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Ozaki, Motoichi

1948-1951

18/177

C

December 16, 1948

Mr. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. Ozaki:

I am enclosing sample forms I-55, I-256 and affidavit 13-15. Inasmuch as you are one of the Peruvian group who has American born citizen children and you wish to remain permanently in the United States you should go to the United States Immigration & Naturalization office in Denver and get three sets of three each of the three forms above-mentioned. You, Mrs. Ozaki and your son, Kuniaki, should fill out sets of the forms I-55 and I-256 in typewriting. (You can fill out the forms for your son and verify them for him before a notary public).

Each of you will make out three typed sets of form I-55 and I-256. The original only is to be verified before a notary public. Then the original and one copy are to be filed with the U.S. Immigration and Naturalization Service. The extra copy you are to keep and later send to me.

In addition, you should have three to five of your friends, relatives or employers each fill out one set of three of the affidavit forms 13-15. Only the original of each set should be sworn to before a notary public. Thereafter, the original and one copy should be filed with the U.S. Immigration Service and one copy should be kept by you and later be sent to me.

Then the Immigration Service will conduct a field examination to learn if you are and have been a person of good moral character and thereafter set the case down for hearing. Then, if the examiner approves your application for a suspension of deportation and the Attorney General recommends your application be granted to Congress, it is likely that Congress will authorize you to become a permanent resident of the United States.

When the forms have been completed let me know and send me a copy of them.

Very truly yours,

January 6, 1949

Mr. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. Ozaki:

I have prepared new affidavit forms which you can use in connection with your application for suspension of deportation instead of the standard forms used by the Immigration Service. These forms are to be made out in sets of three for each member of your family who is an alien. Only the original in each set needs to be verified. My letter of December 16 explains to you the rest of the details.

On the I-256 form there is a question reading as follows:

"I believe that I am in the United States in violation of immigration laws for the following reasons."

Your answer to that question should read as follows:

"I was arrested in Peru and was brought by federal agents to the United States which now claims my presence here is unauthorized because my enforced entry was unlawful.

Mrs. Ozaki and your son should answer that question on their forms I-256 as follows:

"I became a voluntary internee from Peru in the United States accompanying my husband or father who was brought to the U. S. by federal agents and became an involuntary internee from Peru."

Either the word "husband" or "father" can be crossed out.

I would thank you to complete your papers and return them to me at your earliest convenience -- and to notify me that you have received this letter and also my letter of December 16th immediately.

I wish to advise you not to have the JACL or any of its officers, agents or attorneys assist you in connection with these papers or for that matter with anything else. I do not trust the JACL or any of its officers and have nothing but contempt for them. I do not wish them to interfere with your rights.

Very truly yours,

P.S. I am sending 45 of the affidavit forms to you under separate cover.

*sent 1/13/49*

February 4, 1949

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

Dear Mr. Collins:

Thank you for your letter of Dec. 16th and January 6th. I should have written you sooner, but I have been so busy that I have had no chance whatsoever to go get the forms that you told me to fill out.

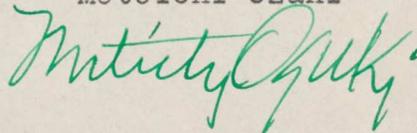
When I went to get my forms, a Mr. Page who is with the Immigration Service here in Denver informed me that it was not necessary to fill out these forms as all Peruvian cases will be judged at the same time as they will not take each case separately.

I wonder if you will inform me as to what I should do as you are my attorney, and I will do whatever you think is right.

Thank you for your cooperation in the past, and I hope that you will do as much as you have done for me in the past.

Sincerely yours,

Motoichi Ozaki



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

June 3, 1949

Mr. Ginzo Murono, Seabrook Farms, N. J.  
Mr. Yasuhiko Ohashi, Seabrook Farms, N.J.  
Mr. Koshiro Mukoyama, Seabrook Farms, N. J.  
Mr. Hajime Kishi, Seabrook Farms, N. J.

Gentlemen:

I have forwarded to the Immigration Office at Philadelphia motions to reopen the deportation proceedings for the purpose of enabling the following named persons to apply for a permanent suspension of deportation.

