

18:8

NAKAMATSU, YAKO & KAMEYO (wife)

1949-1953

78 / 177

C

September 15, 1949

NSE 0400/19118

Mr. Yako Nakamatsu
120 Hoover Annex
Seabrook Farms
Seabrook, New Jersey

Dear Sir:

Hearings in suspension of deportation proceedings in your case and that of your wife Natsue will be held in Room 1002 Robinson Building, 42 S. 15th Street, Philadelphia, Pennsylvania on October 5, 1949 at 12:30 p.m.

A copy of this letter is being furnished your attorney, Wayne M. Collins, Esquire, 1701 Mills Tower, San Francisco 4, California.

Very truly yours,

Karl I. Zimmerman
District Director

✓ COPY TO:

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

For your information.

Karl I. Zimmerman
KIK

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
September 27, 1949

Mr. Yako Nakamatsu
120 Hoover Annex
Seabrook Farms
Seabrook, New Jersey

Dear Mr. Nakamatsu:

In reply to your recent inquiry, I wish to inform you that the applications of the various qualified Peruvian aliens and their family members for a suspension of deportation either have been or soon will be granted. Thereafter, individual hearings will be held on those applications in Philadelphia.

Obviously, it will be impossible for me to appear and represent the respective families at the said hearings. In addition thereto, I deem it to be unnecessary for an attorney to represent any of you at said hearings. You may obtain friends to represent you thereat or merely appear in person and produce the documentary evidence and give the oral testimony that is required in connection with the application for suspension of deportation.

Mr. Harold S. Fistere, Personnel Director at Seabrook Farms Company, already has volunteered to act as the representative of Koshiro Mukoyama. It is likely that he also will be perfectly willing to assist the remaining Peruvians who are eligible for a like suspension of deportation. In the event that the application of any individual should for any reason be denied, I shall intervene on the behalf of such person or persons. In consequence, I would thank you to keep me informed as to the progress of your application for suspension of deportation.

Very truly yours,

P.S. I have received a copy of your notice of hearing from the Immigration Office in Philadelphia and am therefore directing this letter to you.

Nov. 11, 1949.

Mr. Wayne M. Collins
Attorney At Law
220 Bush St.
San Francisco 4, Calif.

Dear Sir:

We went to the Philadelphia Immigration Office on Oct. 5 for our hearing, but since a Japanese interpreter was not available, we were advised to wait 'til one was available. I intended to write immediately after that but we received word to go to the office again on Nov. 1 so decided to wait 'til our hearing was finished.

The questions asked of us were the same as on the U. S. Department of Justice Form 1-256.

Other questions asked were; If we were deported, what would happen to our children?

If my wife was deported to Peru, and I was deported to Japan,

which parent would take the children?

If the children were deported, in what kind of language school would they attend?

A few other questions were asked, but the above were the most important.

If anything comes up in
the future, we would greatly
appreciate your counsel again.
Thank you very much.

Sincerely,

Jako Nakamoto

Perman

file

Mr. Yako Nakamatsu
Hoover Village Annex 120
Seabrook, New Jersey

Dear Mr. Nakamatsu:

If the question is put to you -- "what would happen to your children in the event you are deported"-- your answer simply should be that your children would accompany you.

For your information, these are merely form questions and you need have no worry about them. Neither you nor your wife nor your children will be deported to Japan. Your family will always be able to remain intact. All of you will be granted a permanent suspension of deportation and be permitted to remain permanently in this country if you so wish. The Immigration authorities' regulations require them to ask you the type of questions they did.

Very truly yours,

Copy to: Mr. Ginzo Murono

SEPTEMBER 12,
~~August 30~~, 1951

District Director
U.S. Immigration and
Naturalization Service
458 South Spring Street
Los Angeles, California

Dear Sir:

In re: Yako Nakamatsu and Family
Los Angeles, California

Enclosed find copies of applications to
reopen cause and to enable the applicants
to apply for a suspension of deportation,
the originals of which are being forwarded
to the Commissioner of Immigration, Washington,
D. C.

Very truly yours,

File
San Luis Obispo, California
February 20, 1952

A6 153 132

Mr. Seiko Nakamatsu
Route 1, Box 70D
Santa Maria, Calif.

Dear Sir:

There is enclosed herewith Supplementary Information Form No. 16-399, which you should carefully complete in duplicate, preferably by typewriter, and return to this office, together with a letter in duplicate from the police as to any record you may have in each place where you have resided since April, 1946.

Please attend to this with the least possible delay.

Very truly yours,

Handwritten signature of Dave Aldridge
DAVE ALDRIDGE
Officer in Charge

Encl.

✓ cc: Wayne H. Collins, Esq.

For use in bringing record up to date for reopened hearing looking to suspension.
DA

San Luis Obispo, California
Feb. 20, 1952

A6 153 133

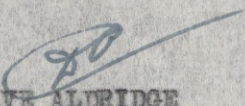
Mr. Seishun Nakamatsu
Route 1, Box 70D
Santa Maria, Calif.

Dear Sir:

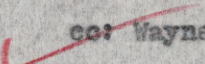
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Please attend to this with the least possible delay.

