

20:13

TSUTSUI, TERUO JUAN

ALB. W. CLARK

1954

78/177

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

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April 14, 1954

Honorable Donald L. Jackson
House Office Building
Washington, D.C.

My dear Mr. Jackson:

Enclosed is a statement concerning the plight of Mr. Shintaro Miyagi of Los Angeles who has been granted to May 8, 1954, to effect his own departure from the United States or thereafter face deportation to Okinawa, Japan, although he is of good moral character and has resided in this country continuously for some 27 years.

Because of the unusual circumstances concerning him I have prepared a "Statement" relating to him and his case which fairly and accurately states his history and sets forth the reasons why deportation would invoke hardship upon him, his family abroad and the family of a cousin here whom he considers an "elder brother" and which he long has helped to support and maintain.

For the reason that deportation, which soon will become imminent, would cause him and them exceptional and extreme hardship I urge you to use your good offices for the purpose of introducing a special bill in Congress to defer his deportation and also to grant him a permanent resident status in this country.

Very truly yours,

Enc.

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

April 22, 1954

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

A-5993249
Tsutsui

*Recd 4/27/54
W.*

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

Thos. G. Finucane
Chairman

APR 22 1954

A-5993249 - San Francisco

TERUO JUAN TSUTSUI

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: Act of 1917 - Afflicted with tuberculosis

APPLICATION: Suspension of deportation or reopening of hearing

DETENTION STATUS: Released on conditional parole

The notice of appeal executed by counsel indicates an intention of appealing from an order of deportation entered on March 16, 1953 and the special inquiry officer's denial on June 15, 1953 of counsel's motion to reopen and reconsider. The case is now before us for consideration. *from*

The respondent is a 62-year-old male, native and citizen of Japan, who was brought to the United States for internment from Peru on March 21, 1944. He was released from internment in 1946 ~~of~~ 1947. The special inquiry officer ordered the respondent's deportation on the charges stated above, with the exception of the charge relating to ineligibility to citizenship which was found not sustained because of the removal of the racial bar under the provisions of the Immigration and Nationality Act.

Counsel urges that the Government is estopped from deporting the respondent because he was involuntarily brought to the United States by this Government. However, we consider that it is well settled that

aliens who were brought into the United States for internment during World War II and who were given an opportunity to depart voluntarily but failed to do so, may be deported as immigrants who have not satisfied the requirements of the immigration laws. U. S. ex rel. Schirmeister v. Watkins, 171 F. 2d 858 (C.A. 2, 1949) cert. den. 337 U. S. 942; U. S. ex rel. Sommerkamp v. Zimmerman, 178 F. 2d 645 (C.A. 3, 1949). We hold, therefore, that the respondent is deportable on the charges sustained by the special inquiry officer.

The remaining question is whether suspension of deportation may be granted. An application for suspension of deportation (Ex. 3) under section 19(c) of the Immigration Act of 1917 as amended was executed on June 5, 1952. Inasmuch as the respondent has been within the United States since March 21, 1944, he had the necessary residence of seven years when this application was executed. However, section 19(c) specifically provides that its provisions shall not be applicable to an alien within the purview of section 19(d) and the latter subsection provides, in effect, that suspension of deportation shall not be granted in the case of any alien who is deportable under "(4) any of the provisions of so much of subsection (a) of this section as related to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes; * * *". The respondent was found deportable under sections 3 and 19 of the Immigration Act of 1917 on the ground that, at the time of entry, he was afflicted with tuberculosis and the motion for reconsideration concedes that he was so afflicted. He is, therefore, an alien who is comprehended by the words "physically deficient" in section 19(d) of the Immigration Act of 1917 and we are precluded from granting suspension of deportation under that Act. Likewise, the respondent is not eligible for suspension of deportation under the provisions of section 244(a)(1) of the Immigration and Nationality Act since paragraph (1) excludes aliens whose deportation could not have been suspended by reason of section 19(d) of the Immigration Act of 1917, as amended. His case also does not meet the requirements of paragraphs (2) to (5) of section 244(a). Under these circumstances, suspension of deportation cannot be granted to the respondent.

While we are not in a position to grant voluntary departure under the Immigration Act of 1917 because of the previously mentioned provisions of section 19(d) of that Act, there is no similar prohibition in section 244(e) of the Immigration and Nationality Act. There is some doubt as to whether the respondent has financial means to effect his voluntary departure within a reasonable time. However, we will grant him a short period of time within which to depart voluntarily if he desires to do so. Accordingly, the following order will be entered.

ORDER: It is ordered that the outstanding order of deportation be withdrawn and the alien be permitted to depart from the United States voluntarily without expense to the Government, to any country of his choice, within such period of time, in any event not less than 60 days, and under such conditions as the officer-in-charge of the District deems appropriate.

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

Chairman

May 4, 1954

Mr. Teruo Juan Tsutsui
2158 Harrison Avenue
Ogden, Utah

Dear Mr. Tsutsui:

Enclosed find a photostat copy of the decision rendered in your case by the Board of Immigration Appeals on April 22, 1954.

Because at the time you were brought into the United States against your will by our Government you then were suffering from tuberculosis the Board has decided that it could not grant you a suspension of deportation. Therefore, it granted you voluntary departure, the time for which will be fixed by the District Director at Salt Lake City. The order states that if you do not depart from the United States within the time fixed (or within any extension of time that may be granted) you will be ordered to report for deportation to Japan.

The procedure now open to you to prevent deportation to Japan is as follows: (1) we must try to get a Congressman for the district in which you live to introduce a special bill in Congress to prevent your deportation and to grant you permanent residence status in this country, and (2) if no Congressman will introduce such a bill of your behalf, then either a suit in equity for declaratory judgment must be brought in the District Court in Washington, D.C., against the Attorney General, or after you are ordered by the Immigration Service to report and you report to its office proceedings in habeas corpus can be filed in the District Court in the vicinity where you report for deportation to prevent your deportation and to permit you to remain out on bail or on bond pending a final determination of your lawsuit.

Very truly yours,

Enc.

May 17, 1954

Mr. Teruo J. Tsutsui
2158 Harrison Avenue
Ogden, Utah

Dear Mr. Tsutsui:

Please write me promptly and let me know the following:

1. Name of your wife. *Rose Farchy*
2. Place of her birth. *Peru*
3. Her citizenship. *Peruvian*
4. Date you landed in Peru. *10/3/1905*
5. Place where you married. *Lima*
6. Date of your marriage. *5/25/1918*
7. Date and place where your wife died.
8. Your address in Peru.
9. Date and place your son Eduardo was born.
10. Name of son's wife.
11. Is your son's wife Japanese?
12. Is your son's wife a Peruvian citizen?
13. In what business is your son engaged?

Please send me the answers soon as possible so that I can present a brief on your behalf to a Congressman to have a special bill introduced in Congress.

Very truly yours,

SF 13-495
ID Notification

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALT LAKE CITY, UTAH
May 21, 1954

In replying please
refer to this
File Number
A5 993 249

Mr. Teruo Juan Tautsui
2158 Harrison Ave.
Ogden, Utah

Dear Sir:

Notwithstanding the fact that your Immigration proceedings have not been completed, at your request you have been granted permission to depart from the United States, at no expense to the Government, provided your departure occurs on or before July 30, 1954. You must inform this Service of the exact date and circumstances of your contemplated departure at least five days in advance thereof so that arrangements may be made to verify your departure from this country. Your notification of contemplated departure should be made to Officer in Charge, Immigration and Naturalization Service, Salt Lake City, Utah.

You are also informed that the grant of permission to depart from the United States does not constitute an extension of the time for which you were admitted.

Unless you depart from the United States within the period authorized, you will not be accorded a further opportunity to take advantage of this privilege.

Very truly yours,

RIGHT INDEX FINGERPRINT

Bruce G. Barber
District Director
San Francisco District

By:
Officer in Charge

RECEIPT OF THE ORIGINAL OF THIS
COMMUNICATION ACKNOWLEDGED ON

(Signature)

You should retain this letter and present it at the time of your actual departure from the United States to an immigrant inspector, who will execute the reverse of this form.

✓ CC - Wayne M. Collins, Attorney at Law, 1701 Mills Tower, San Francisco, Calif.

THE UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
ALBANY, NEW YORK

(Continued)

Place _____

Date _____

COMMUNICATIONS SECTION ON
RECEIVED OF THE OFFICE OF THE
DIRECTOR

RECEIVED IN OFFICE
OF THE DIRECTOR

RECEIVED IN OFFICE
OF THE DIRECTOR

The alien whose name appears on the reverse of this form departed
from the United States at this port on _____ via

Title: _____

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
ALBANY, NEW YORK

RECEIVED IN OFFICE
OF THE DIRECTOR

RECEIVED IN OFFICE
OF THE DIRECTOR

*File
Perkins - Jones*

May 25, 1954

Mr. Teruo J. Tsutsui
2158 Harrison Avenue
Ogden, Utah

Dear Mr. Tsutsui:

VIA AIR MAIL

On May 17, 1954, I wrote you asking you to answer certain questions so that I could present a request to a Congressman for your district to introduce a special bill in Congress on your behalf to prevent your deportation.

I am enclosing a copy of that letter which I would thank you to answer so soon as possible.

I would also thank you to let me know whether or not your son in Peru has attempted recently to have the Foreign Minister of Peru authorize your return to Peru and, if so, just what he has done.

Very truly yours,

Encs.

GEORGE E. BRIDWELL
MAS YANO

LAW OFFICES
BRIDWELL AND YANO
SUITE 506 JUDGE BUILDING
SALT LAKE CITY 1, UTAH
PHONE 22-3521

May 26, 1954

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

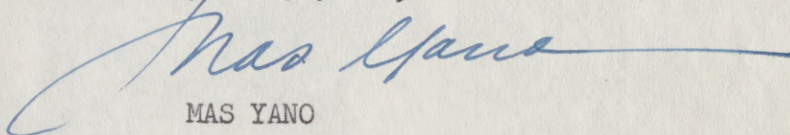
Dear Mr. Collins:

Mr. Teruo J. Tsutsui, formerly of 2158 Harrison Avenue, Ogden, Utah, but now of 45¹/₂ West 2nd South Street, Salt Lake City, Utah, requested me to reply to yours of May 17, 1954. Answering your questions numerically, I have been asked to furnish you with the following facts:

1. Rosa Sanchez
2. Department Lima, Peru
3. Peruvian
4. October 3, 1909
5. Lima, Peru
6. May (about 25,) 1918
7. Wife died September 9, 1939 in Department Juni Jauja, Peru.
8. Callede Arequipa, No. 175, Pisco, Peru
9. January 15, 1920 at Janja Junin, Peru
10. Yoland Jolie
11. Peruvian
12. Yes
13. Automotive servicing business.

