

19:16

SHIRADO, SEISHU

1951 - 1953

1 BEFORE THE U. S. IMMIGRATION AND NATURALIZATION SERVICE

2

3 In the Matter of

4 SEISHU SHIRADO

5

)
)
)
)

File No. A5 967 454

6 EXCEPTIONS AND OBJECTIONS TO HEARING OFFICER'S

7 DECISION AND SUPPORTING REASONS THEREFOR

8

9 SEISHU SHIRADO, the respondent herein, excepts to and
10 objects to the decision of hearing officer JOSEPH A. DUMMEL
11 made herein in the hearing of respondent's application for sus-
12 pension of deportation held on January 8, 1951, and, in parti-
13 cular, (1) to each and every conclusion of law as to deportation;
14 (2) to the finding of fact that the respondent's deportation
15 would not cause serious economic detriment to his citizen spouse;
16 (3) to the decision that the respondent be required to depart
17 from the United States within 30 days from the decision.

18 In the instant case, SEISHU SHIRADO, the respondent, was
19 brought to the United States by our government, not of his own
20 volition but against his desire and will. It is submitted that
21 the U. S. Government is estopped to declare this entry was unlaw-
22 ful because it forcibly brought him here. The only contention that
23 the immigration authorities heretofore have seen fit to assert in
24 connection with the Peruvian-Japanese so outrageously uprooted
25 from their homes is that their presence in the U. S. is unlawful
26 because they possess no admission credentials and because they
27 were brought here for internment. It would be nearer the truth to say
28 that there was more than just the motive to intern them as the reason
29 reason for their being here.

30 We further point out the fact that respondent was not in
31 the custody of the Immigration authorities at the time of his
32 arrival here and was therefore not subject to the jurisdiction

1 of the United States Immigration & Naturalization Service but
2 was under the jurisdiction of the State Department and in its
3 custody, the military police and other governmental agents then
4 serving merely as agents of the Secretary of State.

5 The hearing officer has admitted that respondent has
6 fulfilled the residence requirements under Section 19(c)(2)(b)
7 of the Immigration Act of 1917. The statute is clear and does
8 not except those brought here forcibly by the U. S. Government
9 from its meaning. A wrong was perpetrated when the Peruvian-
10 Japanese were uprooted and brought here. That wrong cannot be
11 righted by the action of the Immigration & Naturalization Service
12 deporting them to a country which they feel foreign in, although
13 it may be that it is the country of their birth. Granting
14 voluntary departure solves nothing in that Peru, where they spent
15 the greater part of their lives, as yet, I am told, will not
16 permit their reentry.

17 The respondent has proved that his citizen wife is
18 dependent upon him for economic support. Testimony of the
19 respondent and the citizen wife was not disproved.

20 In view of the fact that respondent has shown that he
21 has resided in the United States for more than seven years, and
22 is a person of good moral character, and because of the economic
23 detriment which would be caused his citizen wife in the event
24 respondent is deported, we urge that the application for sus-
25 pension of deportation be granted. Therefore, we assert that
26 the proposed order requiring departure and the denial of said
27 application for discretionary relief be rejected and set aside
28 and that his application for such relief be granted.

29 Dated this 9th day of August, 1951.
30

31

Y. R. HIRAOKA
1435 Fresno Street
Fresno 6, California
Telephone 4-2078
Attorney for Respondent
32

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Los Angeles 13, California

File: A5 967 454

In Re: SEISHU SHIRADO

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Attorney Wayne M. Collins
1701 Mills Tower, 220 Bush Street
San Francisco 4, California
and
Attorney Y. R. Hiraoka
1435 Fresno Street
Fresno, California

CHARGES:

Warrant: Act of 1924 - No immigration visa

Act of 1924 - Ineligible to citizenship

Act of 1918 - No passport

Lodged : None

APPLICATION: Suspension of deportation - 7 years residence and economic detriment

DETENTION STATUS: Released on conditional parole

DISCUSSION AS TO DEPORTATION: This record relates to a 38 year old married male, a native and citizen of Japan who last entered the United States at San Pedro, California, February 6, 1943. He was brought to the United States at that time from Peru by the American authorities for internement. He was interned in the United States from 1943 until 1946. The respondent was not in possession of a valid immigration visa, nor did he present a passport. The respondent was not a bona fide non-immigrant at the time of entry.

The respondent is of the Japanese race and is, therefore, ineligible to citizenship in the United States. The respondent's entry, not being a lawful one, he is deportable on the charges contained in the warrant of arrest.