Very truly yours,


DAVE ALDRIDGE
Officer in Charge

Encl.

 cc: Wayne N. Collins, Esq.

San Luis Obispo, California
Feb. 20, 1952

A6 153 134

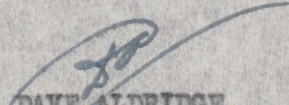
Mr. Tokusei Nakamatsu
Route 1, Box 70D
Santa Maria, Calif.

Dear Sir:

There is enclosed herewith Supplementary Information Form No. 16-399, which you should carefully complete in duplicate, preferably by typewriter, and return to this office, together with a letter in duplicate from the police as to any record you may have in each place where you have resided since April, 1946.

Please attend to this with the least possible delay.

Very truly yours,


DAVE ALDRIDGE
Officer in Charge

Encl.

cc: Wayne N. Collins, Esq.

San Luis Obispo, California
February 20, 1952

1600-44801

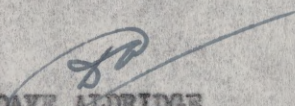
Mr. Yako Nakamatsu
Route 1, Box 70D
Santa Maria, Calif.

Dear Sir:

There is enclosed herewith Supplementary Information Form No. 16-399, which you should carefully complete in duplicate, preferably by typewriter, and return to this office, together with a letter in duplicate from the police as to any record you may have in each place where you have resided since April, 1946.

Please attend to this with the least possible delay.

Very truly yours,


DAVE ALDRIDGE
Officer in Charge

Encl.

cc: Wayne H. Collins, Esq.
1701 Mills Tower
220 Bush St.
San Francisco 4, Calif.

San Luis Obispo, California
February 20, 1952

1600-45096

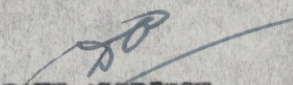
Mrs. Kameo Nakanatsu
Route 1, Box 70D
Santa Maria, Calif.

Dear Madam:

There is enclosed herewith Supplementary Information Form No. 16-399, which you should carefully complete in duplicate, preferably by typewriter, and return to this office, together with a letter in duplicate from the police as to any record you may have in each place where you have resided since April, 1946.

Please attend to this with the least possible delay.

Very truly yours,


DAVE ALDRIDGE
Officer in Charge

Encl.

cc: Wayne H. Collins, Esq.
1701 Mills Tower
220 Bush St.
San Francisco 4, Calif.

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

October 27, 1952

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

Dear Sir and Madam:

The Immigration Service has sent you a
notice to appear for your hearing on November 10
1952, at 1:30 P. M. at 970 Monterey Street,
San Luis Obispo, California.

You should appear there promptly and bring
with you the Form I-256A and other documents
mentioned in that letter.

It will not be necessary for me to be
personally present. However, you should ask
the hearing officer to forward me a copy of
the decision he makes in your case.

Very truly yours,

extra copy

December 24, 1952

The District Director
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Attn: Mr. Harold Woods
Hearing Officer

Dear Sir:

Re: Yako Nakamatsu - A5 967 513
Kameyo Nakamatsu - A6 153 134
Seiko Nakamatsu - A6 153 131
Tokusei Nakamatsu - A6 153 129
Seisun Nakamatsu - A6 153 132
Masayoshi Nakamatsu A6 153 133
Sueko Nakamatsu - A6 153 130
Shizue Nakamatsu - A6 153 135

I am unable to prepare my brief on appeal by reason of the fact that I have not a copy of the transcript of the evidence upon which your order of Dec. 12th was made.

In consequence, I would thank you to forward to me a copy of the transcript and to give me a period of five days after receipt of same within which to prepare my exceptions and brief on appeal. I am enclosing notices of appeal.

Very truly yours,

BYE CONFIDENTIAL
DECLASSIFIED BY 60101 2011
REASON: 101-101

C O P Y

DEPARTMENT OF STATE
Washington

February 18, 1953

My dear Mr. Collins:

I refer to your letter of January 12, 1953, to the Commissioner of Immigration concerning the Peruvian Japanese in the United States and your hope that the Peruvian Government might be induced to accept the return of these former Japanese residents through diplomatic approaches between Japan and Peru. The Commissioner has referred your letter to the Department of State.

I appreciate your interest in the matter of the former Japanese residents of Peru who have been living in the United States since 1943 and 1944. Let me assure you of the sympathetic concern of the Department of State toward these unfortunate persons and of our continuing efforts to persuade the Peruvian Government to accept their return.

Sincerely yours,

S/ Robert J. G. McClurkin
Acting Director
Office of Northeast Asian Affairs

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

Wayne M. Collins
Mills Tower,
San Francisco 4, Calif.
Garfield 1-1218
Attorney for Appellants.

BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of:

Yako Nakamatsu	File A5 967 513 (IB)
Tokusei Nakamatsu	File A6 153 129 (IB)
Sueko Nakamatsu	File A6 153 130 (IB)
Seiko Nakamatsu	File A6 153 131 (IB)
Seisun Nakamatsu	File A6 153 132 (IB)
Masayoshi Nakamatsu	File A6 153 133 (IB)
Kameyo Nakamatsu	File A6 153 134 (IB)
Shizuo Nakamatsu	File A6 153 135 (IB)

(Consolidated Cases),

Appellants.

