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TAKESITA, KUNIO

1950-1954

78/177

C

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

Sept. 28, 1950

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

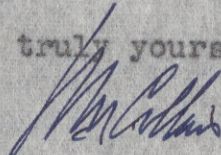
Gentlemen:

In re: Mr. Kunio Takeshita  
Chicago, Illinois

Enclosed find three original application forms to reopen cause for the purpose of enabling Kunio Takeshita, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavit of merits and notice of appearance. An original application form is also being sent to the District Director, USIANS, Chicago, Illinois, inasmuch as Mr. Takeshita now resides at 1157 N. Sedgwick St., Chicago 10, Illinois.

If your Board has not yet acquired jurisdiction in the cause, I would be grateful were you to forward the enclosed application for suspension of deportation to the Commissioner of Immigration at Washington, D. C., before whom the cause necessarily must be pending if not before your Board.

Very truly yours,



Copy to:  
USIANS, Chicago, Ill.

BEFORE THE BOARD OF IMMIGRATION APPEALS  
BEFORE THE COMMISSIONER OF IMMIGRATION

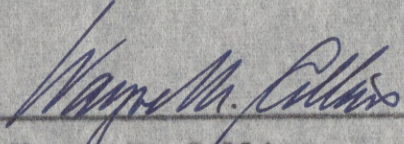
In the Matter of  
KUNIO TAKESHITA  
-----

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

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

KUNIO TAKESHITA 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. 115 (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 that he has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, the effective date of said Act; and on the further ground that he is the husband of Tokiko Takeshita, a native born citizen resident of the United States, and that his deportation would result in serious economic detriment to his said dependent wife.

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 4, Calif.

Attorney for Applicant

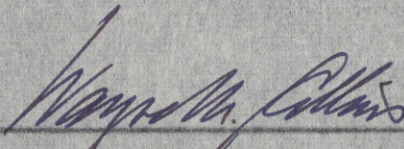
AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,

CITY AND COUNTY OF SAN FRANCISCO.

SS.

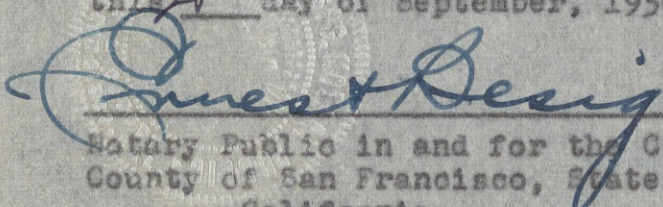
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for KUNIO TAKESHITA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and 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 on March 5, 1950, he was lawfully united in marriage to Tokiko Takeshita, a native born U. S. resident citizen; that the deportation of applicant would result in serious economic detriment to his said wife; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.



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

Attorney for Applicant.

Subscribed and sworn to before me  
this 25th day of September, 1950.



Ernest Deering  
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 5, 1950

In re: Kunio Takeshita  
File No. 5977655  
ALM:rmd

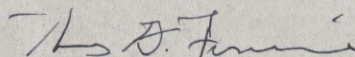
Wayne Collins, Esquire  
Mills Tower, 220 Bush Street,  
San Francisco, California.

My dear Mr. Collins:

This will acknowledge receipt of your communication dated September 28, 1950 with reference to the above case.

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

Sincerely yours,

  
Thos. G. Finucane  
Chairman

U. S. DEPARTMENT OF JUSTICE  
BOARD OF IMMIGRATION APPEALS

OCT 13 1950

IN THE MATTER  
OF  
KUNIO TAKESHITA or KUNIO JULIO  
TAKESHITA

FILE NO: 5-977655

IN DEPORTATION PROCEEDINGS

MOTION

IN BEHALF OF RESPONDENT: Wayne M. Collins, Attorney  
Mills Tower, 220 Bush St.  
San Francisco 4, California

This case comes before us for reconsideration.

Our most recent order herein directed that action be held in abeyance pending the conclusion of litigation involving the same subject matter, viz: The possible relief from deportation of certain aliens of the Japanese race. Since that order was entered such litigation has been concluded or has become inactive and Congress has amended Section 19(c) to broaden the class of aliens who may be granted suspension of deportation (Public Law 863, 80th Congress, approved July 1, 1948).

ORDER: It is ordered that the hearing be reopened for the reception of such application for relief from deportation as may be made and for further appropriate proceedings in connection therewith.