FINDINGS OF FACT AS TO DEPORTATION:

Upon the basis of all the evidence adduced, it is found:

- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States at San Pedro, California on February 6, 1943;

- (3) That the respondent, at the time of his last entry, was brought to the United States for internment as an enemy alien for an indefinite period;
- (4) That the respondent was not in possession of an immigration visa;
- (5) That the respondent did not present a passport;
- (6) That the respondent is of the Japanese race.

CONCLUSIONS OF LAW AS TO DEPORTATION:

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Sections 13 and 14 of the Immigration Act of May 26, 1924, the respondent is subject to deportation on the ground, that at the time of entry, he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) That under Section 19 of the Immigration Act of February 5, 1917, as amended, the respondent is subject to deportation on the ground, that he entered in violation of the Passport Act approved May 22, 1918, as amended, in that at the time of entry, he did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance or other travel document showing his origin and identity, as required by Executive Order in effect at time of entry;
- (3) That under Sections 13 and 14 of the Immigration Act of May 26, 1924, as amended, the respondent is subject to deportation on the ground that, he is an alien ineligible to citizenship and was not entitled to enter the United States under any exception of paragraph (c) of Section 13 of said Act.

DISCUSSION AS TO ELIGIBILITY FOR DISCRETIONARY RELIEF: The record shows that the alien was legally married to a native born citizen of the United States on July 23, 1950. They have no children. His wife is employed by a clothing company and earns approximately \$200.00 per month. According to the record, he is employed as a gardener and earns approximately \$250.00 per month. They have no savings and do not own any real property. They have personal property, including an automobile, valued at approximately \$2000.00. The respondent has no property or assets abroad. The respondent's wife has testified that she contributes to the support of her father and that if the respondent were deported, it would be very difficult for her to support herself and her father. She has testified that occasionally her father goes out and earns spending money. It is clear from the record that the respondent's deportation would not result in a serious economic

detriment to his citizen spouse.

The respondent is a person of the Japanese race and is, therefore, not eligible to obtain an immigration visa.

The records of this Service, consisting of detention reports and monthly parole reports together with the documents submitted by the respondent, establish that he has resided in the United States for more than 7 years and was residing in the United States on July 1, 1948. It is established that he has met the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record. The respondent is not required to register under the Selective Service Act of 1948. Inquiry has disclosed that he has no connection with subversive groups. Affidavits of witnesses have been produced to establish that he has been a person of good moral character since 1946.

The respondent has not established eligibility for suspension of deportation based on a serious economic detriment to his citizen spouse. He has established eligibility for suspension of deportation based on 7 years residence in the United States. However, in view of the fact that he was brought here for internment during the war and acquired a part of such residence due to his internment, suspension of deportation should not be granted. The respondent has applied for voluntary departure in the alternative.

FINDINGS OF FACT AS TO DISCRETIONARY RELIEF:

Upon the basis of the foregoing, it is found:

- (1) That the respondent is a person ineligible to citizenship;
- (2) That the respondent has established good moral character for the past five years;
- (3) That the respondent's deportation would not cause serious economic detriment to his citizen spouse;
- (4) That the respondent has resided in the United States for more than seven years past and was so residing on July 1, 1948;
- (5) That the respondent is not deportable as a member of one of the classes enumerated in Section 19(d) of the Immigration Act of February 5, 1917, as amended.

CONCLUSIONS OF LAW AS TO DISCRETIONARY RELIEF:

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That the respondent has established statutory

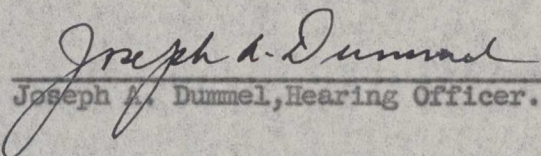
eligibility for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of February 5, 1917, as amended;

- (2) That the respondent has established statutory eligibility for voluntary departure under Section 19(c)(1) of the Immigration Act of February 5, 1917, as amended.

DECISION:

That the respondent be required to depart from the United States within 30 days after notification of this decision, at his own expense to any country of his choice.

Further, that if the respondent fails to depart within the period allowed, that he be deported forthwith pursuant to law upon the charges contained in the warrant of arrest.


Joseph A. Dummel, Hearing Officer.

JAD/lmh

10-104
5-2-51

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

REGISTERED MAIL

Date Aug. 8, 1951

RETURN RECEIPT REQUESTED

File No. A5 967 454 (HS)

Mr. Y. R. Hiraoka, Attorney at Law
1435 Fresno Street
Fresno, California

Dear Sir:

Reference is made to the hearing on January 8, 1951, in
the deportation proceedings against SEISHU SHIRADO

Transmitted herewith is a copy of the Hearing Officer's Decision
in the case, furnished in accordance with 8 CFR 151.5(b).

