

17.6

KUDAKA, SHUEI

1946-1952

78/177

C

HEARING:

File No. 1400-5601

Date: April 2, 1946
Time:
Place: Crystal City, Texas
Presiding Inspector: Wm. L. Patillo
Stenographer: R. C. Williams
Respondent: TSURU KUDAKA

BY PRESIDING INSPECTOR TO ALLEN: (In English)

- Q. Are you able to speak and understand the English language? A. No, I speak some Spanish. NOTE: Hearing conducted in the Spanish language.
- Q. There is presented to you herewith original warrant of arrest No. 1400-5601 issued at San Antonio, Texas, on the 30th day of March, 1946 the indorsement on which shows it was served on you on March 30, 1946

which states that TSURU KUDAKA, and

who entered the United States on the 21st day of March 1944 appears subject to be taken into custody and deported for the following reasons to wit:

The Immigration Act of May 26, 1924, in that, at the time of entry, he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder. A visa is a document which must be secured from the Consular Service of the United States for presentation at the time of entry, and you are charged with not being in possession of this document at the time of your entry.

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

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

A. Yes.

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

A. Yes.

Q. You are advised that at this proceeding, you have the right to be represented by counsel of your own choice and at your expense, which counsel may be an attorney at law, or any person of good character. Do you wish to be represented? A. **I desire that this gentleman be present.**

NOTE: Refers to Mr. MASARU BEN AKAHORI who is present during the hearing.

Q. Do you solemnly swear/affirm that all the statements you are about to make in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God? A. **Yes.**

Q. You are warned that if you willfully and knowingly give false testimony at this proceeding regarding a material fact, you may be prosecuted for perjury, the penalty for which is imprisonment for not more than five years and a fine of not more than \$2000. Do you understand? A. **Yes.**

Q. You are advised that a copy of warrant of arrest No. **1400-5601**, which has just been read and explained to you, will be attached to and made a part of this hearing and will be identified as Government Exhibit 1. Do you have any objections thereto? A. **No.**

Q. What is your true and correct name? A. **TSURU KUDAKA.**

Q. Have you ever been known by any other name or names? A. **TSURU ASHIMINE was my maiden name.**

Q. What is your age and occupation? A. **44 years of age, housewife.**

Q. Where and on what date were you born? A. **In Okinawa, Japan on April 7, 1901.**

Q. What is your race and nationality? A. **Japanese race and citizen of Japan.**

Q. What is your father's name and address? A. **FUNDO ASHIMINE. He is dead.**

Q. What is your father's birthplace and nationality? A. **Also Okinawa and citizen of Japan.**

Q. What is your mother's name and address? A. **OMITO ASHIMINE. She is dead.**

Q. What is your mother's birthplace and nationality? A. **Okinawa and citizen of Japan.**

Q. Have you or, to your knowledge, has either of your parents ever taken steps to become a naturalized citizen of any other country? A. **No.**

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

Q. (If married) State the name, place of birth, nationality, and present location of your spouse? A. **SHUEI KUDAKA. He was born in Okinawa and is a citizen of Japan and is here with me at Crystal City.**

NOTE: Respondent's husband is under separate proceedings, file No. 1400-5600.

Q. Do you have any children? If so, state their names, dates and places of birth, nationality, and present location? A. **I have one son and one daughter. My son is named SHUICHI, born in Okinawa, Japan on November 23, 1919. He is a citizen of Japan, and he lives in Callao, Peru. My daughter is named CHIYO. She was born in Okinawa, Japan on December 26, 1925. She is a citizen of Japan and she lives in Okinawa.**

Q. When, where, and how did you last enter the United States? A. **New Orleans, Louisiana, March 21, 1944.**

Q. By whom were you accompanied? A. **My husband.**

Q. Were you inspected and admitted at the time of your last entry? A. **Yes.**

Q. Were you questioned by an inspector or did you make any statement to him?
A. **No.**

Q. Were you brought to the United States for internment? A. **I came here voluntarily to be with my husband who was being interned.**

NOTE: The file in this case indicates that the respondent was brought to the United States for voluntary internment, arriving at New Orleans, La. on March 21, 1944, the name of the ship not being indicated.