If you should have any further questions, kindly write to Mr. Tsutsui at his new address stated above.

Very truly yours,


MAS YANO

MY/mb

July 15, 1954

Mr. Teruo Juan Tsutsui
45 1/2 West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

I am about to send a request to a Congressman from the State of Utah to introduce a special bill in Congress to prevent you from being deported to Japan.

I would be grateful, therefore, if you would give me by return mail in the enclosed envelope a history of your employment since your release from detention. I would be grateful if you would inform me of the names of your employers, the approximate dates of your employment and places of employment and the type of work in which you have engaged and are presently engaged.

Very truly yours,

P.S. I am sending a copy of this letter to Mas Yano, Esq., Attorney at Law, Suite 506, Judge Bldg., Salt Lake City 1, Utah, inasmuch as you heretofore have consulted him. I am enclosing a copy of my letter to him which relates to your case and suggest that you get in touch with him.

Copy: Mas Yano, Esq.

July 15, 1954

Mas Yano, Esq.
Attorney at Law
Suite 506, Judge Building
Salt Lake City 1, Utah

Dear Mr. Yano:

Re: Teruo Juan Tsutsui

I am enclosing a copy of a letter to Teruo Juan Tsutsui whom you informed me now resides at 45 $\frac{1}{2}$ West 2nd South St., Salt Lake City, Utah.

I am completing preparation of an application to a Utah congressman requesting that a special bill be introduced in Congress on behalf of Mr. Tsutsui to prevent his deportation. The Board of Immigration Appeals has denied him a suspension of deportation because at the time of his entry on March 21, 1944, he was afflicted with tuberculosis. The Board is of the opinion that it is not empowered to grant him a suspension of deportation because tuberculosis constituted a "physical deficiency under Sec. 19(c) and 19(d) of the Immigration Act of 1917.

If a special bill is not approved by Congress, he could institute a suit in equity for a declaratory judgment in the District Court in Washington, D.C., against the Attorney General, urging that the Board abused its discretion in denying him a suspension of deportation, and also urging that he is not deportable because his entry into this country in custody of the U.S. Army authorities constituted a waiver of the requirement that he should have possessed and presented at the time of his entry a visa, passport or other credentials disclosing his identity and place of origin. Another remedy will be for him to institute habeas corpus proceedings in the District Court at Salt Lake City immediately following the time he is required to report for detention for deportation purposes at Salt Lake City by the U.S. Immigration Service. The grounds would be the same. The latter proceedings probably could be instituted in San Francisco were he to come here to report for deportation when requested to appear for deportation by the Immigration Service.

In the event of the institution of habeas corpus proceedings, it would be essential that an application to release him on bail be made to the Court pending a final outcome of the case and from any appeal taken therefrom, or arrangements should be made, if possible with the Immigration Service to bond him during the pendency of such a proceeding. It is likely that a U.S. District Judge in Salt Lake City might enlarge him on bail or the Immigration Service might consent to release him on bond to enable him to continue working pending a final determination of his rights. It is likely that more difficulty would be encountered in obtaining an order admitting him to bail or a consent to a release on bond if the habeas corpus proceedings were instituted in San Francisco and, in addition, transportation expenses would have to be defrayed by him.

It may be that Mr. Tsutsui will consult you concerning the best procedure for him to follow if a special bill is not introduced or fails to pass in Congress. If he does I shall be pleased to forward to you all pertinent documents in my files relating to him and to inform you of my views concerning the issues to be presented to the court.

Very truly yours,

Copy: Mr. Teruo Juan Tsutsui

July 16, 1954

AIR MAIL

Mr. Teruo Juan Tsutsui
45 1/2 West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

In addition to the information relating to your employment about which I wrote you yesterday, I would be grateful if you would inform me of what assets you possess, that is to say: (1) the amount you earn each month from your employment; (2) the amount of any stocks or bonds you own; (3) the sums you may have deposited in a savings or commercial bank account; and (4) any other property that you possess.

I would also thank you to inform me whether in addition to your brother in Japan, you also have a sister or sister-in-law and if so, please inform me of their names and residences.

Also I would thank you to inform me promptly whether your son, Eduardo, in Peru has any children and if so, their names and approximate ages.

I would thank you to supply me with this information as soon as possible.

Very truly yours,

Copy: Mas Yano, Esq.

7/16/54

✓ Senators from Utah: Arthur V. Watkins (R.)

Wallace F. Bennett (R.)

Congressman from Ogden, Utah: Douglas R. Stringfellow (R)

✓ Congressman from Salt Lake City: William A. Dawson (R.)

July 16, 1954

Honorable Wallace F. Bennett
U. S. Senator
Senate Office Building
Washington, D.C.

My dear Mr. Bennett:

Enclosed is a statement concerning the plight of Mr. Teruo Juan Tsutsui, a Peruvian-Japanese of 45 1/2 West 2nd South St., Salt Lake City, Utah, who has been granted until July 30, 1954, to effect his departure from the United States or thereafter face deportation to Japan, although he is of good moral character and has resided in this country uninterruptedly for a period of excess of ten years and who prior thereto was a permanent resident of Peru for some thirty-seven years.

Because of the unusual circumstances concerning him, I have prepared a "Statement" relating to him and his case which fairly and accurately states his history and sets forth the reasons why deportation would invoke extreme and unusual hardship upon him.

For the reason that his deportation to Japan is imminent, I urge you to use your good offices for the purposes of introducing a special bill in Congress to defer his deportation and to grant him a permanent resident status in this country. His entry into this country was a legal one, albeit involuntary, as set forth in the annexed statement.

The information required by Rule 4(c) of the Rules of Procedure adopted by the House Committee on the Judiciary, Subcommittee No. 1, relating to legislation on immigration is set forth fully in the annexed statement.

Very truly yours,

WILLIAM A. DAWSON
2D DISTRICT, UTAH

1205 HOUSE OFFICE BUILDING

MEMBER:
Legis: Mr. Dawson's Private Bills
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

Congress of the United States
House of Representatives
Washington, D. C.

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

July 20, 1954

Hon. Chauncey W. Reed,
Chairman, House Immigration Committee
Washington 25, D. C.

Dear Colleague:

Re: Teruo Juan Tsutsui
45-1/2 West 2nd South Street
Salt Lake City, Utah
(U.S. Immigration File No. El Paso
1500/15127)

Enclosed herewith is a statement relative to the plight of the
above named resident of Utah in whose behalf I introduced a pri-
vate bill today.

It will be appreciated if you will ask for a report on this mat-
ter from the Immigration Department and keep me advised as to
the progress of the case.

Sincerely yours,

William A. Dawson, M.C.

WILLIAM A. DAWSON
2D DISTRICT, UTAH

1205 HOUSE OFFICE BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER:
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

Legis: Mr. D's private bill

July 20, 1954

Mr. Teruo Juan Tsutsui
45-1/2 West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

Attorney Wayne M. Collins of San Francisco has written me in your behalf concerning your threatened deportation to Japan.

Today I filed a private bill in your behalf requesting the Congress to stay the deportation proceedings in your case.

It is late in this Session of Congress to get any action on this matter but I am confident we can at least withhold your deportation until some affirmative action can be obtained. Be assured that I will do all that I can to assist you in view of the circumstances set forth by Mr. Collins.

Sincerely yours,

William A. Dawson, M.C.

83rd CONGRESS
2d SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. DAWSON of Utah introduced the following bill; which was referred
to the Committee on the Judiciary

A BILL

For the relief of Teru Juan Tsutsui

*Be it enacted by the Senate and House of Representatives of the United States
of America in Congress assembled,*

**That, for the purposes of the immigration and naturalization laws,
Teruo Juan Tsutsui shall be held and considered to have been lawfully ad-
mitted to the United States for permanent residence as of the date of the
enactment of this Act, upon payment of the required visa fee. Upon the
granting of permanent residence to such alien as provided for in this Act,
the Secretary of State shall instruct the proper quota-control officer to
deduct one number from the appropriate quota for the first year that such
quota is available.**

----- CONGRESS } H. R. -----
----- SESSION }

A BILL

By Mr. -----

-----, 19-----—Referred to the
Committee on -----

WILLIAM A. DAWSON

2D DISTRICT, UTAH

1205 HOUSE OFFICE BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER:
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

July 20, 1954

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

Dear Mr. Collins:

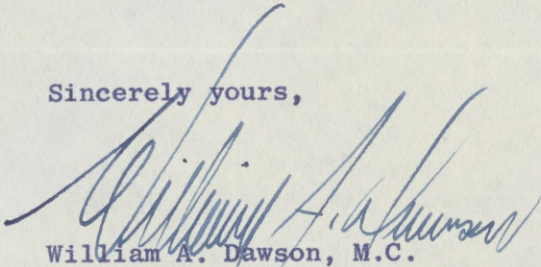
This will acknowledge and thank you for your letter of July 16th enclosing a statement concerning the threatened deportation of Mr. Teruo Juan Tsutsui of Salt Lake City, Utah.

Today I filed a private bill in behalf of Mr. Tsutsui and also forwarded to the Judiciary Committee the statement you sent me. Enclosed is a duplicate of the private bill, a numbered and printed copy of which will be forwarded from my office in due course.

I am given to understand from the Deportation Division of Immigration Department that their receipt of a request from Chairman Chauncey Reed of the Immigration Committee for a report on the bill is sufficient to stay the deportation proceedings until March 1, 1955. This information is given you because it is doubtful if the bill can be considered this Session.

Enclosed is copy of a letter I am forwarding to Mr. Tsutsui today.

Sincerely yours,



William A. Dawson, M.C.

