5977606
ALM:rmd

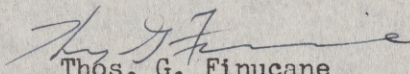
Wayne M. Collins, Esquire
Mills Tower, 220 Bush Street,
San Francisco, California.

My dear M r. Collins:

This will acknowledge receipt of your communication dated September 15, 1950, with reference to the above case.

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

Sincerely yours,


Thos. G. Finucane
Chairman

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

Felt

OCT 6 - 1950

IN THE MATTER
OF

ZENBUKE SHIROMA

FILE NO: 5977606

IN DEPORTATION PROCEEDINGS

MOTION

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

This case comes before us for reconsideration.

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

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

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

Chairman

LLH:lr

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

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

5977606
Shiroma

October 9, 1950

Wayne M. Collins, Esquire
220 Bush Street
Sanfrancisco 4,
California

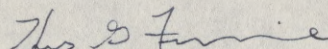
My dear Mr. Collins:

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

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

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

Sincerely yours,


Thos. G. Finucane
Chairman

December 19, 1950

Exp. 0400/19193

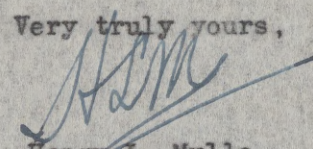
Zensuke Shiroma
c/o Seabrook Farms
Bridgeton, New Jersey

Dear Sir:

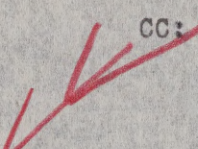
On October 6, 1950, expulsion proceedings in your case was ordered reopened so that you may apply for suspension of deportation. In connection therewith certain documents are required.

There is attached Form 4-89 with the required documents checked, which should be submitted to this office within the next 30 days.

Very truly yours,


Henry L. Mülle
Acting District Director

Encl.

 CC: Wayne M. Collins, Esquire
Mills Tower, 220 Bush St.
San Francisco 4, California

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Building, Fifth & Chestnut Streets
Philadelphia 6, Pennsylvania

In reply refer
to file number

Dear Sir (or Madam):

In support of your application for suspension of deportation, you are required to submit the following checked documents:

- () Certificate of your marriage to your present spouse.
- () Proof of termination of any prior marriages of either you or your spouse.
- () Proof of spouse's birth, if born in the United States.
- () Birth certificates of children.
- (x) Affidavits from two witnesses, preferably citizens of the United States, who have known you for at least five years, containing the following: Name, address and citizenship of the deponent; circumstances under which he or she became acquainted with you and the length and nature of such acquaintanceship; information concerning your moral character and loyalty to the United States and his or her opinion as to whether or not you should be permitted to become a citizen of the United States. Forms for this purpose are attached.
- (x) Affidavit from your employer showing the length of employment, salary, position and his opinion as to your character and dependability.
- (x) Police letters from the cities or towns in the United States and abroad in which you have lived during the past five years, indicating whether or not any criminal record exists in your name.
- (x) Two (2) photographs, passport style (1½" wide x 2" long, distance from top of head to chin 1¼", front view, without hat, on thin paper against light background).
- (x) **Form I-256**
- () Your Alien Registration Receipt Card.
- (x) Forward documentary evidence that you have resided continuously in the United States for seven years and were residing here on July 1, 1948. Such documentary evidence may consist of a record of employment, a record of attendance at school or church, a bank record showing a sequence of transactions, receipted bills for gas and electric or telephone service, or other similar records.

The original of each document must be submitted and, if you desire the return thereof, a photostatic copy must also be submitted. All certificates should be issued by civil authorities. Foreign language documents should be accompanied by certified translations. All documents requested must be submitted within 30 days.

Very truly yours,

Karl I. Zimmerman,
District Director.

File

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

January 21, 1952

District Director
Immigration and Naturalization Service
Lafayette Building, Fifth & Chestnut Sts.
Philadelphia 6, Pennsylvania

Dear Sir:

In re: Yasujiro Sato - File No. 0400-19482
Zensuke Shiroma - File No. 0400-19193
Jitsusei Yogi - File No. 0400-19409

I was grateful for the notices that you sent to me concerning the hearings of the aliens above-named which have been set for January 25, 1952.

It will not be necessary for me to be present to represent them at their hearings.

However, I will be grateful if you would forward to me a copy of the recommendations that are made in each of the said cases.

Very truly yours,

Copy: Mr. Koshiro Mukoyama
Mr. Yasujiro Sato
Mr. Zensuke Shiroma
Mr. Jitsusei Yogi

I-226

Rev. 11-3-50

Zensuke Shiroma
Dormitory No. 3, Room 153
Seabrook Farms
Bridgeton, New Jersey

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Building, Fifth & Chestnut Streets
Philadelphia 6, Pennsylvania

Exp.

Date January 14, 1952

File No. 0400-19193

Dear Sir:

Pursuant to warrant of arrest served on you on April 2, 1946 you are advised to appear at 1:00 PM., on January 25, 1952, in Room 717 Lafayette Building, 5th & Chestnut Sts., Philadelphia, Pennsylvania for a hearing to enable you to show cause why you should not be deported from the United States in conformity with law.

The hearing under said warrant is being held pursuant to authority contained in and jurisdiction conferred by Sections 19 and 20 of the Act of February 5, 1917, as amended (8 U.S.C. 155, 156).

It is asserted that (1) you are an alien, and (2) you entered the United States at San Francisco, California on June 15, 1943, and that you are in the United States in violation of the Immigration Act of May 26, 1924, in that, at the time of entry, you were an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder; The Passport (OVER)

You are advised that at the hearing you have the right to be represented by counsel of your own choice and at your own expense, or by any other person duly qualified to practice before the Immigration and Naturalization Service. You are further advised that you should bring to the hearing any documents which you desire to have considered in connection with the case. If any of these documents is in a foreign language, you should bring the original and certified translation thereof. A copy of this letter is being furnished your counsel, Wayne M. Collins, Esquire, 1701 Mills Tower, 220 Bush Street, San Francisco, California.

You are further advised that if you are deported or if you depart under an order of deportation you will not be permitted to enter the United States within one year after the date of your departure. If you desire to enter the United States after one year has elapsed from the date of your deportation or departure under an order of deportation you must obtain permission from the Attorney General to apply for admission into the United States. If you enter the United States at any time after deportation or departure under an order of deportation without receiving permission from the Attorney General, you will be guilty of a felony and upon conviction be liable to imprisonment of not more than two years or a fine of not more than \$1,000, or both such fine and imprisonment. Please be accompanied at the time of your hearing by a person who will be able to interpret into English the language you speak.

✓ COPY TO:

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

Karl I. Zimmerman
Karl I. Zimmerman
District Director

Act approved May 22, 1918, as amended, and the Act of February 5, 1917, in that, at the time of entry, you did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which you owe allegiance or other travel document showing your origin and identity, as required by Executive Order in effect at time of entry; and the Immigration Act of May 26, 1924, as amended, in that, you are an alien ineligible to citizenship and not entitled to enter the United States under any exception of paragraph (c) Section 13 thereof.