BRIEF ON APPEAL

These causes heretofore were reopened by order of this Board on January 4, 1952, for the purpose of enabling the appellants to apply for suspensions of deportation under the provisions of Title 8 USCA, Sec. 155(c).

The appellant, Yako Nakamatsu, age 55 years, and his wife, the appellant, Kameyo Nakamatsu, age 52 years, are natives and nationals of Japan.

Their children, the appellants, Seiko, Tokusei (Tokuse), Seisun (Seisu), Masayoshi, Sueko and Shizuo Nakamatsu, minors whose ages are 20, 18, 16, 14, 12 and 9 years respectively, are natives and citizens of Peru.

Yako Nakamatsu was seized in Peru by local authorities in 1943, was delivered over the U.S. military authorities and was

1 transported to the United States, entering at New Orleans, La.
2 on February 6, 1943, and here was internee until August 16, 1946
3 when he was released from internment under the provisions of the
4 Alien Enemy Act. His wife and said six children thereafter were
5 brought to the United States by our Government on July 2, 1944,
6 as "guests" of our Government to undergo "voluntary internment"
7 so as not to be separated from Yako Nakamatsu, the head of the
8 family. Each of them has resided here continuously ever since.
9 All are and were found to be persons of good moral character.

10 The Peruvian Government to date has refused to grant any
11 of them the right to return to that country simply because of
12 their Japanese lineage. Our State Department, our Ambassador
13 to Peru and counsel for appellants, however, still endeavor to
14 persuade the Peruvian Foreign Minister to authorize their
15 repatriation to Peru but so far without success. See letter
16 from State Department dated February 18, 1953, attached hereto
17 supporting this statement.

18 Following hearing Hearing Officer Harold Woods by order
19 dated December 12, 1952, at Los Angeles, California, denied their
20 applications for suspension but ordered that each be given the
21 privilege of voluntary departure with the provision that if they
22 failed to depart when and as required the privilege of voluntary
23 departure be withdrawn and the appellants be deported on the
24 charges stated in the warrant of arrest.

25 Motions to Reopen and For Reconsideration, with supporting
26 Affidavits, and Supplemental Points and Authorities, were denied
27 by order of the Special Inquiry Officer dated March 16, 195 ,
28 affirming the aforesaid orders of December 12, 1952. Thereupon
29 these appeals were initiated in said causes.

30 The denial of suspension of deportation appears to be based
31 upon a construction by the hearing officer that Interim Decision
32 No. 225, Matter of W., A5 908 014, established the policy of

1 denying suspension to aliens brought to this country under
2 circumstances beyond their control and as a result acquired
3 seven years residence here by failing to depart when given an
4 opportunity so to do.

5 We submit, however, that the hearing officer's construction
6 of said decision is erroneous. We are informed that on May 6,
7 1952, it was held by the Acting Attorney General that discre-
8 tionary relief in the form of suspension of deportation, under
9 Title 8 USCA, Sec. 155(c), may be authorized in the case of an
10 alien brought to the United States as an internee for war
11 connected reasons even if he has no family ties in this country
12 where the facts indicate deportation would result in undue
13 hardship, it appearing that the alien had been here for some
14 ten years and was unable to return to the country where he had
15 his lawful residence and that he had been absent for a prolonged
16 period from the country of his origin and citizenship. Such
17 was the actual holding in Matter of W., Int. Dec. No. 225.
18 A similar ruling involving members of the Peruvian-Japanese
19 group brought to this country in 1943 and 1944 appears to have
20 been made in a number of similar cases. See, for example,
21 decision of this Board on Feb. 24, 1953, in re: Yaju Ganiko,
22 A-5967239, L.A. 1610-2043, so holding in the case of a member
23 of the Peruvian-Japanese group, a national of Japan; also
24 decision of Feb. 13, 1953, in re: Carlos Magoichi Kato, et. ux.
25 et al., A-6097897, A6139156, A-60979891-2, so holding in like
26 cases; see also, decision of Jerome T. McGowan, Sepcial Inquiry
27 Officer, USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case
28 of Keiichiro Takamura (a Peruvian-Japanese), File A5967444,
29 Chicago 0900-47467, certified to the Assistant Commissioner,
30 Inspections and Examinations Division, for review.

31 The minor appellants are natives and citizens of Peru who
32 have been refused readmission to their homeland. Their appellant

parents are nationals of Japan who lawfully were admitted to Peru for permanent residence and there acquired both a residence and a domicile but have been denied the right to return to that country. The circumstances surrounding their uprooting in Peru, their transportation to this country and their prolonged residence here is a novation occasioned by the United States and, because of the profound change in their circumstances, so occasioned, deportation would result in serious economic detriment to each of them and also would result in exceptional and extremely unusual hardship to each of them. These facts would seem to justify their suspension of deportation also under Section 244(a) of the Immigration and Nationality Act of 1952.