GEORGE E. BRIDWELL
MAS YANO

LAW OFFICES
BRIDWELL AND YANO
SUITE 506 JUDGE BUILDING
SALT LAKE CITY 1, UTAH
PHONE 22-3521

July 21, 1954

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

Dear Mr. Collins:

This will acknowledge receipt of your letter of July 15, 1954, re Teruo Juan Tsutsui for which I thank you.

Mr. Tsutsui asked me to reply to your of July 15th and 16th. Respecting the history of his employment, Mr. Tsutsui asked me to state the following:

<u>Employer</u>	<u>Dates</u>	<u>Place</u>	<u>Type of work</u>
Sacred Heart Academy	Nov. 1950 to July, 1951	Pasadena, California	Dishwasher
Ben Lomand Hotel	Sept. 28, 1951 to Aug., 1953	Ogden, Ut.	Dishwasher
Utah Hotel Company	Oct. 21, 1953 to present	Salt Lake City, Utah	Housekeeper

Between September 21, 1950, the date of his release, and November, 1950, he worked at various places in California. He has no record or recollection of his employers or places as he stayed on each job only a week or so.

Respecting his assets, I have the following to report:

- (1) Present income is approximately \$165.00 per month plus one meal per working day;
- (2) He has no stocks or bonds;
- (3) He has no sum of money on deposit in a savings or commercial bank; and
- (4) He has cash on hand in the amount of about \$400.00.

Mr. Tsutsui's brother in Japan died about August, 1953. The

Wayne M. Collins, Esq.

2.

July 21, 1954

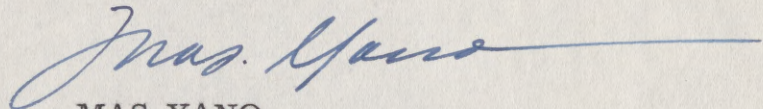
widow of his brother, name unknown, survives in Kure, Japan. He has a married sister by the name of Masaru Iwata, residing at Shinnomachi, 2-chome, Nakatsushi, Oita-ken, Japan.

His son, Eduardo, in Peru has four children as follows: Zoila Tsutsui, daughter, age 7 years; Juan, son, age 6 years; Carmen, daughter, age 3 years; and Genoveia, son, age 1 year.

If you should desire any further information, please contact Mr. Tsutsui or me.

With kindest regards,

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mas. Yano", with a long horizontal flourish extending to the right.

MAS YANO

MY:mb

July 22, 1954

Mr. Teruo Juan Tsutsui
45 1/2 West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

I am enclosing herewith a copy of my letter to Mas Yano, Esq., Attorney at Law, Salt Lake City, to enable him to institute habeas corpus proceedings on your behalf in the event that you decide to engage his services upon such terms as you may mutually agree upon.

Heretofore you were given to July 30, 1954, to depart voluntarily from the United States. Inasmuch as you probably will not depart by that time, the Immigration office at Salt Lake City shortly thereafter will send you a letter requesting you to report to that office for deportation purposes. Thereafter, a petition for habeas corpus can be filed in the U.S. District Court there in an effort to prevent your deportation. It is my opinion that habeas corpus proceedings should be instituted in Salt Lake City immediately that you do report for deportation. I am also enclosing a copy of the statement I sent to two senators and one representative from Utah requesting them to introduce a special bill on your behalf. If such a bill is introduced in Congress, your deportation will be stayed until the bill is either rejected or passed. It is only in the event that the bill is not introduced and your deportation stayed that it will be necessary for you to file a petition for habeas corpus.

Very truly yours,

Copy: Mas Yano.

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

July 22, 1954

Mas Yano, Esq.
Attorney at Law
Suite 506 Judge Building
Salt Lake City 1, Utah

Dear Mr. Yano:

In re: Teruo Juan Tsutsui

I wish to thank you for the information contained in your letter of July 21, 1954. I am enclosing a copy of the statement I prepared relating to Mr. Tsutsui and forwarded to Senators Arthur V. Watkins and Wallace F. Bennett and Representative William A. Dawson in Washington, D.C., requesting the introduction of a special bill to prevent the deportation of Mr. Tsutsui. The statement is complete, excepting a record of his employment, and is erroneous in the particular that I have mentioned therein that he had a brother residing in Japan who, you informed me, died in August, 1953.

The Immigration office at Salt Lake City gave Mr. Tsutsui to July 30, 1954, to effect his departure. Inasmuch as he will not depart by that date, it is likely that shortly thereafter that Immigration office will send him a notice to report for deportation. When he applies for deportation, habeas corpus proceedings can be instituted there as outlined to you in my letter of July 15, 1954. All the information necessary to the preparation of a petition for habeas corpus will be found in the statement relating to him which is enclosed. I am forwarding a copy to Mr. Tsutsui.

Very truly yours,

Copy: Mr. Tsutsui

C
O
P
Y

UNITED STATES SENATE
Washington, D.C.

C
O
P
Y

July 23, 1954
(Dictated July 22)

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

Dear Mr. Collins:

This will acknowledge receipt of your letter of July 16 in which you set forth the plight of Mr. Teruo Juan Tsutsui.

I have discussed this case with the Senate Immigration Committee and with the Immigration and Naturalization Service and it seems that this man has exhausted his available remedies.

I will introduce a special bill for the relief of this man, but, of course, it is too late to expect any action on it this session. It will need to be reintroduced in the next session of Congress. At that time, if the bill is to be pursued to conclusion, it will be necessary to furnish me with additional supporting data. It would be advisable to have in affidavit form, if possible, a statement of his complete history from his birth to the present time together with some statements from reliable people who can vouch for his character and his fitness to remain in this country. It would also be advisable to get an up-to-the-minute statement of his physical condition, as undoubtedly this will be the greatest single factor that will be questioned in the process of the handling of this bill. As you know, the more complete and precise the information that is available, the easier it will be for the Justice Department to complete its investigation on him.

It is suggested that you furnish me with this additional information in triplicate at an early date so that it can be gotten into shape for submission at the time a bill is reintroduced at the first of the next session of Congress. I will provide one set of the information to Congressman Dawson for his use in introducing a companion bill in the House.

Very truly yours,

Wallace F. Bennett

WFB:lwj

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

July 23, 1954

Mr. Teruo Juan Tsutsui
45 1/2 West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

I have been informed by William A. Dawson, Member of Congress, that he has introduced a private bill on your behalf. It is likely, therefore, that your deportation will be stayed until such time as it can be ascertained that Congress will either pass or reject the bill.

Very truly yours,

Copy: Mas Yano, Esq.

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

July 23, 1954

Honorable William A. Dawson
House Office Building
Washington, D. C.

Mr. dear Mr. Dawson:

I wish to thank you for introducing the private bill in Congress on behalf of Teruo Juan Tsutsui of Salt Lake City. Mr. Tsutsui is grateful for the interest you have exhibited in his case, as is the undersigned.

Very truly yours,

Copy: Mr. Tsutsui

WALLACE F. BENNETT
UTAH

COMMITTEES:
FINANCE
BANKING AND CURRENCY

United States Senate

WASHINGTON, D. C.
July 23, 1954
(Dictated July 22)

LYLE M. WARD
ADMINISTRATIVE ASSISTANT

PAUL CRACROFT
PRESS SECRETARY

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

Dear Mr. Collins:

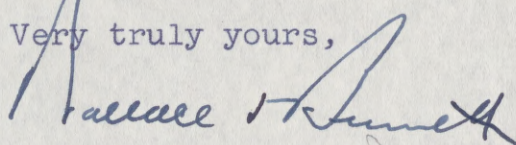
This will acknowledge receipt of your letter of July 16 in which you set forth the plight of Mr. Teruo Juan Tsutsui.

I have discussed this case with the Senate Immigration Committee and with the Immigration and Naturalization Service and it seems that this man has exhausted his available remedies.

I will introduce a special bill for the relief of this man, but, of course, it is too late to expect any action on it this session. It will need to be reintroduced in the next session of Congress. At that time, if the bill is to be pursued to conclusion, it will be necessary to furnish me with additional supporting data. It would be advisable to have in affidavit form, if possible, a statement of his complete history from his birth to the present time together with some statements from reliable people who can vouch for his character and his fitness to remain in this country. It would also be advisable to get an up-to-the-minute statement of his physical condition, as undoubtedly this will be the greatest single factor that will be questioned in the process of the handling of this bill. As you know, the more complete and precise the information that is available, the easier it will be for the Justice Department to complete its investigation on him.

It is suggested that you furnish me with this additional information in triplicate at an early date so that it can be gotten into shape for submission at the time a bill is reintroduced at the first of the next session of Congress. I will provide one set of the information to Congressman Dawson for his use in introducing a companion bill in the House.

Very truly yours,


Wallace F. Bennett

WFB:lwj

S. 3814

IN THE SENATE OF THE UNITED STATES

JULY 26 (legislative day, JULY 2), 1954

Mr. BENNETT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

For the relief of Teruo Juan Tsutsui.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of the Immigration and Nationality
4 Act, Teruo Juan Tsutsui shall be held and considered to have
5 been lawfully admitted to the United States for permanent
6 residence as of the date of the enactment of this Act, upon
7 payment of the required visa fee. Upon the granting of
8 permanent residence to such alien as provided for in this Act,
9 the Secretary of State shall instruct the proper quota-control
10 officer to deduct one number from the appropriate quota
11 for the first year that such quota is available.

III

83D CONGRESS
2D SESSION

S. 3814

A BILL

For the relief of Teruo Juan Tsutsui.

By Mr. BENNETT

JULY 26 (legislative day, JULY 2), 1954

Read twice and referred to the Committee on the
Judiciary

SENATOR
BENNETT

S. 3814

IN THE SENATE OF THE UNITED STATES

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III

83d CONGRESS
2d SESSION

S. 3814

A BILL

For the relief of Teruo Juan Tsutsui.

By Mr. BENNETT

JULY 26 (legislative day, JULY 2), 1954

Read twice and referred to the Committee on the
Judiciary

2. 3814

SPONSOR

IN THE SENATE OF THE UNITED STATES

July 26 (legislative day, July 2), 1954

Mr. Bennett introduced the following bill, which was read twice and referred to the Committee on the Judiciary:

A BILL

WALLACE F. BENNETT
UTAH

COMMITTEES:
FINANCE
BANKING AND CURRENCY

United States Senate

WASHINGTON, D. C.