W. J. Harrison
Director

W. J. Harrison, Director
1701 Mission Street
San Francisco, California

REOPENED WARRANT HEARING:

0400/19193

Date:	January 25, 1952
Place:	Philadelphia, Pa.
Hearing Officer:	Herman W. Williams
Stenographer:	Mildred Herscher
Interpreter:	Fukuji Sasaki
	833 E. Parsonage Road
	Seabrook, New Jersey
Respondent:	ZENSUKE SHIROMA

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

Q. What is your true and correct name?

A. Zensuke Shiroma.

Q. Where you are unable to speak and understand the English language, an interpreter has been engaged to act at this hearing. You have talked to the interpreter. I ask if you understand him?

A. Yes.

Q. In what language are you and the interpreter speaking?

A. Japanese.

HEARING OFFICER TO INTERPRETER:

Q. Will you please identify yourself for the record?

A. Fukuji Sasaki, 833 East Parsonage Road, Seabrook, New Jersey.

Q. Please stand and raise your right hand. (Complies) Do you solemnly swear that you will truly and correctly interpret from English to Japanese and from Japanese to English to the best of your ability, so help you God?

A. Yes.

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

Q. Please stand and raise your right hand. (Complies) Do you solemnly swear that all the statements you are about to make will be the truth, the whole truth, and nothing but the truth, so help you God?

A. Yes.

Q. Are you the same person who on April 3, 1946, had a hearing accorded you in deportation proceedings at the Sante Fe Internment Camp, Sante Fe, New Mexico?

A. Yes.

- Q. You are advised that in an order dated October 6, 1950, the Board of Immigration Appeals has ordered that your hearing be reopened for the purpose of affording you an opportunity to make application for relief from deportation and for such further appropriate proceedings as may be necessary in connection therewith. Do you understand?
- A. Yes.
- Q. Where I am not the officer who presided at the original hearing, I have reviewed the previous hearing and am prepared to proceed with this reopened hearing, if you have no objections to same. Do you understand and will you state whether or not you have any objection to my proceeding as the hearing officer?
- A. No.
- Q. The record indicates that in these proceedings you have been represented by Wayne M. Collins, Esquire, 220 Bush Street, San Francisco, California, and I ask if Mr. Collins is still representing you?
- A. Yes.
- Q. Is Mr. Collins present here today to represent you at this reopened hearing?
- A. No.
- Q. Are you ready and prepared to proceed with this reopened hearing without Mr. Collins being present?
- A. Yes.
- Q. Inasmuch as you are not represented at this reopened hearing, your counsel being absent, you will be permitted to offer any evidence to meet the evidence presented by the Government, to question witnesses, if there be any, and to make objections for the record. Do you understand?
- A. Yes.
- Q. Where do you reside at the present time?
- A. Seabrook Farms, Dormitory 3, Room 153, Seabrook, New Jersey.
- Q. I show you Form I-256, application for suspension of deportation, and I ask you to examine same and to state whether or not this is an application which you submitted to this Service?
- A. Yes.
- Q. I ask you to examine this document and state whether or not there are any changes you desire to make in this application, especially as to residence and employment?
- A. No changes.
- Q. You are advised that the information appearing in this form will be considered as evidence in the case and that false answers appearing in said

form may result in the denial of the relief which you request. Do you understand?

A. Yes.

Q. This Form I-256, application for suspension of deportation, will be accepted as evidence in the case and made part of the record of hearing, being identified as respondent's Exhibit R-A. Do you have any objection?

A. No.

Q. I now hand you four documents and ask you to examine same and ask you whether or not these are documents submitted to this Service for use in connection with your application for suspension of deportation?

A. Yes.

Q. Do you desire that these documents be placed in the record as exhibits for use in connection with your application for suspension of deportation?

A. Yes.

Q. Accordingly, Form 4-222, affidavit of witness Kamacho Miyashiro, is accepted as evidence in the case and identified as Exhibit R-B; Form 4-222, affidavit of witness Jitsusei Yogi, is accepted as evidence in the case and identified as respondent's Exhibit R-C; affidavit of witness Harold S. Fistere as to employment is accepted as evidence in the case, being identified as respondent's Exhibit R-D; and letter from the Chief of Police, Seabrook, New Jersey, is accepted as evidence in the case and identified as respondent's Exhibit R-E. Do you understand?

A. Yes.

Q. I now show you Form G-58 dated December 19, 1950, addressed to the Federal Bureau of Investigation and endorsed by said Bureau showing no criminal record, and ask you what, if any, comment you have to make regarding same?

A. No comment.

Q. Do you have any objection to this document being placed in the record as an exhibit?

A. No.

Q. Accordingly, same is being accepted as evidence in the case and made a part of the record of hearing, being identified as Exhibit R-1. Do you understand?

A. Yes.

Q. I now show you Form 4-401-A, report of investigation, dated October 17, 1951, and ask what, if any, comment you have to make regarding same?

A. No comment.

Q. Do you have any objection to this document being placed in the record as an exhibit?

A. No.

- Q. Accordingly, same is accepted as evidence in the case and made part of the record of hearing, being identified as Exhibit R-2. Do you understand?
- A. Yes.
- Q. Are you married?
- A. No.
- Q. Have you ever been married?
- A. No.
- Q. Do you have any close family ties in the United States?
- A. I have an uncle residing in Hawaii.
- Q. Does your father still live in Peru?
- A. Yes.
- Q. Is your mother still living in Japan?
- A. Yes.
- Q. Other than your father, do you have any other relatives in Peru?
- A. Yes. I have an uncle and aunt.
- Q. You were brought to the United States by the United States Army for the purpose of internment on June 15, 1943, at San Francisco, California. Is that correct?
- A. Yes.
- Q. And since 1943 have you been in the United States all the time?
- A. Yes.
- Q. And you were residing in the United States on July 1, 1948?
- A. Yes.
- Q. After your arrival in this country in 1943, how long were you in the internment camps before being discharged?
- A. Until August 1946.
- Q. And then were you discharged from the internment camp at that time?
- A. Yes.
- Q. And prior to your release from the internment camp in August 1946, had you been offered an opportunity to be voluntarily repatriated to Japan by the United States Government?
- A. I don't remember.
- Q. I now show you a form containing two different types of application,

one for repatriation back to Japan by the United States Government voluntarily, and the other being an application to stay in the United States. This form shows the first type of application was not applied for but a signature appears in connection with the application to stay in the United States, and I ask if that signature appearing on said application is your own?

A. Yes.

Q. This indicates that you declined the privilege of being voluntarily repatriated to Japan but applied instead for permission to remain in the United States. Is that correct?