We submit that these causes should have been reopened and reconsidered on the merits of respondent's application for a suspension of deportation, made under the provisions of Title 8 USCA, Sec. 155(c), and regulations implementing said statute, on the grounds the findings of fact and conclusions of law, contained in the aforesaid decision denying appellants' applications for suspension of deportation and ordering voluntary departure or deportation thereafter if they failed to depart, to the effect that the appellants are deportable and the conclusion of law that they were not exempted from the presentation of valid visas at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U.S. Government itself brought them to this country with full knowledge they then were not in possession of visas or passports and that the circumstances of their entry constituted a waiver by the government of the possession and presentation of visas and passports by them and that it exempted them from the possession and presentation thereof.

Further, the legislative history of the relief statute, Title 8 USCA, Sec. 155(c), evidences the fact that Congress,

in enacting that legislation, contemplated that members of the Peruvian Japanese group forcibly brought here in 1944 and 1945 by the Government, contrary to their will and desire, would benefit from the relief provided thereunder. Their presence in this country for a period of seven (7) years under such circumstances was deemed by Congress to satisfy the residential requirement thereof and to render them eligible thereunder for the relief thereby provided. This matter does not seem to have been weighed or considered in reaching a conclusion of their deportability or in reaching the decision that their applications for suspension of deportation should be denied and that they be granted voluntary departure and thereafter be deported if they failed to depart.

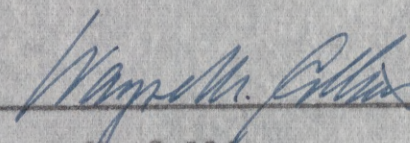
The fact of entry and proof of presence in the United States on the part of appellants for a period in excess of seven (7) years is inconsistent with the conclusion of law of nonresidence within the meaning of the statute. The conclusion that their period of residence here was not of a type contemplated by the statute and hence was not residence but nonresidence thereunder is erroneous. That conclusion was drawn solely because of an arbitrary assumption that their enforced entry and actual residence here arose from a form of internment assumed, in the absence of evidence thereon being introduced or even offered by the government at the hearing in this cause, to have been justified as a wartime Western Hemispheric security measure. A finding based upon a mere assumption that the appellants or any of them actually constituted a real source of danger to such security or to our security is purely arbitrary and whimsical. The theory that a form of punishment, such as deportation, may be inflicted in the absence of wrong by a person, and the theory that one may be punished for an assumed wrong of another, such as here imposed on family members, and which are unique forms

1 of guilt by association, violate the whole concept of due process
2 of law and are repugnant to the due process guaranty of the 5th
3 Amendment.

4 That conclusion, based upon such an arbitrary assumption,
5 was not supported by any evidence whatever introduced in these
6 causes. Inasmuch, therefore, as the government did not sustain
7 its burden of proof on this issue the finding that appellants
8 were deportable was erroneous for being unsupported by evidence
9 and for being contrary to the evidence. That conclusion of law
10 and the order for their deportation and the conclusion of law
11 that they were not entitled to a suspension of deportation and
12 the order denying such application and ordering their voluntary
13 departure and deportation thereafter if they do not depart are
14 illegal and void for being repugnant to the due process guaranty
15 of the 5th Amendment.

16 Inasmuch as the appellants were brought here by our Govern-
17 ment for what is asserted to have been war connected reasons
18 (an ambiguous reason to say the least) and deportation would
19 result in undue, exceptional and extremely unusual hardship
20 to each of them it is urged that their applications for suspen-
21 sion of deportation under Title 8 USCA, Sec. 155(c) and also under
22 Sec. 244(a) of the Immigration and Nationality Act of 1952,
23 should be granted.

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25 Respectfully submitted,

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28 Wayne M. Collins
29 Mills Tower
30 San Francisco 4, Calif.
Garfield 1-1218

31 Attorney for Appellants.
32

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-1218

February 3, 1953

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

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

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

Gentlemen:

Enclosed find "Supplemental Points and Authorities
In Support Of Motions To Reopen And For Reconsideration"
in the above-entitled cause.

Very truly yours,

1 Wayne M. Collins
2 Mills Tower
3 San Francisco 4, Calif.
4 GARfield 1-1218

5 Attorney for Respondent

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8 BEFORE THE UNITED STATES IMMIGRATION SERVICE

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11 In the Matter of

12 Yako Nakamatsu

13 A5 967 513
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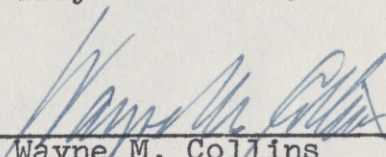
16 SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
17 MOTIONS TO REOPEN AND FOR RECONSIDERATION

18 On May 6, 1952, it was held by the Acting Attorney
19 General that discretionary relief in the form of suspension of
20 deportation, under Title 8 USCA, Sec. 155(c), may be authorized
21 in the case of an alien who was brought to the United States as
22 an internee, for war connected reasons, even if he has no family
23 ties in this country, when the facts of the case indicate deporta-
24 tion would result in undue hardship, it appearing that the alien
25 had been here for some ten years and was unable to return to the
26 country where he had his lawful residence and that he had been
27 absent for a prolonged period from the country of his origin
28 and citizenship. See, Matter of W., Int. Dec. No. 225. See
29 also, decision of Jerome T. McGowan, Special Inquiry Officer,
30 USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro
31 Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467,
32 certified to the Assistant Commissioner, Inspections and

