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OYAKAMA, YOSHITATSU

1949-1954

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

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

5977611

Oyakawa

November 9, 1949

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

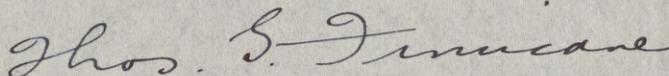
My dear Mr. Collins:

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

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

NOV 8 - 1949

IN THE MATTER
OF
YOSHIHARU OYAKAWA

FILE NO: 5977611

IN DEPORTATION PROCEEDINGS

MOTION

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IT IS FURTHER ORDERED that the order of deportation and warrant predicated thereon be withdrawn.

ALM:MJW

Chairman

~~August 30, 1951~~
SEPTEMBER 12, 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Yoshitatsu Oyakawa
and Yae Oyakawa
Los Angeles, California

Enclosed find three each of original application forms to reopen cause for the purpose of enabling Yoshitatsu Oyakawa and Yae Oyakawa, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavits of merits and notices of appearance. An original application form for each is also being sent to the District Director, USI&NS, Los Angeles, inasmuch as Mr. and Mrs. Oyakawa reside at 315½ E. 7th St., Los Angeles, California. Notices of appearance had been forwarded previously to the Immigration Office at Los Angeles.

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

Very truly yours,

Copy to
USI&NS, Los Angeles, Calif.

SEPTEMBER 12, 1951
~~August 30, 1951~~

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

Dear Sir:

In re: Yoshitatsu Oyakawa
and Yae Oyakawa
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,

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

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

A-5977610
A-6153194
Oyakawa

October 10, 1951

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

Thos. G. Finucane
Chairman

OCT 9 - 1951

IN THE MATTER
OF

YOSHITATSU OYAKAWA and YAE OYAKAWA

FILE NOS: A-5977610
A-6153194

IN DEPORTATION PROCEEDINGS

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

The subject aliens are natives and citizens of Japan, last residents of Peru. Yoshitatsu Oyakawa is about forty-three years of age, male, ^{and} entered the United States on June 15, 1943 at San Francisco, California. Yae Oyakawa is about thirty-three years of age, female, and last entered the United States at New Orleans, Louisiana on March 21, 1944. On February 19, 1947 their deportation was directed to Peru.

Counsel, on motion requests that the proceedings be reopened for the purpose of permitting the aliens to apply for suspension of deportation under Section 19(c) of the Immigration Act of 1917, as amended. It is noted from the record that at one time the aliens were anxious to reside in Hawaii.

We have carefully considered the records in these cases. We shall reopen the proceedings for the purpose of bringing the records up to date and for the purpose of receiving applications for appropriate discretionary relief.

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

IT IS FURTHER ORDERED that the proceedings be reopened for the purpose of permitting the aliens to make applications for appropriate discretionary relief.

LW/erc

Chairman

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

Wayne M. Collins

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

Attorney for Applicant.

Subscribed and sworn to before me

this 20th day of Aug, 1951.

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



My Commission Expires
December 23, 1952

February 27, 1952

Mr. Tex Nakamura
Tule Lake Defense Committee
124 So. San Pedro St. (Rm. 215)
Los Angeles 12, California

Dear Tex:

Enclosed find notices of hearings for
Mr. Yoshitatsu Oyakawa and Mrs. Yae Oyakawa.
The hearings are scheduled for March 6, 1952,
at 1:00 P.M., in Room 143, 458 South Spring
Street, Los Angeles, California.

I would thank you to communicate with
Mr. and Mrs. Oyakawa so as to insure their
attendance at the proper time and place.

Very truly yours,

P.S. The address shown on the notices is
1513 W. 12th Place, Los Angeles, California.
However, the address on my records is 315 $\frac{1}{2}$
E. 7th St., Los Angeles, Calif.

April 30, 1952

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

Attention: John B. Bartos, Esq.