For consideration by the Commissioner of this Service in the
case, you may submit to this office exceptions to the decision and support-
ing reasons for such exceptions, or you may waive this action. Your ex-
ceptions, with supporting reasons, if this action is taken, should be
submitted to this office in duplicate on or before the expiration of five
business days from receipt of this letter. Upon receipt here, your com-
munication, with the record of hearing and the Hearing Officer's Decision,
will be forwarded to the Commissioner at Washington for decision in this
case.

You will be informed in due course of the decision. Please
notify this office promptly of any change of address.

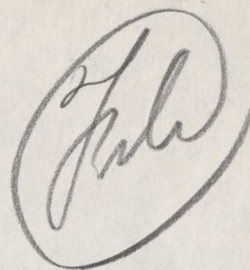
Yours very truly,

H. R. LANDON
District Director
By:

George W. Scallorn
George W. Scallorn

Encl.

Y. R. HIRAOKA
ATTORNEY AT LAW
1435 FRESNO STREET
FRESNO, CALIFORNIA
PHONE 4-2078



August 9, 1951

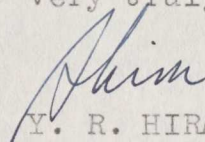
Wayne M. Collins, Esq.,
Attorney at Law,
1701 Mills Tower, 220 Bush Street,
San Francisco 4, California.

Re: SEISHU SHIRADO
A5 967 454
Peruvian-Japanese

Dear Wayne:

Enclosed find my objections to the proposed order in the above entitled matter. I send along the order, so that you may file your objections, if you so desire. You will have all day of the 14th for that purpose.

Very truly yours,



Y. R. HIRAOKA

Enc

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.
December 13, 1951

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.
A-5967454

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

Gentlemen:

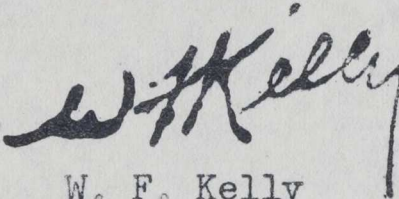
Reference is made to your interest in the case of SEISHU SHIRADO

For your information there is attached a copy of the order entered
in the case on December 13, 1951

OFFICIAL CC to

Sincerely yours

Y. R. Hiraoka, Esquire
1435 Fresno Street
Fresno, California


W. F. Kelly
Assistant Commissioner

ENF-5
(4-10-51)

COPY FOR
OR REPRESENTATIVE

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A-5867454 - Los Angeles (1610-2108)

(NO APPEAL)

In re: SEISHU SHIRADO

IN DEPORTATION PROCEEDINGS

DEC 13 1951

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower
220 Bush Street
San Francisco 4, California
and
I. R. Hirsoka, Esquire
1435 Fresno Street
Fresno, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1924 - Ineligible for citizenship
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - Seven years' residence

DETENTION STATUS: Released on parole

DISCUSSION AS TO DEPORTATION: The respondent is a 38-year-old married male, a native and citizen of Japan, who last entered the United States at San Pedro, California on February 6, 1943 at which time he was admitted under the policy then in effect of bringing potentially dangerous aliens to the United States for internment. Prior to his entry into the United States, the respondent had resided in Peru. He was interned from 1943 until 1946. At the time of his last entry, the respondent was not in possession of a valid immigration visa or a passport and as a member of the Japanese race, he was at the time of such entry inadmissible to citizenship. Therefore, the respondent is deportable under the Act of 1924 as an alien who is not in possession of an immigration visa and who at the time of entry was ineligible to citizenship and also under the Act of 1918 since he was not in possession of a passport at the time of entry.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The record shows that the respondent was legally married to a native-born citizen of the United States on July 23, 1950 and that there have been no children of this marriage. His wife is employed by a clothing company at

a salary of approximately \$200 a month. The respondent is employed as a gardener and earns approximately \$250 a month. The family assets consist of personal property valued at \$2000.

The affidavits of witnesses and the records of this Service satisfactorily establish that the respondent has resided in the United States for a period in excess of seven years and was residing in this country on July 1, 1948. It is established that he has met the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of February 5, 1917, as amended.

Since the respondent is ineligible to citizenship, he would not be able to obtain an immigration visa if granted the privilege of voluntary departure.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record relating to the respondent. He registered under the Alien Registration Act of 1940. Inquiry has disclosed that the alien has no connection with any subversive groups. Witnesses have been produced to establish that the respondent has been a person of good moral character for the preceding five years. On the record, the alien has established his eligibility for suspension of deportation.

