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TAURA, SHIZUO

1950-1954

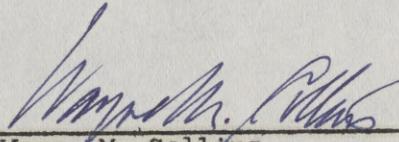
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C

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
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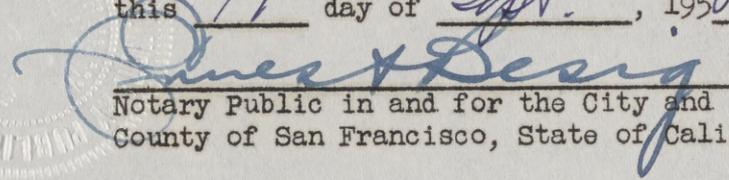
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ SHIZUO TAURA, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is 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.



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: Shizuo Taura
Seabrook Farms, N. J.

Enclosed find three original application forms to reopen cause for the purpose of enabling Shizuo Taura, 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. Taura resides at Seabrook Farms, Bridgeton, New Jersey. A notice of appearance has 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.

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

September 27, 1950

In re: Shizuo Taura
File No. 5977656
ALM:rmd

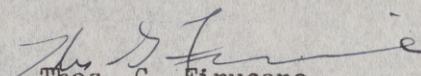
Wayne M. Collins, Esquire
Mills Tower, 220 Bush Street,
San Francisco, California.

My dear Mr. 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

OCT 3 - 1950

IN THE MATTER
OF

SHIZUO TAURA

FILE NO: 5-977656

IN DEPORTATION PROCEEDINGS

MOTION

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

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 order of deportation and warrant predicated thereon be withdrawn.

LW:ldr

Chairman

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

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

5977656
Taura

October 4, 1950

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

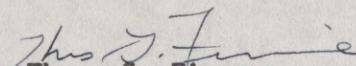
My dear Mr. Collins:

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

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) **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.

Return the attached Form I-256
 after furnishing information
 requested in paragraphs 3 & 4.

Very truly yours,
 Karl I. Zimmerman,
 District Director.

U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
LAFAYETTE BUILDING, 5th & CHESTNUT STS.,
PHILADELPHIA 6, PA.

File

January 2, 1951

Exp. 0400/19494

Shizuo Taura
c/o Seabrook Farms
Bridgeton, New Jersey

Dear Sir:

On October 3, 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. They should be submitted to this office within the next 30 days.

Very truly yours,

Henry L. Mullen

Henry L. Mullen
Acting District Director

Encl.

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

For your information with copy of Form 4-89.

Encl.

I-226
Rev. 11-3-50

Shizuo Taura
Dormitory No. 3
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 7, 1952

File No. 0400-19494

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 16, 1952, in Room 717 Lafayette Building, 5th & Chestnut Sts., Philadelphia, Pennsylvania for a reopened 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 Act

(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, 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.

COPY TO:

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

Karl I. Zimmerman
Karl I. Zimmerman
District Director

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

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 were not entitled to enter the United States under any exception of paragraph (c) Section 13 thereof.

The attached copy of the hearing transcript shows that you were present at the hearing and that you were given the opportunity to explain the facts of your case. You were also given the opportunity to present evidence in your own defense. The hearing transcript shows that you were given the opportunity to present evidence in your own defense and that you were given the opportunity to explain the facts of your case. The hearing transcript shows that you were given the opportunity to present evidence in your own defense and that you were given the opportunity to explain the facts of your case.

Very truly yours,
[Signature]
[Title]

File

January 21, 1952

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

Dear Sir:

In re: Banroku Harada - File No. A-5,967,229
Ichisuke Fujimoto - 0400-19471
Kamacho Miyashiro - 0400-19184
Shizuo Taura - 0400-19494

I wish to thank you for the notices that you sent to me concerning the hearings of the aliens above-named which had been set during January, 1952.