A. Yes.

Q. And why did you decline that privilege of being voluntarily repatriated to Japan at that time?

A. I wanted to stay in this country. I have so many friends here.

Q. At your original hearing held on April 3, 1946, you were asked as to why you had not accepted the opportunity to voluntarily repatriate to Japan, to which you answered, "I do not want to return to Japan. I should like to go to Peru." Is that correct?

A. Yes.

Q. Also at your original hearing on April 3, 1946, you were offered the opportunity to apply for the privilege of departing from the United States voluntarily at your own expense in lieu of deportation, to any country of your choice, and indicated that you would like permission to go to Peru. Is that correct?

A. Yes.

Q. However, at that hearing, upon being advised by the presiding officer that this Service had been advised by the officials of Peru that your reentry into Peru would be denied, you stated that you wanted to go to Peru, but if you could not do so, you did not wish to apply for voluntary departure. Is that correct?

A. Yes.

Q. I ask you at this time, in conjunction with your application for suspension of deportation, and as an alternative privilege, do you desire to apply for the privilege of voluntary departure in lieu of deportation, it being required, in order to establish your eligibility for such relief, that you must prove you have been a person of good moral character for the preceding five years and that you have the ability and can leave the United States promptly at your own expense?

A. Yes, in case my application for suspension is denied.

Q. And what is your present financial status?

A. I have \$3,500.

Q. If the privilege of voluntary departure in lieu of deportation is granted to you, how much time do you require before you can effect your departure from the United States?

A. One month.

Q. And to what country would you depart to if the privilege were granted to you?

A. Peru.

Q. However, you were previously advised, were you not, that Peru had advised that they would not permit you to reenter that country. Isn't that correct?

A. Yes.

Q. Where it appears that you cannot reenter Peru, would you be able, within the same period of time, depart from the United States to return to Japan or some other country?

A. I have no country to go to other than Peru.

Q. Other than under the present immigration proceedings, have you been arrested at any time in this or any other country?

A. No.

Q. Do you believe in Communism?

A. No.

Q. Are you now or have you ever been a member of or affiliated with any organization which believes in or advocates the overthrow of the United States Government by force or violence?

A. No.

Q. If required, would you take up arms in defense of this country, if called upon to do so, even against Japan?

A. Yes.

Q. In the event you are found deportable and ordered deported, what country do you select as the country to which you desire to be deported?

A. Peru.

Q. Do you have anything you wish to say in your own behalf in connection with this case?

A. I am looking forward to the day when I have enough money to get married and stay in this country.

Q. Are you presently engaged?

A. No.

Q. Have you understood everything that has taken place here today?

A. Yes.

Q. Do you have any evidence, including witnesses, you wish to present in connection with your application for relief from deportation?

A. No.

HEARING OFFICER:

There being no further evidence to be presented, the case is being brought to a conclusion. In lieu of preparing a written decision, I am authorized, under Part 151.5(d), Title 8, Code of Federal Regulations, to state orally for the record a brief summary of the evidence, my proposed findings of fact, conclusions of law, and recommended decision. Same is stated as follows:

DISCUSSION OF THE EVIDENCE: The record shows that the respondent is an alien, a native and citizen of Japan, of the Japanese race, 33 years old; that he last entered the United States on June 15, 1943, at San Francisco, California, for the purpose of internment, having been brought to this country for such purpose; that at the time of this entry, he was not in possession of a valid immigration visa; that he did not have an unexpired passport or other official document in the nature of a passport showing his origin and identity; and that at the time of this entry he was an alien ineligible to citizenship. The respondent, at the time of his entry, was not admissible as a non-immigrant under any of the exceptions as set forth in Section 3 of the Immigration Act of 1924 and therefore at entry was an immigrant required to present an unexpired immigration visa. From the foregoing, the charges in the warrant of arrest are sustained.

The record shows the respondent has not been naturalized in any country outside the country of his birth. The respondent has selected Peru as the country to which he desired to be deported if he is found deportable and ordered deported.

Respondent has applied for suspension of deportation under Section 19(c) of the Immigration Act of 1917, as amended, basing such application on residence in the United States in excess of seven years and as residing in the United States on July 1, 1948, and, in the alternative, for the privilege of voluntary departure in lieu of deportation. His father, a citizen of Japan, resides in Peru and his mother, also a citizen of Japan, resides in Japan. He has an uncle residing in Hawaii. The record shows the respondent was arrested in Peru by the Peruvian authorities and sent to an internment camp in Panama, where he remained for 100 days, following which he was brought to the United States for internment, entering on June 15, 1943, at San Francisco, California. He remained in internment camps in this country until August 1946. The respondent had been offered an opportunity of voluntary repatriation to Japan but declined such offer as he desired to either remain in the United States or return to Peru. He had also previously been

offered the opportunity of applying for the privilege of voluntary departure in lieu of deportation and indicated that if he were permitted to return to Peru, he would make application for such privilege, but after having been informed that Peru had denied his reentry, he then stated he did not wish to apply for such relief. Where the respondent is an alien who has been brought into the United States solely for reasons connected with the war, as a matter of policy, he is one to whom the discretionary relief of suspension of deportation should not be granted (See Matter of W--, A-5908014, B. I. A., 5/31/50 (Int. Dec. 225)).

In connection with respondent's oral application for the privilege of voluntary departure in lieu of deportation made at the reopened hearing, although it appears he has the means to depart from the United States at his own expense, that such departure could be effected within a reasonable period of time, and that the record shows he has not been other than a person of good moral character for the preceding five years, he has indicated that the only country to which he would depart voluntarily from the United States in lieu of deportation was Peru, and such country having previously advised that he would not be permitted to reenter such country, he is one to whom such privilege ought not be granted.

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

- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States at San Francisco, California, on June 15, 1943;
- (3) That the respondent was brought to the United States for the purpose of internment;
- (4) That the respondent, at the time of his last entry, was not in possession of a valid immigration visa;
- (5) That the respondent, at the time of his last entry, did not present an unexpired passport or other official document in the nature of a passport showing his origin and identity;
- (6) That the respondent is of the Japanese race.

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 respondent is subject to deportation on the ground 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;
- (2) That under Section 19 of the Act of February 5, 1917, the respondent is subject to deportation on the ground that he entered in violation of the Passport Act approved May 22, 1918, as amended, in that at the time of entry, he did not present an unexpired passport or other 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 origin and identity, as required by the executive order in effect at the time of entry;
- (3) That under Sections 13 and 14 of the Immigration Act of 1924, as amended, the respondent is subject to deportation on the ground that he is an alien ineligible to citizenship and was not entitled to enter the United States under any exception of paragraph (c) of the Section 13 thereof.

RECOMMENDED DECISION: It is recommended that the application for suspension of deportation and the alternative application for voluntary departure in lieu of deportation be denied, and that the alien be deported from the United States pursuant to law on the charges stated in the warrant of arrest.