July 30, 1954
(Dictated July 29)

LYLE M. WARD
ADMINISTRATIVE ASSISTANT

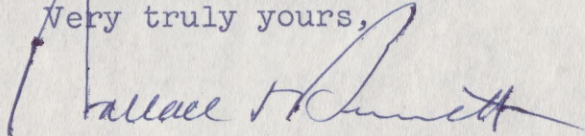
PAUL CRACROFT
PRESS SECRETARY

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

Dear Mr. Collins:

I am enclosing three copies of a bill I have introduced for the relief of Mr. Tsutsui. I understand Congressman William A. Dawson is introducing a similar bill on the House side.

Very truly yours,



Wallace F. Bennett

WFB:lwj
Encl.

AFFIDAVIT OF TERUO JUAN TSUTSUI

I, Teruo Juan Tsutsui (U.S. Immigration File No. El Paso 1500/15127) reside at 45 $\frac{1}{2}$ West 2nd South Street, Salt Lake City, Utah. I am employed as a housekeeper by the Utah Hotel Company at Salt Lake City, Utah.

I was born a Japanese national at Fukuoka-ken, Japan, on May 16, 1891, and now am 63 years of age. My father, Yoshimatsu Tsutsui, and my mother, Yasuko Tsutsui, died in Japan. I am a widower. On October 23, 1909, when I was 18 years of age I emigrated to Peru where I was admitted for lawful residence purposes. On May 25, 1918, at Lima, Peru, I married Rosa Sanchez, a native born Peruvian citizen of Spanish ancestry. Of this union my son, Eduardo Tsutsui was born on January 5, 1920, at Janja Junin, Peru. He is a citizen of Peru. He is engaged in the automobile servicing business in Pisco, Peru. He is married to Yolanda Jolie Tsutsui, a Peruvian citizen of Spanish ancestry. He resides at No. 125 Calle Ayacucho, Pisco, Peru. He has four children, Zoila, a daughter, seven years of age, Juan, a son, age six years, Carmen, a daughter, age three years, and Genoveia, a son, age one year. My brother Satoru died in Japan in August, 1953. I have a sister, Masaru Iwata, residing at Shinnomachi, 2-chome, Nakatsushi, Oita-ken, Japan. My wife, Rosa, passed away in Juni Jauja, Peru, on September 9, 1939.

I resided in Peru for thirty-five (35) years. Since then I have resided uninterruptedly in the United States for over ten (10) years.

My education consists of the following:

I am acquainted with the Japanese and Spanish languages but my knowledge of English is limited.

On January 6, 1944, along with other Japanese nationals long resident in Peru, I was seized at Pisco, Peru, by Peruvian authorities, without any charges being brought against me and without any hearing being given me on the cause for such seizure, was held incommunicado and then was delivered over to U.S. Army authorities at Lima, Peru, and was transported involuntarily to the United States. I entered this country, in U.S. Army custody, on March 21, 1944.

Thereafter, along with hundreds of other persons of Japanese lineage from Peru, in due course I was deposited in the Santa Fe Alien Internment Camp, Santa Fe, New Mexico, as a Japanese national under the provisions of the Alien Enemy Act (Title 50 U.S. Code, Sec. 21 et. seq.). No charges of disloyalty or of dangerousness to Peru, the United States or to western hemispheric security were brought against me and no hearings were given me on any such questions by the governments of the United States or Peru prior or subsequent to my banishment from Peru. I have never been charged or convicted of any crime in my life. Thereafter, on August 16, 1946, I was released from detention under the authority of the Alien Enemy Act.

While in Peru my occupation was

From the early part of 1946 to the present time the U.S. State Department, U.S. Ambassador to Peru, the Central office of the U.S. Immigration Service, the Vatican, representatives of the Roman Catholic Church in Peru, numerous friends and organizations and my attorney have endeavored to persuade the Peruvian Government to allow me and the remaining members of the Peruvian-Japanese group who were banished from Peru to return to our former homes and families there but the Peruvian Government thus far has refused to authorize such a return.

Following my release from internment and up to November, 1950, I succeeded in obtaining employment in various occupations in Los Angeles, California, and vicinity, in such capacities as _____. From November, 1950, to July, 1951, I was employed by the Sacred Heart Academy at Pasadena, California, as a dishwasher; from September 28, 1951, to August, 1953, by the Ben Lomond Hotel at Ogden, Utah, in like capacity, and from October 21, 1953, to the present time by the Utah Hotel Company at Salt Lake City, Utah, as a housekeeper. My present income is approximately \$65.00 per month plus an allowance of one meal per working day. My assets consist of the sum of \$400.00 plus my wearing apparel and personal effects. A telegraphic warrant for my arrest dated March 31, 1946, was issued by the U.S. Immigration office in Washington, D.C. while I was detained, at the Santa Fe Alien Internment Camp, New Mexico. This warrant charged me with being in the United States in violation of the Immigration Act of May 26, 1924, in that at the time of my involuntary entry on March 21, 1944, I was not in possession of a valid immigration visa and was not exempted from the presentation of such a visa by that Act or by any regulation made thereunder, and also the Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, in that at the time of his said entry I did not present an unexpired passport or official document in the nature thereof issued by the government of the country to which I owed allegiance or other travel document showing my origin and identity.

Thereafter the special inquiry officer of the U.S. Immigration Service ordered me deported because I had not presented such documents at the time of my involuntary entry into the United States and on March 16, 1953, denied my application for suspension of deportation theretofore made under the provisions of Section 155(c) of Title 8 U.S. Code which provides that the Attorney General may grant a suspension of deportation to aliens who possess good moral

character and who have resided here for seven (7) years and whose deportation would cause serious economic hardship. A motion to reopen and reconsider my application for a suspension and the order for my deportation was denied on June 15, 1953. My appeal to the Board of Immigration Appeals was denied on April 22, 1954.

That Board expressed the view that the Government was not estopped from deporting me because, in its opinion, aliens brought here for internment during the war who first were given an opportunity to depart voluntarily and then failed to depart might be deported as immigrants who had not satisfied the requirements of the immigration laws.

That Board denied my application for a suspension of deportation, rather reluctantly, I believe, in view of the fact that suspensions have been granted to all those Peruvian-Japanese nationals whose cases to date have been decided administratively. Its denial is based on the fact that on March 21, 1944, when I entered the United States in custody of our Army authorities, as aforesaid, I was afflicted with tuberculosis. That condition, however, thereafter cleared up and I no longer suffer from that malady. The Board, however, concluded that it was barred from granting me a suspension of deportation because Section 19(c) of the Immigration Act of 1917 provides that suspensions of deportation shall not be applicable to aliens within the purview of Section 19(d) which provides, in effect, that suspensions of deportation shall not be granted in the case of any alien who is deportable under "(4) any of the provisions of so much of sub-section (a) of this section as relates to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes;***." It concluded, therefore, that inasmuch as I was afflicted with tuberculosis at the time of my involuntary entry into the United States on March 21, 1944, I was an alien comprehended by the words "physically deficient" in

Section 19(d) of that Act it was precluded from granting me a suspension of deportation. It was unable to find me entitled to such a suspension under the provisions of Section 244(a) (1) of the Immigration and Nationality Act of 1952 because that proviso excludes suspensions of deportation for those aliens whose deportation could not have been suspended by reason of Section 19(d) of the Act of 1917. It also concluded it was not empowered to grant me a suspension under the provisions of paragraphs (2) to (5) of Section 244(a). In consequence, it granted me voluntary departure from the United States and ordered me deported if I failed to depart within the time of departure be fixed. The time within which to depart was set for July 30, 1954, but my deportation has been stayed by the introduction of Senate Bill S-3814 and a like House Bill. I no longer suffer from that disease. After my arrival here I was treated for that condition during my internment and was released as "Fit for duty" by the U.S. Marine Hospital at Fort Stanton, New Mexico, after treatment there from October 11, 1947, to September 22, 1950. (See copy of Certificate of Discharge annexed hereto and marked Exhibit A.) Thereafter I was again tested for the presence of the disease at the Thomas D. Dee Memorial Hospital in Ogden, Utah, during a two weeks period in February, 1953, and was found to be cleared of tuberculosis. (See copy of letter of M. Paul Southwick, M.D., of the Ogden Clinic annexed hereto and marked Exhibit B.)

I have never been accused or convicted of any crime in Japan, Peru or the United States. I have never been arrested at any time except for my aforesaid seizure and banishment from Peru and the arrest in the aforesaid deportation proceeding during my said detention.

A-5993249-T.

August 5, 1954

Dear Mr. Dawson:

This will acknowledge your letter of July 23, 1954, enclosing a copy of private bill H. R. 9969 which you introduced on July 20, 1954, for the relief of TERU (TERUO) JUAN TSUTSUI. He is also the beneficiary of private bill S. 3814 introduced on July 26, 1954, by Senator Bennett.

The District Director of this Service at San Francisco, California has been directed to stay the execution of any order of deportation entered in Mr. Tsutsui's case. If Congress has not had an opportunity to consider your legislation before the adjournment of this session, deportation will be stayed until March 1, 1955, in order to give time for the introduction of a new bill and the new Congress time to consider that bill.

Sincerely,

Executive Assistant
to the Commissioner

Honorable William A. Dawson
House of Representatives
Washington, D. C.

C
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A-5993249-T.

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Executive Assistant
to the Commissioner

Honorable William A. Dawson
House of Representatives
Washington, D.C.

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CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D.C.
August 6, 1954

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

Dear Mr. Collins:

Enclosed for your information is a copy of a letter I received today from Immigration and Naturalization Service concerning deportation of Mr. Teruo Juan Tsutsui.

I was happy to be of service in this matter and if I am returned to Congress I will take the necessary action before the deportation order is reinstated next March.

Sincerely yours,

William A. Dawson, M.C.

WAD:mh

WILLIAM A. DAWSON
2D DISTRICT, UTAH
1205 HOUSE OFFICE BUILDING

MEMBER:
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

Congress of the United States
House of Representatives
Washington, D. C.

August 6, 1954

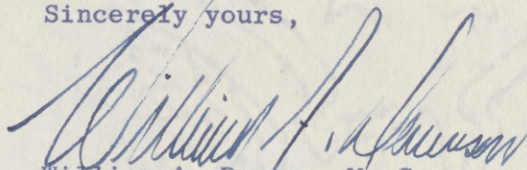
Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

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I was happy to be of service in this matter and if I am returned to Congress I will take the necessary action before the deportation order is reinstated next March.