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

IT IS FURTHER ORDERED that if the Congress approves the suspension of the alien's deportation, the proceedings be cancelled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as provided by law.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

December 20, 1951

Mr. Seishu Shirado
2310 Cotner Ave.
W. Los Angeles, Calif.

Dear Mr. Shirado:

By decision of December 13, 1951, the Commissioner of Immigration approved your application for suspension of deportation. In view of that fact if Congress finally approves your application you will be permitted to remain in this country as a permanent resident. When a final decision is made by Congress the Immigration Service will notify you to appear and to pay the \$18.00 fee to establish your record as a permanent resident.

Very truly yours,

16-70
Rev. 2-14-50

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

Send Standard letter
Date: Dec. 21, 1951

File Number: 1610-2108 BP-H

Seishu Shirado
432 No. Virgil, Apt. 8
Los Angeles, Calif.

Dear Sir or Madam:

Deportation has been suspended in your case, which action will be reported to Congress pursuant to Section 19(c)(2) of the Immigration Act of February 5, 1917, as amended.

If during the session of the Congress at which your case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a Concurrent Resolution stating in substance that it favors the suspension of such deportation, you will be so notified later and will at that time be requested to submit the fee required for creation of a record of lawful entry.

Yours very truly,

H. R. LANDON
District Director
Los Angeles District

By:
Chief, Border Patrol Section

Copy to: Wayne N. Collins
220 Bush Street
San Francisco 4, Calif.

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

January 8, 1952

Mr. Seishu Shirado
2310 Cotner Ave.
W. Los Angeles, California

Dear Mr. Shirado:

The Attorney General has approved your application for a suspension of deportation.

The Attorney General will report to Congress at its next session the fact that he approves your application. If Congress likewise approves your application you will be entitled to a suspension of deportation and to permanent residence status in the United States. Thereupon the Immigration office at Los Angeles will send you a notice to pay to the Commissioner of Immigration the sum of \$18.00 to establish a record of your entry. Thereafter you will be permitted to remain in the United States free from a threat of deportation.

Very truly yours,

Form 16-164
1-10-45

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

Date: July 1, 1953
File Number: 1610/2108 (IB)
CR #: 20-15

Seishu Shirado,
912 Valencia Street,
Los Angeles, California.

Dear Sir:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

C.C.-Wayne M. Collins Atty.
200 Bush Street, San Francisco 4, Calif.

C.C.-Y. R. Hiraoka Atty.
1435 Fresno Street
Fresno, California.

July 7, 1953

Mr. Seishu Shirado
912 Valencia Street
Los Angeles, California

Dear Mr. Shirado:

Congress has approved your application for a suspension of deportation and, in consequence, you should arrange immediately to go to the U.S. Immigration Service office at 458 South Spring Street, Los Angeles, Calif., and pay to it the \$18.00 fee necessary to establish a record of your lawful entry for permanent residence.

Kindly let me know by mail so soon as you have paid the fee to that office.

Very truly yours,

Peruvian

July 20th, 1953

address
permanently

2426 W. 22nd St.

Los Angeles 18, California

Rec'd 7/22/53

Dear Mr. Wayne M. Collins

I have received your letter
July 18th, 1953 which was sent
to the old address I have
already paid the \$8.00 fee
July 6th 1953 by United States
Postal Money Order to the
U. S. Immigration Service
Office at 458 South Spring
St. Los Angeles

The above address is the
present address which we
moved in Sep. 2nd 1950
I am sure I give you
Mr. Niraoko this address
I thank you for the letter

Sincerely,

Leisha Shirado

Form 22-B
(Rev. 12-51)

DATE _____

USE THIS CARD TO NOTIFY YOUR CORRESPONDENTS OR
PUBLISHER OF CHANGE OF ADDRESS

EFFECTIVE AS OF _____

PLEASE CHANGE MY ADDRESS—

FROM _____
(NO.) (STREET OR AVENUE)

TO _____
(NO.) (CITY) (ZONE NO.) (STATE)
2426 West 22nd Street
(STREET OR AVENUE)

(CITY) (ZONE NO.) (STATE)
Los Angeles Calif.
(PRINT NAME HERE) (SIGN NAME HERE)

616-1302-1 SPO

Forster
OK

SAVE THE EASY WAY
BUY U.S. BONDS
AND PATROL SAVING



POST CARD



TO

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

July 27, 1953

Mr. Seishu Shirado
912 Valencia Street
Los Angeles, California

Dear Mr. Shirado:

Kindly notify me by return mail whether or not you have paid the \$18.00 fee to the U.S. Immigration Service at Los Angeles to establish a record of your lawful entry and permanent residence.

Very truly yours,