MATSUDA,

Kunikichi  
Hisako  
Augusto Seichi  
Domingo Sakuro  
Carmen Junko  
Crisanta Kiyoko  
Natividad Ayako

MUKOYAMA,

Jorge Koshiro  
Cristiana Chiyoko  
Luis Reilichiro  
Jorge Shojiro  
Teresa Misuzu  
Federico Takumi

MURONO,

Ginzo  
Hisako  
Toyoko  
Eisuke

NAKAMATSU,

Yako  
Natsue

SHIBAYAMA,

Yuzo  
Tatsuye  
Carlos Isamu  
Elisa Fusako  
Yolanda Kikue  
Rose Akiko  
Kenichi  
Javier Takeshi

A sample copy of a motion made in each case together with its accompanying affidavit is enclosed.

Very truly yours,

October 11, 1949

Mr. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. Ozaki:

I am filing with the Board of Immigration Appeals in Washington, D. C., a formal motion to reopen your case and that of each member of your family in order to enable you to apply for a suspension on the grounds that you have 2 U. S. citizen members of your family. When the motion is granted by the Board of Immigration Appeals the Denver Immigration Office will be notified thereof and thereupon you may file certain forms with the Denver Office which I heretofore sent you. If different forms are used by the Denver Immigration Office you should pick up the necessary forms and have them filled out so as to be able to present them at or in advance of the time of your hearing.

Very truly yours,

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

October 14, 1949

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

Gentlemen:

In re: Motoichi Ozaki and Family  
Denver, Colorado

Enclosed find appearance forms and applications to reopen the causes for the purpose of enabling the hereinafter named Peruvian-Japanese who are in Denver, Colorado, to apply for a suspension of deportation, together with accompanying affidavits of merits, to-wit: Motoichi Ozaki and Tamiyo Ozaki, alien parents of U.S. born children, together with the like application of their alien born child, Kuniaki Ozaki.

Very truly yours,

Copy to:  
USI&NS, Kansas City, Mo.

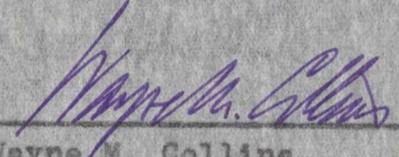
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BEFORE THE BOARD OF IMMIGRATION APPEALS  
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of )  
TAMIYO OZAKI ) No. \_\_\_\_\_  
----- )

TAMIYO OZAKI hereby requests that the deportation proceeding heretofore instituted against her be reopened for the purpose of enabling her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), effective as at July 1, 1948, (Public Law No. 863), on the ground that she is and has been, for a period of time in excess of five years, a person of good moral character and is the mother of Masako Ozaki and Hiromu Ozaki who are her dependent minor children and native born United States citizens, and that her deportation would result in serious economic detriment to her said dependent minor children.

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

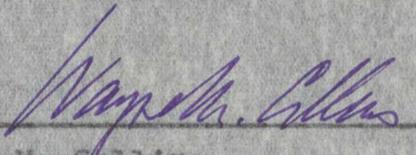
  
\_\_\_\_\_  
Wayne M. Collins  
1701 Mills Tower  
220 Bush Street  
San Francisco 4, Calif.  
Attorney for Applicant.

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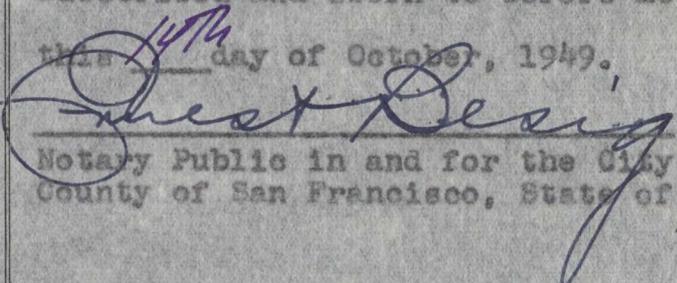
AFFIDAVIT OF MERITS

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 TAMIYO OZAKI, 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 and has been a person of good moral character for a period of time in excess of five years and is the parent of Masako Ozaki and Hiromu Ozaki, minors who are dependent upon her and who are native born United States citizens; that the deportation of applicant would result in serious economic detriment to said minor children; 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

Subscribed and sworn to before me  
this 14th day of October, 1949.

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

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BEFORE THE BOARD OF IMMIGRATION APPEALS  
BEFORE THE COMMISSIONER OF IMMIGRATION

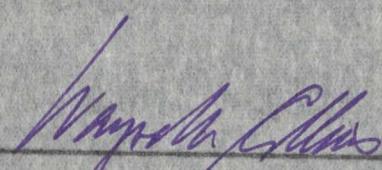
In the Matter of  
MOTOICHI OZAKI  
-----

No. \_\_\_\_\_

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

MOTOICHI OZAKI hereby requests that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), effective as at July 1, 1948, (Public Law No. 863), on the ground that he is and has been, for a period of time in excess of five years, a person of good moral character and is the father of Masako Ozaki and Hiromu Ozaki who are his dependent minor children and native born United States citizens, and that his deportation would result in serious economic detriment to his said dependent minor children.