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

Q. Have you understood my oral decision as I have stated it?

A. Yes.

Q. Where you are represented by counsel who is not present at the hearing today, you are advised that a copy of the transcript of my decision will be furnished him and he will be duly advised as to the manner of taking exceptions, if he so desires, to my oral decision and the period of time within which he will be allowed to take such exceptions. Do you understand and are you in agreement with this?

A. Yes. I would like my counsel to have a copy of everything that took place today.

- HEARING CLOSED -

I certify the foregoing to be a true
and correct transcript of the testi-
mony taken by me in the above case.

Mildred Herscher

Mildred Herscher, Stenographer

I certify that, to the best of my knowledge
and belief, this record is a true report of
everything that was stated during the course
of the respondent's hearing, including oaths
administered and rulings made on objections,
except statements made off the record.

Herman W. Williams

Herman W. Williams, Hearing Officer

EXHIBITS

RESPONDENT'S EXHIBIT R-A: Form I-256..... page R-3
RESPONDENT'S EXHIBIT R-B: Affidavit of witness..... page R-3
RESPONDENT'S EXHIBIT R-C; Affidavit of witness..... page R-3
RESPONDENT'S EXHIBIT R-D: Affidavit of witness as to employment page R-3
RESPONDENT'S EXHIBIT R-E: Letter from Chief of Police,
Seabrook, New Jersey..... page R-3

EXHIBIT R-1: F. B. I. Report..... page R-3
EXHIBIT R-2: Report of investigation..... page R-4

4 - 95-E
Rev. 3-1-51

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.,
Philadelphia 6, Penna.

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Exp.
File 0400-19193

Date March 21, 1952

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

Dear Sir:

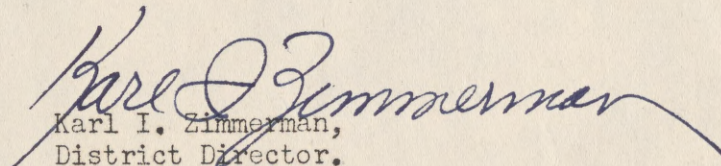
Re: ZENSUKE SHIROMA

Enclosed is a copy of transcript of testimony adduced at the hearing in deportation proceedings in the case of the above-named person in which is entered the decision of the Hearing Officer and oral exceptions taken thereto. You are requested to execute and promptly return the attached receipt for the transcript of testimony.

You are allowed **ten (10)** days (excluding Saturdays, Sundays and holidays) after receipt of this notice within which to submit to this office written exceptions to the Hearing Officer's decision and, if desired, supporting argument or brief, for consideration by the Commissioner of Immigration and Naturalization. When replying, advise whether oral argument before the Commissioner in Washington, D. C., is desired.

This is not a final order. The entire record will be forwarded promptly to the Commissioner by this office (1) upon receipt of written exceptions and supporting argument or brief (if any), or (2) upon expiration of the time allowed therefor.

Very truly yours,


Karl I. Zimmerman,
District Director.

Enclosure

Rec'd 3/26/52

March 27, 1952

Karl I. Zimmerman, Esq.,
District Director,
U.S. Immigration & Nat. Service,
Lafayette Building
5th & Chestnut Streets.,
Philadelphia 6, Pa.,

In re: Zensuke Shiroma
Your File No. Phil. Exp. 0400-19193

Dear Sir:

Enclosed find "Exceptions To Recommendation"
in the above-entitled cause, executed in triplicate
originals.

In addition thereto I am returning your Form
No. 4-432 (Rev. 4-3-50) duly filled out.

Very truly yours,

ADJ-302
(2-28-51)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

CO- FOR ATTORNEY
OR REPRESENTATIVE

File: A-5977606 - Philadelphia (0400-19193)

Appeal 15

In re: ZENSUKE SHIROMA

MAY 6 1952

IN DEPORTATION PROCEEDINGS

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

CHARGES:

Warrant: Act of 1924 - No Immigration Visa
Act of 1917 -- No Passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: Suspension of Deportation - 7 years residence or
in alternative, voluntary departure

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 charge as stated in the warrant of
arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

4-371
8-5-47

U. S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Building, 5th and Chestnut Streets
Philadelphia 6, Pennsylvania

REGISTERED MAIL
RETURN RECEIPT REQUESTED

May 9, 1952

In reply refer
to File No.

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

Exp. 0400-19193

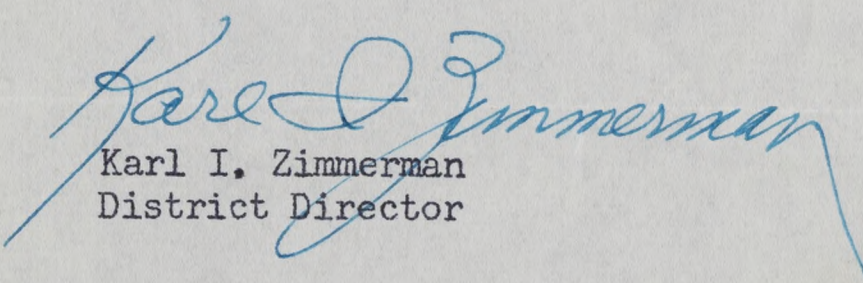
Dear Sir (~~Mr. Madison~~):

The attached is a copy of the decision and order of
the Commissioner in ~~your case~~. the case of ZENSUKE SHIROMA.

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

If appeal is desired, notice of appeal, forms for
which are attached, should be executed in triplicate. Two
copies must be filed with this office and the original
must be filed directly with the Board of Immigration
Appeals, Department of Justice, Washington, D. C.

Very truly yours,


Karl I. Zimmerman
District Director

Enclosures

Rec'd. May 13, 1952.

May 21, 1952

District Director
Immigration and Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.
Philadelphia 6, Pennsylvania

Dear Sir:

Re: Zensuke Shiroma; A-5977606
Phil. 0400-19193

Enclosed find duplicate original notices of appeal and brief for appellant in the above-entitled matter. A like original notice and brief have been forwarded this date to the Board of Immigration Appeals.

Very truly yours,

BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of

ZENSUKE SHIROMA

A-5977606

Phil. (0400-19193)

BRIEF FOR APPELLANT

The Philadelphia hearing officer, Herman W. Williams, has recommended that the alien, a Japanese citizen and resident of Peru, be deported on the charges stated in the warrant of arrest and that his application for suspension or voluntary departure be denied. The Assistant Commissioner, Adjudications Division, on May 6, 1952 ordered him deported on the charge stated in the warrant of arrest.

Because the Peruvian Government thus far has not granted the applicant authority to return to Peru, in which country he had acquired residence, his efforts to return there have not yet proved successful. Further, his 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 his failure to depart from the U.S. the Commissioner had actual knowledge and takes administrative notice.

The applicant was brought to this Country and interned on June 15, 1943, under an asserted claim that he was subject to the provisions of the Alien Enemy Act. On August 16, 1946, he was released from the provisions of the Alien Enemy Act and his detention under authority of the Act thereupon ceased. Of these facts the Commissioner, this Board of Immigration Appeals and the Attorney General have actual knowledge and take executive notice.

