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NAKAMATSU, YAKO & KAMEYO

1951-1953

78/177

C

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ **ANTONIO SEISHUN HAKAMATSU** _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of **YAKO HAKAMATSU AND KAMRYO HAKAMATSU** _____, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

Wayne M. Collins

Wayne M. Collins

Subscribed and sworn to before me
this 20th day of Aug, 1950,

Robert Deary

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

My Commission Expires
December 23, 1952

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ GARDEN SHIZUYE NAKAMATSU _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of YAKO NAKAMATSU AND KAMEYO NAKAMATSU _____, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

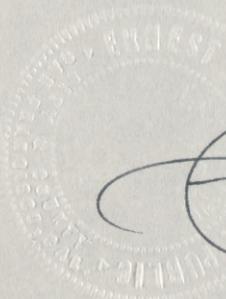
Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 24th day of Aug., 1959..

Robert D. Deary

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

My Commission Expires
December 23, 1957



AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ JUAN TOKIYUKI HAKAMATSU _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of YAKO HAKAMATSU AND KAMISYO HAKAMATSU _____, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 20th day of Aug, 1950.

Wesley Beving

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

My Commission Expires
December 23, 1952

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____
TERESA SHUKO NAKAMATSU, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of YAKO NAKAMATSU AND
KANEYO NAKAMATSU, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 20th day of Aug, 1950.

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

My Commission Expires
December 23, 1952

AFFIDAVIT OF MERITS

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

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

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

Subscribed and sworn to before me
this 30th day of Aug, 1954.

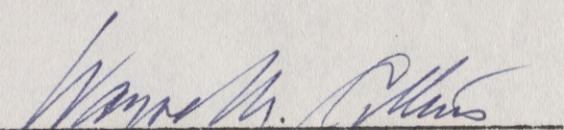
Robert DeSiga
Notary Public in and for the City and
County of San Francisco, State of California.

My Commission Expires
December 23, 1952

AFFIDAVIT OF MERITS

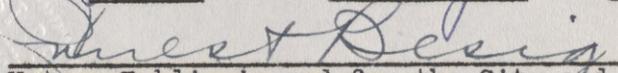
STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ ~~KAMEYO NAKAMATSU~~, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c) as amended, became effective; that applicant desires to have her deportation proceeding reopened to enable her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating her said eligibility to apply for and to be granted such suspension of deportation.



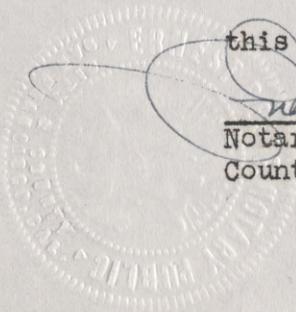
Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.
Attorney for Applicant.

Subscribed and sworn to before me
this 30th day of Aug., 1951.



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

My Commission Expires
December 23, 1952



AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ AUGUSTO MABAYOSHI NAKAMATSU _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of YAKO NAKAMATSU AND KAMEYO NAKAMATSU _____, alien parents, each of whom, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 20th day of Aug, 1950.

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

My Commission Expires
December 23, 1952

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

SEPTEMBER 12,
~~August 30,~~ 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Yako Nakamatsu and Family
Los Angeles, California

Enclosed find three each of original application forms to reopen cause for the purpose of enabling the following Peruvian-Japanese to apply for a suspension of deportation, together with accompanying affidavits of merits and notices of appearance: Yako and Kameyo Nakamatsu, and their alien dependent minor children, Julio Seiko, Juan Tokusei, Antonio Seishun, Augusto Masayoshi, Teresa Sueko and Carmen Shizuye Nakamatsu. An original application form for each is also being sent to the District Director, USI&NS, Los Angeles, inasmuch as the Nakamatsu family resides at 620 Crocker St., Los Angeles, California. Notices of appearance had been forwarded previously to the Immigration Office at Los Angeles, California.

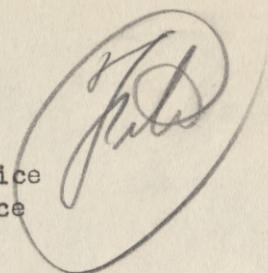
If the matter is not now pending before you, I would thank you to transmit the enclosed applications for suspension of deportation to the Board of Immigration Appeals if the cause is pending before that Board.

Very truly yours,

Copy to:
USI&NS, Los Angeles, Calif.

Form 16-186
May 18, 1945

Immigration and Naturalization Service
United States Department of Justice
458 South Spring Street
Los Angeles 13, California



File Number 1600-89274

HP-H

Jan. 3, 1952

Yakko Nakamatsu
620 So. Crocker St.
Los Angeles 21, Calif.

Dear Sir:

This is to inform you that deportation in your case has been suspended in accordance with the provisions of Section 19 (c) of the Immigration Act of 1917, as amended, the warrant of arrest canceled, and a record of lawful entry for permanent residence created as of your entry on June 15, 1943 at San Francisco, California. Enclosed is your new Alien Registration Receipt Card, N o. 5977624 which should remain in your possession at all times.

Very truly yours,

District Director

By:
Chief, Border Patrol Section

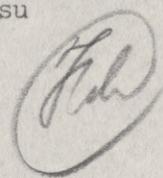
C opy to: Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

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

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

5967513, 6153132, 6153134
6153133, 6153131, 6153130
6153129, 6153135,
Nakam atsu

January 4, 1952



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

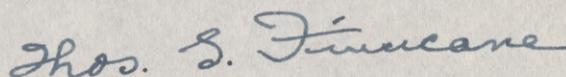
My dear Mr. Collins:

Reference is made to the appeal entered from the order of the Commissioner of Immigration and Naturalization concerning the above case.

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

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

Sincerely yours,



Thos. G. Finucane
Chairman

JAN 4 - 1952

IN THE MATTER
OF

YAKO NAKAMATSU, his wife, KAMEYO NAKAMATSU,
and their six children, SEIKO, TOKUSEI (or
TOKUSE), SEISUN (or SELSU), MASAYOSHI, SUEKO
and SHIZUE.

FILE NO: A-5967513, A-6153132,
A-6153134, A-6153133,
A-6153131, A-6153130,
A-6153129, A-6153135

IN DEPORTATION PROCEEDINGS

IN BEHALF OF APPLICANTS: Wayne M. Collins
1701 Mills Tower
220 Bush Street
San Francisco 4, Calif.

This record relates to a family consisting of a husband/father, wife/mother, natives and citizens of Japan and their six children, natives of Peru, citizens of Japan. The husband/father entered the United States on February 6, 1943 at San Pedro, California and the wife and children entered the United States at New Orleans, Louisiana on July 2, 1944. They entered for internment. On April 26, 1946 this Board ordered their deportation to Japan. The Board further ordered that execution of the order of deportation be deferred for 90 days without prejudice to an application for voluntary departure if the aliens could secure permission to enter a country other than Japan.