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



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

Attorney for Applicant.

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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 Motoichi Ozaki, 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 and has been a person of good moral character for a period of time in excess of five years and is the parent of Masako Ozaki and Hiromu Ozaki, minors who are dependent upon him and who are native born United States citizens; that the deportation of applicant would result in serious economic detriment to said minor children; 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

Subscribed and sworn to before me  
this <sup>14th</sup> day of October, 1949.

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

BEFORE THE BOARD OF IMMIGRATION APPEALS  
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

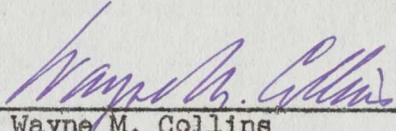
KUNIYAKI OZAKI

No. \_\_\_\_\_

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

KUNIYAKI OZAKI, an alien minor, hereby requests that the deportation proceeding instituted against ~~him~~ be reopened for the purpose of enabling ~~him~~ to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c) on the grounds that ~~he~~ is and has been, for the required period of time, a person of good moral character and is the minor child of NOTOICHI OZAKI AND TANIYO OZAKI, alien parents of a resident United States born citizen minor child, one or both of whom, upon a grant of a similar applied for suspension of deportation, will become legally resident aliens and that the deportation of applicant would result in serious economic detriment to one or both of said parents and to applicant.

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

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

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for \_\_\_\_\_

KUNIAKI OZAKI

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 \_\_\_\_\_

KUNIAKI OZAKI

alien parents, each of whom 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 is a parent of a dependent native born United States citizen minor child: that applicant is and ever has been a person of good moral character; that if one or both of applicant's said parents be granted such suspension of deportation applicant thereupon becomes eligible to apply for and receive a like suspension of deportation under the provisions of said statute and regulations promulgated in furtherance of its objectives on the grounds applicant is and ever has been a person of good moral character and that the deportation of applicant would result in serious economic detriment to one or both of applicant's parents who then would be legally resident aliens: 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 such suspension of deportation.

Wayne M. Collins  
Wayne M. Collins

Subscribed and sworn to before me

this 14th day of October, 1949,

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

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

October 26, 1949

In re: MOTOICHI, TAMIYO, KUNIAKI OZAKI  
File No. 6153184, 6153183, 6153182/  
ALM:rmd

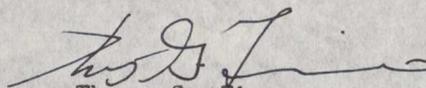
Wayne M. Collins, Esquire  
#1701 Mills Tower,  
San Francisco, California

My dear Mr. Collins:

This will acknowledge receipt of your communication dated October 14, 1949, with reference to the above case.

You will be informed of further action which may be taken by the Board. However, the filing of a motion with the Board does not operate to stay the outstanding order in the case. Until such time as a new decision is entered by the Board, the outstanding order remains in full force and effect.

Sincerely yours,



Thos. G. Finucane  
Chairman

PERUVIANS

File

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

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

December 8, 1949

In re: MOTOICHI, TAMIYO and KUNIAKI OZAKI  
File Nos. 6153182, 6153183, and 6153184  
ALM:ajw

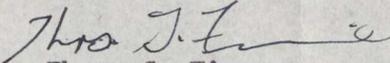
Wayne M. Collins, Esquire  
Mills Tower, 220 Bush Street  
San Francisco 4, California

My dear Mr. Collins:

Receipt is acknowledged of your letter dated  
October 14, 1949, transmitting applications for  
reopening of proceedings in these cases.

You are advised that proceedings in these  
cases have been reopened and with reference to  
further action under the reopened hearing, it is  
suggested that you contact the local immigration  
office having jurisdiction over the matter.

Sincerely yours,

  
Thos. G. Finucane  
Chairman

I-226  
(5-23-50)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Denver 2, Colorado

August 29, 1950

(Date of notice)

Mrs. Tamiyo Ozaki, and child, Kuniaki,  
1920 Lawrence St.,  
Denver, Colo.