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,

REOPENED
WARRANT HEARING

0400-19494

Date: January 16, 1952
Place: Philadelphia, Pa.
Hearing Officer: Willard S. Layton
Stenographer: Laura R. Damiani
Interpreter: Fukuji Sasaki
(Japanese) 833 E. Parsonage Road
Seabrook Farms
Bridgeton, N. J.
Respondent: SHIZUO TAURA

HEARING OFFICER TO RESPONDENT:

Q. Are you able to speak and understand the English language?
A. No.

HEARING OFFICER TO INTERPRETER:

Q. Will you please identify yourself for the record?
A. Fukuji Sasaki, 833 E. Parsonage Road, Seabrook.
Q. Please rise and be sworn (complies). Do you solemnly swear that you will interpret accurately from English to Japanese, and vice versa, all that is said in this proceeding?
A. I do.

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

Q. Please rise and be sworn (complies). Do you solemnly swear 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. I do.
Q. What is your full, true and correct name?
A. Shizuo Taura.
Q. Are you the same Shizuo Taura who was accorded a hearing in deportation proceedings in Sante Fe, New Mexico at the Sante Fe Internment Camp, on April 8, 1946?
A. Yes.

- Q. I now show you an order issued by the Board of Immigration Appeals, October 3, 1950, ordering that the hearing in your case be reopened for the reception of such application for relief from deportation as may be made and for further appropriate proceedings in connection therewith. Do you understand?
- A. Yes.
- Q. I also show you Form I-226, dated January 7, 1952, notifying you of the time and place of hearing in your case, and ask you if you received the original of this letter?
- A. Yes.
- Q. This letter indicates that you are represented by Wayne M. Collins, Esquire, Mills Tower, 220 Bush Street, San Francisco, California. Did he accompany you here today?
- A. No.
- Q. Are you now ready and prepared to proceed with the hearing in your case without representation of any kind, with the understanding that Mr. Collins be furnished a copy of the notes of testimony in your case?
- A. Yes.
- Q. Inasmuch as you are not represented by counsel at this time, you are permitted to offer evidence to meet any evidence presented or adduced by the Government, to make objections which will be entered on the record. Do you understand?
- A. Yes.
- Q. A copy of the Board's order, dated October 3, 1950, and Form I-226, dated January 7, 1952, are entered of record as Exhibits 1-R and 2-R respectively. Do you understand?
- A. Yes.
- Q. Have you for any reason whatsoever been absent from the United States since your entry at San Francisco, California on June 15, 1943?
- A. I have never been out of the country.
- Q. I show you Form I-256, Submission to Deportation Process and Application for Suspension of Deportation, and Form I-55, General Information Form, executed by Shizuo Taura at Bridgeton, New Jersey, January 5, 1951, and ask you if that is your signature appearing thereon?
- A. Yes.
- Q. Is all the information furnished by you in these forms true and correct?
- A. Yes.

- Q. Have there been any material changes in your status since the date you executed them?
- A. No, there is no change in my status except that there has been a slight change in my assets. I have over a thousand dollars in cash and \$200. in personal effects.
- Q. In connection with your application for suspension of deportation, I show you two affidavits signed by Yasujiro Sato and Banemon Takahashi, at Bridgeton, New Jersey, January 5, 1951, and affidavit of witness signed by Harold S. Fistere, Personnel Director, Seabrook Farms Company, Bridgeton, New Jersey, executed May 4, 1950, and ask you if you submitted these affidavits in connection with your application for suspension of deportation?
- A. Yes.
- Q. Your application for suspension of deportation and affidavits are being accepted in evidence and marked Exhibits 3-R, 4-R, 5-R and 6-R respectively. Do you understand?
- A. Yes.
- Q. You are advised that you may also apply for the privilege of voluntary departure in lieu of deportation. In order to establish your eligibility for this privilege you must prove good moral character for the past five years and an ability to leave the United States promptly, to any country of your choice, at your own expense. Do you wish to be considered for this privilege if it should be determined that you are not eligible for suspension of deportation?
- A. Yes, I would consider it in case this suspension of deportation won't go through to pay my way to whichever country designated by the American Government.
- Q. At your hearing, on April 8, 1946, it is noted that you were offered the opportunity to apply for the privilege of departing from the United States voluntarily, but that you did not do so. Have you since that time been offered such an opportunity?
- A. No.
- Q. I now show you report of investigation dated October 18, 1951, conducted by an officer of this Service, in connection with your application for suspension of deportation, and ask you to read same and then state if you have any comment to make regarding it?
- A. No comment.
- Q. This report is being introduced into evidence and marked Exhibit #7-R. Do you have any objection?
- A. No objection.