Dear Sir:

In re: Yoshitatsu Oyakawa, 1600-35823 (HS)
and
Yae Oyakawa, 1600-36572 (HS)

I would be grateful if you would forward to me a copy of the transcripts of the hearings of the aliens above-named so that I shall be enabled to make proper exceptions to the recommendatory decisions denying said aliens voluntary departure and ordering their deportation.

In addition thereto I request that I be given five days after receipt of said transcripts within which to prepare and file my said exceptions.

Very truly yours,

May 5, 1952

Mr. & Mrs. Yoshitatsu Oyakawa
1513 W. 12th Place
Los Angeles, California

Dear Mr. & Mrs. Oyakawa:

At your respective hearings before the Immigration Service in Los Angeles there was evidence that a child was expected to be born during April or May of this year.

If the child has been born I would thank you to notify me of the name of the child and the place and date of birth. This information will enable me to re-open your case before the Immigration authorities and doubtlessly will result in a granting of your application for suspension of deportation because your child will be an American citizen.

Very truly yours,

Cc: Tex Nakamura

May 5, 1952

Mr. Tex Nakamura
Tule Lake Defense Committee
124 So. San Pedro St., Rm. 215
Los Angeles 12, California

Dear Tex:

Re: Yoshitatsu and Yae Oyakawa

Enclosed find letter to Mr. and Mrs. Oyakawa. If a child has been born to them in the U.S. I would like to learn the name and date of birth of said child so that I can have their cases reopened to apply for suspension of deportation.

Very truly yours,

COMMITTEE

Y. HONDA
Y. KAKU
T. KONO
J. KIMURA
Y. KIYOHIRO
M. MATSUMOTO
K. MATSUOKA
I. NAMEKAWA
T. NAKAMURA
R. NARIMATSU
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

COMMITTEE

T. OBATAKE
M. SASAKI
Y. SHIBATA
I. SHIMIZU
T. SHONO
H. TAKETAYA
G. TSUETAKE
H. TAKEUCHI
H. UCHIDA
M. YAMAICHI

May 8, 1952

Peruvian

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

Re: Yoshitatsu and Yae Oyakawa

Dear Wayne:

In reference to your inquiry of May 5th, I wish to state that Mrs. Oyakawa gave birth to a baby girl--Lynn Hiroko on May 3, 1952 at the local Japanese Hospital.

She is still in the hospital, and I received the above information from the husband.

Very truly yours,

[Handwritten signature]

Neenah
OLD COUNCIL TREE

Yoshitatsu Oyakawa
1513 West 12th Place
Los Angeles, California,
May 23, 1952.

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

Dear Mr. Collins:

In reply to your inquiry of May 5, 1952,
regarding the birth of our child, we wish to advise
you as follows:

The Name of Child: Lynn Hiroko Oyakawa.
Sex: Female.
Place of Birth: Japanese Hospital of L. A.
101 S. Fickett Street,
Los Angeles, California.
Date of Birth: May 3, 1952, at 6:13 P.M.
The name of Physician: George R. Baba, M.D.
Taul Building
312 East First Street
Los Angeles 12, California.

We thank you for your interest in our cases.

Very truly yours,

Yoshitatsu and Yae Oyakawa

By *yae Oyakawa*

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

June 24, 1952

Mrs. Yae Oyakawa
315½ E. 7th St.
Los Angeles, Calif.

Dear Mrs. Oyakawa:

Enclosed find a copy of the "Exceptions to Recommendation" I have filed on your behalf with the District Director, USI&NS and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of your case and of your status in this country.

Very truly yours,

Encs.

May 6, 1952

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

Dear Sir:

In re: Yae Oyakawa
L.A. 1600-36572

Enclosed find Exceptions to Recommendation
in triplicate original in the above entitled
cause.

Very truly yours,

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BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
YAE OYAKAWA) L.A. 1600-36572
-----)

EXCEPTIONS TO RECOMMENDATION

On April 9, 1952, the hearing officer recommended that Yae Oyakawa, a native of Japan who is domiciled in Peru and who has her residence in Peru, be deported.