It is FURTHER ORDERED that the outstanding order and warrant of deportation be withdrawn.

REL:ldr

Chairman

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

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

5977655  
Takeshita

October 16, 1950

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

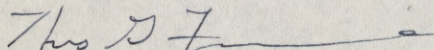
My dear Mr. Collins:

Reference is made to the motion submitted in the above case.

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

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

Sincerely yours,

  
Thos. G. Finucane  
Chairman

3030 S. E. 58th Ave.  
Portland, Ore.

October 7, 1953

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

Dear Mr. Collins:

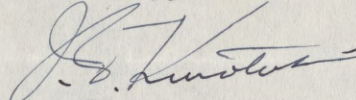
I am enclosing a money order for \$70.00 in your favor which is sent to me by Mr. Kunio Takeshita of Chicago through Mr. Ohashi of same city, with the request that the sum must be forwarded to you for patial payment of Mr. Takeshita's retainer fee.

As you know, Mr. Takeshi-ta is only person who can work among his family and has to support four ~~family~~ therefore he finds it difficult to pay at once larger amount but he expressed his desire to pay up to \$200.00 if his financial condition permits him to pay.

I will appreciate it if you represent his family's case and do your utmost to protect him from deportation .

Please acknowledge receipt of the enclosure to Mr. Takeshita through Mr. Ohashi at your ealiest convenience.

Sincerely,

  
I. E. Kurotobi

cc: Mr. Y. Ohashi  
Mr. K. Takeshita

U. S. DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
New Post Office Building  
Chicago 7, Illinois

RECEIVED  
AUG 27 1954

File No: 0900/35940

August 19, 1954

In Re: KUNIO TAKESHITA alias JULIO TAKESHITA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Jiro Yamaguchi, Attorney at law  
1200 North Clark Street  
Chicago, Illinois

associated with

Wayne M. Collins, Attorney  
200 Bush Street  
San Francisco, California

CHARGES:

Warrant: Act of 1924 - no immigration visa.  
Passport Act approved May 22, 1918 - no passport.  
Immigration Act of 1924 - racially ineligible to  
citizenship.

Lodged; None.

APPLICATION: Suspension of deportation under Section 19(c) of the  
Immigration Act of 1917, as amended, or voluntary  
departure and pre-examination in the alternative.

DETENTION STATUS: Released on conditional parole.

WARRANT OF ARREST SERVED: April 2, 1946.

DISCUSSION: This record relates to a 39-year old married male, a native  
and citizen of Japan of Japanese race, who last entered the United States  
at San Francisco, California on June 15, 1943, at which time he was brought  
here by officers of the United States Government for internment. He  
declined repatriation to Japan following his release from internment.  
He has declined to depart from the United States. He did not have an  
immigration visa, or a passport, or other official document, or travel  
document showing his origin and identity. Although he was racially in-  
admissible at the time of his last entry, the Immigration and Nationality  
Act contains no racial bar to citizenship and if he were now seeking to  
enter the United States he would not be inadmissible on that ground.  
The Board of Immigration Appeals has held that in deportation proceedings

following the removal of the racial bar to naturalization, the charge based on racial ineligibility to citizenship will not be sustained. (Matter of R, Interim Decision No. 502.) Accordingly, the charge that he is an alien ineligible to citizenship will not be sustained. However, as he declined to depart from the United States following his release from internment, the remaining two charges in the warrant of arrest are sustained.

The record establishes that the respondent filed an application for suspension of deportation under the provisions of Section 19(c) of the Immigration Act of 1917, as amended, which application was pending on June 27, 1952. He was lawfully married to a native United States citizen on March 5, 1950. They have two native born minor children, ages one year and a half, and nine months, respectively. The respondent's wife is not employed other than for the fact that she collects rents in her building for the landlord and they receive a reduction in their rent for that service. The respondent is employed as a welder earning about \$100 a week. His assets consist of about \$6500 in the bank; three rooms of furniture worth about \$700 and a 1954 Plymouth automobile valued at about \$1700 on which he owes about \$1500. The record contains statements from employers of the respondent; affidavit of his landlord; receipted telephone bills and affidavits of witnesses to establish that he has resided in the United States in excess of seven years and that he was so residing on July 1, 1948. It is also clear from the record that his deportation would result in serious economic detriment to the citizen wife and citizen minor children.