Q. At the time of your last entry into the United States, were you in possession of an unexpired immigration visa? A. **I came voluntarily because my husband was being brought here by the government, and I was allowed to come here without the visa, and for this reason, I think that I was legally admitted.**

Q. At the time of your last entry into the United States, did you present a valid passport or other official document in the nature of a passport showing your origin and identity? A. **I had no passport, but my admission was legal because I was brought here to be with my husband who was brought by force.**

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

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

Q. Have you ever been arrested, fined, or convicted for any criminal offense?
A. **No.**

Q. What is the condition of your health? A. **I am under the doctors treatment. I have high blood pressure. At the present time I am all right.**

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

Q. What previous residence have you had in the United States? A. **None.**

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

Q. Do you own any property elsewhere? A. **I do not own any property, but my husband has a restaurant in Callao.**

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

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

Q. What was your last residence abroad? A. **Callao, Peru.**

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

A. **No.**

Q. What relatives have you abroad other than those you might have previously mentioned? A. I have a brother and sister in Callao, Peru. My brother is **NATSU ASHIMINE** and my sister is **KAME KOCHI**. They were both born in Japan.

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

Q. Where were you baptized? A. —

Q. Where is your birth registered? A. **Okinawa.**

Q. Where have you attended school? A. **In Okinawa.**

Q. In what places, other than those previously named, have you resided?
A. **Just the places I have named.**

Q. Have you registered under the Alien Registration Act of 1940? A. **Yes.**

NOTE: The file in this case indicates that the respondent was registered as an alien, AR-6139108.

Q. Have you registered as an Enemy Alien as required by Presidential Proclamation? A. **Yes.**

NOTE: The records indicate that the respondent was registered as an enemy alien at Crystal City, Texas on July 9, 1945.

Q. Do you have any witnesses or documentary evidence to present which might have a bearing on your immigration status? A. **Both of my parents are dead, and I have no one in Okinawa, and I have my son in Peru, and I wish to be sent there so that I can live with him. I wish to ask the Americans the favor of sending me to Peru.**

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

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

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

HEARING CLOSED

DESCRIPTION: Height **5** ft. **2** in.; weight, **175** lbs.; complexion, **yellow**
hair **black** ; eyes **brown** ; distinguishing marks, **none**
Sex **female**

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

Original Signed
R. C. Williams Stenographer

SEPTEMBER 12,
~~August 27, 1951~~

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

Dear Sir:

In re: Shuei and Tsuru Kudaka
Los Angeles, Calif.

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

Very truly yours,

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

SEPTEMBER 12,
~~August 27,~~ 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Shuei and Tsuru Kudaka
Los Angeles, Calif.

Enclosed find three original application forms each to reopen cause for the purpose of enabling Shuei Kudaka and his wife, Tsuru, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavits of merits and notices of appearance. An original application form for each is also being sent to the District Director, USI&NS, Los Angeles, inasmuch as Mr. and Mrs. Kudaka reside at 128 West 32nd St., Los Angeles, Calif. Notices of appearance had been forwarded previously to the Immigration Office at San Francisco.

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

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.

PLEASE ADDRESS REPLY TO

November 6, 1951.

AND REFER TO THIS FILE NO.
A-6139107 WU
A-6139108

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

Dear Mr. Collins:

This is in reference to your letter of September 12, 1951, with which you enclosed motion to reopen the cases of Shuei Kudaka and his wife, Tsuru, for the purpose of enabling them to apply for suspension of deportation.

The records relating to Mr. and Mrs. Kudaka show that an order was entered in their cases on June 26, 1951 by the Board of Immigration Appeals directing that the proceedings be reopened and that they be permitted to file application for such discretionary relief as may be available to them. Notice of the above order was furnished the District Director of this Service at Los Angeles, California, under whose jurisdiction the reopened proceedings will be conducted. It is, therefore, suggested that you may wish to communicate with that official concerning the cases.

Sincerely yours,

W F Kelly

W. F. Kelly
Assistant Commissioner
Enforcement Division

file

March 21, 1952

Mr. Tex Nakamura
c/o Tule Lake Defense Committee
124 So. San Pedro St., Rm. 215
Los Angeles 12, California

Dear Tex:

Re: Mr. Shuei Kudaka and
Mrs. Tsuru Kudaka

Enclosed find notices of hearing for Mr. and Mrs. Kudaka, Peruvian-Japanese. The hearings are scheduled for April 1, 1952, at 1:00 P.M., in Room 143, 458 South Spring Street, Los Angeles, California. I would thank you to communicate with the aliens so as to insure their attendance at the proper time and place.

Please note that the address shown on the notices is 2318 Beloit Avenue, West Los Angeles. My records show an address at 128 West 32nd St., Los Angeles.

Very truly yours,

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

Date: March 25, 1952

File No. 1600-89266 (HS)

Mr. Shuei Kudaka,
2138 Beloit Avenue,
West Los Angeles, California.