Sincerely yours,



William A. Dawson, M. C.

WAD: mh

WILLIAM LANGER, N. DAK., CHAIRMAN

ALEXANDER WILEY, WIS.
WILLIAM E. JENNER, IND.
ARTHUR V. WATKINS, UTAH
ROBERT C. HENDRICKSON, N. J.
EVERETT MCKINLEY DIRKSEN, ILL.
HERMAN WELKER, IDAHO
JOHN MARSHALL BUTLER, MD.

PAT MCCARRAN, NEV.
HARLEY M. KILGORE, W. VA.
JAMES O. EASTLAND, MISS.
ESTES KEFAUVER, TENN.
OLIN D. JOHNSTON, S. C.
THOMAS C. HENNINGS, JR., MO.
JOHN L. MCCLELLAN, ARK.

United States Senate

COMMITTEE ON THE JUDICIARY

August 9, 1954

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

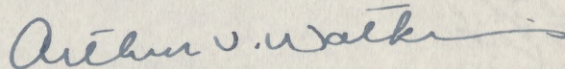
Dear Mr. Collins:

I wish to acknowledge your letter of July 16, 1954 concerning the plight of Mr. Eruo Juan Tsutsui, a Peruvian-Japanese who was involuntarily brought to this country by military authorities from Peru on March 21, 1944.

To handle his case and the cases of others like him, a special amendment has been made to the Refugee Relief Act of 1953. Under the terms of this amendment "Any alien who establishes that prior to July 1, 1953, he lawfully entered the United States as a bona fide nonimmigrant and that he is unable to return to the country of his birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion, or who was brought to the United States from other American republics for internment, may, not later than June 30, 1955, apply to the Attorney General of the United States for an adjustment of his immigration status."

I am happy to report that this amendment has passed the House and the appropriate committees in the Senate and I trust it will be enacted into law before the adjournment of this session of Congress.

Sincerely,



Arthur V. Watkins

August 9, 1954

Mas Yano, Esquire
Attorney at Law
Suite 506 Judge Building
Salt Lake City, Utah

In re: Teruo Juan Tsutsui

Dear Mr. Yano:

Senator Wallace F. Bennett of Utah has introduced a special bill in Congress, S-3814, to stay the deportation of Teruo Juan Tsutsui and to grant him permanent residence. A copy of S-3814 is enclosed along with a copy of Senator Bennett's letter to me dated July 23, 1954. A like bill was introduced in the House of Representatives by Congressman William A. Dawson but I do not have the number of the bill.

Pursuant to the suggestions of Senator Bennett I have prepared a rough draft of an affidavit to be amplified, corrected and executed by Mr. Tsutsui in triplicate. In addition thereto he should get a complete checkup by his doctor and have the doctor make an up-to-the-minute statement, in triplicate, of his present physical condition. It will be necessary also for him to obtain, in triplicate, statements or preferably, affidavits, from a number of his employers and friends who can vouch for his good moral character and fitness to remain in the United States. Such particular documents are requested by Senator Bennett. I believe that if they are obtained and found to be satisfactory and the anticipated report of the Immigration Service is supplied to Congress that the passage of the special bill in Congress may result.

It is well nigh impossible for me to prepare his affidavit in San Francisco inasmuch as the material that goes into it, including any additions you may deem fit, probably must be obtained from him by personal interrogation. Therefore, I am writing him to consul you immediately.

Enclosed also find copy of my letter of today to Mr. Tsutsui.

Very truly yours,

Encs.
cc: Mr. Teruo Juan Tsutsui

August 9, 1954

Mr. Teruo Juan Tsutsui
45 $\frac{1}{2}$ West 2nd South Street
Salt Lake City, Utah

Dear Mr. Tsutsui:

I am enclosing a copy of a letter concerning your case which I have mailed today to Mas Yano, Esq., attorney.

Senator Bennett of Utah also has introduced a special bill in Congress on your behalf, as the enclosed copy of his letter shows.

It is necessary for you to file with Senator Bennett the following documents in triplicate original, namely:

1. Affidavit containing a complete history of you from your birth to the present time;
2. Statements, in triplicate, from reliable persons who can vouch for your good moral character and fitness to remain in this country; and
3. An up-to-the-minute statement from a doctor concerning your present physical condition (showing that you no longer suffer from tuberculosis and that you probably will not be troubled by it in the future).

I have prepared a tentative draft of the Affidavits you are to submit. I suggest that you immediately get in touch with Mas Yano, Esq., and engage his services to complete the Affidavits for you and to assist you in obtaining affidavits from employers and your doctor.

Very truly yours,

Enc.
cc: Mas Yano, Attorney at Law

August 10, 1954

Mas Yano, Esq.
Attorney at Law
Suite 506 Judge Building
Salt Lake City, Utah

Dear Mr. Yano:

Enclosed find copy of letter from Representative Dawson and copy of letter from the Central Immigration office in Washington, D.C., to him concerning Mr. Teruo Juan Tsutsui.

Very truly yours,

Encs

August 10, 1954

Hon. Wallace F. Bennett
United States Senate
Washington 25, D.C.

My dear Senator Bennett:

In re: Teruo Juan Tsutsui

Mr. Tsutsui and I are grateful for your letters of July 23rd and July 30th, 1954, and for the introduction of a special bill in Congress on his behalf.

The material suggested by your letter of July 23rd now is in the process of being obtained and will be forwarded to you in triplicate originals so soon as possible.

Very truly yours,

August 10, 1954

Hon. William A. Dawson
House of Representatives
Washington 25, D.C.

In re: Teruo Juan Tsutsui

My dear Mr. Dawson:

Mr. Tsutsui and I are grateful for your prompt intervention on his behalf and the introduction of the special bill in Congress and the resultant stay of his deportation.

Very truly yours,

August 23, 1954

Hon. Arthur V. Watkins
United States Senate
Washington 25, D.C.

Dear Senator Watkins:

I wish to acknowledge your letter of August 9, 1954, and to inform you that Mr. Tsutsui and I are grateful for your interest you have shown in his case.

Very truly yours,

Now digits under

4 Spencer Relief Feb 7 1953⁴

WILLIAM A. DAWSON
2D DISTRICT, UTAH

1205 HOUSE OFFICE BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER:
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

September 24, 1954

District Congressional Office
Salt Lake City, Utah
1202 Newhouse Hotel

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

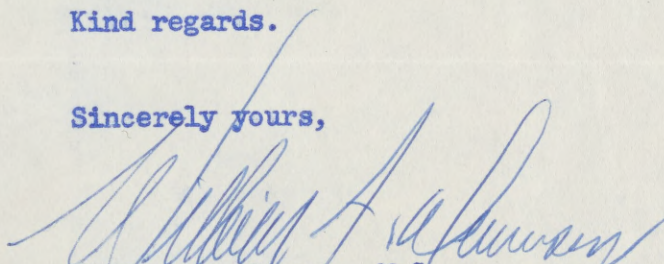
Re: Mr. Teruo Juan Tsutsui
Private Bill S-3814 by Senator Bennett
Private Bill HR-9969 by Congressman Dawson

Dear Mr. Collins:

In a conversation today with Mr. Gower of the local Bureau of Immigration it was suggested by Mr. Gower that probably the status of Teruo Juan Tsutsui could be cleared through the recently adopted blanket legislation covering such involuntary immigrants to this country. I am passing this suggestion along to you with my opinion that such administrative assistance should be applied for and will probably hasten obtaining a permanent resident status for Mr. Tsutsui.

Kind regards.

Sincerely yours,



William A. Dawson, M.C.

cc: Senator Wallace F. Bennett
Teru Juan Tsutsui

October 7, 1954

Mas Yano, Esq.
Attorney at Law
Suite 506 Judge Building
Salt Lake City, Utah

Dear Mr. Yano:

In re: Teruo Juan Tsutsui

Senator Watkins and Representative Dawson both suggest that Teruo Juan Tsutsui's immigration status now may be cleared through the medium of Public Law 751, approved August 31, 1954, which amends the Refugee Act of 1953.

Therefore, Mr. Tsutsui should make an application at the Immigration Office in Salt Lake City for an Adjustment of his Status as a Nonimmigrant to that of a Person Admitted for Permanent Residence under that Act. The immigration office will supply him with the necessary Forms I-507 which he can fill out and file. Most of the evidence required for an adjustment of his status under that Act, as amended, already has been supplied to the Immigration Service and, in consequence, he may have a speedy hearing thereon.

He will be required to submit to a physical examination by the U.S. Public Health Service to support his contention that he is cleared of tuberculosis or that it is in a safe arrested state.

It is possible that his status may be adjusted under that statute despite the fact he was suffering from tuberculosis at the time of his entry inasmuch as the Attorney General in setting up his regulations relating to adjustment of status, Sec. 245.14 of Nationality Regulations, seems to have interpreted the statute as authorizing adjustment of status of persons who suffered from disease at the time of entry. His regulation requires merely that such persons be found to be in good health by examination of a U.S. Public Health Officer. In consequence, under the "contemporaneous construction doctrine" his interpretation that the statute authorizes an adjustment of status to persons diseased at time of entry but subsequently cured might have the force of law.

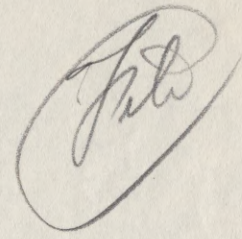
Even if the Immigration Service were to construe the Act and P.L. 751 as not applying to Mr. Tsutsui's case it is essential to pursue the administrative remedy provided by that Act and P.L. 751 to conclusion as a condition precedent to having a special bill in Congress considered on his behalf.

Very truly yours,

cc: Mr. Teruo Juan Tsutsui

GEORGE E. BRIDWELL
MAS YANO

LAW OFFICES
BRIDWELL AND YANO
SUITE 506 JUDGE BUILDING
SALT LAKE CITY 1, UTAH
PHONE 22-3521



October 8, 1954

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

RE: Teruo Juan Tsutsui

Dear Mr. Collins:

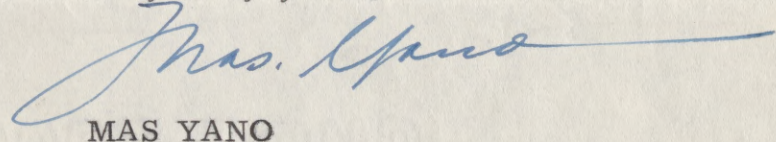
This will acknowledge receipt of yours dated October 7, 1954, re above captioned for which I thank you.