- Q. I show you Form G-58 containing an endorsement by the Identification Division of the Federal Bureau of Investigation, which indicates that you have no criminal record. This report is being introduced into evidence and marked Exhibit #8-R. Do you have any objection?
- A. No objection.
- Q. Are you now or have you ever been a member of or affiliated with the Communist Party?
- A. No.
- Q. Are you now or have you ever been a member of or affiliated with any party or organization who believes in or advocates the overthrow of the United States Government by force or violence?
- A. No.
- Q. Would you be willing, if called upon to do so, to defend this country in time of war?
- A. Yes.
- Q. Even against Japan?
- A. Yes.
- Q. What have you to say in your own behalf as to why you should not be deported?
- A. My family in Peru is grown and can make their own living so I don't have to worry about them. I have been in this country so long and have made a lot of friends, and people around here are very kind and the work is very pleasant - the kind of work I like and want to do. I would not, therefore, like to be deported.
- Q. If you are found to be subject to deportation and ordered deported, what country do you wish to specify as the country to which you shall be deported?
- A. Peru.
- Q. Have you any further statement you wish to make before the hearing in your case is concluded?
- A. I have a married sister in San Francisco. I haven't seen her for a long time.
- Q. You are informed that you will be furnished with a copy of my summary of the evidence, findings of fact, conclusions of law and recommended order, and that you will be given a reasonable period of time within which to take exceptions thereto, if you so desire. Do you understand?
- A. Yes, I would like to receive it.

Q. And is it your desire that a copy of my decision also be sent to your lawyer at San Francisco?

A. Yes.

HEARING OFFICER:

The hearing is now closed.

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

Laura R. Damiani
Laura R. Damiani, Stenographer

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

Willard S. Layton
Willard S. Layton, Hearing Officer

EXHIBITS

EXHIBIT #1-R: Copy of Board's Order dated Oct. 3, 1950 page 9

EXHIBIT #2-R: Form I-226 page 9

EXHIBIT #3-R: Form I-256 and Form I-55 page 10

EXHIBIT #4-R: Affidavit of Yasujiro Sato page 10

EXHIBIT #5-R: Affidavit of Banemon Takahashi page 10

EXHIBIT #6-R: Affidavit of Harold S. Fistere page 10

EXHIBIT #7-R: Report of Investigation page 10

EXHIBIT #8-R: Form G-58 page 11

4 - 95-D
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

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

Exp.

File 0400-19494

Date February 15, 1952

Dear Sir:

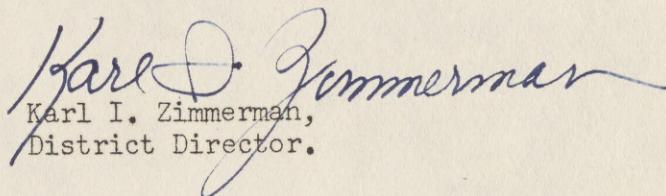
Re: SHIZUO TAURA

Enclosed is a copy of decision of the Hearing Officer in the deportation proceeding pending in the case of the above-named person. Also enclosed is a copy of transcript of testimony ad-duced at the hearing, for which you are requested to execute and promptly return the attached receipt.

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

This is not a final decision. The entire record will be for-warded promptly to the Commissioner by this office (1) upon receipt of exceptions, and supporting argument or brief (if any), or (2) upon expiration of the time allowed therefor, or (3) upon receipt of waiver from you of the right to file exceptions to the decision of the Hearing Officer.

Very truly yours,


Karl I. Zimmerman,
District Director.

Enclosure

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: 5-977656 - Philadelphia (0400-19494)

In re: SHIZUO TAURA

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 and Voluntary departure.

DETENTION STATUS: Released on conditional parole.