1103-7854

(File number)

Pursuant to warrant of arrest served on you on March 30, 1946, you are advised to appear at 9 A.M. M., on Tues., Sept. 5, 1950, in Room 350 Post Office Bldg., Denver, Colo., for a hearing to enable you to show cause why you should not be deported from the United States in conformity with law.

The hearing under said warrant is being held pursuant to authority contained in and jurisdiction conferred by Sections 19 and 20 of the Act of February 5, 1917, as amended (8 U.S.C. 155, 156), and Sections 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1004, 1006, 1007).

It is asserted that (1) you are an alien, and (2) that you last entered the United States at New Orleans, La., on July 15, 1943; and (3) that you both appear to be subject to deportation on the following grounds:

The Immigration Act of May 26, 1924, in that, at the time of entry, you were immigrants not in possession of valid immigration visas and not exempted from the presentation thereof by said Act or regulations made thereunder; The Passport Act approved May 22, 1918, as amended, and the Act of Feb. 5, 1917, in that, at the time of entry, you did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which you owe allegiance or other travel document showing your origin and identity, as required by Executive Order in effect at time of entry.

**NOTE:** Please bring affidavits from two people who have known you and your daughter, putting both names in affidavits, during the time you have lived in Denver, Colo.

You are advised that at the hearing you have the right to be represented by counsel of your own choice and at your own expense, or by any other person duly qualified to practice before the Immigration and Naturalization Service. You are further advised that you should bring to the hearing any documents which you desire to have considered in connection with the case. If any of these documents is in a foreign language, you should bring the original and certified translation thereof.

You are further advised that if you are deported or if you depart under an order of deportation you will not be permitted to enter the United States within one year after the date of your departure. If you desire to enter the United States after one year has elapsed from the date of your deportation or departure under an order of deportation you must obtain permission from the Attorney General to apply for admission into the United States. If you enter the United States at any time after deportation or departure under an order of deportation without receiving permission from the Attorney General, you will be guilty of a felony and upon conviction be liable to imprisonment of not more than two years or a fine of not more than \$1,000, or both such fine and imprisonment.

JOHN F. HAMAKER  
Officer in Charge  
Denver 2, Colo.

CC Mr. Wayne M. Collins, Attorney at law,  
1701 Mills Tower, 220 Bush St.,  
San Francisco, Calif.)

F1/c

I-226  
(5-23-50)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Denver 2, Colorado

August 29, 1950

(Date of notice)

1103-7853

(File number)

Mr. Motoichi Ozaki,  
1920 Lawrence St.,  
Denver, Colo.

Pursuant to warrant of arrest served on you on March 30, 1946, you are advised to appear at 7 A.M. M., on Tues., Sept. 5, 1950, in Room 350 Post Office Bldg., Denver, Colo., for a hearing to enable you to show cause why you should not be deported from the United States in conformity with law.

The hearing under said warrant is being held pursuant to authority contained in and jurisdiction conferred by Sections 19 and 20 of the Act of February 5, 1917, as amended (8 U.S.C. 155, 156), and Sections 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1004, 1006, 1007).

It is asserted that (1) you are an alien, and (2) that you last entered the United States at San Pedro, Calif. on the 6th day of Feb., 1943; and (3) that you appear to be subject to deportation on the following grounds:

The Immigration Act of May 26, 1924, in that, at the time of entry, you were an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder; the Passport Act approved May 22, 1918, as amended, and the Act of Feb. 5, 1927, in that, at the time of entry, you did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which you owe allegiance or other travel document showing your origin and identity, as required by Executive Order in effect at time of entry.

NOTE: birth Please bring certificates of children and affidavits from two people who have known you during the time you have lived in Denver, Colo. also letter from employer.

You are advised that at the hearing you have the right to be represented by counsel of your own choice and at your own expense, or by any other person duly qualified to practice before the Immigration and Naturalization Service. You are further advised that you should bring to the hearing any documents which you desire to have considered in connection with the case. If any of these documents is in a foreign language, you should bring the original and certified translation thereof.

You are further advised that if you are deported or if you depart under an order of deportation you will not be permitted to enter the United States within one year after the date of your departure. If you desire to enter the United States after one year has elapsed from the date of your deportation or departure under an order of deportation you must obtain permission from the Attorney General to apply for admission into the United States. If you enter the United States at any time after deportation or departure under an order of deportation without receiving permission from the Attorney General, you will be guilty of a felony and upon conviction be liable to imprisonment of not more than two years or a fine of not more than \$1,000, or both such fine and imprisonment.