As the spouse of a United States citizen, the respondent is a nonquota immigrant under the provisions of section 101(a)(27)(A) of the Immigration and Nationality Act. He stated that he could return to his native country without fear of persecution. The respondent testified that he has never been arrested aside from his arrest in this proceeding and aside from his arrest by Peruvian officials preparatory to being sent to this country for internment. He also testified that he had never been connected with any subversive group. cur

At the hearing the respondent testified that if suspension of deportation is not granted in his case he desires permission to to the United States Consul at Windsor, Canada to secure an immigrant visa. As the spouse of a United States citizen who was a nonquota immigrant on December 24, 1952. Pre-examination is available in his case. It appears that he could readily obtain an immigrant visa if granted the privileges of voluntary departure and of pre-examination. In view thereof, it is believed that this is the maximum relief which should be authorized in his case. Accordingly, the privileges of voluntary departure and of

pre-examination will be granted. However, if the respondent fails to depart when and as required these privileges of voluntary departure and of preexamination will be withdrawn without further notice or proceedings and the respondent deported. He specified Peru as the country to which he would want to go if his deportation is required.

**FINDINGS OF FACT:** Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is an alien, a native and citizen of Japan of Japanese race;
- (2) That he last entered the United States at San Francisco, California, on June 15, 1943, at which time he was brought here for internment as an enemy alien;
- (3) That following his release from internment in 1946, he declined to depart from the United States;
- (4) That at the time of his last entry he did not have a valid immigration visa or an unexpired passport or other official document in the nature thereof showing his origin and identity.

**CONCLUSIONS OF LAW:** Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under sections 13 and 14 of the Immigration Act of May 26, 1924, the respondent is subject to deportation on the ground that at the time of entry he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) That under section 19 of the Immigration Act of February 5, 1917, and the Passport Act of 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 the Executive Order in effect at the time of entry.

ORDER: IT IS ORDERED that the alien be granted voluntary departure at his own expense in lieu of deportation within such period of time or authorized extensions thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct.

IT IS FURTHER ORDERED that the additional privilege of pre-examination be authorized.

IT IS FURTHER ORDERED that if the alien fails to depart when and as required the privileges of voluntary departure and of pre-examination shall be withdrawn without further notice or proceedings and the alien deported from the United States on the following charges:

The Immigration Act of May 26, 1924, in 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.

The Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, 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.

  
E. A. BERNAN

Special Inquiry Officer

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

Sept. 13, 1954

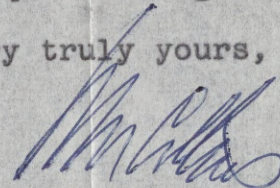
Mr. Jiro Yamaguchi  
Attorney at Law  
1200 North Clark Street  
Chicago, Illinois

Dear Mr. Yamaguchi:

Re: Mr. Kunio Takeshita

On August 19, 1954, Kunio Takeshita was granted the right to depart voluntarily from the United States with the right of pre-examination because his wife is a U.S. citizen. No appeal from said order of the Special Inquiry Officer is warranted inasmuch as Congress would refuse to grant him a suspension because he is an alien eligible to enter the U.S. legally on a non-quota immigrant visa which he could easily obtain from the nearest U.S. Consul in Canada. Therefore I suggest that he communicate immediately with the nearest U.S. Consul in Canada for an application form and a letter of instruction advising him what documents he must obtain in order to obtain the non-quota immigrant visa. He should assemble those documents and present them to the U.S. Consul abroad but prior to departing from the United States, he should present his documents to the United States Immigration Service in Chicago. I would be grateful if you would keep me advised of the progress he makes in connection with the procuring of the non-quota immigrant visa.

Very truly yours,



Cy: Mr. Kunio Takeshita ✓

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
New Post Office Building  
Chicago 7, Illinois

September 29, 1954

File No. 0900/35940

Mr. Kunio Takeshita  
1157 North Clark Street  
Chicago, Illinois

Dear Sir:

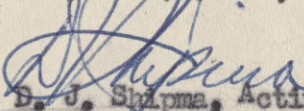
Reference is made to your pending immigration case, and in connection therewith you are informed that under an order which has been entered and is now considered to be final the privilege of voluntary departure has been granted in your case.