DISCUSSION: The record relates to a 58 year old male, a native and citizen of Japan, whose only entry into the United States occurred at the port of San Francisco, California, on June 15, 1943, at which time he was brought to this country by the Army from South America for internment during World War II. The respondent departed from Japan in July 1915 and arrived in Peru on September 15, 1915, at which time he was legally admitted as an immigrant laborer. He stated that he resided in Peru from the time of his arrival until he was brought to the United States by the Army. At the time of his entry on June 15, 1943, he was not inspected and admitted to the United States for any purpose and was not in possession of an immigration visa or a passport or other official document in the nature thereof showing his origin and identity. No evidence was developed that the respondent comes within any of the exceptions to Section 3 of the Act of May 26, 1924 and, therefore, he must be considered to have been an immigrant at the time of his entry. No evidence was developed that the respondent comes within any exceptions stated in Paragraph (c) of Section 13 of the Immigration Act of 1924. He is, therefore, deportable on the grounds stated in the warrant of arrest. On October 3, 1950, the Board of Immigration Appeals ordered that the hearing in this case be reopened for the reception of such application for relief from deportation as may be made and for further appropriate proceedings in connection

therewith. As ordered, the hearing was reopened on January 16, 1952, at which time the respondent applied for suspension of deportation and, in the alternative, voluntary departure in lieu of deportation. The respondent is married to a citizen of Japan who resides in Peru. They have one daughter, who is also a citizen of Peru. The respondent has no close family ties in the United States. The record shows that the respondent has resided in the United States in excess of seven years and was so residing on July 1, 1948. A check of the local federal records has failed to reveal an arrest or criminal record. He has been employed by the Seabrook Farms Company, Bridgeton, New Jersey, continuously since September 10, 1946. Affidavits submitted by him and a report of investigation conducted by an officer of the Service conclusively shows that he has been a person of good moral character for the past five years. He has technically established that he has met the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917. In similar cases it has been held that an alien who had been brought into the United States solely for reasons connected with the war was denied the discretionary relief of suspension of deportation as a matter of policy. Matter of W---, Interim decision No. 225, Decided by the Board of Immigration Appeals May 31, 1950.

The respondent in the event of deportation desires to return to Peru, the country whence he came. He has no desire to return to Japan and there appears to be no assurance that Peru would accept him, if granted voluntary departure in lieu of deportation. Therefore, the facts and circumstances in this case do not warrant the granting of any discretionary relief.

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 without inspection at the port of San Francisco, California, on June 15, 1943;
- (3) That the respondent was brought into the United States by the Army from South America for internment during World War II;
- (4) That the respondent was not in possession of a valid immigration visa;
- (5) That the respondent did not present a passport or other official document in the nature of a passport issued by the government of the country to which he owes allegiance showing his origin and identity;
- (6) That the respondent is of the Japanese race.

5-977656

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 May 26, 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 Immigration Act of February 5, 1917, the respondent is subject to deportation on the ground that he entered the United States 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 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 the time of entry;
- (3) That under Sections 13 and 14 of the Immigration Act of 1924, 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), Section 13 thereof.

DECISION: It is ordered that the alien's applications for suspension of deportation and voluntary departure in lieu of deportation be denied.

IT IS FURTHER ORDERED that the respondent be deported from the United States, pursuant to law, on the charge stated in the warrant of arrest.

Willard S. Layton

Willard S. Layton
Hearing Officer

February 26, 1952

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

Dear Sir:

Re: Shizuo Taura
0400-19494

Enclosed find notice form 4-432 in the
above-entitled cause.

Due to illness and a transportation strike
which reduced my office staff until settlement
thereof, I have been unable to prepare the
necessary brief in the matter. In consequence,
I would be grateful if you would allow me an
additional ten days' time within which to
file my brief in the above cause.

Very truly yours,

1 this country. It is time that the government ceased using the
2 Immigration authorities and the pretext of the immigration laws
3 as an excuse to mask the cruel persecution of the applicant and
4 like Peruvian-Japanese for what is nothing but the wrongdoing
5 of the governments of Peru and the United States.

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

12 For the foregoing reasons we urge that the recommendation
13 of the hearing examiner be disregarded and that the alien's
14 application for suspension of deportation be granted.

15 Respectfully submitted,
16
17

18 _____
19 Wayne M. Collins
20 1701 Mills Tower
21 San Francisco 4, Calif.

22 Attorney for Applicant
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March 3, 1952

District Director
Immigration and Naturalization
Service
Lafayette Building,
5th & Chestnut Sts.
Philadelphia, Pa.