We submit that the finding and conclusion, that the alien

1 cannot meet the residence requirements for suspension of deporta-
2 tion under Title 8 USCA, Sec. 155 (c), is contrary to law, to
3 fact and to the evidence.

4 The seven (7) year period of residence required by Title 8
5 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
6 the elapse of time from June 15, 1943, when applicant arrived
7 here or is, at least, partially satisfied by the elapse of time
8 from August 16, 1946, when he was released from internment and
9 from any claim of being subject to the provisions of the Alien
10 Enemy Act.

11 We submit that there is no evidence in the record that the
12 alien was brought to this country for any legitimate war connected
13 reason. We contend that the government is estopped to deny that
14 his entry was lawful and likewise is estopped to assert that his
15 presence in this country is unlawful. It is nonsense for the
16 government to assert that he did not present an unexpired passport
17 or other travel document at the time of entry and that he was not
18 in possession of a valid immigration visa. The secret orders of
19 the Peruvian government which authorized this cruel uprooting of
20 the applicant and similarly situated Peruvian-Japanese constitute
21 a blanket visa to the applicant and those other Peruvian-Japanese
22 who forcibly were brought to this country. The concealed orders
23 of the U.S. Government, under which he and they were banished
24 from Peru and transported to the U.S., constitute blanket admis-
25 sion credentials.

26 We submit that the appellant was brought involuntarily to
27 this country for political reasons only. Because he is, in fact,
28 an involuntary refugee from Peru, he is entitled to asylum in
29 this country.

30 Our ambassador to Peru and our State Department still are
31 trying to prevail upon the Peruvian authorities to re-admit the
32 appellant and similarly situated members of the Peruvian-Japanese

1 group here to Peru. So long as those negotiations are pending
2 we suggest that no order of deportation should issue against him.

3 For the foregoing reasons we urge that the deportation
4 order be cancelled and that the alien's application for suspen-
5 sion of deportation be granted.

6 May 21, 1952.

7 Respectfully submitted,

8
9
10 Wayne M. Collins
11 1701 Mills Tower
12 San Francisco 4, Calif.
13 Garfield 1-1218

14 Attorney for Appellant
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C
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May 21, 1952

This copy newly typed
for file because original
copy mislaid. c.w.

District Director
Immigration and Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.
Philadelphia 6, Pennsylvania

Dear Sir:

Re: Zensuke Shiroma; A-5977606
Phil. 0400-19193

Enclosed find duplicate original notices
of appeal and brief for appellant in the
above entitled matter. A like original notice
and brief have been forwarded this date to
the Board of Immigration Appeals.

Very truly yours,

May 21, 1952

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

Gentlemen:

Re: Zensuke Shiroma
A-5977606; Phil. 0400-19193

Enclosed find notice of appeal, together with brief of the appellant in the above-entitled matter. Duplicate original notices of appeal and of said brief are being forwarded this day to the District Director, USI&NS, at Philadelphia.

Very truly yours,

May 22, 1952

Mr. Zensuke Shiroma
c/o Seabrook Farms,
Bridgeton, New Jersey

Dear Mr. Shiroma:

Enclosed find a copy of the Brief for Appellants on appeal which I have filed with the Board of Immigration Appeals and the District Director, Immigration and Naturalization Service, at Philadelphia in your case.

Very truly yours,

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

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

Sincerely yours,

/s/ Harold H. Tittmann

DEFINITE CONFIDENTIAL
NO FORN DISSEM
NO CONTENT

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

June 24, 1952

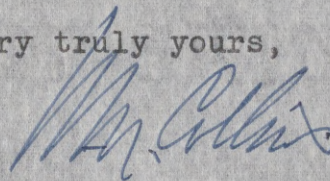
Mr. Zensuke Shiroma
Seabrook Farm
Bridgeton, New Jersey

Dear Mr. Shiroma:

Enclosed find a copy of the "Exceptions to Recommendation" I have filed on your behalf with the District Director, USI&NS 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 your case and of your status in this country.

Very truly yours,



Encs.

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

June 25, 1952

Mr. Zensuke Shiroma
Seabrook Farms
Bridgeton, N.J.

Dear Mr. Shiroma:

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.

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

R 9/12/52

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

5977606
Shiroma

September 10, 1952

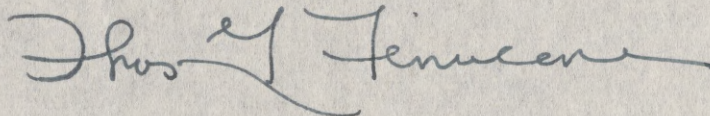
Wayne M. Collins, Esquire
Mills Tower
220 Bush Street,
San Francisco, California


My dear Mr. Collins:

Reference is made to your interest in the above case.

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

Sincerely yours,



Thos. G. Finucane
Chairman 

SEP 10 1952

File: A-5977606 - Philadelphia (0400/19193)

In re: ZENSUKE SHIROMA

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of deportation or voluntary departure

DETENTION STATUS: Released on parole

This case is before us on appeal from a decision of the Assistant Commissioner dated May 6, 1952, directing that the alien be deported.

The respondent is a 34-year-old male, a native and citizen of Japan, who last entered the United States on June 15, 1943, when he was brought to the United States from Peru for internment. The facts relating to the respondent's deportability are adequately discussed in the Hearing Officer's decision. We find no merit in counsel's contention that, because of the circumstances of the respondent's entry, the government is estopped from asserting that his presence in this country is unlawful, and we conclude that the respondent is deportable on the charges stated in the warrant of arrest.

The respondent's application for suspension of deportation is predicated on seven years' residence in the United States. He has never been married. His father resides in Peru and his mother in Japan. The facts in this case are analogous to those in Matter of W-, Int. Dec. 225, decided on May 31, 1950. We there cited with approval a previous decision that residence of seven years in the United States as an alien enemy, where the alien's presence in this country was necessitated by the war, would not be construed as the residence required under Section 19(c) of the Immigration Act of 1917, as amended, and we held that suspension of deportation would be denied to aliens brought into the United States solely for reasons connected with the war. Even though an alien meets the statutory requirements for suspension of deportation, the question of whether such relief should be granted is discretionary. After careful consideration of the record, including the representations made by counsel, we have concluded that the discretionary relief of suspension of deportation should not be granted to this respondent.

With respect to the respondent's application for voluntary departure, it appears that he has sufficient funds to effectuate his departure and he stated that he would be able to depart within one month. However, it appears that he does not desire to depart unless he can return to Peru. Counsel asserts that the government of that country will not permit the respondent to return. No evidence of the respondent's present inability to return to Peru has been presented. The record shows that during this proceeding the respondent has not heretofore been granted voluntary departure except under an order of deportation. In view of the decisions in U.S. ex rel Schirmeister v. Watkins, 171 F. 2d 858 (C. A. 2, 1949) and U.S. ex rel Sommerkamp v. Zimmerman, 178 F. 2d 645 (C.A. 3, 1949), we believe that the respondent should be given an opportunity to depart voluntarily and that if he fails to do so, the order of deportation should be reinstated. Accordingly, we will enter the following order.