Because the Peruvian government thus far has not granted the applicant authority to return to Peru her efforts to return there have not yet proved successful. Of the causes and reasons for her present inability to return to Peru the Commissioner has actual knowledge and takes administrative notice.

We except and object to the finding and conclusion, unsupported by evidence, that the applicant cannot meet the residential requirements for suspension of deportation under the provisions of Title 8 USCA, Sec. 155(c).

The applicant entered the United States on March 21, 1944 as a guest of our government, to join her husband, Yoshitatsu Oyakawa, who forcibly was brought here on June 15, 1943, under a plea that his banishment from Peru and entry into this country was justified by the provisions of the Alien Enemy Act. In consequence, we submit she has resided here for a full seven year period and is eligible for and entitled to a suspension of deportation under said statute.

Our ambassador to Peru, and State Department and counsel for applicant still are trying to prevail upon the Peruvian authorities to re-admit the applicant to Peru. So long as these negotiations continue we suggest that no order of deportation should issue and

1 we suggest that her application for suspension should be granted.

2 For the foregoing reasons we also submit that the order
3 requiring the applicant to depart should be withdrawn.

4 Respectfully submitted,

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

Attorney for Applicant

2215

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

PLEASE REFER TO THIS FILE NUMBER

May 2, 1952

1600-35823 (HS)
1600-36572 (HS)

Rec'd 5/5/52

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

Re: YOSHITATSU OYAKAWA
and YAE OYAKAWA

Dear Sir:

With reference to your letter of April 30, 1952, in the cases of your above named clients, please be informed that you have been granted until the close of business May 13, 1952, within which to submit to this office your exceptions in these cases.

Transmitted herewith is copy of transcript of hearing in deportation proceedings in the case of each of your above named clients. Please sign and date the enclosed receipts for these transcripts and return them to this office promptly.

Yours very truly,

Harold P. Lued
For the District Director.

Encls.

HEARING:

File No. 1400-5637

Date: April 2, 1946
Time:
Place: Crystal City, Texas
Presiding Inspector: James A. Winters
Stenographer: Marjorie P. Umberson
Respondent: Yae Miyagi Oyakawa
Present: Masaru Ben Akahori

BY PRESIDING INSPECTOR TO ALLEN: IN SPANISH:

- Q. Are you able to speak and understand the English language? A. No.
Q. Do you desire this hearing conducted in English Spanish? A. Yes.
Q. There is presented to you herewith original warrant of arrest No. 1400-5637 issued at San Antonio, Texas, on the 30th day of March, 1946 the indorsement on which shows it was served on you on March 30, 1946

which states that YAE MIYAGI OYAKAWA, and

who entered the United States on the 21st day of March 1944 appears subject to be taken into custody and deported for the following reasons to wit:

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. A visa is a document which must be secured from the Consular Service of the United States for presentation at the time of entry, and you are charged with not being in possession of this document at the time of your entry.

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. This charge is urged against you as you did not present a passport or other document issued by the government of the country to which you owe allegiance, such document or passport showing your origin and identity.

- Do you clearly understand the charges contained in this warrant of arrest?
- A. Yes.
- Q. You are advised that this proceeding is to allow you an opportunity to show cause, if any, why you should not be deported from the United States on the charges contained in the warrant of arrest. Do you understand?
- A. Yes.