1 Examinations Division, for review.

2 Inasmuch as the respondent was brought here by the
3 United States Government for what is claimed to have been war
4 connected reasons and deportation would result in undue hardship,
5 it appearing that respondent has been here for a period of time
6 in excess of seven years and is unable to return to Peru where
7 respondent has lawful residence because the Peruvian Government
8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

12
13 
14 _____
Wayne M. Collins
Mills Tower
15 San Francisco 4, Calif.
16 GARfield 1-1218

17 Attorney for Respondent
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Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218
Attorney for Respondent

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

Kanayo Nakamatsu

A5 153 134

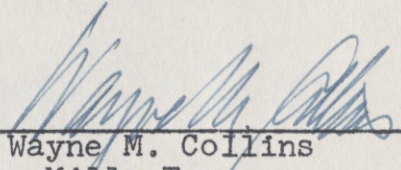
SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
MOTIONS TO REOPEN AND FOR RECONSIDERATION

On May 6, 1952, it was held by the Acting Attorney General that discretionary relief in the form of suspension of deportation, under Title 8 USCA, Sec. 155(c), may be authorized in the case of an alien who was brought to the United States as an internee, for war connected reasons, even if he has no family ties in this country, when the facts of the case indicate deportation would result in undue hardship, it appearing that the alien had been here for some ten years and was unable to return to the country where he had his lawful residence and that he had been absent for a prolonged period from the country of his origin and citizenship. See, Matter of W., Int. Dec. No. 225. See also, decision of Jerome T. McGowan, Special Inquiry Officer, USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467, certified to the Assistant Commissioner, Inspections and

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8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

12
13 
14 _____
15 Wayne M. Collins
16 Mills Tower
17 San Francisco 4, Calif.
18 GARfield 1-1218

19 Attorney for Respondent
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Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

Seiko Nakamatsu

A6 153 131

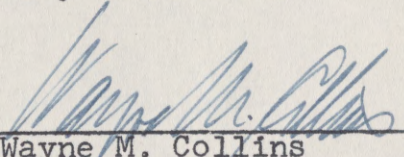
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11 Respectfully submitted,

12
13 
14 _____
Wayne M. Collins

Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

15
16 Attorney for Respondent
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1 Wayne M. Collins
2 Mills Tower
3 San Francisco 4, Calif.
4 Garfield 1-1218

5 Attorney for Respondent

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9 BEFORE THE UNITED STATES IMMIGRATION SERVICE

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12 In the Matter of

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14 Tokusei Nakamatsu

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17 A6 153 129

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20 SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
21 MOTIONS TO REOPEN AND FOR RECONSIDERATION

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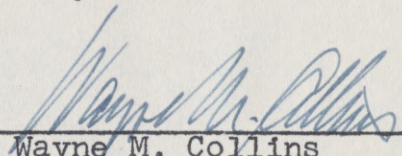
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On May 6, 1952, it was held by the Acting Attorney General that discretionary relief in the form of suspension of deportation, under Title 8 USCA, Sec. 155(c), may be authorized in the case of an alien who was brought to the United States as an internee, for war connected reasons, even if he has no family ties in this country, when the facts of the case indicate deportation would result in undue hardship, it appearing that the alien had been here for some ten years and was unable to return to the country where he had his lawful residence and that he had been absent for a prolonged period from the country of his origin and citizenship. See, Matter of W., Int. Dec. No. 225. See also, decision of Jerome T. McGowan, Special Inquiry Officer, USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467, certified to the Assistant Commissioner, Inspections and

1 Examinations Division, for review.

2 Inasmuch as the respondent was brought here by the
3 United States Government for what is claimed to have been war
4 connected reasons and deportation would result in undue hardship,
5 it appearing that respondent has been here for a period of time
6 in excess of seven years and is unable to return to Peru where
7 respondent has lawful residence because the Peruvian Government
8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

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14 _____
Wayne M. Collins
Mills Tower

15 San Francisco 4, Calif.
16 GARfield 1-1218

17 Attorney for Respondent
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1 Wayne M. Collins
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4 GARfield 1-1218

5 Attorney for Respondent

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8

9 BEFORE THE UNITED STATES IMMIGRATION SERVICE

10

11

12 In the Matter of

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Seisun Nakamatsu

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17 SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
18 MOTIONS TO REOPEN AND FOR RECONSIDERATION

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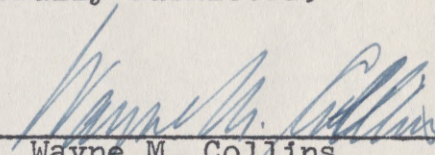
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5 it appearing that respondent has been here for a period of time
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7 respondent has lawful residence because the Peruvian Government
8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

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15 Wayne M. Collins
16 Mills Tower
17 San Francisco 4, Calif.
18 GARfield 1-1218

19 Attorney for Respondent
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Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218
Attorney for Respondent

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

Masayoshi Nakamatsu

A6153 133

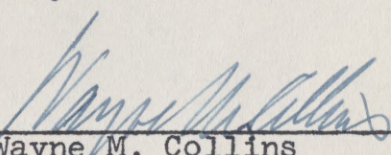
SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
MOTIONS TO REOPEN AND FOR RECONSIDERATION