ORDER: It is ordered that the outstanding order of deportation dated May 6, 1952 be withdrawn and the alien be permitted to depart from the United States voluntarily without expense to the Government, to any country of his choice, within such period of time, in any event not less than 90 days, and under such conditions as the officer-in-charge of the District deems appropriate.

- 3 -

IT IS FURTHER ORDERED that if the alien does not depart from the United States in accordance with the foregoing, the order of deportation be re-instated and executed.

IT IS FURTHER ORDERED that the application for suspension of deportation be denied.

Cheirman

MB:mb

4-655
10/7/52

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.
Philadelphia 6, Penna.

October 10, 1952

File

Exp. A-5 977 606 T

Zensuke Shiroma
Seabrook Farms
Bridgeton, N. J.

Dear Sir ~~xxxxxx~~

Under the order entered in your case on September 10, 1952 by the Board of Immigration Appeals, ~~xxxxxx~~ ~~attached~~, you are granted permission to leave the United States voluntarily, without an order of deportation, within time to be fixed by this office. The order provides further that you be deported from the United States pursuant to law, if you do not leave voluntarily by the date set.

The time fixed for your voluntary departure from the United States is on or before January 11, 1953.

If you decide to depart voluntarily in accordance with the permission given, you should inform this office as far in advance as possible of the date, port, and vessel of proposed departure in order that your departure may be verified.

If you do not depart voluntarily by the date mentioned, your status will be that of an alien under final order of deportation. ~~However, since no private bill is pending in your case, departure will be delayed.~~

Very truly yours,

Karl I. Zimmerman
Karl I. Zimmerman
District Director

CC: Wayne M. Collins, Esquire
1701 Mills Tower Bldg.,
San Francisco, California

✓

November 13, 1952

U. S. Immigration and
Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.
Philadelphia 6, Pennsylvania

Gentlemen:

In re: Zensuke Shiroma, A-5 977 606 T

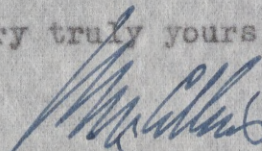
I am enclosing herewith a copy of the letter of May 29, 1952 of our Ambassador to Peru at Lima concerning the prospect of the alien above-named being authorized to return to his home in that country.

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

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

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

Very truly yours,



P. S. The reason this request was not made sooner is due to a prolonged illness followed by the death of my wife which kept me away from my office.

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

November 14, 1952

Mr. Zensuke Shiroma
Seabrook Farms
Bridgeton, N.J.

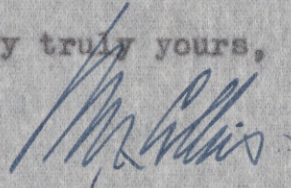
Dear Mr. Shiroma:

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

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

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

Very truly yours,



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

LAFAYETTE BUILDING
5TH & CHESTNUT STS.
PHILADELPHIA 6, PA.

PLEASE REFER TO THIS FILE NUMBER

Exp. A-5 977 606

November 24, 1952

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

Dear Mr. Collins:

I have your letter of November 13, 1952, concerning the deportation case of Zensuke Shiroma and the accompanying copy of letter of May 29, 1952 received by you from our Ambassador to Peru, regarding the matter of obtaining entry permits for certain Peruvian-Japanese.

The latest order in this case was entered by the Board of Immigration Appeals on September 10, 1952, granting Mr. Shiroma the privilege of departing from the United States voluntarily, without an order of deportation, within a period of not less than 90 days after notification of decision. The order further provides that if there is no departure in accordance with the foregoing, the order of deportation entered in the case on May 6, 1952 be reinstated and executed. The time fixed for voluntary departure under that order is on or before January 11, 1952.

Your request for an extension of time of voluntary departure in this case is hereby denied and if there is no departure by January 11, 1953, the alien's status will be regarded as that of an alien under a final order of deportation.

Very truly yours,

Karl I. Zimmerman
Karl I. Zimmerman
District Director

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.

November, 24, 1952

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

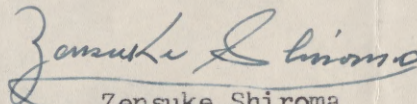
Dear Mr. Collins:

I beg to acknowledge receipt of your letter dated November 14, 1952, and I wish to thank you for your efforts before Immigration Service in my behalf.

I have not requested my reenter permission to any Peruvian authorities in this country. My father, Kamakichi Shiroma, Callao, Peru, has been asking to Foreign Office in Lima for authorization of my return, but down to date, I have not heard from him the final decision of Foreign Minister of Peru.

I am writing him to send me copies of all papers submitted to Pervian Government about my reentry for your information.

Very truly yours



Zensuke Shiroma
Seabrook Farms
New Jersey

1 BEFORE THE COMMISSIONER OF IMMIGRATION

2
3 In the Matter of

4 ZENSUKE SHIROMA

Phil. Exp. 0400-19193

5 -----
6
7
8 EXCEPTIONS TO RECOMMENDATION

9
10 On January 25, 1952, the hearing Officer, Herman W. Williams,
11 recommended that the alien Zensuke Shiroma, a native of Japan
12 and resident of Peru, be deported on the charges stated in the
13 warrant of arrest. On March 21, 1952, the District Director,
14 USIANS, at Philadelphia sent a notice of that recommendation.

15 Because the Peruvian Government thus far has not granted the
16 applicant authority to return to Peru, in which country he has
17 his residence, his efforts to return there have not yet proved
18 successful. In consequence, he did not depart from the United
19 States. Of the causes and reasons connected with his failure
20 to depart the Commissioner has actual knowledge and takes admini-
21 strative notice.

22 We except and object to the finding and conclusion, unsup-
23 ported by any evidence whatever, that the alien cannot meet the
24 residence requirements for suspension of deportation under Title
25 8USCA, Sec. 155(e).

26 We submit that there is no evidence in the record that the
27 alien was brought to this country for any legitimate war connect-
28 ed reason. We contend that the government is estopped to deny
29 that his entry was lawful and likewise is estopped to assert
30 that his presence in this country is unlawful. It is nonsense
31 for the government to assert that he did not present an unexpired
32 passport or other travel document at the time of his entry and

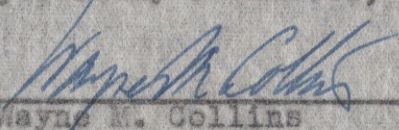
1 that he was not in possession of a valid immigration visa. The
2 secret orders of the Peruvian government which authorized this
3 cruel uprooting of the applicant and similarly situated
4 Peruvian-Japanese constitute a blanket visa to the applicant
5 and those other Peruvian-Japanese who forcibly were brought to
6 this country. The concealed orders of the U.S. Government, under
7 which he and they were banished from Peru and transported to
8 the U.S., constitute blanket admission credentials.