The cases are before us on motion of counsel requesting that the proceedings be reopened for the purpose of permitting the aliens to make application for suspension of deportation under Public Law 863, as amended. Upon full consideration we believe favorable action on the motion is merited. At the reopened hearing, evidence also should be received on the question of whether the aliens are able and willing to return to Peru.

ORDER: It is ordered that the outstanding orders and warrants of deportation be withdrawn.

IT IS FURTHER ORDERED that the motion to reopen be granted.

LW/erc

Chairman

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

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

Date: October 20, 1952
1600-44801, 1600-45096,
File No. A6 153 132, A6 153 133,
A6 153 134 (IB)

Mr. Yako Nakamatsu,
Mrs. Kameyo Nakamatsu,
Route 1, Box 70-D,
Santa Maria, California.

Dear Sir and Madam:

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

You are requested to appear for a hearing to be held at 1:30 P.M. on November 10, 1952 ~~in Room 458 South Spring Street, Los Angeles, California~~ ~~at 970 Monterey Street, San Luis Obispo, California.~~

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

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

In connection with your applications for suspension of deportation and those of your 6 minor children, it will be necessary that you complete the attached Forms I-256A and submit them to the Hearing Officer when you all appear for hearing. Your 6 minor children, SEIKO, TOKUSEI, SEISUN, MASAYOSHI, SUEKO and SHIZUE, are
Yours very truly, requested to accompany you to the hearing.

Encl.

For the District Director

✓ cc: Mr. Wayne M. Collins,
1701 Mills Tower,
220 Bush Street,
San Francisco 4, California.

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

HEARING IN DEPORTATION PROCEEDINGS
IN THE CASES OF:

PLACE OF HEARING: San Luis Obispo, Calif.
DATE OF HEARING : November 10, 1952

YAKO NAKAMATSU, A5 967 513
and his wife
KAMEYO NAKAMATSU A6 153 135
and six children,

PERSONS PRESENT :
Harold Woods, Hearing Officer
Harry N. Miyake, Japanese Interpreter
P.O. Box 937, Guadalupe, Calif.

SEIKO NAKAMATSU A6 153 132
TOKUSEI NAKAMATSU A6 153 134
SEISUN NAKAMATSU A6 153 133
MASAYOSHI NAKAMATSU A6 153 131
SUEKO NAKAMATSU A6 153 130
SHIZUE NAKAMATSU A6 153 129

RESPONDENTS: All as named

CONDUCTED IN THE JAPANESE LANGUAGE
RECORD BY DICTAPHONE

HEARING OFFICER TO INTERPRETER:

Q Will you please raise your right hand and be sworn. Do you solemnly swear that you will truly and accurately interpret and translate from the English language to the Japanese language and from the Japanese language to the English language all questions, answers and evidence presented in this case, so help you God?
A I do.

HEARING OFFICER TO THE RESPONDENTS: (THROUGH INTERPRETER)

Q Will you please stand, raise your right hands and be sworn. Do you all solemnly swear that you will speak the truth, the whole truth and nothing but the truth, so help you God?
BY ALL RESPONDENTS: Yes.

HEARING OFFICER TO YAKO NAKAMATSU: (THROUGH INTERPRETER)

Q Would you please state your name?
A My name is Yako Nakamatsu.

Q What language or languages do you speak and understand?
A I understand the Japanese language the best.

BY HEARING OFFICER TO KAMEYO NAKAMATSU: (THROUGH INTERPRETER)

Q Will you please state your name?
A My name is Kameyo Nakamatsu.

Q What languages do you speak and understand?
A The Japanese language.

A5 967 513 A6 153 133
A6 153 135 A6 153 131
A6 153 132 A6 153 130
A6 153 134 A6 153 129

HEARING OFFICER TO YAKO NAKAMATSU:

Q Are the other six persons here your children, Seiko, Tokusei, Seisun, Masayoshi, Sueko and Shizue?

A Yes, they are all my children.

Q Do you desire to speak for them in these proceedings and bind them by your testimony?

A Yes, I would rather have that.

HEARING OFFICER TO ALL THE CHILDREN:

Q Do you desire that your father speak for you in these matters and that his testimony will bind you in this case today?

BY HEARING OFFICER: Let the record show that all answered yes.

HEARING OFFICER TO THE TWO ADULT RESPONDENTS:

Q Are you the same Kameyo Nakamatsu and Yako Nakamatsu, and are these the same children who were granted hearings to show cause why you should not be deported from the United States at Crystal City, Texas, in April 1946?

A Yes, I am the same person, so is my wife and the six children.

Q You are informed that under date of January 4, 1952, your hearings were ordered reopened by the Board of Immigration Appeals for the purpose of permitting you to make applications for suspension of deportation under Public Law 863 as amended. At this time I present for your inspection a copy of the order to reopen proceedings in your case.

A -

BY HEARING OFFICER: Let the record show that the copy was read to the respondents by the interpreter.

Q Have you been furnished with a copy of this order?

A Yes.

BY HEARING OFFICER: A copy of this order is now entered into evidence and inasmuch as the warrant of arrest was entered into evidence at your original hearing as EXHIBIT NO. 1, this order to reopen is entered as a part of this record as EXHIBIT NO. 2.

For the record, I have familiarized myself with the prior proceedings in this matter.

A5 967513-A6 153 133
A6 153 135 A6 153 131
A6 153 132 A6 153 130
A6 153 134 A6 153 129

Q During these proceedings today you have the right to be represented by counsel of your own choice and at your own expense, which counsel may be any person duly qualified to practice or appear in proceedings before this Service. Do you desire to be so represented?

A Mr. Wayne M. Collins is representing us but I have a letter from him stating that I should appear at the hearing and it is not necessary for him to be present. However, I would like to have the Hearing Officer to forward to Mr. Collins a copy of the decision he makes in my case.

BY THE HEARING OFFICER: Let the record show that the respondent presents a letter from Mr. Wayne M. Collins, Attorney at Law, San Francisco, California, dated October 27, 1952.

HEARING OFFICER TO RESPONDENTS: This letter you have presented from Mr. Collins is entered into evidence as EXHIBIT NO. 3, and a copy of the written decision in this case will be furnished Mr. Collins in accordance with his request and your desire.

Q Has any member of the family departed from the United States since your original entry on February 6, 1943?

A No, none of my family has departed from the United States since that.

BY HEARING OFFICER: At this time let the record show the respondents present Forms I-256 A, applications for suspension of deportation, which are subscribed and sworn to by them before the Hearing Officer.

HEARING OFFICER TO RESPONDENTS:

These application forms for suspension of deportation are now entered into evidence as follows:

EXHIBIT 4 - Application of Yako Nakamatsu;

EXHIBIT 5 - Application of Kameyo Nakamatsu;

EXHIBIT 6 - Application of Shizue Nakamatsu;

EXHIBIT 7 - Application of Sueko Nakamatsu;

EXHIBIT 8 - Application of Masayoshi Nakamatsu;

EXHIBIT 9 - Application of Tokusei Nakamatsu;

EXHIBIT 10 - Application of Seisun Nakamatsu;

A5 967 513 A6 153 133
A6 153 135 A6 153 131
A6 153 132 A6 153 130
A6 153 134 A6 153 129

BY HEARING OFFICER (continued)

EXHIBIT 11 - Application of Seiko Nakamatsu.