On May 6, 1952, it was held by the Acting Attorney General that discretionary relief in the form of suspension of deportation, under Title 8 USCA, Sec. 155(c), may be authorized in the case of an alien who was brought to the United States as an internee, for war connected reasons, even if he has no family ties in this country, when the facts of the case indicate deportation would result in undue hardship, it appearing that the alien had been here for some ten years and was unable to return to the country where he had his lawful residence and that he had been absent for a prolonged period from the country of his origin and citizenship. See, Matter of W., Int. Dec. No. 225. See also, decision of Jerome T. McGowan, Special Inquiry Officer, USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467, certified to the Assistant Commissioner, Inspections and

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7 respondent has lawful residence because the Peruvian Government
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10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

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15 Wayne M. Collins
16 Mills Tower
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18 GARfield 1-1218

19 Attorney for Respondent
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Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

Sueko Nakanatsu

A6 153 130

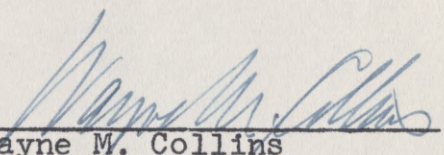
SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
MOTIONS TO REOPEN AND FOR RECONSIDERATION

On May 6, 1952, it was held by the Acting Attorney General that discretionary relief in the form of suspension of deportation, under Title 8 USCA, Sec. 155(c), may be authorized in the case of an alien who was brought to the United States as an internee, for war connected reasons, even if he has no family ties in this country, when the facts of the case indicate deportation would result in undue hardship, it appearing that the alien had been here for some ten years and was unable to return to the country where he had his lawful residence and that he had been absent for a prolonged period from the country of his origin and citizenship. See, Matter of W., Int. Dec. No. 225. See also, decision of Jerome T. McGowan, Special Inquiry Officer, USI&NS, Chicago, Ill., of Jan. 26, 1953, in the case of Keiichiro Takamura (a Peruvian-Japanese), File A5967444, Chicago 0900-47467, certified to the Assistant Commissioner, Inspections and

1 Examinations Division, for review.

2 Inasmuch as the respondent was brought here by the
3 United States Government for what is claimed to have been war
4 connected reasons and deportation would result in undue hardship,
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7 respondent has lawful residence because the Peruvian Government
8 has not authorized respondent's return to that country it is
9 urged that respondent's application for suspension of deportation
10 under Title 8 USCA, Sec. 155(c), should be granted.

11 Respectfully submitted,

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14 _____
15 Wayne M. Collins
16 Mills Tower
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18 GARfield 1-1218

19 Attorney for Respondent
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March 23, 1953

District Director,
U.S. Immigration & Naturalization Service,
458 South Spring Street
Los Angeles 13, Calif.

Gentlemen:

In re: Yako Nakamatsu, No. A6 967 513 IB
Tokusei Nakamatsu, No. A6 153 129 IB
Sueko Nakamatsu, No. A6 153 130 IB
Seiko Nakamatsu, No. A6 153 131 IB
Seisun Nakamatsu, No. A6 153 132 IB
Masayoshi Nakamatsu, No. A6 153 133 IB
Kameyo Nakamatsu, No. A6 153 134 IB
Shizuo Nakamatsu, No. A6 153 135 IB

Enclosed find duplicate notices of appeal in each of the above mentioned cases containing exceptions noted on the reverse sides thereof and duplicate briefs in support of each of the appellants in said cases.

My check in the sum of \$200.00 is enclosed covering the \$25 fee required in each of said appeals.

Very truly yours,

March 24, 1953

Mr. Yako Nakamatsu
Rt. 1, Box 70-D
Santa Maria, California

Dear Mr. Nakamatsu:

Enclosed find copy of Brief I have filed in your appeal and that of your wife and six children with the Board of Immigration Appeals. It cannot be predicted what the final outcome of your application for suspension of deportation may be.

Congress has approved some applications for suspension and has refused to approve others.

Very truly yours,

Enc.

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

TOKUBEI HAKAMATSU

A6 153 129

MOTIONS TO REOPEN AND FOR RECONSIDERATION

I.

The respondent alien above-named moves and requests that the above-entitled cause be reopened and that the finality of the decision of the Hearing Officer denying respondent's application for suspension of deportation and ordering the respondent to depart voluntarily or thereafter be deported be set aside and that the time within which respondent may take and file exceptions to the findings of fact and conclusion of law and decision therein, to appeal therefrom and to file a brief in support thereof, be extended for a period of five business days from receipt of notice of such reopening, for the reason that said decision became final by inadvertence, as related in the affidavit of merits filed in support of this motion, and that respondent be permitted to introduce oral and documentary evidence in proof of the circumstances thereof, if such be required.

II.