Dear Sir:

Re: Shizuo Taura
File No. A 5-977656: Phil. 0400-19494

Enclosed find original Exceptions To
Recommendation in triplicate. No oral
argument is desired before the Commissioner.
It will suffice that the matter be submitted
to the Commissioner on the written exceptions.

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

Exp. 0400/19494
0400/19194
0400/19184

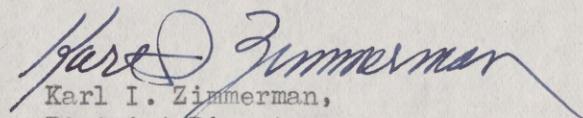
March 3, 1952

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

Dear Sir:

In reply to your letter of February 26, 1952,
you are informed that the hearing officer has extended the
time within which written exceptions may be filed in the
cases of Shizuo Taura, Banemon Takahashi and Kamacho Miyashiro,
to March 18, 1952.

Very truly yours,


Karl I. Zimmerman,
District Director.

SMP/cc

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

C
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P
Y

Address Official Communications to

American Embassy
Lima, May 29, 1952

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

Dear Mr. Collins:

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

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

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

Sincerely yours,

/s/ Harold H. Tittmann

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of	}	
SHIZUO TAURA		A - 5-977656
-----		Phil. 0400-19494

BRIEF FOR APPELLANT

On January 15, 1952, the hearing officer, William S. Layton, recommended that the alien Shizuo Taura, a native of Japan and resident of Peru, be deported on the charges stated in the warrant of arrest. On May 16, 1952, the Assistant Commissioner, Adjudications Division, contrary to law and the evidence, declared the alien deportable but held him eligible for voluntary departure and ordered him granted voluntary departure to be effectuated by a date to be fixed by the District Director, USI&NS, at Philadelphia, and further ordered that if he failed to depart when and as required he was to be deported on the charges stated in the warrant of arrest.

Because the Peruvian Government thus far has not granted the appellant 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. Annexed hereto is a copy of the letter dated May 29, 1952, from Hon. Harold H. Tittman, our Ambassador to Peru, demonstrating that our Embassy at Lima, Peru, is endeavoring to obtain the consent of the Peruvian Government to the repatriation of the appellant and similarly situated Peruvian-Japanese whom it and our own Government long

1 have abused. The original of said letter has been forwarded to
2 the Commissioner of Immigration for examination.

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

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

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

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

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

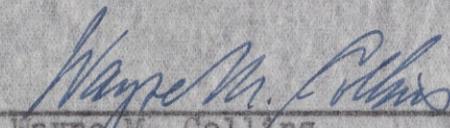
4 We submit that the appellant was brought involuntarily to
5 this country for political reasons only. Because he is, in fact,
6 an involuntary refugee from Peru, he is entitled to asylum in
7 this country.

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

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

16 June 5, 1952.

17 Respectfully submitted,

18 

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

24 Attorney for Appellant
25
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ADJ-303
(4-11-52)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

COPY FOR ATTORNEY
OR REPRESENTATIVE

File: **A-5977656 - Philadelphia (0400/19494)**

Appeal - 15

In re: **SHIZUO TAURA**

MAY 16 1952

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 conditional parole**

DISCUSSION: Upon consideration of the entire record, including the exceptions taken, the findings relating to deportability made by the officer conducting the hearing are hereby adopted.

The alien has established his eligibility for voluntary departure and that relief is the maximum which will be granted to him as a matter of administrative discretion. To insure compliance with the grant of this privilege, deportation will be directed to follow in the event the alien fails to avail himself promptly of the grant of voluntary departure.

ORDER: It is ordered that the alien be required to depart from the United States without expense to the Government, within such period of time (not less than 30 days) and under such conditions as the Officer in Charge of the District deems appropriate.

IT IS FURTHER ORDERED that if the alien fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the alien deported from the United States, pursuant to law on the charge s **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

*Recd
5/26/52*

REGISTERED MAIL
RETURN RECEIPT REQUESTED

May 20, 1952

In reply refer
to File No.

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

Exp. 0400-19494

Dear Sir (~~or Madam~~):

The attached is a copy of the decision and order of
the Commissioner in ~~your case~~, the case of SHIZUO TAURA.

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
Karl I. Zimmerman
District Director

Enclosures

June 5, 1952

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

Gentlemen:

In re: Shizuo Taura
File No. A-5,977,656 (0400-19494)

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

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

Very truly yours,

Encs.