In accordance with your instructions and suggestions contained therein, I shall forthwith advise Mr. Tsutsui to make an application at the local Immigration Office for an adjustment of his status under the Refugee Relief Act of 1953 as amended.

I shall keep you informed of the progress of this matter.

With kindest regards,

Very truly yours,



MAS YANO

MY:mb

October 8, 1954

Hon. Wallace F. Bennett
United States Senate
Washington 25, D. C.

My dear Senator Bennett:

In re: Mr. Teruo Juan Tsutsui
Private Bill S-3814 &
Private Bill HR-9969

The Honorable William A. Dawson, M.C., was kind enough, by letter of Sept. 24, 1954, to suggest that Mr. Tsutsui's immigration status might be cleared through the medium of application for an adjustment of his immigration status under the provisions of the Refugee Act of 1953, as amended by Public Law 751.

Steps have been taken on his behalf to make such an application for an adjustment of his status.

Mr. Tsutsui and I are very grateful for your interest in his plight.

Very truly yours,

October 8, 1954

Hon. William A. Dawson
House of Representatives
Washington 25, D. C.

In re: Mr. Teruo Juan Tsutsui
Private Bill S-3814 &
Private Bill HR-9969

My dear Mr. Dawson:

Mr. Tsutsui and I were very grateful for your letter of Sept. 24, 1954.

Immediate steps have been taken for Mr. Tsutsui to apply for an adjustment of his immigration status under the Refugee Act of 1953, as amended by Public Law 751.

Very truly yours,

EUGENE D. MILLIKIN, COLO., CHAIRMAN

HUGH BUTLER, NEBR.
EDWARD MARTIN, PA.
JOHN J. WILLIAMS, DEL.
RALPH E. FLANDERS, VT.
GEORGE W. MALONE, NEV.
FRANK CARLSON, KANS.
WALLACE F. BENNETT, UTAH

WALTER F. GEORGE, GA.
HARRY FLOOD BYRD, VA.
EDWIN C. JOHNSON, COLO.
CLYDE R. HOEY, N. C.
ROBERT S. KERR, OKLA.
J. ALLEN FREAR, JR., DEL.
RUSSELL B. LONG, LA.

United States Senate

COMMITTEE ON FINANCE

October 12, 1954

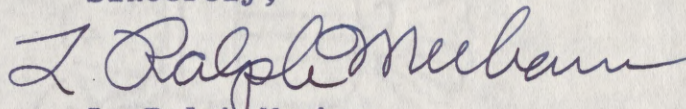
Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

Thank you for your letter of October 8th to Senator Bennett concerning Teruo Juan Tsutsui. Senator Bennett is presently in Utah, however, I am sure that he was happy to offer a bill in your client's behalf.

Should your application under Public Law 751 fail, please advise this office and we can reintroduce the bill in the 84th Congress.

Sincerely,



L. Ralph Mecham
Assistant to
Wallace F. Bennett

LRM/lb

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

A-5993249

October 27, 1954

Dear Mr. Chairman:

In response to your request of the Department of Justice for a report relative to the bill (H.R. 9969) for the relief of Teruo Juan Tsutsui, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, California, office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Japan.

Sincerely,

Commissioner

Enclosure

Honorable Chauncey M. Reed
Chairman, Committee on the Judiciary
House of Representatives
Washington 25, D. C.

See separate classified memorandum

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE TERUO JUAN TSUTSUI, BENEFICIARY OF H.R. 9969

Teruo Juan Tsutsui, a native and citizen of Japan, is a widower who was born on May 16, 1891. He is one of a group of Japanese residents of Peru, South America, who were taken into security custody at the outbreak of hostilities with Japan in World War II and were brought for safekeeping to the United States. He arrived at the port of New Orleans, Louisiana on March 21, 1944, and spent several years in various interment camps in the United States. He was a lawful permanent resident of Peru for thirty five years before he was brought to the United States.

Deportation proceedings were instituted against him on April 1, 1946 and he was released from custody on conditional parole. His application for suspension of deportation was denied and he was ordered deported. Upon appeal the deportation order was withdrawn and he was granted the privilege of voluntary departure with deportation to Japan as the alternative. He was found to be deportable on the grounds he was not in possession of an immigration visa, and that he was afflicted with tuberculosis at time of his entry into the United States. He has failed to avail himself of the privilege of departing from the United States voluntarily.

Mr. Tsutsui contracted pulmonary tuberculosis in Peru in 1937. He received brief treatment there for the disease. Upon being brought to this country he made known his prior attack of illness and spent most of the intervening time to September, 1950, as either an outpatient or patient in interment camp hospitals where he received treatment. He claims he was cured and has been fit for work since 1950.

He was a restaurant operator in Peru. Since his release from the U. S. Marine Hospital at Fort Stanton, New Mexico, in September, 1950, he has worked as a dishwasher or janitor. He is currently employed as a janitor at the Hotel Utah, in Salt Lake City, Utah. He has no assets other than his daily wages. He has no dependents and his only relatives are a brother and sister in Japan and a son who is a native and resident of Peru.

See separate classified memorandum

83d Congress }
2d Session }

HOUSE COMMITTEE PRINT

REFUGEE RELIEF ACT OF 1953

(Public Law 203, 83d Congress, August 7, 1953)

WITH AMENDMENTS OF

August 31, 1954

(Public Law 751, 83d Congress)



OCTOBER 1, 1954

Printed for the use of the Committee on the Judiciary

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954

Under the supervision of

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY

CHAUNCEY W. REED, Illinois, *Chairman*

LOUIS E. GRAHAM, Pennsylvania, *Chairman, Subcommittee No. 1 (Immigration and Nationality)*

Prepared by

WALTER M. BESTERMAN, *Legislative Assistant*

II

**REFUGEE RELIEF ACT OF 1953 AS AMENDED BY THE ACT OF
AUGUST 31, 1954**

SHORT TITLE

SECTION 1. This Act may be cited as the Refugee Relief Act of 1953.

DEFINITIONS

SEC. 2. (a) "Refugee" means any person in a country or area which is neither Communist nor Communist-dominated, who because of persecution, fear of persecution, natural calamity or military operations is out of his usual place of abode and unable to return thereto, who has not been firmly resettled, and who is in urgent need of assistance for the essentials of life or for transportation.

(b) "Escapee" means any refugee who, because of persecution or fear of persecution on account of race, religion, or political opinion, fled from the Union of Soviet Socialist Republics or other Communist, Communist-dominated or Communist-occupied area of Europe including those parts of Germany under military occupation by the Union of Soviet Socialist Republics, and who cannot return thereto because of fear of persecution on account of race, religion or political opinion.

(c) "German expellee" means any refugee of German ethnic origin residing in the area of the German Federal Republic, western sector of Berlin, or in Austria who was born in and was forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet zone of military occupation of Germany.

(d) "Administrator" means the administrator of the Bureau of Security and Consular Affairs established in the Department of State pursuant to subsection (b) of section 104 of the Immigration and Nationality Act.

SPECIAL NONQUOTA VISAS; NUMBERS

SEC. 3. There are hereby authorized to be issued two hundred five thousand special nonquota immigrant visas to aliens, specified in section 4 of this Act, seeking to enter the United States as immigrants and to their spouses and their unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, if accompanying them.

ALLOCATION OF SPECIAL NONQUOTA VISAS

SEC. 4. (a) Special nonquota immigrant visas authorized to be issued under section 3 of this Act shall be allotted as follows:

(1) Not to exceed fifty-five thousand visas to German expellees residing in the area of the German Federal Republic or in the western sectors of Berlin or in Austria: *Provided*, That the visas issued under this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria.

(2) Not to exceed thirty-five thousand visas to escapees residing in the area of the German Federal Republic or the western sectors of Berlin or in Austria: *Provided*, That the visas issued under this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria.

(3) Not to exceed ten thousand visas to escapees residing within the European continental limits of the member nations of the North Atlantic Treaty Organization or in Turkey, Sweden, Iran or in the Free Territory of Trieste and who are not nationals of the area in which they reside: *Provided*, That such visas shall be issued only in the area or areas mentioned in this paragraph.

(4) Not to exceed two thousand visas to refugees who (a) during World War II were members of the armed forces of the Republic of Poland, (b) were honorably discharged from such forces, (c) reside on the date of the enactment of this Act in the British Isles, and (d) have not acquired British citizenship.

(5) Not to exceed forty-five thousand visas to refugees of Italian ethnic origin, residing on the date of the enactment of this Act in Italy or in the Free Territory of Trieste: *Provided*, That such visas shall be issued only in the area or areas mentioned in this paragraph.

(6) Not to exceed fifteen thousand visas to persons of Italian ethnic origin, residing on the date of the enactment of this Act in Italy or in the Free Territory of Trieste, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and Nationality Act: *Provided*, That such visas shall be issued only in Italy or in the Free Territory of Trieste.

(7) Not to exceed fifteen thousand visas to refugees of Greek ethnic origin residing on the date of the enactment of this Act in Greece: *Provided*, That such visas shall be issued only in Greece.

(8) Not to exceed two thousand visas to persons of Greek ethnic origin, residing on the date of the enactment of this Act in Greece, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and Nationality Act: *Provided*, That such visas shall be issued only in Greece.

(9) Not to exceed fifteen thousand visas to refugees of Dutch ethnic origin residing on the date of the enactment of this Act in continental Netherlands: *Provided*, That such visas shall be issued only in continental Netherlands.

(10) Not to exceed two thousand visas to persons of Dutch ethnic origin, residing on the date of the enactment of this Act in continental Netherlands, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and Nationality Act: *Provided*, That such visas shall be issued only in continental Netherlands.

(11) Not to exceed two thousand visas to refugees, residing within the district of an American consular office in the Far East: *Provided*, That such visas shall be issued only in said consular office district and only to refugees who are not indigenous to the area described in this paragraph.