(CC) Mr. Wayne M. Collins, Attorney at law,  
1701 Mills Tower, 220 Bush St.,  
San Francisco, Calif.

JOHN F. HAMAKER  
Officer in Charge  
Denver 2, Colo.

Sept. 7, 1950

Mr. & Mrs. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. & Mrs. Ozaki:

When the United States Immigration Service reaches a conclusion in your cases and sends you a notice thereof, I would thank you to inform me. I filed motions to have your cases reopened so that you could apply for suspensions of deportation. In due course your applications for suspension of deportation will be granted by the Immigration Service.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
205 Federal Office Building  
Omaha 2, Nebraska  
December 8, 1950.

PLEASE REFER TO THIS FILE NUMBER

A-6153182

A-6153183

A-6153184

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

Dear Sir:

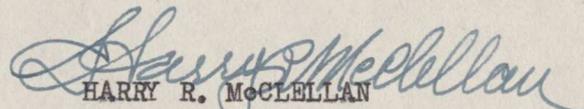
Hearings in deportation proceedings were held in the cases of Motoichi Ozaki, Tamiye Ozaki and Kuniaki Ozaki at Denver, Colorado on September 5, 1950, at which time they waived representation by counsel at the hearing but requested that copies of the Hearing Examiner's recommended decision be furnished you inasmuch as you had entered notices of appearance in these cases on July 5, 1950.

There are enclosed signed copies of my written recommended decisions in deportation proceedings pending in these cases. The original decisions, together with the records of hearing, will be sent to the Commissioner of Immigration and Naturalization, Washington, D. C., for review and final decision.

You will be allowed ten business days after receipt hereof in which to submit exceptions to my decisions which may be accompanied by supporting arguments or brief. You may, if you desire, file written waivers of the right specified above.

Any submittals which you make pursuant to the right above outlined should be addressed to the Officer in Charge, Immigration and Naturalization Service, Denver, Colorado and should be placed in the mail before the expiration of ten business days following the receipt of this communication. In the event you desire to file written waivers to the right above specified, it will be appreciated if such waivers are submitted immediately.

Respectfully,

  
HARRY R. McCLELLAN  
Hearing Examiner

HRMC:FTA  
REGISTERED MAIL  
RETURN RECEIPT REQUESTED  
ENCLS.

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Kansas City District

HEARING EXAMINER'S RECOMMENDED DECISION

IN RE: TAMIYE OZAKI  
A 6 153 183  
and  
KUNIAKI OZAKI  
A 6 153 182

IN DEPORTATION PROCEEDINGS

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

CHARGES: WARRANT - Act of 1924 - no immigration visa  
Act of 1918 - no passport

LODGED - None

APPLICATIONS: SUSPENSION OF DEPORTATION

DETENTION STATUS: Released on parole

At the conclusion of the hearing under the warrant of arrest, the Respondent Tamiye Ozake waived in behalf of herself and in behalf of the Respondent Kuniaki Ozaki the right to file proposals and arguments pursuant to 8 CFR 151.4. The Examining Officer also waived the right to submit said proposals and arguments pursuant to 8 CFR 151.4.

SUMMARY OF THE EVIDENCE AS TO DEPORTABILITY

The evidence adduced clearly establishes that the Respondent Tamiye Ozaki is an alien, a native and citizen of Japan, and that the Respondent, Kuniaki Ozaki, is a native and citizen of Peru; that both Respondents last entered the United States on July 15, 1943 at New Orleans, Louisiana, with the intention of remaining in the United States for an indefinite period of time and that they were not in possession of valid immigration visas and did not present unexpired passports or documents in lieu of passports at the time of their entry.

It is found that the evidence clearly establishes that the Respondents are deportable on the charges stated in the warrant of arrest.

PROPOSED FINDINGS OF FACT AS TO DEPORTABILITY

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

1. That the Respondent, Tamiye Ozaki, is an alien, a native and citizen of Japan.
2. That the Respondent, Kuniaki Ozaki, is an alien, a native and citizen of Peru.
3. That the Respondents last entered the United States on July 15, 1943 at New Orleans, Louisiana.
4. That the Respondents intended to remain in the United States for an indefinite period of time.
5. That the Respondents were not in possession of valid immigration visas at the time of their last entry.
6. That the Respondents did not at the time of their last entry present unexpired passports or documents in lieu of passports.