At this time let the record show the respondents present the following described documents in support of their applications for suspension of deportation:

TO RESPONDENTS: The documents which you have presented are entered into evidence as follows:

EXHIBIT 12 - Letter of Mr D. H. Johnson, Officer Manager, Sheehy Berry Farms, Santa Maria, California, dated November 7, 1952;

EXHIBIT 13 - Letter of Leon R. Furro, Registrar, Santa Maria Union High School and Junior College, Santa Maria, California, dated November 10, 1952, regarding attendance there of Jack Nakamatsu, Masayoshi and Seishun Nakamatsu.

EXHIBIT 14 - Letter of Thelma Hunt, Homeroom 7 Teacher, dated 11-7-52, regarding enrollment of Sueko Nakamatsu in the El Camino School, Santa Maria;

EXHIBITS 15, 16, 17, 18 and 19, Police Clearances from the Police Department City of Los Angeles regarding Yako, Kameo, Seiko, Seishun and Tokusei Nakamatsu.

HEARING OFFICER TO RESPONDENTS: It will be necessary for you to submit affidavits from two parties covering your residence and character while you have been at Santa Maria, California and two affidavits from two parties covering your character and residence at Los Angeles, California. Also in proof of continuous residence in the United States since release from the internment camp you should present records of employment, school records, or other evidence to establish continuous residence.

Q How soon will you be in a position to submit such evidence?

A Within two weeks, I can get the documents ready, in fact, I have the recent police clearance from Santa Maria Police Department mailed to me but it has not reached me yet.

Q Do you and the members of your family desire to apply for the privilege of voluntary departure from the United States in the alternative to suspension of deportation?

A Yes, if suspension of deportation is not granted I will depart voluntarily.

Q If granted the privilege of voluntary departure to what country do you intend to go?

A I want to depart for Peru in such case.

A5 967 513 A6 153 133
A6 153 135 A6 153 131
A6 153 132 A6 153 139
A6 153 134 A6 153 129

Q Have you applied for any permission from the Peruvian Government for authority to return to that country?

A Prior to 1945, I made an application to the Peruvian Government to go back if they would accept me; however, in 1945, when the war ended the Peruvian Government has refused to accept myself or the whole family and I had no choice but to remain here or to be deported to Japan or to resettle in the United States and I have resettled in Los Angeles with the intention of staying in this country.

Q Since that time have you submitted an application to the Peruvian Government for permission to enter that country?

A No, I have not.

Q Have you any assurance at this time that you would be able to enter Peru?

A No, I have no assurance at all.

Q Do you have the funds with which to depart from this country at your own expense?

A I am able to pay the expense of myself and the family in case I should be forced to depart on this deportation case.

Q Do you have any Japanese passports?

A No, I have no passports. It was picked up by the Peruvian Government.

Q Is it possible for you to return to Japan at your own expense?

A Yes.

Q If granted the privilege of voluntary departure from the United States within what period of time could you depart?

A I would like to have at least six months to settle my business.

BY HEARING OFFICER:

At this time for the purpose of entering into the record, I present for your inspection Forms G-58, request to the Federal Bureau of Investigation to furnish this Service with any criminal record as shown by their fingerprint records. These forms all bear notation "No Criminal Record" or "Name Search Negative." These reports referring to Yako, Kameyo, Seishun, Tokusei and Seiko are now entered into evidence as EXHIBITS 20 through 24 inclusive in the order presented to you.

Q With reference to applications for suspension of deportation, it is the policy of this Service to conduct investigations regarding the character, residence of the respondents. I do not have before me at this time any such report of investigation. Is it agreeable with you that the reports of such investigation be entered into evidence and marked as exhibits next in order if this hearing is closed today?

A Yes.

A5 967 513

A6 153 133

A6 153 135

A6 153 131

A6 153 132

A6 153 130

A6 153 134

A6 153 129

Q Do you have any further evidence you desire to offer at this time?

A I have a letter from the United States Department of Justice, Immigration and Naturalization Service in answer to my request that I may be applying for naturalization papers, and the answer to which is that my legal residence has not been established and I may not make such application at this time. Also I have my son, Seiko Nakamatsu's induction order to appear at Induction Station on November 17, 1952. My other son, Tokusei, is also registered with the Department of Army, and he is subject to draft call. With those evidences I like to remain in this country as permanent residents and eventually become an American citizen.

BY HEARING OFFICER: Our files reflect that on October 9, 1952 you were advised you are ineligible to apply for a declaration of intention to become a citizen, therefore, this original letter which you have presented is returned to you.

HEARING OFFICER TO SEIKO NAKAMATSU:

Q Other than this notice which has been presented dated November 4, 1952, Order to report for induction, have you previously been ordered to report for induction?

A No, I have not.

Q Is it your intention to report on November 17 in accordance with this notice?

A Yes.

Q And do you intend to apply for any exemption from Military Service?

A No.

BY HEARING OFFICER: Let the record show that the respondent, Seiko Nakamatsu, has presented his order to report for induction, Local Board No. 106, Los Angeles County, 1206 South Santee Street, Los Angeles, California, dated November 4, 1952, Order No. 4-106-32-60, subject ordered to report to the Los Angeles Examining and Induction Station, 155 West Washington Blvd., Los Angeles, California at 8:00 A.M., November 17, 1952. The order to report is returned to the respondent.

HEARING OFFICER TO RESPONDENT YAKO NAKAMATSU:

Q Have you any other evidence you desire to submit in this matter at this time?

A No, I have no others.

HEARING OFFICER TO ALL PARTIES PRESENT OTHER THAN YAKO NAKAMATSU:

Q You have heard the testimony of Mr. Nakamatsu in these matters, have any of you anything you desire to state at this time?

BY HEARING OFFICER: All respondents answered no.

A5 967 513 A6 153 133

A6 153 135 A6 153 131

A6 153 132 A6 153 130

A6 153 134 A6 153 129

HEARING OFFICER TO YAKO NAKAMATSU:

Q On behalf of yourself, your wife, and these children, do you have any statements you desire to make at this time as to why you should not be deported from the United States on the charges stated in the warrants of arrest?

A With the evidences submitted and further evidence to be submitted, I have proven that I have been a law-abiding citizen so far, and my son serving in the United States Army I have no objection at all, and I believe it is their responsibility to serve their country, and with these feelings I would like to have my deportation reconsidered and have my whole family stay in this country.

Q If you are found to be subject to deportation and ordered deported, what country do you wish to specify as the country to which you shall be deported?

A If I have to be deported I would rather be deported to Peru.

Q As soon as practicable, I shall prepare in writing my decision in this matter, a copy of which will be furnished counsel in your case. Information in regard to the matter of filing exceptions to my decision will also be furnished counsel in an accompanying letter. Do you understand?

A Yes.

BY HEARING OFFICER: This hearing is now closed November 10, 1952.