June 5, 1952

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

Dear Sir:

In re: Shizuo Taura
File No. A-5,977,656 (0400-19494)

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

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

Very truly yours,

Encs.

June 10, 1953

Mr. Shizuo Taura
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Taura:

I wish to inform you that I have received a notice from the Board of Immigration Appeals dated July 7, 1953, and a copy of its decision of July 6, 1953, informing me that the appeal I took on your behalf has been sustained. This means that the unfavorable decision heretofore rendered against you has been set aside.

As a result of the favorable decision of the Board of Immigration Appeals, your case will be referred to Congress for its approval. If Congress approves your application for suspension of deportation, you will be granted permanent residence status in the United States. The Immigration Service in due course will notify you if Congress approves your application for suspension of deportation. If it refuses it, other action will have to be taken on your behalf.

Very truly yours,

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

June 25, 1952

Mr. Shizuo Taura
Seabrook Farms,
Bridgeton, N.J.

Dear Mr. Taura:

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.

JUL 6 - 1953

A-5977656 - Philadelphia (0400/19494)

SHIZUO TAURA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower
San Francisco 4, 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 - seven years residence

DETENTION STATUS: Released on conditional parole

DISCUSSION AS TO DEPORTABILITY: Respondent is 59 years old, male, a native and citizen of Japan, whose only entry into the United States occurred at San Francisco on June 15, 1943, at which time he was brought to this country by the United States Army from Peru for internment during World War II. Respondent emigrated from Japan to Peru in 1915, and was legally admitted to that country as an immigrant laborer. He continued to reside in Peru from that time until he was brought from Peru to the United States under arrest as an alien enemy.

Respondent is no longer deportable as a person ineligible to citizenship, and the third warrant charge is inapplicable. Prior to amendment by the Act of July 1, 1948 (Pub. Law 863, 80th Cong.) a person of the Japanese race was not eligible for suspension of deportation, because he was racially ineligible for naturalization in the United States. By that Act an alien who was ineligible for naturalization solely by reason of his race became eligible for suspension of deportation. Further, the Immigration and Nationality Act of 1952 (Pub. Law 414, 82d Cong.), Section 311, provides that the right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race. Respondent is deportable on the documentary grounds only.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: Respondent has applied for the privilege of suspension of deportation on the ground that he has been in the United States for seven years and was resident in the United States on July 1, 1948. He is married and has one child, a daughter, and his wife and child live in Peru. There is no one in the United States dependent upon him for support. Respondent has been in the United States for more than seven years and is eligible for suspension for that reason.

Respondent has no police record, and so far as this record shows he is a person of good moral character.

Respondent's mother and sister live in Japan, and he owns property in that country. However, he does not desire to return to Japan, because he has been gone from that country for a great many years. In Peru respondent owns a residence and bakery. After three years in internment camps respondent was paroled to work at Seabrook Farms, Seabrook, New Jersey. So far as the record shows he is still employed at that place.

Until recently it was the policy of this Department to deny suspension of deportation to aliens brought into the United States solely for reasons connected with the war. Many of these persons, after a period of internment, were permitted to depart from the detention centers, and proceedings against them as alien enemies were terminated after favorable findings were made by the Alien Enemy Division of the Department of Justice. They were permitted to obtain employment, and they lived and worked in the United States, subject to the usual restrictions on parolees. After the termination of World War II some of these persons desired to remain in the United States and applied for suspension of deportation. This relief was denied them as a matter of policy. However, in Matter of W., Int. Dec. 225 (BIA, May 31, 1950, A. G. May 6, 1952) the Acting Attorney General reviewed the policy and concluded that, in that case at least, deportation of the subject alien would bring about undue hardship. Accordingly, he reversed this Board and ordered the grant of suspension of deportation to E. W., the alien involved in that proceeding. On the authority of that case it has become possible for this Board now to grant suspension of deportation to the Peruvian Japanese in the group of cases now before us.

We are informed that the Government of Peru has continued to decline to permit respondent and other persons similarly situated to reenter that country. They cannot remain in the United States permanently as illegally resident aliens. Having left Japan many years ago, none of them desires to return to that country. The most equitable solution to this problem within the power of this Government is to permit respondent to remain in the United States by granting him suspension of deportation.