#### PROPOSED CONCLUSIONS OF LAW AS TO DEPORTABILITY

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 Respondents are subject to deportation on the ground that at the time of entry they were immigrants not in possession of valid immigration visas 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 and the Act approved May 22, 1918, as amended, the Respondents are subject to deportation on the ground that at the time of entry they did not present unexpired passports or official documents in the nature of passports issued by the Governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as required by Executive Order in effect at the time of entry.
3. That under Section 20 of the Immigration Act of Feb. 5, 1917, the Respondents are deportable from the United States pursuant to law.

#### SUMMARY OF THE EVIDENCE AS TO DISCRETIONARY RELIEF

The Respondents have applied for suspension of deportation. They are of the Japanese race. The Respondent Tamiye Ozaki is the mother of the Respondent Kuniaki Ozaki, who is eight years of age and who lives with his mother and father, Motoichi Ozaki, who has also applied for suspension of deportation (A-6153184). The father is self-employed, earning \$450. to \$500. per month and the mother is unemployed. The Respondent Tamiye Ozaki also has three children born in the United States, namely Charles, age one year; Hiromi, age five years and Masako, age about six years. This Respondent testified that there is no one able to support the citizen children other than her and her husband in the event that deportation is ordered. Evidence has been presented showing that

the Respondent Tamiye Ozaki has been a person of good moral character for the past five years and that she has no criminal record. Inquiry has disclosed that she has no connection with subversive groups and enjoys a good reputation in the neighborhood in which she resides. No evidence has been developed that the Respondents are deportable on any of the grounds specified in Section 19(d) of the Immigration Act of Feb. 5, 1917, as amended. Both Respondents are ineligible for naturalization solely by reason of their race. The good moral character of the Respondent Kuniaki Ozaki will be conceded on account of his age. On the record, the Respondent Tamiye Ozaki has established her eligibility for suspension of deportation under the provisions of Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended. The Respondent Kuniaki Ozaki has resided continuously in the United States since July 15, 1943 the date of his only entry into the United States. Therefore, he has established his eligibility for suspension of deportation under Section 19(c)(a)(b) of the Immigration Act of Feb. 5, 1917, as amended.

#### PROPOSED FINDINGS OF FACT AS TO DISCRETIONARY RELIEF

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

1. That the Respondents are ineligible for naturalization solely by reason of their race.
2. That the Respondents have been persons of good moral character for the past five years.
3. That the Respondent Kuniaki Ozaki has resided continuously in the United States since July 15, 1943.
4. That the deportation of the Respondent Tamiye Ozaki would result in a serious economic detriment to her citizen minor children.
5. That no evidence has been adduced to establish that the Respondents are deportable on any of the grounds specified in Section 19(d) of the Immigration Act of Feb. 5, 1917, as amended.

#### PROPOSED CONCLUSIONS OF LAW AS TO DISCRETIONARY RELIEF

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

1. That the Respondent Tamiye Ozaki meets the statutory requirements for eligibility for suspension of deportation pursuant to Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended.
2. That the Respondent Kuniaki Ozaki meets the statutory requirements for eligibility for suspension of deportation pursuant to Section 19(c)(2)(b) of the Immigration Act of Feb. 5, 1917, as amended.

RECOMMENDED ORDER:

It is recommended that the Respondent Tamiye Ozaki be found to have established statutory eligibility for suspension of deportation under the provisions of Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended; and that Respondent Kuniaki Ozaki be found to have established statutory eligibility for suspension of deportation under the provisions of Section 19(c)(2)(b) of the Immigration Act of Feb. 5, 1917, as amended.

December 8, 1950

  
HARRY R. McCLELLAN  
Hearing Examiner

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Kansas City District

HEARING EXAMINER'S RECOMMENDED DECISION

IN RE: MOTOICHI OZAKI  
A 6 153 184

IN DEPORTATION PROCEEDINGS

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

CHARGES: WARRANT - Act of 1924 - No immigration visa

Act of 1918 - No passport

LODGED - None

APPLICATION: Suspension of Deportation

DETENTION STATUS: Released on parole

At the conclusion of the hearing under the warrant of arrest, the Respondent and Examining Officer waived the right to file proposals and arguments pursuant to 8 CFR 151.4.

SUMMARY OF THE EVIDENCE AS TO DEPORTABILITY

In this case a stipulation in writing dated September 5, 1950 entered into upon agreement between the Examining Officer and the Respondent was received in evidence as Exhibit 3. The Respondent offered no objection to its introduction in evidence. It has been stipulated that the Respondent is an alien, a native and citizen of Japan; and that he last entered the United States on February 6, 1943 at San Pedro, California; that at the time of his last entry, he intended to reside in the United States for an indefinite period of time and that he was not in possession of a valid immigration visa and did not present an unexpired passport or document in lieu of a passport at the time of entry. I find that Exhibit 3 establishes the Respondent's deportability on the charges stated in the warrant of arrest.