HEARING CLOSED

I certify the foregoing is a true and correct transcript of the recording made of the testimony taken in the above cases:

Katherine Blum
Katherine Blum, Stenographer

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

HAROLD WOODS
HEARING OFFICER.

A5 967 513 A6 153 133
A6 153 135 A6 153 131
A6 153 132 A6 153 130
A6 153 134 A6 153 129

ALIEN ADDRESS REPORT--NOTICE

Who?

The law requires that every alien who is in the United States on January 1, of each year shall report his address during the month of January. Any alien who is temporarily absent on January 1, shall report his address within ten (10) days after his return to the United States.

How?

1. In January, go to any United States Post Office or any Immigration and Naturalization Office to obtain the Alien Address Report Card, Form I-53.
2. Read the instructions on the back of the card before you fill in the answers on the front, and sign the card. If you do not understand the instructions, ask the postal clerk or an employee of the Immigration and Naturalization Service for help in completing the card.
3. When you have completed the card hand it to a clerk in any Post Office, or Immigration and Naturalization Office.

When?

You must hand in your Alien Address Report, Form I-53, during January. You will assist the Immigration and Naturalization Service if you do so as early as possible in January.

PENALTIES

An alien or his parent or legal guardian in the United States who willfully or inexcusably fails to report is liable to be taken into custody and deported. Furthermore, imprisonment or fine may be levied before deportation.

TO UNITED STATES CITIZENS

If you are a citizen of the United States this notice does not apply to you. However, you will be assisting your Government, and any of your friends or acquaintances who are not United States citizens, if you will remind them of their responsibilities concerning the Address Report.

Argyle R. Mackey
Commissioner of Immigration and Naturalization
United States Department of Justice
Washington, D. C.

16-404a
(Rev. 6-4-52)

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

rec'd 12/15/52

REGISTERED MAIL

Date: DEC 12 1952

RETURN RECEIPT REQUESTED

File No.:

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

~~A5 967 513~~ A6 153 132
~~A6 153 134~~ A6 153 133
~~A6 153 131~~ A6 153 130
~~A6 153 129~~ A6 153 135

1600/44801
1600/45096

Dear Sir:

Reference is made to the hearing on November 10, 1952 in the deportation proceedings against YAKO NAKAMATSU, his wife, KAMEYO NAKAMATSU, and their six children, SEIKO, TOKUSEI (or TOKUSE), SEISUN (or SEISU), MASAYOSHI, SUEKO and SHIZUE.

Transmitted herewith is a copy of the Hearing Officer's decision in the case, furnished in accordance with 8 C.F.R. 151.5(d).

You have the right to take exceptions to the Hearing Officer's decision only as provided on the reverse of the Forms I-290 which are attached. Such exceptions, if taken, will constitute an appeal to the Board of Immigration Appeals. You may also submit argument or brief for the consideration of the Board of Immigration Appeals and, if you wish, a request for oral argument before that Board. If you desire to submit exceptions, you should execute both sides of the enclosed Forms I-290 in duplicate, which must then be filed, together with any argument or brief in duplicate, in this office before the expiration of five business days from receipt of this letter. If you do not desire to submit exceptions, you may file a written waiver of this right.

If exceptions are not filed within the time allowed, or if a waiver of exceptions is filed, the decision of the Hearing Officer will become final.

Yours very truly,

Alfred E. Edgar, Jr.
For the District Director.

Encls.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Files: A5 967 513 A6 153 132
 A6 153 134 A6 153 133
 A6 153 131 A6 153 130
 A6 153 129 A6 153 135

In re: YAKO NAKAMATSU,
 His wife, KAMEYO NAKAMATSU

DEC 12 1952

and their six children, SEIKO, TOKUSEI (or TOKUSE), SEISUN (or SEISU),
MASAYOSHI, SUEKO and SHIZUE.

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne M. Collins
 1701 Mills Tower
 220 Bush Street
 San Francisco 4, California

CHARGES:

Warrants: Act of 1924 - No immigration visa
 Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - seven years residence; in the
 alternative, voluntary departure

DETENTION STATUS: Released upon conditional parole

DISCUSSION: This record relates to a 55-year old male, his wife, age 52-years, both natives and citizens of Japan, and to their six children, ages 20, 18, 16, 14, 12 and 9 years respectively, who are natives of Peru, citizens of Japan. The husband/father entered the United States at San Pedro, California, on February 6, 1943, and the wife and children entered at New Orleans, Louisiana on July 2, 1944. They were brought to this country from South America for internment during the war. On April 26, 1946, the Board of Immigration Appeals ordered their deportation to Japan with a further order that execution of the order of deportation be deferred for a period of 90 days without prejudice to an application for voluntary departure if the aliens could secure permission to enter a country other than Japan. On January 4, 1952, the Board of Immigration Appeals ordered that the outstanding orders and warrants of deportation be withdrawn and granted a motion of counsel for reopening of the proceedings to permit the aliens to make application for suspension of deportation under Public Law 863, as amended.

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A6 153 133
A6 153 130
A6 153 135

- 2 -

During the reopened proceedings the respondents submitted applications for suspension of deportation. The adult respondents have no children born in the United States. None of the alien children are married. The applications for suspension of deportation submitted by the family are based solely on a claim of more than seven years continuous residence in the United States as provided by the provisions of Section 19(c) of the Immigration Act of 1917, as amended, such amendment being effective July 1, 1948. After being brought to this country under circumstances beyond their control, the respondents have now achieved the seven years residence as a result of having failed to depart from the United States a number of years earlier after having been given the opportunity to do so. It has been the established policy to deny suspensions of deportation in this class of cases. Such policy is well and completely set out in Interim Decision No. 225, Matter of W., A5 908 014, decided by the Board of Immigration Appeals on May 31, 1950. Accordingly the applications for suspension of deportation submitted by the respondents will be denied.

The respondents have submitted affidavits and other evidence to establish that they have been persons of good moral character during the statutory period. The eldest son, prior to the date of the hearing, had received a notice to report for induction into the military service of the United States. He has stated that he is willing to serve and intends to claim no exemption from service. A check of appropriate local and federal records has failed to reveal an arrest or criminal record. Inquiry has failed to disclose derogatory information. On the record the respondents have established statutory eligibility for the privilege of voluntary departure. The respondents desire to return voluntarily to Peru, but according to their testimony they were previously denied permission to return to that country by the Peruvian authorities. In the alternative they will depart voluntarily at their own expense to Japan if given the opportunity to do so. They have testified that they are financially able to depart from the United States at their own expense. Their applications for the privilege of voluntary departure will be granted.

The respondents have designated Peru as the country to which they desire deportation, if ordered deported.

Inasmuch as the deportability of the respondents has previously been adjudicated, no findings of fact nor conclusions of law as to deportability are being made a part of this decision.

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A6 153 129

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A6 153 133
A6 153 130
A6 153 135

- 3 -

ORDER: It is ordered that the respondents be granted the privilege of voluntary departure from the United States to any country of their choice at their own expense in lieu of deportation within such period of time and under such conditions as the Officer in Charge of the District deems appropriate.