Dear Sir:

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

You are requested to appear for a hearing to be held at 1:00 P.M. on April 1, 1952, in Room 143, 458 South Spring Street, Los Angeles, California.

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

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

Please bring with you the documents you have been requested to obtain. A similar notice was addressed to you under date of March 17, 1952, but was inadvertently sent to an incorrect address.

Yours very truly,

For the District Director

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

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

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

Date: March 25, 1952

File No. 1600-89277 (HS)

Mrs. Tsuru Kudaka,
2138 Beloit Avenue,
West Los Angeles, California.

Dear Madam:

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

You are requested to appear for a hearing to be held at 1:00 P.M. on April 1, 1952, in Room 143, 458 South Spring Street, Los Angeles, California.

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

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

Please bring with you the documents you have been requested to obtain.

A similar notice was addressed to you under date of March 17, 1952, but was inadvertently sent to an incorrect address.

Yours very truly,

For the District Director

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

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

REOPENED HEARING IN
DEPORTATION PROCEEDINGS
IN THE CASE OF:

TSURU KUDAKA

File A-6 139 108

PLACE: 1018 E. Rowland Avenue,
West Covina, California.

DATE: April 9, 1952

PERSONS PRESENT:

Alfred E. Edgar, Jr.

Edythe D. Marusa

Satoru Tsuneshi

Hearing Officer
Stenographer
Official Japanese
Interpreter.

Hearing recorded by stenographic notes;
held in the Japanese language

HEARING OFFICER TO INTERPRETER:

- Q Please stand, raise your right hand and be sworn. Do you solemnly swear that you will correctly translate to the best of your ability, all of the questions and answers and other material in this proceeding from English to Japanese and Japanese to English; SO HELP YOU GOD?
- A I do.

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

- Q Under date of June 26, 1951, the Board of Immigration Appeals directed that your hearing in deportation proceedings be reopened to give you an opportunity to apply for relief from deportation. Do you understand?
- A Yes.
- Q This order also included your husband's case and his hearing was reopened and closed at the Los Angeles Immigration Office on April 1, 1952; do you understand?
- A Yes.
- Q Your file contains a notice of appearance in these proceedings by an attorney in San Francisco by the name of Wayne M. Collins. Is he representing you in these proceedings?
- A Yes.
- Q Are you willing to go ahead with your hearing in his absence?
- A Yes.

HEARING OFFICER: For the purpose of the record, let the record show that the respondent is confined to her bed.

HEARING OFFICER TO RESPONDENT:

Q Will you please raise your right hand and be sworn, if you are able. (Respondent can only raise left hand) Do you solemnly swear that all the testimony you are about to give here in this proceeding, will be the truth, the whole truth, and nothing but the truth; SO HELP YOU GOD?

A Yes.

Q You are informed that the following described documents and papers that you have submitted to the Immigration Office will be received in evidence and identified as follows:

EXHIBIT 2, Form 256, Application for Suspension of Deportation;

EXHIBIT 3, Form 16-399, Supplementary Information Form;

EXHIBIT 4, Affidavit of Witness, Kame Noguni;

EXHIBIT 5, Affidavit of Witness, Wako Nakamatsu.

Do you understand?

A Yes.

Q You are informed that investigations have been conducted in your case. I have here, a report dated February 1st, 1952, covering investigation at Seabrook Farms, and another one, at Los Angeles, California, November 13, 1951.

These reports are both favorable to you, and are received in evidence in your hearing and marked:

EXHIBITS 6 and 7, respectively.

Do you understand?

A Yes.

Q You are also informed that your fingerprints have been submitted to Washington, and a memorandum to the effect that a search of your fingerprints reveals no criminal record, is received in evidence and marked:

EXHIBIT 8.

Do you understand?

A Yes.

Q What is the state of your physical condition at the present time?
A One side of my body is paralyzed but I am recovering quite a bit.

Q I understand from your husband that you are making arrangements to depart from the United States on or about May 6th of this year; is that correct?

A Yes.

Q Are you under medical care?

A Dr. Fujimoto, Japanese physician takes care of me.

Q Does he think you will be able to travel by May 6th?

A Yes; Dr. Fujimoto told me that he was going to write a certificate when I leave this Country.

Q You have applied for suspension of deportation. In the event you are denied suspension of deportation; are you then, able and willing to leave the United States voluntarily at your own expense in lieu of deportation?

A Yes.

Q In the event that you should be ordered deported, what country do you wish to specify as the country to which you shall be deported?