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

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

IT IS FURTHER ORDERED that the order entered by the Acting Assistant Commissioner on May 16, 1952 be and the same is hereby withdrawn.

IT IS FURTHER ORDERED that if during the session of the Congress at which this case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a concurrent resolution stating in substance that it favors the suspension of such deportation, the proceedings be canceled upon the payment of the required fee and that the 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-5977656
Taura

Rec'd 7/10/53

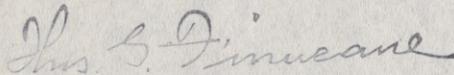
July 7, 1953

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

Reference is made to your interest in the above case.

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

Sincerely yours,



Thos. G. Finucane
Chairman

August 12, 1953

Mr. Shizuo Taura
Seabrook Farms,
Bridgeton, N. J.

Dear Mr. Taura:

The Attorney General's agent has approved your application for suspension of deportation. In consequence, if Congress likewise approves the suspension you will be given permanent residence status in this country.

The order also terminated the parole agreement in your case and it will no longer be necessary for you to make parole reports to the Immigration Service at Philadelphia. However, you must still report any change of address promptly and make the annual alien report in January.

In due course of time the Immigration Service will inform you whether or not Congress grants your suspension.

Very truly yours,

4 - 155
6-5-50

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

May 19, 1954

ID A-5 977 656

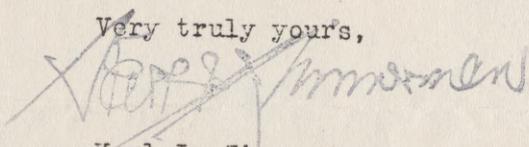
Mr. Shizuo Taura
c/o Seabrook Farms
Bridgeton, N.J.

Dear Sir ~~(or iseder)~~

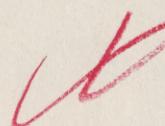
Referring to your application for suspension of deportation, you are informed that your application may now be granted and your entry into the United States legalized provided you pay the fee of \$18.00.

You are requested to forward immediately to the District Director, Immigration and Naturalization Service, Lafayette Building, 5th and Chestnut Streets, Philadelphia 6, Pennsylvania, a remittance in the sum of \$18.00 in the form of a United States Postal Money Order or Note or American Express Money Order made payable to the "Treasurer, United States, Philadelphia, Pa." Do not send cash.

Very truly yours,


Karl I. Zimmerman
District Director

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



May 24, 1954

*File
Peruvian-Japanese*

Mr. Shizuo Taura
c/o Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Taura:

Congress has approved a suspension of deportation for you and has granted you permanent residence in the United States.

You must, therefore, pay to the U.S. Immigration Service a fee of \$18.00 to create a record of this. You should make that payment promptly as possible.

When you have paid that fee please notify me. After that has been paid you will be eligible to apply for naturalization, that is, to become a U.S. citizen.

When you have become a U.S. citizen, it is likely that you'll be able to visit Peru if you so wish simply by obtaining a U.S. passport from an office of the U.S. State Department and a visa from the Peruvian Consulate.

Very truly yours,

BRIGHT WATER
DELIVERED ONION BRAND
HAS CONTENT

Correction
add. (Down 3 apt. 128
Seabrook Farms Co
Seabrook, N.J.
June 7, 1954

Wayne M. Collins
Attorney-at-Law
Mills Tower, 220 Bush St.
San Francisco 4, Calif.

Prinnan - J.P.

Dear Mr. Collins:

I have received your letter of
May 24, 1954 informing me to pay
the U.S. Immigration Service fee of
\$18.⁰⁰. I have promptly send the
fee all ready as you stated.

I appreciate your kindness and
wish to thank you greatly for
everything you have help me
and done for me so that I am
eligible for citizenship.

Sincerely yours,
Shirley Laura

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

July 30, 1954

Mr. Shizuo Taura
Dormitory 3, Apt. 128
Seabrook Farms Co.
Seabrook, New Jersey

Dear Mr. Taura:

You are now eligible to apply for your naturalization and I suggest that you go to the Naturalization Division of the U.S. Immigration and Naturalization Service at Lafayette Building, Fifth & Chestnut St., Philadelphia, and make your application.

Very truly yours,