(12) Not to exceed three thousand visas to refugees, residing within the district of an American consular office in the Far East: *Provided*, That such visas shall be issued only in said consular office district and only to refugees who are indigenous to the area described in this paragraph.

(13) Not to exceed two thousand visas to refugees of Chinese ethnic origin whose passports for travel to the United States are endorsed by the Chinese National Government or its authorized representatives.

(14) Not to exceed two thousand visas to refugees who on the date of the enactment of this Act are eligible to receive assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East: *Provided*, That such visas shall be issued only in the area described in this paragraph.

(b) The allotments provided in subsection (a) of this section shall be available for the issuance of immigrant visas to the spouses and unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, referred to in section 3 of this Act, of persons referred to in subsection (a) of this section.

(c) Any allotments of visas provided in paragraphs (5) and (6), paragraphs (7) and (8), and paragraphs (9) and (10) of subsection (a) of this section, shall be available bilaterally within each of the three ethnic groups therein defined.

ORPHANS

SEC. 5. (a) Not to exceed four thousand special nonquota immigrant visas may be issued to eligible orphans as defined in this Act who are under ten years of age at the time the visa is issued: *Provided*, That not more than two such special nonquota immigrant visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers or sisters.

(b) When used in this Act the term "eligible orphan" shall mean an alien child (1) who is an orphan because of the death or disappearance of both parents, or because of abandonment or desertion by, or separation or loss from, both parents, or who has only one parent due to the death or disappearance of, abandonment or desertion by, or separation or loss from the other parent and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released him for emigration and adoption; (2) (a) who has been lawfully adopted abroad by a United States citizen and spouse, or (b) for whom assurances, satisfactory to the consular officer to whom a visa application on behalf of the orphan is made, have been given by a United States citizen and spouse that if the orphan is admitted into the United States they will adopt him in the United States and will care for him properly; and (3) who is ineligible for admission into the United States solely because the nonpreference portion of the quota to which he would otherwise be chargeable is

oversubscribed by applicants registered on the consular waiting list at the time his visa application is made: *Provided*, That no natural parent of any eligible orphan who shall be admitted into the United States pursuant to this Act shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

(c) The assurances required in this section shall be in lieu of the assurances required in section 7 of this Act, and the provisions of section 7 (d) (2) shall not apply to eligible orphans as defined in this section.

ADJUSTMENT OF STATUS

SEC. 6. Any alien who establishes that prior to July 1, 1953, he lawfully entered the United States as a bona fide nonimmigrant and that he is unable to return to the country of his birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion, or who was brought to the United States from other American republics for internment, may, not later than June 30, 1955, apply to the Attorney General of the United States for an adjustment of his immigration status. If the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien has been of good moral character for the preceding five years and that the alien was physically present in the United States on the date of the enactment of this Act and is otherwise qualified under all other provisions of the Immigration and Nationality Act except that the quota to which he is chargeable is oversubscribed, the Attorney General shall report to the Congress all the pertinent facts in the case. If, during the session of the Congress in which a case is reported or prior to the end of the session of the Congress next following the session in which a case is reported, the Congress passes a concurrent resolution stating in substance that it approves the granting of the status of an alien lawfully admitted for permanent residence to such alien, the Attorney General is authorized, upon the payment of the required visa fee, which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts, to record the alien's lawful admission for permanent residence as of the date of the passage of such concurrent resolution. If, within the above specified time, the Congress does not pass such a concurrent resolution, or, if either the Senate or the House of Representatives passes a resolution stating in substance that it does not approve the granting of the status of an alien lawfully admitted for permanent residence, the Attorney General shall thereupon deport such alien in the manner provided by law: *Provided*, That the provisions of this section shall not be applicable to any aliens admitted into the United States under the provisions of Public Law 584, Seventy-ninth Congress, second session (60 Stat. 754), Public Law 402, Eightieth Congress, second session (62 Stat. 6): *Provided further*, That the number of aliens who shall be granted the status of aliens lawfully admitted for permanent residence pursuant to this section shall not exceed five thousand.

ASSURANCES

SEC. 7. (a) Except as otherwise herein provided, no visa shall be issued to any alien under this Act unless an assurance, in accordance

with regulations promulgated pursuant to this Act, shall first have been given by a citizen or citizens of the United States that such alien, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such alien and the members of such alien's family who shall accompany such alien and who propose to live with such alien will not become public charges and will have housing without displacing some other person from such housing. The spouse and unmarried dependent sons and daughters under twenty-one years of age, including stepsons and stepdaughters and sons or daughters adopted prior to July 1, 1953, of such alien, shall not be required to have such assurances made in their behalf. The assurances shall be submitted to the Administrator and it shall be the duty of the Administrator to verify the authenticity and bona fides of such assurances and such assurances shall be subject to final acceptance and approval by consular and immigration officers. Blanket assurances, or assurances not submitted by a responsible individual citizen or citizens, shall not be considered as satisfying the requirements of this section. The assurances for employment and housing shall be indexed and filed in such manner so as to show the specific address or addresses in the United States in which both the employment and housing are available, the type of employment and housing which are available, and the conditions and terms of the employment. Each assurance shall be a personal obligation of the individual citizen or citizens giving or submitting such assurance. This subsection shall have no applicability to the alien eligible under paragraph (6), (8), or (10) of section 4 (a) of this Act, if such alien provides satisfactory evidence that he will not become a public charge. No visa shall be issued under the allotment of forty-five thousand visas heretofore made by paragraph (5) of subsection 4 (a) of this Act to refugees in Italy, or under the allotment of fifteen thousand visas heretofore made by paragraph (7) of subsection 4 (a) of this Act to refugees in Greece, or under the allotment of fifteen thousand visas heretofore made by paragraph (9) of subsection 4 (a) of this Act to refugees in the Netherlands, to an alien who qualifies under the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act, until satisfactory evidence is presented to the responsible consular officer to establish that the alien in question will have suitable employment and housing, without displacing any other person therefrom, after arrival in the United States. Verification of such available employment and housing shall be made in accordance with such regulations as the Administrator may, in his discretion, prescribe for the administration of the Act, including job order clearances by the United States Employment Service and its affiliated State employment services, and a certification by local housing authorities wherever they exist and are authorized and prepared to make such certifications.

(b) Any alien admitted under this Act and subsequently determined to have been inadmissible under the provisions of this Act at the time of entry shall, irrespective of the date of his entry, be taken into custody and deported in the manner provided by sections 242 and 243 of the Immigration and Nationality Act (66 Stat. 208-214).

(c) Assistance rendered an alien in connection with his transportation to and resettlement in the United States shall not be regarded as a cause for excludability as an alien likely to become a public charge,

No alien with respect to whom assurances have been furnished as provided in this section shall be deemed to be a pauper under paragraph (8) of section 212 (a) of the Immigration and Nationality Act (66 Stat. 182).

(d) No alien shall be issued a visa under this Act or be admitted into the United States unless he shall present to the consular officer at the time of making application for a visa or to the immigration officer at the time of application for admission (1) a valid unexpired passport or other suitable travel document, or document of identity or nationality, or other documentary evidence that he will be assured of readmission to the country of his nationality, foreign residence or in which he obtains a visa under this Act and (2) a certificate of readmission guaranteeing his readmission to the country in which he obtains a visa under this Act if it is subsequently found that he obtained a visa under this Act by fraud or by misrepresenting a material fact.

INTERGOVERNMENTAL ARRANGEMENTS

SEC. 8. The Secretary of State may, for the purposes of this Act, make such arrangements with foreign governments and with the Intergovernmental Committee for European Migration as are necessary and appropriate for the purpose of financing the overseas transportation of persons who may be issued visas under this Act, such arrangements to be mutually beneficial to the economies of the United States and the countries concerned, as well as to such persons. Such arrangements, where appropriate, may seek to enable immigrants under this Act to transfer into dollar currency personal assets necessary for defraying the cost of transportation and for use in the United States. Arrangements between the United States and the other governments concerned and the Intergovernmental Committee for European Migration should also provide for such cooperation and assistance as may be required in the administration of the program authorized under this Act in the territory of the intending immigrant's residence. All transportation by ships or airplanes of aliens under this Act to the United States, the cost of which is defrayed in whole or in part by the Government of the United States, shall be by ships or airplanes registered under the United States flag, if available.

SEC. 9. Within the categories established in section 4 of this Act the determination of the eligibility of persons to receive visas and of the admissibility of such persons into the United States under this Act shall be made without discrimination in favor of or against a race, religion, or the national origin of such persons.

EXEMPTIONS FROM VISA FEES

SEC. 10. Persons receiving visas under this Act shall be exempt from paying the fees prescribed in paragraphs (1) and (2) of section 281 of the Immigration and Nationality Act (66 Stat. 230-231).

SECURITY AND OTHER INVESTIGATION; EFFECT OF MISREPRESENTATION

SEC. 11. (a) No alien shall be issued a visa under this Act or be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such

investigative agency or agencies of the Government of the United States as the President shall designate, regarding such person's character, reputation, mental and physical health, history and eligibility under this Act, and such investigations in each case shall be conducted in a manner and in such time as the investigative agency or agencies shall determine to be necessary.

(b) No person shall be issued a visa or be admitted into the United States under this Act if the consular officer or the immigration officer knows or has reason to believe that such person is ineligible for a visa or is subject to exclusion from the United States under any provision of the immigration laws or is not eligible under the terms of this Act.

(c) No person shall be issued a visa or be admitted into the United States under this Act unless the consular officer and the immigration officer, after an inspection and examination of such person abroad, are entirely satisfied upon the basis of affirmative evidence adduced by the applicant that the applicant has established his eligibility for a visa and his admissibility into the United States under this Act and under the immigration laws and regulations: *Provided*, That no person to whom a visa shall be issued shall be exempt from inspection and examination at a port of entry.

(d) No person shall be issued a visa under this Act or be admitted into the United States unless complete information shall be available regarding the history of such person covering a period of at least two years immediately preceding his application for a visa: *Provided*, That this provision may be waived on the recommendation of the Secretaries of State and Defense when determined by them to be in the national interest.