IT IS FURTHER ORDERED that if the respondents fail to depart when and as required, the privilege of voluntary departure be then withdrawn without further notice or proceedings and the respondents be deported from the United States pursuant to law on the charges stated in the warrant of arrest.

Harold Woods
HAROLD WOODS, Hearing Officer

HW/bah

January 15, 1953.

U. S. Immigration Service,
458 South Spring Street,
Los Angeles 13, Calif.

Attention: Alfred E. Edgar, Jr., Esq.

In re: Yoshisada Shiga,	A6 161 498 (IB)
Masako T. Shiga,	A6 161 497 (IB)
Teruko S. Sakai,	A6 616 503 (IB)
Shizuko S. Iwamoto,	A6 616 502 (IB)
Masayoshi Suematsu,	A6 616 501 (IB)
Yako Nakamatsu,	A5 967 513
Kameyo Nakamatsu,	A5 153 134
Seiko Nakamatsu,	A6 153 131
Tokusei Nakamatsu,	A6 153 129
Seisun Nakamatsu,	A6 153 132
Masayoshi Nakamatsu,	A6 153 133
Sueko Nakamatsu,	A6 153 130
Shizuo Nakamatsu,	A6 153 135
Shizuka Kikuchi,	1600-45364

Gentlemen:

Copies of the adverse rulings of the hearing officer in each of the above-mentioned cases apparently were received in my office at the same time on December 15, 1952, by a temporary employee. Due to her and my regular secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 renunciants and several hundred alien clients requesting them to comply with the registration and annual report requirements of the Walters-McCarran Act she evidently laid aside the said copies of the adverse decisions and forgot to call them to my attention.

Unfortunately the existence of these decisions was neither called to my attention nor were they delivered to me at the time. On the evening of December 23rd or the morning of the 24th my regular secretary found this group of decisions and delivered them to me. On Dec. 24th I wrote your office requesting copies of the respective transcripts in each of said cases so that I could take the proper exceptions, appeals and prepare my briefs thereon. I recall insisting that my requests

1998



THE UNIVERSITY OF
MICHIGAN
LIBRARY

for said transcripts be typed on that day even though my secretary had hoped to be free that day because of Christmas eve.

If any Forms I-290 were returned to you from my office along with my letters of Dec. 24th without exceptions being indicated thereon they were forwarded in such manner through inadvertance without specific instructions from me so to do even if those forms were partially made out. My instructions to my staff was that the I-290's were not to be forwarded until such time as I received transcripts of the hearings so that I would know what precise exceptions might be applicable.

Under these circumstances I request that the said causes be reopened for the purpose of enabling me to take the proper exceptions and appeals and to prepare briefs thereon. I make this request for a reopening even in the case of Shizuka Kikuchi, nee Naganuma, who, I understand, wishes to be represented by an attorney from Los Angeles.

Each of the above-mentioned aliens is a member of the Peruvian-Japanese group brought here in 1943 or 1944, the male heads of the families for internment and the wives and children as voluntary internees. They constitute a portion of the remainder of some 297 like persons whom I represent and whose cases are pending administratively in various stages before the Immigration authorities here and in Hawaii.

A majority of these cases fall into the same category insofar as their administrative rights are concerned. However, it is essential to the preservation of their legal rights that their administrative remedies be exhausted before their judicial remedies, if necessitated, will be available to them in the event that our Government's and my own continued negotiations with Peru finally fail to repatriate them to Peru.

Due to the aforesaid inadvertance which occasioned my failure to take the proper exceptions, appeals and prepare and file briefs in said causes in proper time I would be grateful were you to reconsider the said causes, this request, and thereupon set aside those final orders and extend the time within which I may take exceptions and appeal and file my briefs therein.

Very truly yours,

January 15, 1953.

U. S. Immigration Service,
458 South Spring Street,
Los Angeles 13, Calif.

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Kameyo Nakamatsu,	A5 153 134
Seiko Nakamatsu,	A6 153 131
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Due to the aforesaid inadvertance which occasioned my failure to take the proper exceptions, appeals and prepare and file briefs in said causes in proper time I would be grateful were you to reconsider the said causes, this request, and thereupon set aside those final orders and extend the time within which I may take exceptions and appeal and file my briefs therein.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

Recd 1/30/53
January 29, 1953

1600-44801 (IB) A5 967 513 (IB)
1600-45096 (IB) A6 153 134 (IB)
1600-45096 (IB)
1600-45096 (IB)
1600-45096 (IB) A6 153 132 (IB)
1600-45096 (IB) A6 153 133 (IB)
1600-45096 (IB)
1600-45096 (IB)

Mr. Wayne M. Collins
Attorney at Law
1701 Mills Tower
220 Bush Street
San Francisco 4, California

Dear Sir:-

Attached hereto is a transcript of the record in the cases of Yako Nakamatsu, his wife, KAMEYO (NAKAMATSU), and their six children, SEIKO, TOKUSEI (or TOKUSE), SEISUN (or SEISU), MASAYOSHI, SUEKO and SHIZUE, as requested by you.

Please sign and date the attached receipt and return promptly to this office.

Very truly yours,

Joseph Adumal
For the District Director

Encls.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

SHIZUO NAKAMATSU

A6 153 135

AFFIDAVIT IN SUPPORT OF MOTIONS

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

Wayne M. Collins of said City and County and State being first duly sworn, deposes and says: that he is the attorney of record for the alien above-named; that he heretofore duly entered his appearance as such in the above-entitled cause;

That on December 12, 1952, an adverse decision was rendered in said cause by the Hearing Officer ordering a withholding of a deportation order but requiring the alien to depart voluntarily at a time to be determined by the Officer in Charge of the USI & NS, Los Angeles, and ordering that if the alien failed to depart when and as required that said alien be deported. A copy of said decision and notice thereof were mailed to me on December 12, 1952.

The copy of said decision and notice thereof apparently were received in my office on December 15, 1952, and receipted for by a girl typist I had employed temporarily because of the pressure of work in my office. Due to her and my secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 clients who had renounced U. S. citizenship and whose causes I represent in proceedings pending in the U. S. District Court at

San Francisco, California, and to several hundred alien clients requesting them to comply with the fingerprinting and registration requirements of the new Immigration and Nationality Act of 1952 and the procuring and filing of Forms I-53 required thereunder, she evidently laid said decision and notice thereof aside, along with several other like decisions and notices apparently received by her at the same time, and forgot to deliver them to me or to call my attention thereto.

The existence of said copy of said decision and notice thereof was not brought to my attention until either the evening of December 23, 1952, at office closing time, or early on the morning of December 24, 1952, when my secretary found the said bundle of decisions and notices containing the said copy of decision and notice relating to the alien above named. Promptly thereafter, on December 24, 1952, I wrote to your office requesting a copy of the transcript of the hearing in this cause and in each of the causes to which the aforesaid decisions related so that I could review the testimony therein as a necessary condition precedent to enable me to take the proper exceptions thereto and appeal therefrom and to prepare a brief in support thereof. I recall insisting that my secretary type the requests for said transcripts on that day even though she had expressed to me her desire to be free from work early that day because of the advent of Christmas Eve.