9 We submit that the appellant was brought involuntarily to
10 this country for political reasons only. Because he is, in fact,
11 an involuntary refugee from Peru, he is entitled to asylum in
12 this country. It is time that the government ceased using the
13 Immigration authorities and the pretext of the immigration laws
14 as an excuse to mask the cruel persecution of the applicant and
15 like Peruvian-Japanese for what is nothing but the crimes of
16 the governments of Peru and of the United States against them.

17 Our ambassador to Peru and our State Department still are
18 trying to prevail upon the Peruvian authorities to re-admit the
19 applicant and similarly situated members of the Peruvian-Japanese
20 group here to Peru. So long as those negotiations are pending
21 we suggest that no order of deportation should issue against him
22 or them.

23 For the foregoing reasons we urge that the recommendation
24 of the hearing examiner be disregarded and that the alien's
25 application for suspension of deportation be granted.

26
27 Respectfully submitted,

28 
29 _____
30 Wayne M. Collins
31 1701 Mills Tower
32 San Francisco 4, Calif.

Attorney for Applicant

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7 BEFORE THE BOARD OF IMMIGRATION APPEALS
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9 In the Matter of

10 ZENSUKE SHIROMA,

11 Respondent.

12 } A-5977606

13 } Phil. No. (0400-19193)
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14 MOTION TO REOPEN AND FOR RECONSIDERATION OF CAUSE
15 AND FOR STAY OF DEPORTATION PENDING DETERMINATION OF
16 CAUSE ON ITS MERITS
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18 Zensuke Shiroma, the respondent above-named, moves and
19 requests that the above-entitled cause be reopened and that the
20 order of this Board dated September 10, 1952, denying his
21 application for suspension of deportation made under the provisions
22 of Title 8 USCA, Sec. 155(c), be reconsidered and be granted
23 and that, pending a final determination on the merits of these
24 motions and on his application for suspension of deportation, a
25 stay of deportation be granted him.

26 The respondent is a 35 year old single Japanese national who
27 was admitted to Peru for permanent residence purposes. His
28 father, a uncle and aunt reside in Peru. His mother resides in
29 Japan. He has no close family ties in the United States except
30 an uncle who resides in Hawaii.

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

1 on June 15, 1943, and interned under the provisions of the Alien
2 Enemy Act. At the time of his entry he possessed neither a visa,
3 passport nor travel documents in the nature thereof. On August
4 16, 1946, he was released from the provisions of said Alien
5 Enemy Act.

6 On October 6, 1950, this Board ordered his cause reopened
7 for the reception of an application for suspension of deportation
8 under the provisions of Title 8 USCA, Sec. 155(c). On January 25,
9 1952, the hearing officer orally ordered his application for
10 suspension of deportation denied and ordered him deported.
11 (Tr. B-9). That decision rested chiefly on the grounds that he
12 was an alien ineligible to citizenship, without family ties here
13 and that he had not resided in the United States for the seven year
14 period prescribed by the statute because a portion of time of his
15 residence here had been spent as an internee and that, in
16 consequence, such period did not apply in partial satisfaction
17 of the residential requirement of said statute. Thereafter,
18 this Board, by its order of September 10, 1952, denied his
19 application for suspension of deportation, apparently for like
20 reasons.

21 The Peruvian Government to date has refused to permit the
22 respondent to reenter Peru and there be joined with his family.
23 Nevertheless, our State Department continues its efforts to
24 prevail upon the Peruvian Foreign Minister to authorize his
25 repatriation and that of similarly situated members of the
26 Peruvian-Japanese group. See copy of letter from the State
27 Department dated February 18, 1953, attached hereto.

28 The respondent is a person of good moral character and now
29 has resided in the United States for a period in excess of ten
30 (10) years.

31 The respondent presently resides at Seabrook Farms, Bridgeton,
32 New Jersey. He is gainfully employed at Seabrook Farms. He has
accumulated assets in excess of \$3500.00.

1 By reason of the provisions of Sec. 311 of the Immigration
2 and Nationality Act of 1952 the respondent no longer is ineligible
3 to citizenship. By reason of the want of family ties in this
4 country he is not eligible to receive a nonquota immigrant
5 status and hence a visa to enter the United States as nonquota
6 immigrant. The Peruvian Government has refused to authorize
7 his repatriation to Peru.

8 Since the denial of his appeal by this Board on September
9 10, 1952, it appears to have become the policy of this Board,
10 following the policy determination by the Acting Attorney General,
11 that aliens in like predicament and circumstances as the
12 respondent should be granted a suspension of deportation because
13 deportation would work undue hardship upon them. See for example,
14 the decision of this Board dated May 27, 1953, in re Chika
15 Yamasaki, A-5977644 (Chicago 0900/56013)

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

20 In conclusion, we urge; (1) that the said cause be reopened
21 and be reconsidered on the merits of his application for a
22 suspension of deportation under the provisions of said statutes;
23 (2) that said order of the hearing officer recommending that his
24 application for suspension be denied and that he be deported be
25 set aside; (3) that the order of this Board dated September 10,
26 1952, denying his said application for suspension of deportation
27 be set aside and (4) upon reconsideration of the cause his said
28 application for suspension of deportation be granted. In addition,
29 in the meantime and until a final decision be had herein on the
30 merits of these motions and upon respondent's application for
31 suspension of deportation, herein renewed, that an order issue,
32 directed to the District Director of the U.S. Immigration and

1 Naturalization Service at Philadelphia, staying his deportation.
2 (For the reason that these motions raise pure questions
3 of law rather than facts which already have been decided in this
4 and similar Peruvian-Japanese cases the motions are not supported
5 by affidavit.)

6 Respectfully submitted,

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9 Wayne M. Collins,
10 Mills Tower,
11 220 Bush Street
12 San Francisco 4, Calif.
13 Garfield 1-1218

14 Attorney for Respondent.
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DEPARTMENT OF STATE
Washington

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February 18, 1953

My dear Mr. Collins:

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

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

Sincerely yours,

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

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

July 3, 1953

Mr. Zensuke Shiroma
Seabrook Farms,
Bridgeton, New Jersey

Dear Mr. Shiroma:

I believe that the best course now to pursue in your particular case is to make a new application to reopen your case to enable a new motion to be made on your behalf for a suspension of deportation.

The filing fee required under the new rules of the Immigration Service for the filing of such a motion is \$5.00.

It is likely that the said motion will be denied but I then will be able to take an appeal from the denial to the Board of Immigration Appeals and obtain a review of the questions involved in your case. Under the new rules a \$25.00 fee is required to be paid to the Immigration authorities upon the taking of such an appeal. Therefore, I suggest that you forward to me the sum of \$30.00 covering the necessary filing fees for me to take such action on your behalf.