The respondent also moves and requests that said cause be reopened and reconsidered on the merits of respondent's application for a suspension of deportation, made under the provisions of Title 8 USCA, Sec. 155(c), and regulations implementing said statute, on the grounds the findings of fact and conclusions of law, contained in the aforesaid decision denying respondent's application for suspension

of deportation and ordering voluntary departure or deportation thereafter if respondent does not depart, to the effect that respondent is deportable and the conclusion of law that respondent was not exempted from the presentation of a valid visa at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U. S. Government itself brought respondent to this country with full knowledge that respondent then was not in possession of a visa and that the circumstances of that entry constituted a waiver by the government of the possession and presentation of a visa by the respondent and that it exempted the respondent from the possession and presentation thereof.

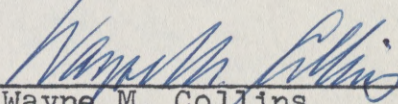
Further, the legislative history of the relief statute, Title 8 USCA, Sec. 155(c), evidences the fact that Congress, in enacting that legislation, contemplated that members of the Peruvian Japanese group forcibly brought here in 1944 and 1945 by the Government, contrary to their will and desire, would benefit from the relief provided thereunder and that, in consequence, their presence in this country for a period of seven (7) years under such circumstances was deemed by Congress to satisfy the residential requirement thereof and to render them eligible thereunder for the relief thereby provided. This matter does not seem to have been weighed or considered in reaching a conclusion that respondent is deportable or in reaching the decision that respondent's application for suspension of deportation should be denied and that respondent be granted voluntary departure and thereafter be deported if respondent does not depart.

The fact of entry and proof of presence in the United States on the part of respondent for a period in excess of seven (7) years is inconsistent with the conclusion of law of nonresidence within the meaning of the statute. The conclusion that respondent's period of residence here was not of a type contemplated by the

statute and hence was not residence but nonresidence thereunder is erroneous. That conclusion was drawn solely because of an arbitrary assumption that respondent's entry and actual residence here arose from a form of internment assumed, in the absence of evidence thereon being introduced or even offered by the government at the hearing in this cause, to have been justified as a wartime Western Hemispheric security measure. A finding based upon a mere assumption that the respondent or a member or members of respondent's family actually constituted a real source of danger to such security or to our security is purely arbitrary and whimsical. The theory that a form of punishment, such as deportation, may be inflicted in the absence of wrong by a person, and the theory that one may be punished for an assumed wrong of another, such as here imposed on family members, which is a unique form of guilt by association, violate the whole concept of due process of law and are repugnant to the due process guaranty of the 5th Amendment.

That conclusion, based upon such an arbitrary assumption, was not supported by any evidence whatever introduced in this cause. Inasmuch, therefore, as the government did not sustain its burden of proof on this issue the finding that respondent was deportable was erroneous for being unsupported by evidence and for being contrary to the evidence. That conclusion of law and the order for respondent's deportation and the conclusion of law that respondent was not entitled to a suspension of deportation and the order denying such application and ordering respondent's voluntary departure and deportation thereafter if respondent does not depart are illegal and void for being repugnant to the due process guaranty of the 5th Amendment.

Respectfully submitted,



Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent Alien

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

SEIKO HAKAMATSU

A6 153 131

MOTIONS TO REOPEN AND FOR RECONSIDERATION

I.

The respondent alien above-named moves and requests that the above-entitled cause be reopened and that the finality of the decision of the Hearing Officer denying respondent's application for suspension of deportation and ordering the respondent to depart voluntarily or thereafter be deported be set aside and that the time within which respondent may take and file exceptions to the findings of fact and conclusion of law and decision therein, to appeal therefrom and to file a brief in support thereof, be extended for a period of five business days from receipt of notice of such reopening, for the reason that said decision became final by inadvertence, as related in the affidavit of merits filed in support of this motion, and that respondent be permitted to introduce oral and documentary evidence in proof of the circumstances thereof, if such be required.

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The respondent also moves and requests that said cause be reopened and reconsidered on the merits of respondent's application for a suspension of deportation, made under the provisions of Title 8 USCA, Sec. 155(c), and regulations implementing said statute, on the grounds the findings of fact and conclusions of law, contained in the aforesaid decision denying respondent's application for suspension

of deportation and ordering voluntary departure or deportation thereafter if respondent does not depart, to the effect that respondent is deportable and the conclusion of law that respondent was not exempted from the presentation of a valid visa at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U. S. Government itself brought respondent to this country with full knowledge that respondent then was not in possession of a visa and that the circumstances of that entry constituted a waiver by the government of the possession and presentation of a visa by the respondent and that it exempted the respondent from the possession and presentation thereof.

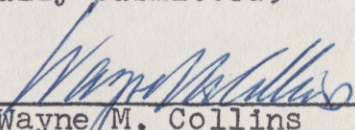
Further, the legislative history of the relief statute, Title 8 USCA, Sec. 155(c), evidences the fact that Congress, in enacting that legislation, contemplated that members of the Peruvian Japanese group forcibly brought here in 1944 and 1945 by the Government, contrary to their will and desire, would benefit from the relief provided thereunder and that, in consequence, their presence in this country for a period of seven (7) years under such circumstances was deemed by Congress to satisfy the residential requirement thereof and to render them eligible thereunder for the relief thereby provided. This matter does not seem to have been weighed or considered in reaching a conclusion that respondent is deportable or in reaching the decision that respondent's application for suspension of deportation should be denied and that respondent be granted voluntary departure and thereafter be deported if respondent does not depart.