I recall also that I examined the Forms I-290 that were attached to the said copies of decision and notices thereof in several or each of said causes. I may partially have filled out or signed one or more of those forms although I am not certain on this point. I do recall that I instructed my secretary not to mail out the Forms I-290 but to withhold them until I received the transcripts. If any Forms I-290 were returned to the District Director, USI & NS, Los Angeles, California, either with or without exceptions

or notice of appeal being indicated thereon the same were forwarded by her in such manner through inadvertance and contrary to my specific instructions. Those requests were typed up by her from a copy of a prior similar request used in my office as a standard form containing a concluding sentence that notice of appeal are enclosed. In all likelihood I signed said letters without taking notice of that concluding sentence and my secretary, therefore, must have enclosed therewith the Forms I-290 in an incomplete state for no such Forms are in my files.

For the foregoing reasons it is respectfully requested that the cause be reopened and be reconsidered and that the finality of said decision be set aside and that the time of the alien above-named to take exceptions to said decision, to appeal therefrom and to file a brief in support thereof be extended.

The alien above-named is a member of the Peruvian Japanese group brought to the United States in 1943 and 1944, the male heads of the family for internment and the wives and children as voluntary internees to accompany them. Our Secretary of State, our Ambassador to Peru and affiant have endeavored and still are endeavoring to persuade the Peruvian Government to permit the alien above-named and the residue of said Peruvian-Japanese group to be repatriated to Peru. Friends and relatives of the members of this group likewise are continuing their efforts here and in Peru to have them returned to Peru. To affiant's knowledge no conclusive decision has yet been made by the Peruvian Foreign Minister as to whether the Peruvian Government will authorize their return to Peru but he did, so I am informed and believe, some time ago suggest that individual applications on their behalf for repatriation would be considered.

Affiant represents substantially all the members of said Peruvian-Japanese group remaining in this country in proceedings pending before various offices of the U. S. Immigration and

Naturalization Service and, anticipating that, some time in the future, it might become necessary to institute litigation in our federal district courts to obtain a final judicial determination on the questions of their deportability, denial of the right to a suspension of deportation or other relief, steadily has endeavored to protect and exhaust their administrative rights and remedies as conditions precedent to their right to institute and prosecute to conclusion whatever judicial proceedings ultimately may become necessary to preserve their rights in the event they are not finally granted, in administrative proceedings or through legislation, a suspension of deportation and permanent resident status in this country. A failure to exhaust the remedies of an administrative consideration of exceptions and of an administrative review on appeal, open to the alien above-named by statute and regulation, from the aforesaid order for voluntary departure and for deportation if the alien does not so depart, not only deprives said alien of the administrative review provided in such case but also might seriously impair the alien's judicial rights and remedies.

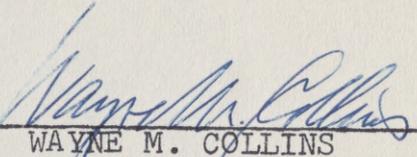
On January 15, 1953, I received a letter dated January 14, 1952, from Alfred E. Edgar, Jr., acting for the District Director, USI&NS, Los Angeles, California, notifying me that the decisions of the Hearing Officer had been transmitted and been received at my office on December 15, 1952, and that Forms I-290 were received at the USI&NS office at Los Angeles on December 29, 1952, and did not show that any exceptions were taken to the decision of the Hearing Officer which had become final. Upon receipt thereof I telephoned Mr. Edgar and explained the cause of my failure earlier to make requests for the transcripts in said cases and for extensions of time thereon to file exceptions thereto, to appeal therefrom and to file briefs in support thereof and asked if the time so to do could be extended by oral or written request. He suggested that if I

addressed a letter to him thereon setting forth the facts that he would present it to the District Director, USI&NS, at Los Angeles for determination. Accordingly I wrote and mailed such a letter on January 15, 1953, and thereafter, on January 28, 1953, received a reply from H. R. Landon, District Director, stating that if I wished I might submit motions for reopening or reconsideration of this and said other like causes.

Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively to a suspension from deportation under the provisions of Title 8 USCA, Sec. 155(c) as a person proved to be of good moral character who, actually and within the meaning and intent of that Act, has resided continuously in the United States for a period in excess of seven years and so resided on the effective date of that Act and that, in consequence, the order for voluntary departure and for deportation in the event said alien does not so depart, in affiant's opinion, is contrary to law.

The alien wishes to except to the findings of fact and conclusion of law contained in said decision that said alien is deportable and also to the conclusion of law that said alien was not exempted from the presentation of a valid visa at the time of entry into the United States, and also to except to the order to depart voluntarily or thereafter to be deported, on the ground that the evidence introduced at said alien's hearing conclusively demonstrated, and it is a fact of which the Hearing Officer should have taken administrative or judicial notice that the United States waived and exempted said alien from the presentation of a visa at the time of said alien's entry into the United States, and by reason thereof,

said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

SEIKO NAKAMATSU

A6 153 131

AFFIDAVIT IN SUPPORT OF MOTIONS

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

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Naturalization Service and, anticipating that, some time in the future, it might become necessary to institute litigation in our federal district courts to obtain a final judicial determination on the questions of their deportability, denial of the right to a suspension of deportation or other relief, steadily has endeavored to protect and exhaust their administrative rights and remedies as conditions precedent to their right to institute and prosecute to conclusion whatever judicial proceedings ultimately may become necessary to preserve their rights in the event they are not finally granted, in administrative proceedings or through legislation, a suspension of deportation and permanent resident status in this country. A failure to exhaust the remedies of an administrative consideration of exceptions and of an administrative review on appeal, open to the alien above-named by statute and regulation, from the aforesaid order for voluntary departure and for deportation if the alien does not so depart, not only deprives said alien of the administrative review provided in such case but also might seriously impair the alien's judicial rights and remedies.

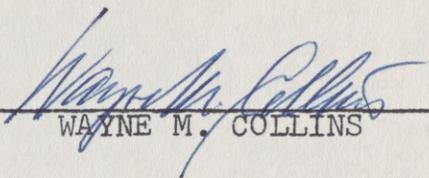
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Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively to a suspension from deportation under the provisions of Title 8 USCA, Sec. 155(c) as a person proved to be of good moral character who, actually and within the meaning and intent of that Act, has resided continuously in the United States for a period in excess of seven years and so resided on the effective date of that Act and that, in consequence, the order for voluntary departure and for deportation in the event said alien does not so depart, in affiant's opinion, is contrary to law.