PROPOSED FINDINGS OF FACT AS TO DEPORTABILITY

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

1. That the Respondent is an alien, a native and citizen of Japan.

2. That the Respondent last entered the United States at San Pedro, California on February 6, 1943.
3. That the Respondent intended to remain in the United States for an indefinite period of time.
4. That at the time of entry the Respondent was not in possession of a valid immigration visa.
5. That at the time of entry the Respondent did not present an unexpired passport or document in lieu of a passport.

#### PROPOSED CONCLUSIONS OF LAW AS TO DEPORTABILITY

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 Feb. 5, 1917 and the Passport Act approved May 22, 1918, as amended, the Respondent is subject to deportation on the ground that at the time of entry he did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance or other travel document showing his origin and identity, as required by Executive Order in effect at the time of entry.
3. That under Section 20 of the Immigration Act of Feb. 5, 1917, the Respondent is deportable from the United States pursuant to law.

#### SUMMARY OF THE EVIDENCE AS TO DISCRETIONARY RELIEF

The Respondent has filed an application for suspension of Deportation. He is of the Japanese race. His wife, Amiye Ozaki (A-6153183) is also an applicant for suspension of deportation. This Respondent has four children, namely Kuniaki, age eight, born in Peru; Masako, age four and Hiromi, age 4, born at Crystal City, Texas; and Charles, age one, born at Denver, Colorado. The first named child has also filed an application for suspension of deportation (A-6153182). The Respondent testified that his children above-named reside with him and his wife in the United States and that if he were to be deported he would be unable to support his minor citizen children and that there is no other person able and willing to support them. The Respondent is self-employed, earning from \$450. to \$500. per month. The Respondent has no criminal record. Inquiry has disclosed that the Respondent has no connection with subversive groups and enjoys a good reputation in the neighborhood in which he resides. Evidence presented establishes that the Respondent

has been a person of good moral character for the past five years. No information has been developed that Respondent is deportable on any of the grounds specified in Section 19(d) of the Immigration Act of Feb. 5, 1917, as amended. The Respondent is ineligible for naturalization solely by reason of his race. The Respondent has resided in the United States since February 6, 1943 and was interned from February, 1943 to August, 1946 and it has been established that he maintained a clear record during the period of internment.

On the record, the Respondent has established his eligibility for suspension of deportation under the provisions of Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended.

PROPOSED FINDINGS OF FACT AS TO DISCRETIONARY RELIEF

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

1. That the Respondent is ineligible to naturalization solely by reason of his race.
2. That the Respondent has been a person of good moral character for the past five years.
3. That the deportation of the Respondent would result in a serious economic detriment to his minor citizen children.
4. That no evidence has been adduced to establish that the Respondent is deportable on any of the grounds specified in Section 19(d) of the Immigration Act of Feb. 5, 1917, as amended.

PROPOSED CONCLUSIONS OF LAW AS TO DISCRETIONARY RELIEF

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

1. That the Respondent meets the statutory requirements for eligibility for suspension of deportation pursuant to Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended.

RECOMMENDED ORDER:

It is recommended that the Respondent be found to have established statutory eligibility for suspension of deportation under the provisions of Section 19(c)(2)(a) of the Immigration Act of Feb. 5, 1917, as amended.

December 8, 1950

  
HARRY R. McCLELLAN  
Hearing Examiner

December 20, 1950

Mr. Harry R. McClellan  
Hearing Examiner  
U.S. Immigration and Naturalization  
Service  
205 Federal Office Building  
Omaha 2, Nebraska

Dear Mr. McClellan:

Re: Ozaki Family - A-6153182

I wish to thank you for the favorable  
recommendation which you have made in the  
above-named cases.

Very truly yours,

December 20, 1950

Mr. & Mrs. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. & Mrs. Ozaki:

This is to inform you that Motoichi, Tamiye and Kuniaki Ozaki have received a favorable recommendation from the Immigration Office at Omaha following their hearings on application for suspension of deportation.

The Immigration Service will forward its recommendation to the Central Office in Washington and if the Attorney General and Congress thereafter approve the suspension you will be permitted to remain in this country permanently.