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Respectfully submitted,



Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent Alien

BEFORE THE UNITED STATES IMMIGRATION SERVICE

In the Matter of

KAMEYO NAKAMATSU

A5 153 134

MOTIONS TO REOPEN AND FOR RECONSIDERATION

I.

The respondent alien above-named moves and requests that the above-entitled cause be reopened and that the finality of the decision of the Hearing Officer denying respondent's application for suspension of deportation and ordering the respondent to depart voluntarily or thereafter be deported be set aside and that the time within which respondent may take and file exceptions to the findings of fact and conclusion of law and decision therein, to appeal therefrom and to file a brief in support thereof, be extended for a period of five business days from receipt of notice of such reopening, for the reason that said decision became final by inadvertence, as related in the affidavit of merits filed in support of this motion, and that respondent be permitted to introduce oral and documentary evidence in proof of the circumstances thereof, if such be required.

II.

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of deportation and ordering voluntary departure or deportation thereafter if respondent does not depart, to the effect that respondent is deportable and the conclusion of law that respondent was not exempted from the presentation of a valid visa at the time of entry into the United States are erroneous and contrary to fact and to law. The evidence demonstrated that the U. S. Government itself brought respondent to this country with full knowledge that respondent then was not in possession of a visa and that the circumstances of that entry constituted a waiver by the government of the possession and presentation of a visa by the respondent and that it exempted the respondent from the possession and presentation thereof.

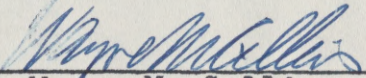
Further, the legislative history of the relief statute, Title 8 USCA, Sec. 155(c), evidences the fact that Congress, in enacting that legislation, contemplated that members of the Peruvian Japanese group forcibly brought here in 1944 and 1945 by the Government, contrary to their will and desire, would benefit from the relief provided thereunder and that, in consequence, their presence in this country for a period of seven (7) years under such circumstances was deemed by Congress to satisfy the residential requirement thereof and to render them eligible thereunder for the relief thereby provided. This matter does not seem to have been weighed or considered in reaching a conclusion that respondent is deportable or in reaching the decision that respondent's application for suspension of deportation should be denied and that respondent be granted voluntary departure and thereafter be deported if respondent does not depart.

The fact of entry and proof of presence in the United States on the part of respondent for a period in excess of seven (7) years is inconsistent with the conclusion of law of nonresidence within the meaning of the statute. The conclusion that respondent's period of residence here was not of a type contemplated by the

statute and hence was not residence but nonresidence thereunder is erroneous. That conclusion was drawn solely because of an arbitrary assumption that respondent's entry and actual residence here arose from a form of internment assumed, in the absence of evidence thereon being introduced or even offered by the government at the hearing in this cause, to have been justified as a wartime Western Hemispheric security measure. A finding based upon a mere assumption that the respondent or a member or members of respondent's family actually constituted a real source of danger to such security or to our security is purely arbitrary and whimsical. The theory that a form of punishment, such as deportation, may be inflicted in the absence of wrong by a person, and the theory that one may be punished for an assumed wrong of another, such as here imposed on family members, which is a unique form of guilt by association, violate the whole concept of due process of law and are repugnant to the due process guaranty of the 5th Amendment.

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Respectfully submitted,



Wayne M. Collins
Mills Tower
San Francisco 4, Calif.
GARfield 1-1218

Attorney for Respondent Alien

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of)
)
YAKO NAKAMATSU) A5 967 513
KAMEYO NAKAMATSU) A6 153 134
SEIKO NAKAMATSU) A6 153 131
TOKUSEI NAKAMATSU) A6 153 129
SEISUN NAKAMATSU) A6 153 132
MASAYOSHI NAKAMATSU) A6 153 133
SUEKO NAKAMATSU) A6 153 130
SHIZUE NAKAMATSU) A6 153 135
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BRIEF FOR RESPONDENTS

On December 12, 1952, the hearing officer, Harold Woods, ordered that the adult aliens, Yako Nakamatsu and Kameyo Nakamatsu, his wife, natives of Japan and residents of Peru, and their six children, Seiko, Tokusei, Seisun, Masayoshi, Sueko and Shizue Nakamatsu, residents and citizens of Peru, being deportable on the charges stated in the warrants of arrest, be granted voluntary departure and that if they failed to depart at the proper time that they be deported.

Because the Peruvian Government thus far has not granted the respondents authority to return to Peru, in which country they have residence, their efforts to return there have not yet proved successful. Further, their counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow their entry to Peru. Of the causes and reasons connected with their failure to depart from the U.S., the Commissioner had actual knowledge and takes administrative notice. Annexed hereto is a copy of the letter dated May 29, 1952, from Hon. Harold H. Tittman, our Ambassador to Peru, demonstrating that our Embassy at Lima, Peru, is endeavoring to

1 obtain the consent of the Peruvian Government to the repatriation
2 of the respondents and similarly situated Peruvian-Japanese
3 whom it and our own Government long have abused. The original
4 of said letter has been forwarded to the Commissioner of
5 Immigration for examination.
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7 The respondent Yako Nakamatsu was brought to this country
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