(e) Any person who shall make a material misrepresentation to any agency of the Government entrusted directly or indirectly with the administration, investigation, enforcement, or any other function relating to the implementation of this Act, for the purpose of gaining admission into the United States as an alien eligible hereunder, shall be excluded from admission into the United States under section 212 (a) (19) of the Immigration and Nationality Act (66 Stat. 183).

PRIORITIES

SEC. 12. Priorities in the consideration of visa applications under this Act, except in the case of applications filed under paragraph (6), (8) or (10) of section 4 (a), without priority in time of issuance of visas as between such priorities or as between priority and non-priority cases under this Act shall be given to—

(1) Persons whose services or skills are needed in the United States, if such need has been certified to the Administrator, at his request, by the United States Employment Service and who are to be employed in a capacity calling for such services or such skills; and

(2) Persons who are (A) the parents of citizens of the United States, such citizens being at least twenty-one years of age, or (B) spouses or unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, of aliens lawfully admitted for permanent residence, or (C) brothers, sisters, sons or daughters of citizens of the United States.

SEC. 13. No priority in the consideration of visa applications under this Act shall be given to persons who were determined to be eligible or preliminarily eligible under the provisions of section (2) (c) of Public Law 774, Eightieth Congress, as amended, solely because such persons were determined to be so eligible or preliminarily eligible.

PERSONS INELIGIBLE; OATH ON ADMISSION; PENALTIES

SEC. 14. (a) No visa shall be issued under this Act to any person who personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin.

(b) Before being issued a visa every alien eighteen years of age or older, authorized to be admitted under this Act, shall take and subscribe an oath or affirmation that he is not and never has been a person specified in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H) of section 212 (a) (28) of the Immigration and Nationality Act (66 Stat. 184-186), except as provided in subparagraph (I) of such section, and shall be liable to prosecution for perjury if such oath or affirmation is willfully false. If any alien not entitled to be issued a visa under this Act and not entitled to be admitted into the United States shall nevertheless gain admission, such alien shall, regardless of the date of his entry, be taken into custody and deported in the manner provided in sections 242 and 243 of the Immigration and Nationality Act (66 Stat. 208-214).

(c) Any person or persons who shall knowingly violate, conspire to violate, induce or attempt to induce any person to violate any provision of this Act shall be guilty of a felony, and upon conviction thereof shall be fined not more than \$10,000 or shall be imprisoned not more than ten years, or both.

APPLICABILITY OF IMMIGRATION AND NATIONALITY ACT

SEC. 15. Except as otherwise expressly provided by this Act all of the provisions of the Immigration and Nationality Act (66 Stat. 163) shall be applicable under this Act.

LOANS

SEC. 16. Notwithstanding the provisions of any other law, the Secretary of the Treasury is authorized and directed to make loans not to exceed \$5,000,000 in the aggregate, to public or private agencies of the United States for the purpose of financing the transportation from ports of entry within the United States to the places of their resettlement, of persons receiving immigrant visas under this Act, and who lack resources to finance the expenses involved. Such loans, which shall mature not later than June 30, 1963, shall be made under rules and regulations promulgated pursuant to this Act: *Provided*, That such loans shall bear interest at a rate of 3 per centum per annum on the unpaid balance from their maturity date until final payment. No public or private agency shall be eligible to receive a loan under the provisions of this Act while such agency is in default in the payment of any loan made to it pursuant to the provisions of the Displaced Persons Act of 1948, as amended.

ELIGIBLE ALIENS TO BE NONQUOTA IMMIGRANTS

SEC. 17. Any alien granted a visa under this Act shall be deemed a nonquota immigrant for the purposes of the Immigration and Nationality Act (66 Stat. 163).

AUTHORIZATION OF APPROPRIATIONS

SEC. 18. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

REPORTS

SEC. 19. The Administrator shall report to the President and the Congress on the operation of the program established under this Act on or about January 15 and June 15 of each year and shall submit a final report not later than June 15, 1957. Such reports shall include full and complete details regarding the administration of the Act and the administration of the funds provided for in section 16 of this Act.

TERMINATION

SEC. 20. No immigrant visa shall be issued under this Act after December 31, 1956.

○

Public Law 751 - 83d Congress
Chapter 1169 - 2d Session
H. R. 8193

AN ACT

To amend the Refugee Relief Act of 1953.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (c) be added to section 4 of the Refugee Relief Act of 1953 (67 Stat. 401), to read as follows:

"(c) Any allotments of visas provided in paragraphs (5) and (6), paragraphs (7) and (8), and paragraphs (9) and (10) of subsection (a) of this section, shall be available bilaterally within each of the three ethnic groups therein defined."

SEC. 2. Subsection (c) of section 5 of the Refugee Relief Act of 1953 (67 Stat. 403) is hereby amended to read as follows:

"(c) The assurances required in this section shall be in lieu of the assurances required in section 7 of this Act, and the provisions of section 7 (d) (2) shall not apply to eligible orphans as defined in this section."

SEC. 3. The first sentence of section 6 of the Refugee Relief Act of 1953 (67 Stat. 403) is hereby amended to read as follows: "Any alien who establishes that prior to July 1, 1953, he lawfully entered the United States as a bona fide nonimmigrant and that he is unable to return to the country of his birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion, or who was brought to the United States from other American republics for internment, may, not later than June 30, 1955, apply to the Attorney General of the United States for an adjustment of his immigration status."

SEC. 4. That subsection (a) of section 7 be amended by adding at the end thereof the following: "No visa shall be issued under the allotment of forty-five thousand visas heretofore made by paragraph (5) of subsection 4 (a) of this Act to refugees in Italy, or under the allotment of fifteen thousand visas heretofore made by paragraph (7) of subsection 4 (a) of this Act to refugees in Greece, or under the allotment of fifteen thousand visas heretofore made by paragraph (9) of subsection 4 (a) of this Act to refugees in the Netherlands, to an alien who qualifies under the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act, until satisfactory evidence is presented to the responsible consular officer to establish that the alien in question will have suitable employment and housing, without displacing any other person therefrom, after arrival in the United States. Verification of such available employment and housing shall be made in accordance with such regulations as the Administrator may, in his discretion, prescribe for the administration of the Act, including job order clearances by the United States Employment Service and its affiliated State employment services, and a certification by local housing authorities wherever they exist and are authorized and prepared to make such certifications."

Approved August 31, 1954.

WILLIAM A. DAWSON
DISTRICT, UTAH

1205 HOUSE OFFICE BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER:
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS

SUBCOMMITTEES:
PUBLIC LANDS
IRRIGATION AND RECLAMATION
TERRITORIES AND INSULAR
POSSESSIONS
MINES AND MINING
INDIAN AFFAIRS

November 16, 1954

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

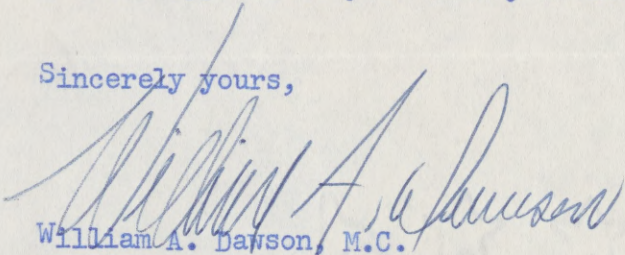
Re: Mr. Teruo Juan Tsutsui
Private Bill S-3811 (Senator Bennett)
Private Bill HR-9969 (Rep. Dawson)

Dear Mr. Collins:

Enclosed find copies of two pages of a report by the Department of Justice on the private bill, HR-9969) I introduced in behalf of your client, Mr. Tsutsui, together with copy of Public Law 751 and the amended Refugee Relief Act of 1953, which were recently received from Washington.

It would seem that action upon the private bill would be unnecessary if relief for Mr. Tsutsui is sought under Section 3 of Law 751. I shall appreciate your timely advice upon your course.

Sincerely yours,


William A. Dawson, M.C.

Copy to T J Tsutsui

November 24, 1954

Hon. William A. Dawson
House of Representatives
Washington 25, D. C.

My dear Mr. Dawson:

Re: Mr. Teruo Juan Tsutsui
Private Bill S. 3811 (Senator Bennett)
Private Bill H.R. 9969 (Rep. Dawson)

I am very grateful for your letter of Nov. 16, 1954.

I agree with you that action upon the private bill will be unnecessary if Mr. Tsutsui is granted the relief he has applied for under Section 3 of Public Law 751, and, in consequence, I believe that further action upon the private bill should be suspended until a final conclusion is reached by the Immigration Service on the question of whether Mr. Tsutsui will obtain a re-adjustment of his status under Public Law 751.

Very truly yours,

Cy: Mas Yano, Esq.

November 24, 1954

Mas Yano, Esq.
Attorney at Law
Suite 506 Judge Building
Salt Lake City, Utah

Dear Mr. Yano:

Enclosed please find copy of my letter to
Congressman Dawson, dated Nov. 24, 1954.

I would be grateful if you would inform
me whether Mr. Tsutsui has made application
for the relief suggested in my letter to you
of October 7, 1954.

Very truly yours,

GEORGE E. BRIDWELL
MAS YANO

LAW OFFICES
BRIDWELL AND YANO
SUITE 506 JUDGE BUILDING
SALT LAKE CITY 1, UTAH
PHONE 22-3521

December 15, 1954

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

Dear Mr. Collins:

Please be advised that Teruo Juan Tsutsui will apply this week for adjustment of Status under the Refugee Relief Act as amended through the Salt Lake Office of the Immigration and Naturalization Service.

I shall keep you posted on the developments of this matter.

With kindest regards.

Very truly yours

MAS YANO

MY:lb

6/9/55
2:30 PM

Re: TSUTSUI, Teruo Juan

Mr. Kumamoto of the Japanese Consulate said their office received a copy of the Notice of Deportation for above. He wanted to know just why this was since other Peruvian-Japanese have been receiving suspensions. Upon his request, I gave him the phone number of the Salt Lake City firm of Bridwell & Yano with whom, I believe, the consulate's office will get in touch. If you can clarify this matter further, please call Mr. Kumamoto at YUkon 2-0780.

John Lumbard - who had been C.W. [unclear]

Hold until another letter
from Chicago ^{comes in.} giving him
date by which he must
depart voluntarily.

Then from letter found
in Tsuruga, Yoshinaga CW
of 5/4/54 should be sent with appropriate
charges. CW,