A My first choice was Peru, but since I got sick, I would like to go back to Japan.

Q Do you have anything further you would like to say or further evidence you would like to present in your hearing?

A No, nothing.

Q Very well, then in view of the fact that you have indicated that this hearing is very trying on you physically, my written decision will be prepared and a copy served upon you or Mr. Collins, together with a cover letter stating what further action may be taken in the case; do you understand?

A Yes.

Q Do you desire that this decision be served upon you or upon Mr. Collins?

A Mr. Collins.

HEARING OFFICER:

Very well, if there nothing further, then the hearing is closed.

HEARING CLOSED

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

ALFRED E. EDGAR, Jr.,
HEARING OFFICER.

I certify that the foregoing is a true and correct transcript of my stenographic notes taken of the testimony in the above case.(Book 2233)

EDYTHE D. MARUSA,
Stenographer.

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

File: A-6 139 108

Los Angeles

In re: TSURU KUDAKA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins,
Attorney at Law,
1701 Mills Tower, 220 Bush St.,
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, or voluntary
departure in the alternative.

DETENTION STATUS: Released on conditional parole.

DISCUSSION: This record relates to a 52 year old married female, a
native and citizen of Japan, who entered this country March 21, 1944 at
New Orleans, La., at which time she was brought to this country for
internment as an alien enemy. Her deportability has already been ad-
judicated, therefore, no further findings of fact or conclusions of
law will be made in this regard.

After having been brought to the United States under war conditions,
the respondent was detained in internment until 1946, when she was
released as an internee at large. She remained an internee at large
until placed on conditional parole on July 24, 1951. After having
been released as an internee, she has failed to depart from the
United States voluntarily. 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 war, would not be construed as residence required within this Country within the terms of Section 19(c) of the Immigration Act of 1917, as amended. (Matter of W., A-5908014, B.I.A. 5-31-50,). In view of the respondent's physical condition, and inasmuch as she has indicated that she is prepared to depart from the United States within the near future, it is felt that she should be given further opportunity to depart voluntarily.

RECOMMENDED ORDER: It is recommended that an order of deportation be not entered at this time, but that the respondent be required to depart from the United States without expense to the Government, within such period of time and under such conditions as the officer in charge of the District deems appropriate.

IT IS FURTHER RECOMMENDED: That if respondent fails to depart when and as required, this privilege of voluntary departure be withdrawn without further notice or proceedings and the alien be deported from the United States pursuant to law on the charges stated in the Warrant of Arrest.

Alfred E. Edgar, Jr.
ALFRED E. EDGAR, Jr.,
HEARING OFFICER.

AEE;em.

DATED: April 9, 1952.

16-404
5-21-51

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

APR 11 1952

Date

REGISTERED MAIL

File No. A6 139 108(HS)

RETURN RECEIPT REQUESTED

Rec'd 4/14/52

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

Dear Sir:

Reference is made to the hearing on April 9, 1952, in
the deportation proceedings against TSURU KUDAKA

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 support-
ing reasons for such exceptions, or you may waive this action. Your ex-
ceptions, 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 com-
munication, 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: *HRD*

Encl.

Rec'd April 14, 1952

April 17, 1952

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

Dear Sir:

In re: Tsuru Kudaka, File No.
A6 139 108(HS)

On April 14, 1952, I received a copy of the hearing officer's adverse recommendation against the alien above-named.

Inasmuch as I do not have before me a copy of the transcript of the proceeding had in the cause I would be grateful if you would forward one to me to enable me to prepare exceptions to said recommendation.

In addition I request that my time within which to file said exceptions be extended to five days after receipt of a copy of the transcript of said hearing.

Very truly yours,

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

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

PLEASE REFER TO THIS FILE NUMBER

April 23, 1952

1600-89277 (HS)

REGISTERED MAIL

RETURN RECEIPT REQUESTED

4443
Recd 4/25/52

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

Dear Sir:

Reference is made to your letter of April 17, 1952, concerning the case of TSURU KUDAKA. In accordance with your request we are forwarding to you herewith a copy of the transcript of hearing in this case, together with a receipt for same partially completed. Kindly date and sign the receipt and return it promptly to this office.

You have been granted an extension of time of five business days from the receipt of this letter within which to file your exceptions to the Hearing Officer's decision in this case.

Yours very truly,

Harold P. Freed
For the District Director.

Encls.