Very truly yours,

July 3, 1953

Mr. Karl I. Zimmerman
District Director
Immigration & Naturalization Service
5th & Chestnut Streets
Philadelphia 6, Pa.

Dear Mr. Zimmerman:

Re: Zensuke Shiroma
A-5 977 606

I would be grateful if you would advise me of the present status of the above-mentioned case. It is my intention to file in said case a motion to reopen and for re-consideration of his application for suspension of deportation inasmuch as the Board of Immigration Appeals' recent decisions indicate that suspension of deportation would be authorized in such a case.

Very truly yours,

July 29, 1953

District Director
U.S. Immigration Service
Lafayette Building
5th & Chestnut Streets
Philadelphia 6, Pennsylvania

Dear Sir:

In re: Zensuke Shiroma
File No. A-5977606, Phil. (0400-19193)

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

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

Very truly yours,

July 30, 1953

Mr. Zensuke Shiroma
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Shiroma:

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

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

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
LAFAYETTE BUILDING, FIFTH & CHESTNUT STREETS
PHILADELPHIA 6, PENNSYLVANIA

PLEASE REFER TO THIS FILE NUMBER

A-5 977 606 Temp.
I&E

August 7, 1953

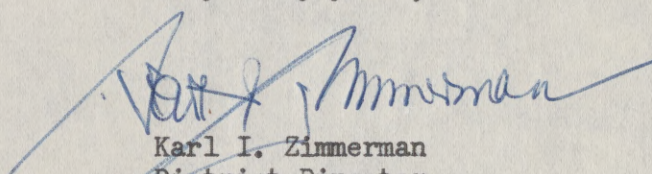
Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco, California

Dear Mr. Collins:

This is notice that your motion to reopen the proceedings in the case of ZENSUKE SHIROMA is today being forwarded to the Board of Immigration Appeals for consideration.

Your request for a stay of deportation pending decision on the motion is hereby granted.

Very truly yours,



Karl I. Zimmerman
District Director

UNITED STATES DEPARTMENT OF JUSTICE
Board of Immigration Appeals

OCT 22 1953

File: A-5977606 - Philadelphia (0400/19193)

In re: ZENSUKE SHIROHA

Bruvian Japanese

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of deportation - 7 years' residence

DETENTION STATUS: Released on parole

We first considered the case of this alien on February 19, 1947 and found him deportable on the charges stated above. However, we directed that execution of the warrant of deportation be deferred pending the outcome of litigation involving the same subject matter. On October 6, 1950, on motion of the alien, we directed that the order and warrant of deportation be withdrawn and that the proceedings be reopened to permit the alien to apply for suspension of deportation. We last considered this case on September 10, 1952 on appeal from an order of the Assistant Commissioner dated May 6, 1952, directing that the alien be deported on the charges stated in the warrant of arrest. In our order of September 10, 1952 we denied suspension of deportation but granted voluntary departure with the provision that if the alien failed to so depart the order of deportation was to be reinstated and executed. This case is before us now on motion of the alien, through counsel, for reconsideration of our order of September 10, 1952 denying suspension of deportation.

DISCUSSION AS TO DEPORTABILITY: The respondent, a 35-year-old single male, a native and citizen of Japan of the Japanese race, last entered the United States at the port of San Francisco, California on June 15, 1943, when he was brought to this country from Peru for internment as an alien enemy. It is concluded from the evidence of record that respondent is subject to deportation on the charges contained in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The evidence of record establishes that the respondent has been residing in the United States continuously in excess of seven years, including July 1, 1948, and that he meets the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

Respondent testified that he entered Peru legally in 1935 and resided there until he was brought to the United States in 1943. His parents are citizens of Japan. His father resides in Peru and his mother in Japan. He has an uncle in Hawaii.

Counsel states that the Peruvian Government has refused to permit the respondent to reenter Peru. Counsel has presented to us a copy of a letter directed to him by the Acting Director, Office of Northeast Asian Affairs, Department of State, under date of February 18, 1953, the second paragraph of which reads as follows: "I appreciate your interest in the matter of the former Japanese residents of Peru who have been living in the United States since 1943 and 1944. Let me assure you of the sympathetic concern of the Department of State toward these unfortunate persons and of our continuing efforts to persuade the Peruvian Government to accept their return."

Respondent was released from internment in August 1946 and has been employed since then by the Seabrook Farms Company, Seabrook, New Jersey. He earns \$1.05 $\frac{1}{2}$ an hour. His assets amount to \$3,500.

A check of appropriate local and federal records has failed to reveal an arrest or criminal record. An independent character investigation is favorable. Respondent has presented affidavits from three persons in the United States, including the personnel director of the Seabrook Farms Company, attesting to his good moral character. In addition, the chief of police, Seabrook Farms, Seabrook, New Jersey, states that he knows respondent to be of excellent character. We find from the evidence of record that respondent has been a person of good moral character for the preceding five years and more. On the record he is eligible for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

The quota of Japan, to which respondent is chargeable, is oversubscribed and an immigration visa is not readily obtainable.

Respondent has never been arrested other than the arrest by the Peruvian authorities when he was turned over to the Americans for internment. The independent character investigation has failed to disclose any derogatory information. His good moral character is abundantly vouched for by witnesses. Since Peru has not and

apparently will not authorize his return and as so much time has elapsed since he was brought here, it is our view that the only fair way to dispose of his case is by authorizing suspension of deportation. Accordingly, respondent's application for such relief will be granted.

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

IT IS FURTHER ORDERED that the order entered by this Board on September 10, 1952 and the order entered by the Assistant Commissioner on May 6, 1952, as well as the warrant of deportation, be and the same are hereby withdrawn.

IT IS FURTHER ORDERED that if during the session of the Congress at which this case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a concurrent resolution, stating in substance that it favors the suspension of such deportation, the proceedings be canceled upon the payment of the required fee and that the alien 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-5977606
Shiroma

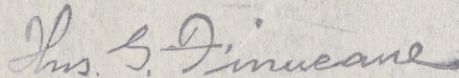
October 22, 1953

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

file
October 28, 1953

Mr. Zensuke Shiroma
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Shiroma:

On October 22, 1953, the Board of Immigration Appeals entered an order granting you a suspension of deportation.

In consequence, your case will be submitted for approval to Congress and in the event Congress also approves suspension of deportation you will be granted permanent residence status in the United States and thereafter you will become eligible for naturalization as citizen of the United States. In the event Congress disapproves your application other steps will have to be taken in your behalf.

Very truly yours,

Frankie Sherome

dict of spinal (cancer)

Meningitis 7/6/54

February 24, 1954

Mr. Koshiro Mukoyama
1612 Third Avenue
Seabrook, New Jersey

Dear Mr. Mukoyama:

I regret to learn of the death of Mr.
Zensuke Shiroma.

The immigration authorities should be
notified thereof if they already have not
been so notified.

Very truly yours,