- Q. You are advised that at this proceeding, you have the right to be represented by counsel of your own choice and at your expense, which counsel may be an attorney at law, or any person of good character. Do you wish to be represented? A. **No.**
- Q. Do you solemnly swear/~~affirm~~ that all the statements you are about to make in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God? A. **Yes.**
- Q. You are warned that if you willfully and knowingly give false testimony at this proceeding regarding a material fact, you may be prosecuted for perjury, the penalty for which is imprisonment for not more than five years and a fine of not more than \$2000. Do you understand? A. **Yes.**
- Q. You are advised that a copy of warrant of arrest No. **1400-5637**, which has just been read and explained to you, will be attached to and made a part of this hearing and will be identified as Government Exhibit 1. Do you have any objections thereto? A. **No.**
- Q. What is your true and correct name? A. **Yae Miyagi Oyakawa.**
- Q. Have you ever been known by any other name or names? A. **No.**
- Q. What is your age and occupation? A. **Twenty eight years; housewife.**
- Q. Where and on what date were you born? A. **In Okinawa, Japan, March 16, 1918.**
- Q. What is your race and nationality? A. **Japanese race; citizen of Japan.**
- Q. What is your father's name and address? A. **Centeru Miyagi. I don't know where he is now.**
- Q. What is your father's birthplace and nationality? A. **He was born in Okinawa, Japan and is a citizen of Japan.**
- Q. What is your mother's name and address? A. **Hana Miyagi. She is dead.**
- Q. What is your mother's birthplace and nationality? A. **She was born in Okinawa, Japan and was a citizen of Japan.**
- Q. Have you or, to your knowledge, has either of your parents ever taken steps to become a naturalized citizen of any other country? A. **No.**

- Q. What is your marital status? A. **I am married.**
- Q. (If married) State the name, place of birth, nationality, and present location of your spouse? A. **Yoshitatsu Oyakawa. He was born in Okinawa, Japan and is a Japanese citizen. He is here at the Camp.**
- Q. Do you have any children? If so, state their names, dates and places of birth, nationality, and present location? A. **I have no children.**

Q. When, where, and how did you last enter the United States? A. **March 21, 1944 at New Orleans, La. on a U.S. army transport.**

Q. By whom were you accompanied? A. **My father-in-law and my sister-in-law.**

Q. Were you inspected and admitted at the time of your last entry? A. **Yes.**

Q. Were you questioned by an inspector or did you make any statement to him?
A. **Yes.**

Q. Were you brought to the United States for internment? A. **Yes, I came to join my husband.**

NOTE: **The files of this Service verify the information furnished by the respondent as to date, place and manner of entry.**

Q. At the time of your last entry into the United States, were you in possession of an unexpired immigration visa? A. **No.**

Q. At the time of your last entry into the United States, did you present a valid passport or other official document in the nature of a passport showing your origin and identity? A. **No.**

Q. At the time of your last entry into the United States, were you able to read in any language or dialect? A. **Yes, Spanish and Japanese.**

Q. Have you ever been excluded, deported, or allowed to voluntarily depart from the United States in lieu of deportation proceedings being instituted against you? A. **No.**

Q. Have you ever been arrested, fined, or convicted for any criminal offense?

A. **No.**

Q. What is the condition of your health? A. **Good.**

Q. Have you ever been legally admitted to the United States for permanent residence? A. **No.**

Q. What previous residence have you had in the United States? A. **None.**

Q. Do you own any property in the United States? A. **No.**

Q. Do you own any property elsewhere? A. **No.**

Q. Are you a party to any lawsuit or claims or does anyone have any lawsuits or claims pending against you? A. **No.**

Q. Do you owe any money in the United States or does anyone here owe you money?

A. **No.**

Q. What was your last residence abroad? A. **Lima, Peru.**

Q. What are the names, addresses and citizenship of relatives you might have in the United States?

A. **No.**

Q. What relatives have you abroad other than those you might have previously mentioned? A. **None.**

Q. What is your religion? A. **Buddhist.**

Q. ~~Where were you baptized?~~ A.

Q. Where is your birth registered? A. **In Okinawa, Japan.**

Q. Where have you attended school? A. **In Okinawa, Japan.**

Q. In what places, other than those previously named, have you resided?
A. **Only Peru and Japan, and the United States**

Q. Have you registered under the Alien Registration Act of 1940? A. **Yes.**
NOTE: The file indicates AR 3/ 6153194 was assigned to the respondent.

Q. Have you registered as an Enemy Alien as required by Presidential Proclamation? A. **Yes.**

NOTE: File indicates registration at Crystal City, Texas, July 12, 1945.