The alien wishes to except to the findings of fact and conclusion of law contained in said decision that said alien is deportable and also to the conclusion of law that said alien was not exempted from the presentation of a valid visa at the time of entry into the United States, and also to except to the order to depart voluntarily or thereafter to be deported, on the ground that the evidence introduced at said alien's hearing conclusively demonstrated, and it is a fact of which the Hearing Officer should have taken administrative or judicial notice that the United States waived and exempted said alien from the presentation of a visa at the time of said alien's entry into the United States, and by reason thereof,

said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

KAMEYO HAKAMATSU

A5 153 134

AFFIDAVIT IN SUPPORT OF MOTIONS

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

Wayne M. Collins of said City and County and State being first duly sworn, deposes and says: that he is the attorney of record for the alien above-named; that he heretofore duly entered his appearance as such in the above-entitled cause;

That on December 12, 1952, an adverse decision was rendered in said cause by the Hearing Officer ordering a withholding of a deportation order but requiring the alien to depart voluntarily at a time to be determined by the Officer in Charge of the USI & NS, Los Angeles, and ordering that if the alien failed to depart when and as required that said alien be deported. A copy of said decision and notice thereof were mailed to me on December 12, 1952.

The copy of said decision and notice thereof apparently were received in my office on December 15, 1952, and receipted for by a girl typist I had employed temporarily because of the pressure of work in my office. Due to her and my secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 clients who had renounced U. S. citizenship and whose causes I represent in proceedings pending in the U. S. District Court at

San Francisco, California, and to several hundred alien clients requesting them to comply with the fingerprinting and registration requirements of the new Immigration and Nationality Act of 1952 and the procuring and filing of Forms I-53 required thereunder, she evidently laid said decision and notice thereof aside, along with several other like decisions and notices apparently received by her at the same time, and forgot to deliver them to me or to call my attention thereto.

The existence of said copy of said decision and notice thereof was not brought to my attention until either the evening of December 23, 1952, at office closing time, or early on the morning of December 24, 1952, when my secretary found the said bundle of decisions and notices containing the said copy of decision and notice relating to the alien above named. Promptly thereafter, on December 24, 1952, I wrote to your office requesting a copy of the transcript of the hearing in this cause and in each of the causes to which the aforesaid decisions related so that I could review the testimony therein as a necessary condition precedent to enable me to take the proper exceptions thereto and appeal therefrom and to prepare a brief in support thereof. I recall insisting that my secretary type the requests for said transcripts on that day even though she had expressed to me her desire to be free from work early that day because of the advent of Christmas Eve.

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For the foregoing reasons it is respectfully requested that the cause be reopened and be reconsidered and that the finality of said decision be set aside and that the time of the alien above-named to take exceptions to said decision, to appeal therefrom and to file a brief in support thereof be extended.

The alien above-named is a member of the Peruvian Japanese group brought to the United States in 1943 and 1944, the male heads of the family for internment and the wives and children as voluntary internees to accompany them. Our Secretary of State, our Ambassador to Peru and affiant have endeavored and still are endeavoring to persuade the Peruvian Government to permit the alien above-named and the residue of said Peruvian-Japanese group to be repatriated to Peru. Friends and relatives of the members of this group likewise are continuing their efforts here and in Peru to have them returned to Peru. To affiant's knowledge no conclusive decision has yet been made by the Peruvian Foreign Minister as to whether the Peruvian Government will authorize their return to Peru but he did, so I am informed and believe, some time ago suggest that individual applications on their behalf for repatriation would be considered.

Affiant represents substantially all the members of said Peruvian-Japanese group remaining in this country in proceedings pending before various offices of the U. S. Immigration and

Naturalization Service and, anticipating that, some time in the future, it might become necessary to institute litigation in our federal district courts to obtain a final judicial determination on the questions of their deportability, denial of the right to a suspension of deportation or other relief, steadily has endeavored to protect and exhaust their administrative rights and remedies as conditions precedent to their right to institute and prosecute to conclusion whatever judicial proceedings ultimately may become necessary to preserve their rights in the event they are not finally granted, in administrative proceedings or through legislation, a suspension of deportation and permanent resident status in this country. A failure to exhaust the remedies of an administrative consideration of exceptions and of an administrative review on appeal, open to the alien above-named by statute and regulation, from the aforesaid order for voluntary departure and for deportation if the alien does not so depart, not only deprives said alien of the administrative review provided in such case but also might seriously impair the alien's judicial rights and remedies.

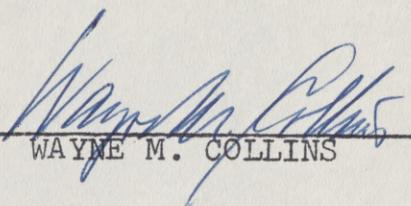
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WAYNE M. COLLINS

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this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

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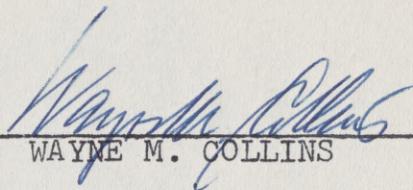
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WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

MASAYOSHI NAKANATSU

A6 153 133

AFFIDAVIT IN SUPPORT OF MOTIONS

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

Wayne M. Collins of said City and County and State being first duly sworn, deposes and says: that he is the attorney of record for the alien above-named; that he heretofore duly entered his appearance as such in the above-entitled cause;

That on December 12, 1952, an adverse decision was rendered in said cause by the Hearing Officer ordering a withholding of a deportation order but requiring the alien to depart voluntarily at a time to be determined by the Officer in Charge of the USI & NS, Los Angeles, and ordering that if the alien failed to depart when and as required that said alien be deported. A copy of said decision and notice thereof were mailed to me on December 12, 1952.

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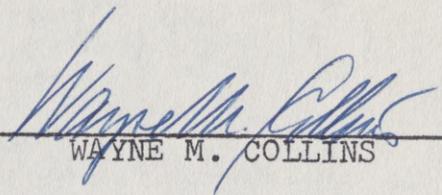
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WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

SEISUN NAKAMATSU

A6 153 132

AFFIDAVIT IN SUPPORT OF MOTIONS

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

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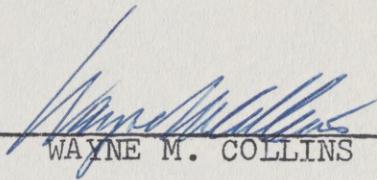
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addressed a letter to him thereon setting forth the facts that he would present it to the District Director, USI&NS, at Los Angeles for determination. Accordingly I wrote and mailed such a letter on January 15, 1953, and thereafter, on January 28, 1953, received a reply from H. R. Landon, District Director, stating that if I wished I might submit motions for reopening or reconsideration of this and said other like causes.

Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively to a suspension from deportation under the provisions of Title 8 USCA, Sec. 155(c) as a person proved to be of good moral character who, actually and within the meaning and intent of that Act, has resided continuously in the United States for a period in excess of seven years and so resided on the effective date of that Act and that, in consequence, the order for voluntary departure and for deportation in the event said alien does not so depart, in affiant's opinion, is contrary to law.