Very truly yours,

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

PLEASE ADDRESS REPLY TO

June 26, 1951

AND REFER TO THIS FILE NO.

A-6153184  
A-6154183  
A-6153182

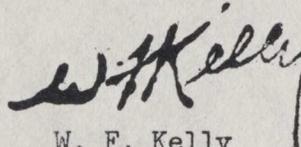
Wayne M. Collins, Esquire  
Mills Tower  
San Francisco, California

Dear Sir:

Reference is made to your interest in the case of MOTOICHI OZAKI  
and TAMIYE OZAKI and KUNIAKI OZAKI.

For your information there is attached a copy of the order entered  
in the case on June 22, 1951.

Sincerely yours



W. F. Kelly  
Assistant Commissioner

ENF-5  
(4-10-51)

COPY FOR  
PARTY-IN-INTEREST

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

Files: A-6159184 - Denver (1103-7853)  
A-6154183 - Denver (1103-7854)  
A-6153182 - Denver (1103-7854)

(No Appeal)

JUN 22 1951

In re: HOTOYUCHI OZAKI and YUKIYO OZAKI nee SAKI and KISHIYHI OZAKI

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne H. Collins, Esquire  
Hills Tower  
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No Immigration visa (all respondents)  
Act of 1918 - No passport (all respondents)

Lodged: None

APPLICATION: Suspension of deportation - Economic detriment

DETENTION STATUS: Released on conditional parole (all respondents)

DISCUSSION AS TO INFORMATION: The records relate to a husband and wife and their child, age 39, 32, and 9 years respectively, of the Japanese race. The parents are natives and citizens of Japan, the child is a dual national of Japan and Peru. The adult male respondent last entered the United States at San Pedro, California on February 5, 1943 as a passenger on an unknown vessel, and the adult female respondent and the child last entered the United States at New Orleans, Louisiana on July 15, 1943 on the SS "Kongwa". Their entries have been verified. All three respondents were brought from Peru for internment in the United States and at the time of their last entry they were not in possession of unexpired immigration visas, or valid passports, or other official documents in the nature of a passport. The aliens are, therefore, deportable under the Immigration Act of 1924, and the Passport Act of 1918.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The record shows that all three respondents were interned alien enemies of the United States, and during their internment, two children were born who acquired United States citizenship by birth in this country. After their release from internment on parole, they had another native born United States citizen child. The adult female respondent is not employed and the entire family, including the wife, the child respondent, and the three native born citizen children are completely dependent upon the adult male respondent for support. According to the record, he is self employed as a gardner and is earning from \$450 to \$500 a month. The family assets

consist of furniture and household effects valued at about \$1500. The male respondent has testified that should he and his wife and the child respondent be deported, it would break up the family, and penalize his three United States children due to the difficulty of securing sufficient employment abroad to support them properly. It is clear from the record that deportation of all three respondents' would result in a serious economic detriment to the three minor citizen children of the family.

As all three respondents' are of a race ineligible to citizenship, they are precluded from obtaining immigration visas by the provisions of the Immigration Act of 1924. Accordingly, they could not adjust their immigration status to that of lawful permanent residence through voluntary departure.

The record indicates that during the time of the adult respondent's internment, from February of 1943 until August of 1946, they maintained a clear record during the entire time, and, after release from internment on parole faithfully complied with the provisions of their parole. A check of the appropriate local and federal records has failed to reveal an arrest or criminal record relating to any of the respondents. The adult male respondent did not register under the Selective Training and Service Act of 1940 as he was not allowed to register at that time. He is not presently required to register under the Selective Training and Service Act of 1948. Inquiry has disclosed that the aliens have no connections with any subversive groups. Witnesses have been produced to establish that the respondents are all persons of good moral character and have been for the preceding five years. On the record, the aliens have established their eligibility for suspension of deportation.

It should be noted that the aliens also appear to meet the residence requirements for suspension of deportation under the provisions of Section 19(c)(2)(b) of the Immigration Act of 1917.

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

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

ASSISTANT COMMISSIONER  
ADJUDICATIONS DIVISION

July 3, 1951

Mr. & Mrs. Motoichi Ozaki  
1920 Lawrence Street  
Denver, Colorado

Dear Mr. & Mrs. Ozaki:

I wish to inform you that on June 22nd the Commissioner of Immigration, Washington, D.C., approved your applications and that of your son, Kuniaki, for suspension of deportation. In consequence, if and when Congress likewise approves your suspension of deportation each of you will be granted a permanent residence status in the United States.

Very truly yours,