April 25, 1952

District Director
Immigration Service
458 S. Spring St.
Los Angeles 13, Calif

Attention: Alfred E. Edgar, Jr.
Hearing Officer

Dear Sir:

In re: Tsuru Kudaka, A6-139-108
L.A. 1600-89277

Enclosed find form 16-260 together with
Exceptions to Recommendations made in triplicate
in above matter.

Very truly yours,

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

June 24, 1952

Mrs. Tsuru Kudaka
128 West 32nd St.
Los Angeles, Calif.

Dear Mrs. Kudaka:

Enclosed find a copy of the "Exceptions to Recommendation" I have filed on your behalf with the District Director, USIANS 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.

BEFORE THE BOARD OF IMMIGRATION APPEALS

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

SHUEI KUDAKA

No. _____

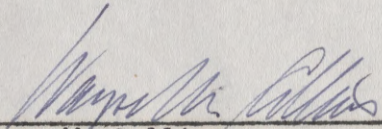
APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

SHUEI KUDAKA

hereby requests

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

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

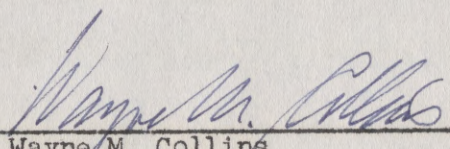

Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant

AFFIDAVIT OF MERITS

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


Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ SHUEI KUDAKA, 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 27th day of Aug, 1951.


Ernest J. Street
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

TSURU KUDAKA

No. _____

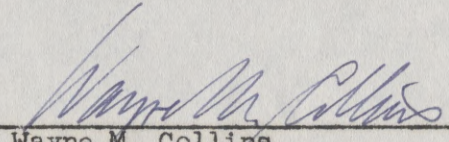
APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

TSURU KUDAKA

hereby requests

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

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


Wayne M. Collins

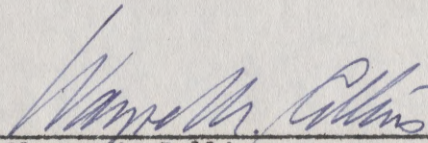
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____
TSURU KUDAKA, 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 her deportation proceeding reopened to enable her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating her said eligibility to apply for and to be granted such suspension of deportation.

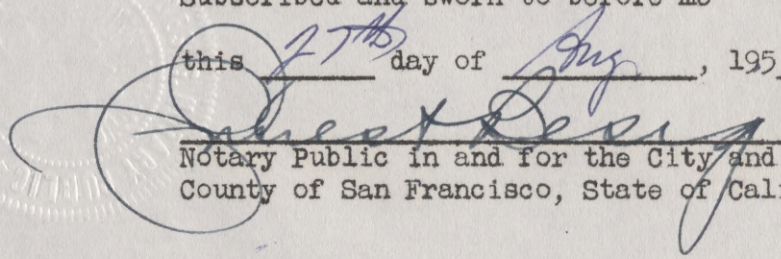


Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant.

Subscribed and sworn to before me

this 27th day of Aug, 1951.



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

My Commission Expires
December 23, 1952

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

TSURU KUDAKA

A-6-139-108 L.A. 1600-89277

EXCEPTIONS TO RECOMMENDATION

On April 9, 1952, the hearing officer recommended that no order of deportation be entered at that time against Tsuru Kudaka, a native of Japan who is domiciled in Peru and who has her residence in Peru, but that she be required to depart from the United States by a time to be fixed by the District Director, USIANS, at Los Angeles, California.

Because the Peruvian government thus far has not granted the applicant authority to return to Peru and to her son, Shuichi, who resides in Callao, Peru, her efforts to return there have not yet proved successful. Of the causes and reasons for her present inability to return to Peru the Commissioner has actual knowledge and takes administrative notice.

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

The applicant entered the United States as a guest of our government, accompanying her husband who forcibly was brought here under a plea that his banishment from Peru and entry into this country was justified by the provisions of the Alien Enemy Act. In consequence, we submit she has resided here for a full seven year period and is eligible for and entitled to a suspension of deportation under said statute.

Our ambassador to Peru and our State Department still are

1 trying to prevail upon the Peruvian authorities to re-admit the
2 applicant to Peru. So long as these negotiations continue we
3 suggest that no order of deportation should issue and ~~that~~ we
4 suggest that her application for suspension should be granted.

5 For the foregoing reasons we also submit that the order
6 requiring the applicant to depart should be withdrawn.

7 Respectfully submitted,
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10 Wayne M. Collins, Attorney for Applicant
11 1701 Mills Tower, San Francisco 4, Calif.
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