

20:14

UEHARA, Eizo

1950

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

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

Attorney for Applicant.

Subscribed and sworn to before me

this 15th day of June, 1950

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



April 12, 1950

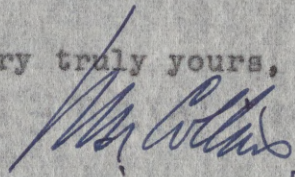
The Board of Immigration Appeals  
Department of Justice  
Washington 25, D. C.

Gentlemen:

In re: Eizo Uehara  
Chicago, Illinois

Enclosed find appearance form and application to reopen cause for the purpose of enabling Eizo Uehara, Peruvian-Japanese, who lives in Chicago, Illinois, to apply for a suspension of deportation, together with accompanying affidavit of merits.

Very truly yours,



P. S. Mr. Eizo Uehara now resides at  
905 E. 43rd St., Chicago, Illinois.

Copy to:  
USI&NS, Chicago, Illinois



File

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

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

April 24, 1950

In re: Eizo Uehara  
File No. 5967628  
ALM:rmd

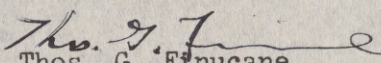
Wayne M. Collins, Esquire  
Mills Tower, Bush Street,  
San Francisco, California.

My dear M r. Collins:

This will acknowledge receipt of your communication dated April 12, 1950, with reference to the above case.

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

Sincerely yours,

  
Thos. G. Finucane  
Chairman



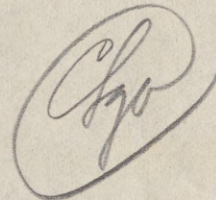
U. S. DEPARTMENT OF JUSTICE  
BOARD OF IMMIGRATION APPEALS  
WASHINGTON

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

5967628  
Uehara

May 2, 1950

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

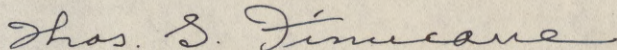


My dear Mr. Collins:

Reference is made to your interest in the above case.

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

Sincerely yours,



Thos. G. Finucane  
Chairman



MAY 2 - 1950

IN THE MATTER

of

EIZO UEHARA

File: A-5967628

IN DEPORTATION PROCEEDINGS

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

This matter is before us upon motion filed by counsel requesting that the hearing be reopened for the purpose of enabling the subject hereof to apply for suspension of deportation pursuant to the provisions of Title 8 USC Sec. 155 as amended by Public Law 863.

It is asserted that the subject is in a position to show good moral character for the preceding five years and that he has resided in the United States continuously for more than 7 years and was so residing here on July 1, 1948, the effective date of the amendment of the statute as aforesaid.

A warrant of arrest was issued in this case on May 8, 1946 indicating that the subject was said to be in the United States in violation of Section 13(c) of the Act of 1924 in that he is an alien inadmissible to citizenship, and under the provisions of Section 13(a) of the same statute in that at the time of entry he was an immigrant not in possession of an unexpired immigration visa, and for the further reason that at the time of entry he did not present a valid passport.

The subject of this proceeding on the occasion of hearing conducted during the month of May, 1946 stated that he was born in Japan on November 20, 1892 (p. 1); that he is married; that he is a merchant by occupation and that he arrived at San Pedro, California on February 6, 1943 from Peru where he was apprehended



and later brought to this country. The record seems to show that he was refused admission at San Pedro, California on February 6, 1943 by the Board of Special Inquiry.

The deportation proceeding, insofar as the present record is concerned, is evidently incomplete because it appears that the matter has, at no time heretofore, been before us. Therefore, the motion is not properly here at this time inasmuch as we have not acquired jurisdiction of the matter. Accordingly, the motion should be returned to counsel with advice not inconsistent with the foregoing.

ORDER: It is ordered that the motion be and the same is ordered returned to counsel with advice not inconsistent with the foregoing.

RMC/mgb

Chairman



May 8, 1950

U. S. Immigration & Naturalization Service  
19th & E Capitol Streets, N. E.  
Washington, D. C.

Gentlemen:

In re: Eizo Uehara - A-5967628

On April 12, 1950, I forwarded to the Board of Immigration Appeals appearance form, together with application to reopen the cause of the alien above-named for the purpose of enabling him to apply for suspension of deportation. I am in receipt of a letter from the Board of Immigration Appeals informing me that the motion was not properly before that Board inasmuch as it had not acquired jurisdiction of the case. In view of that letter it is my opinion that the matter is still pending before the Commissioner. In consequence, I am forwarding applications in triplicate to reopen cause to enable the alien to apply for a suspension of deportation of which I ask your office to take jurisdiction inasmuch as the matter appears to be pending before the Central Office. A quadruplicate copy was forwarded to the USI&NS at Chicago on April 12th inasmuch as Eizo Uehara now resides at 905 East 43rd St., Chicago, Illinois.

Very truly yours,



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

POST OFFICE BUILDING  
CHICAGO 7, ILLINOIS

PLEASE REFER TO THIS FILE NUMBER

0900/48326  
#11

May 31, 1950

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

Dear Sir:

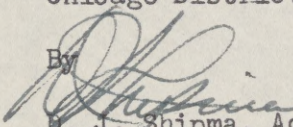
This will acknowledge your request for reopening of the proceedings in the case of Mr. Eizo Uehara.

Please be informed that the chairman of the Board of Immigration Appeals has advised this office that your motion cannot be acted upon for the reason that the case has not come before the Board for consideration. For your information, the case is presently before the Commissioner, Immigration and Naturalization Service, Washington, D. C. for a decision and when a formal decision has been made, you will be informed. Should the decision be unfavorable, you may at that time submit for consideration a motion for the reopening of the proceedings.

Very truly yours,

Andrew Jordan  
District Director  
Chicago District

By

  
E. J. Shipma, Acting Chief  
Investigation & Deportation  
Section



UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

File: A-5967623 - Chicago (0900-48326)

(No Appeal)

In re: EIZO UHARA

AUG 17 1950

IN DEPORTATION PROCEEDINGS

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

DISCUSSION: It appears from an examination of the record in this case that the alien may be eligible to apply for the benefits provided for in the amendment to Section 19(e) of the Immigration Act of 1917 (P.L. 863, July 1, 1948).

The hearing should now be reopened so that the alien may apply for the benefits of that Act and for appropriate hearing and investigation in accordance with the regulations promulgated under that Act.

ORDER: It is ordered that the hearing be reopened for the purpose stated above.

*A. C. Donovan*  
ASSISTANT COMMISSIONER  
ADJUDICATIONS DIVISION



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

~~FRANKLIN TRUST BUILDING~~  
~~PHILADELPHIA 2, PA~~

AND REFER TO THIS FILE NO.

A-5967628 WU

WASHINGTON 25, D. C.

August 24, 1950

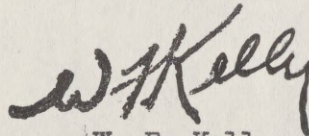
Wayne M. Collins, Esquire  
Mills Tower, 220 Bush Street,  
San Francisco 4, California

My dear Mr. Collins:

Reference is made to your interest in the case of EIZO UEHARA.

For your information there is attached a copy of the order entered in the case on August 17, 1950.

Sincerely yours



W. F. Kelly  
Assistant Commissioner

EE-58  
(8-9-48)