Under the above order you have been granted a period of time until December 29, 1954 within which to effect departure from the United States. It is necessary that you call at this office, Room 901, New Post Office Building, Canal and Van Buren Streets, Chicago, Illinois at least five days in advance of your departure from the United States. At that time you should present a ticket or other evidence that you have made proper arrangements for your transportation as well as any necessary documents required for your entry into the country to which you expect to proceed.

The order entered in your case provides that if you fail to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and your deportation from the United States effected in the manner provided by law.

It is important that you give this matter your prompt and careful attention.

Very truly yours,

  
D. J. Shipma, Acting Chief,  
Border Patrol & Deportation Branch  
Chicago District

cc: Wayne M. Collins  
Attorney  
200 Bush Street  
San Francisco, Calif.

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
New Post Office Building  
Chicago 7, Illinois

September 30, 1954

File No. 0900-35940

~~Mr. Kunio Takeshita~~  
~~1157 North Clark Street~~  
~~Chicago, Illinois~~

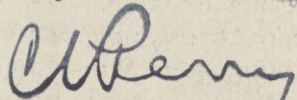
Dear Sir:

Reference is made to your application for the privilege of pre-examination for the purpose of facilitating your entry into Canada to secure an immigration visa with which to reenter the United States lawfully for permanent residence.

The office of this Service at Chicago, Illinois is today being authorized to preexamine you. Any further questions concerning your case should be addressed to that office. Preexamination cannot be accorded you unless and until you have submitted to the United States Consul, to whom you intend to apply for a visa, the necessary documents in support of your application for a visa and have received from the Consular Officer written assurance that a visa will be promptly available if, upon personal examination by the Consul, you are found to be eligible for a visa.

**NOTE:** If she has not already done so, your wife should promptly execute and submit to this office a visa petition Form I-133 in order that you may be accorded nonquota status in the issuance of an immigrant visa.

Very truly yours,

  
C. V. Perry, Acting Chief  
Entry and Departure Section  
Chicago District

OFFICIAL CARBON COPIES:

AMERICAN CONSULATE, Windsor, Ontario, Canada

Applicant born October 20, 1915 at Yokohama, Japan  
cc: Wayne M. Collins, Attorney  
200 Bush Street  
San Francisco, California

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

October 8, 1954

Mr. Kunio Takeshita  
1157 North Clark Street  
Chicago, Illinois

Dear Mr. Takeshita:

By Public Law 751 approved on August 31, 1954, Congress amended the "Refugee Act of 1953" to provide that an alien who lawfully entered the U.S. as a bona fide non-immigrant before July 1, 1953, and who is unable to return to the country of his birth, nationality or last residence because of racial, religious or political reasons or an alien who was brought to the U.S. from other American republics for internment may, not later than June 30, 1955, apply to the Attorney General for an adjustment of his immigration status to that of a person lawfully admitted to the U.S. for permanent residence.

This new law makes certain persons eligible to apply for an adjustment of their immigration status by obtaining special nonquota immigrant visas without having to depart from the U.S. to another country to obtain such special visas.

The Refugee Act of 1953, however, limits the number of special nonquota immigrant visas which can issue to such refugees to the figure of 205,000, divided among various refugees of different ethnic origin from different areas.

By interpretation of the statute it appears that Congress did not intend that any of these special nonquota immigrant visas would issue to persons who are able through other statutory means to legalize their entry into the United States. It appears that Congress did not intend to grant such special visas to Peruvian-Japanese or any other aliens who are granted voluntary departure with the right of pre-examination to go abroad and there obtain nonquota immigrant visas and then re-enter the U.S. legally and then be entitled to permanent resident status in the U.S. The reason Congress apparently intended to exclude such persons from obtaining such special nonquota immigrant visas under the Refugee Act of 1953 is because if such persons were allowed to adjust their status to permanent residents under that statute the number of such persons would cut down the number of special visas available to genuine refugees who had no other way to legalize entry into the United States except by the special nonquota immigrant visas.

In consequence, it seems to me that the best procedure for members of the Peruvian-Japanese group to follow who have been granted voluntary departure with the right of pre-examination is

to make arrangements to go to Canada or Mexico and there obtain nonquota immigrant visas and then return promptly and have their entry into the U.S. legalized. If they would do so promptly much time and effort would be saved and considerable worry be avoided.