The alien wishes to except to the findings of fact and conclusion of law contained in said decision that said alien is deportable and also to the conclusion of law that said alien was not exempted from the presentation of a valid visa at the time of entry into the United States, and also to except to the order to depart voluntarily or thereafter to be deported, on the ground that the evidence introduced at said alien's hearing conclusively demonstrated, and it is a fact of which the Hearing Officer should have taken administrative or judicial notice that the United States waived and exempted said alien from the presentation of a visa at the time of said alien's entry into the United States, and by reason thereof,

said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 3/18 day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

TOKUSEI NAKANATSU

A6 153 129

AFFIDAVIT IN SUPPORT OF MOTIONS

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

Wayne M. Collins of said City and County and State being first duly sworn, deposes and says: that he is the attorney of record for the alien above-named; that he heretofore duly entered his appearance as such in the above-entitled cause;

That on December 12, 1952, an adverse decision was rendered in said cause by the Hearing Officer ordering a withholding of a deportation order but requiring the alien to depart voluntarily at a time to be determined by the Officer in Charge of the USI & NS, Los Angeles, and ordering that if the alien failed to depart when and as required that said alien be deported. A copy of said decision and notice thereof were mailed to me on December 12, 1952.

The copy of said decision and notice thereof apparently were received in my office on December 15, 1952, and receipted for by a girl typist I had employed temporarily because of the pressure of work in my office. Due to her and my secretary's then preoccupation with the preparation and mailing of printed material to some 3,700 clients who had renounced U. S. citizenship and whose causes I represent in proceedings pending in the U. S. District Court at

San Francisco, California, and to several hundred alien clients requesting them to comply with the fingerprinting and registration requirements of the new Immigration and Nationality Act of 1952 and the procuring and filing of Forms I-53 required thereunder, she evidently laid said decision and notice thereof aside, along with several other like decisions and notices apparently received by her at the same time, and forgot to deliver them to me or to call my attention thereto.

The existence of said copy of said decision and notice thereof was not brought to my attention until either the evening of December 23, 1952, at office closing time, or early on the morning of December 24, 1952, when my secretary found the said bundle of decisions and notices containing the said copy of decision and notice relating to the alien above named. Promptly thereafter, on December 24, 1952, I wrote to your office requesting a copy of the transcript of the hearing in this cause and in each of the causes to which the aforesaid decisions related so that I could review the testimony therein as a necessary condition precedent to enable me to take the proper exceptions thereto and appeal therefrom and to prepare a brief in support thereof. I recall insisting that my secretary type the requests for said transcripts on that day even though she had expressed to me her desire to be free from work early that day because of the advent of Christmas Eve.

I recall also that I examined the Forms I-290 that were attached to the said copies of decision and notices thereof in several or each of said causes. I may partially have filled out or signed one or more of those forms although I am not certain on this point. I do recall that I instructed my secretary not to mail out the Forms I-290 but to withhold them until I received the transcripts. If any Forms I-290 were returned to the District Director, USI & NS, Los Angeles, California, either with or without exceptions

or notice of appeal being indicated thereon the same were forwarded by her in such manner through inadvertance and contrary to my specific instructions. Those requests were typed up by her from a copy of a prior similar request used in my office as a standard form containing a concluding sentence that notice of appeal are enclosed. In all likelihood I signed said letters without taking notice of that concluding sentence and my secretary, therefore, must have enclosed therewith the Forms I-290 in an incomplete state for no such Forms are in my files.

For the foregoing reasons it is respectfully requested that the cause be reopened and be reconsidered and that the finality of said decision be set aside and that the time of the alien above-named to take exceptions to said decision, to appeal therefrom and to file a brief in support thereof be extended.

The alien above-named is a member of the Peruvian Japanese group brought to the United States in 1943 and 1944, the male heads of the family for internment and the wives and children as voluntary internees to accompany them. Our Secretary of State, our Ambassador to Peru and affiant have endeavored and still are endeavoring to persuade the Peruvian Government to permit the alien above-named and the residue of said Peruvian-Japanese group to be repatriated to Peru. Friends and relatives of the members of this group likewise are continuing their efforts here and in Peru to have them returned to Peru. To affiant's knowledge no conclusive decision has yet been made by the Peruvian Foreign Minister as to whether the Peruvian Government will authorize their return to Peru but he did, so I am informed and believe, some time ago suggest that individual applications on their behalf for repatriation would be considered.

Affiant represents substantially all the members of said Peruvian-Japanese group remaining in this country in proceedings pending before various offices of the U. S. Immigration and

Naturalization Service and, anticipating that, some time in the future, it might become necessary to institute litigation in our federal district courts to obtain a final judicial determination on the questions of their deportability, denial of the right to a suspension of deportation or other relief, steadily has endeavored to protect and exhaust their administrative rights and remedies as conditions precedent to their right to institute and prosecute to conclusion whatever judicial proceedings ultimately may become necessary to preserve their rights in the event they are not finally granted, in administrative proceedings or through legislation, a suspension of deportation and permanent resident status in this country. A failure to exhaust the remedies of an administrative consideration of exceptions and of an administrative review on appeal, open to the alien above-named by statute and regulation, from the aforesaid order for voluntary departure and for deportation if the alien does not so depart, not only deprives said alien of the administrative review provided in such case but also might seriously impair the alien's judicial rights and remedies.

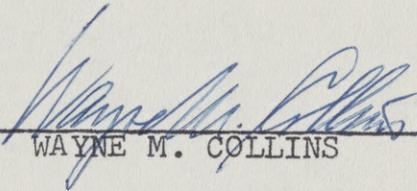
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Affiant, as counsel for said alien, genuinely believes that said alien, as a matter of law and of fact, is not deportable under the Constitution and laws of the United States and also that said alien, as a matter of law and of fact, is entitled administratively to a suspension from deportation under the provisions of Title 8 USCA, Sec. 155(c) as a person proved to be of good moral character who, actually and within the meaning and intent of that Act, has resided continuously in the United States for a period in excess of seven years and so resided on the effective date of that Act and that, in consequence, the order for voluntary departure and for deportation in the event said alien does not so depart, in affiant's opinion, is contrary to law.

The alien wishes to except to the findings of fact and conclusion of law contained in said decision that said alien is deportable and also to the conclusion of law that said alien was not exempted from the presentation of a valid visa at the time of entry into the United States, and also to except to the order to depart voluntarily or thereafter to be deported, on the ground that the evidence introduced at said alien's hearing conclusively demonstrated, and it is a fact of which the Hearing Officer should have taken administrative or judicial notice that the United States waived and exempted said alien from the presentation of a visa at the time of said alien's entry into the United States, and by reason thereof,

said alien desires to appeal from said decision and order to the Board of Immigration Appeals.



WAYNE M. COLLINS

Subscribed and sworn to before me
this 31st day of January, 1953

NOTARY PUBLIC
In and for the City and County of
San Francisco, State of California.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

YAKO NAKAMATSU

A5 967 513

AFFIDAVIT IN SUPPORT OF MOTIONS

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

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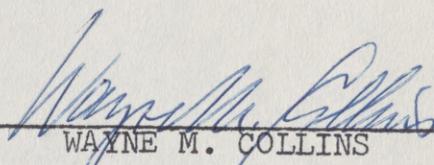
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