It is my opinion that the following members of the group who have been granted voluntary departure with the right of pre-examination which enables them to go to Canada and there obtain nonquota immigrant visas and thereupon return promptly to the U.S. should make arrangements so soon as possible. They are:

Kunio Takeshita  
Eisuke Murono  
Toyoko Murono  
Robert Yoshinaga Furuya

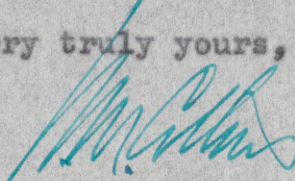
It is my opinion that any others in the group who in the future become eligible for the same relief should follow the same procedure.

If any of the Peruvian-Japanese group are unwilling to accept my interpretation of this new legislation and still wish to apply to the Immigration Service office for an "Application For Adjustment Of Status Of Nonimmigrant To That Of A Person Admitted For Permanent Residence" they may do so by asking that Service for Application Forms I-507 filling them out, filing them, producing the documentary evidence required and by having a hearing thereon. They can obtain a ruling thereon from that Service as to whether or not they are eligible for an adjustment of their immigration status through the medium of special nonquota immigrant visas authorized by the Refugee Act of 1953.

It is my opinion that if a member of the Peruvian-Japanese group were to be denied a suspension of deportation, or was granted voluntary departure without the right of pre-examination or was ordered deported that such a person would be entitled to apply for an adjustment of his immigration status under the provisions of the Refugee Act of 1953, as amended by Public Law 751.

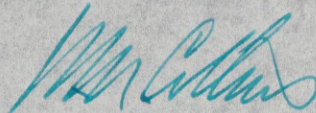
Heretofore I suggested to the spokesman for the Peruvian-Japanese group that outside interference with the orderly program of obtaining relief for the Peruvian-Japanese group was apt to lead to confusion and would prolong obtaining the desired relief. It is unfortunate that members of this group may have been misled by JACL publicity to believe that proposed legislation favored by it would solve the immigration status problem of the Peruvian-Japanese group. All that has been accomplished is an unnecessary delay in having the immigration status of a number of the group delayed for an unreasonable period of time.

Very truly yours,



P.S. If any member of the Peruvian-Japanese group who has been granted or who, in the future may be granted, voluntary departure with the right of pre-examination by the Immigration Service to depart from the United States to Canada, Mexico or elsewhere to obtain a non-quota immigrant visa decides to delay taking steps so to do in order to apply for an adjustment of his or her immigration status under the provisions of the Refugee Act of 1953, as amended by Public Law 751, such person or persons, nevertheless, should make a written request of the Immigration Service to postpone the time fixed for his or her voluntary departure until such time as a final decision is made on the application for adjustment of his or her immigration status.

I direct your attention to the fact that there is always the possibility that the Peruvian government sometime in the future might authorize the return to Peru of some of the Peruvian group. To date it has not given to the State Department an outright refusal to authorize their repatriation to Peru but merely has indicated that it was studying the problem and giving it consideration. If the Peruvian government sometime in the future were to authorize the return of any of them the question of the deportability to Japan of such of them as then had not been granted permanent residence status in the U.S. again might arise if such persons then refused to return to Peru. Therefore, it seems to me essential that each member of the group should attempt to have his or her entry into the U.S. legalized and be granted permanent residence status in this country so soon as possible and thereby avoid the possibility of future difficulty with the immigration laws.



c.c. Mr. Kunio Takeshita  
Mr. Eisuke Murono  
Miss Toyoko Murono  
Mr. Robert Yoshinaga Furuya

11/8/54

To: WMC

Re: Kunio Takeshita  
Peruvian-Japanese

Mail returned. You may wish to communicate with attorney Jiro Yamaguchi; or inquire of one of the Peruvian committeemen - so as to inform Mr. Takeshita of information contained in the letter which was returned.

DP

November 10, 1954

Mr. Jiro Yamaguchi  
Attorney at Law  
1200 North Clark Street  
Chicago, Illinois

Dear Mr. Yamaguchi:

Re: Mr. Kunio Takeshita

Mr. Takeshita and certain others of the Peruvian group had asked for my opinion with reference to applications for adjustment of their status. I sent a copy thereof to Mr. Takeshita, for whom you have appeared, but it was returned to me from 1157 North Clark Street, Chicago, Illinois, with the notation that he was not there. If you have his present address, I would be grateful if you would forward the enclosed letter to him and also notify me of his present whereabouts.

Very truly yours,