Q. Do you have any witnesses or documentary evidence to present which might have a bearing on your immigration status? A. **No. A petition has been previously forwarded to the Enemy Alien Control Section of the State Department, Washington, D.C., and we wish that petition to be taken into consideration in our case.**

Q. Were you legally residing in Peru at the time of your arrest by the authorities there? A. Yes.

Q. Do you have any documents which would facilitate your return to Peru? A. No.

Q. You are advised that a copy of the proposed findings of fact, conclusions of law, and order will be furnished you as soon as completed. You will be allowed twenty-four hours in which to file exceptions thereto in writing if you so desire. Do you understand? A. Yes.

Q. I now advise you that under the Act of March 4, 1929, as amended, you will, if ordered deported and thereafter enter or attempt to enter the United States, be guilty of a felony, and upon conviction be liable to imprisonment for not more than two years or a fine of not more than \$1,000 or both such fine and imprisonment, unless you, following your departure from the United States in pursuance of an order of deportation, receive permission from the Attorney General to apply for admission after one year from the date of such departure. Do you understand? A. Yes.

Q. Is it satisfactory with you that the hearing be closed? A. Yes.

HEARING CLOSED

DESCRIPTION: Height 5 ft. - in.; weight, 114 lbs.; complexion, medium
hair black ; eyes brown ; distinguishing marks, none visible
Sex: female

I CERTIFY the foregoing to be a true and correct transcript of my shorthand notes of the testimony taken by me in the above case.

Stenographer
Marjorie P. Umberson

4th Copy

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

BY HEARING OFFICER:

REOPENED HEARING
IN
DEPORTATION PROCEEDINGS

PLACE OF HEARING: Los Angeles, California
DATE OF HEARING : March 6, 1952
PERSONS PRESENT :

IN THE CASE OF

John B. Bartos, Hearing Officer
Satoru Tsuneishi, Japanese Interpreter

YAE OYAKAWA
or
YAE MIYAGI-OYAKAWA

Yae Oyakawa, Respondent

CONDUCTED IN JAPANESE, RECORD BY DICTAPHONE.

File No. 1600-36572

BY HEARING OFFICER:

For the record I state that I have familiarized myself with all prior proceedings in this case.

Mr. Wayne M. Collins, Attorney at Law, 1701 Mills Tower, 220 Bush Street, San Francisco, California is Counsel of record in this case but is not present.

HEARING OFFICER TO INTERPRETER:

Q Please raise your right hand and be sworn. Do you solemnly swear that you will correctly translate from English into Japanese and Japanese into English the proceeds of this hearing, so help you God?

A I do.

HEARING OFFICER TO RESPONDENT: (THROUGH INTERPRETER)

Q Please raise your right hand and be sworn. Do you solemnly swear that your testimony in this proceeding shall be the truth, the whole truth, and nothing but the truth, so help you God?

A Yes.

Q What is your name? A. YAE OYAKAWA.

Q Are you the same YAE OYAKAWA who was granted a hearing in deportation proceedings at Crystal City, Texas on April 2, 1946?

A Yes.

Q You are informed that the hearing in deportation proceedings in your case has been ordered reopened for the purpose of permitting you to make an application for discretionary relief, and for such other matters as may be pertinent to your case. Do you understand?

A Yes.

- Q Mr. Wayne M. Collins is counsel of record in your case but is not present; what arrangements have you made concerning the proceedings here today?
- A I wish to testify here today and that Mr. Collins be sent the decision in my case.
- Q Do you waive the right of counsel in this proceeding and are you ready and willing to proceed with this hearing at this time and place?
- A Yes.
- Q You are informed that in this proceeding you have the right to present evidence to meet any evidence against you, to cross-examine any witnesses, and to make objections for the record. Do you understand?
- A Yes.
- Q What is your correct place of birth? A. Gobusoka, Hanechi-mura, Okinawa-ken, Japan.
- Q The record in your case shows that you were brought to the United States at New Orleans, Louisiana on March 21, 1944 as an alien enemy for internment. Is that correct?
- A Yes.
- Q Have you departed from the United States at any time since March 21, 1944?
- A No.
- Q When were you released from detention? A. I think it was November 26, 1946.
- Q Are you willing to depart voluntarily from the United States to any country of your choice?
- A No.
- Q Prior to the opening of the hearing there were furnished the following described documents which are now made a part of this record as exhibits in the following order and will be considered in arriving at a decision in this case:

EXHIBIT 2, Form I-256 executed by YAE OYAKAWA at Los Angeles, California on January 14, 1952 applying for suspension of deportation on the ground that she has lived continuously in the United States since March 21, 1944 and was living in the United States on July 1, 1948;

EXHIBIT 3, Affidavit executed by William H. Miyagi at Los Angeles, California on January 11, 1952;

EXHIBIT 4, Affidavit executed by Janet Sakiko Oshiro at Los Angeles, California on January 11, 1952;

Did you present these documents?

A Yes.

Q I now present for your inspection the following described documents which will be read to you by the Interpreter:

Report of investigation dated February 5, 1952 at Los Angeles, California concerning YAE OYAKAWA;

Form G-58, return from the Federal Bureau of Investigation showing no criminal record with that department concerning YAE OYAKAWA as the result of a name check;

Do you understand the information contained in these documents?

A Yes.

Q You are informed that these documents are now made a part of this record as EXHIBITS 5 and 6 respectively and will be considered in arriving at a decision in your case. Do you understand?

A Yes.

Q When were you married? A I was married on July 26, 1935.

Q Where were you married? A. Kawa-kami, Hanechi-mura, Okinawa-ken, Japan.

Q Your husband testified that he was married on July 26, 1937, and you say 1935; which is correct?

A Mine is right.

Q Do you have a copy of your family history record to present me at this time showing your marriage as claimed?

A No.

Q Have you ever had any children?

A I'm no so far that I'm expecting one in three or four weeks.

Q Who is the father of your prospective child? A. YOSHITATSU OYAKAWA.

Q When did you go to Peru to live? A. In October, 1935 I think.

Q Did you live in Peru continuously from your arrival there until you were brought to the United States for internment as an enemy alien?

A Yes.

Q Since you were released from internment have you been employed?

A Yes, in Los Angeles.

Q What kind of work did you do? A. I have done sewing work in a factory.

Q When were you last employed? A. August, 1951.

Q And, how long were you employed prior to that time continuously?

A About four years, of course in the meantime, several times I didn't work.

Q And, what average salary did you draw while you worked? A. About \$50 per week.

Q How have you been supported since August, 1951? A. My husband supporting me.

Q Your husband testifies that he is a laborer and earns a salary of about \$70 a week; is that correct?

A Yes.

Q He also testified that he has about \$750 in the bank, furniture valued at about \$1500 and about \$1300 out on loan; is that correct?

A Yes.

Q Have you any money in the bank in your own name other than what your husband has testified to?

A No.

Q Have you any other assets than those which have been mentioned here?

A No.

Q The records of this Service show that your husband was brought to the United States at San Francisco, California for internment on June 15, 1943; is that correct as far as you know?

A Yes.

Q Are you now or have you ever been a member of the Communist Party, either in the United States or any other country?

A No.

Q What organizations, societies, or clubs have you ever been a member of?

A None.

Q Have you any further statement to make or evidence to offer to show cause why you should not be deported from the United States pursuant to law?

A No.

Q You are informed that if you are found to be subject to deportation and ordered deported, you have the right to specify the country to which you wish to be deported. If you are ordered deported, what country do you wish to specify as the country to which you wish to be deported?

A I have no wish for any country.

Q Do you wish to specify a country to which you wish to be deported? A. No.

BY HEARING OFFICER:

The hearing is concluded.

HEARING OFFICER TO RESPONDENT:

Q You are informed that a decision of the Hearing Officer will be prepared in your case and your Counsel will be furnished a signed copy of such decision and he will be granted five business days after the receipt thereof within which to submit exceptions, if he so desires. Do you understand?

A Yes.

BY HEARING OFFICER:

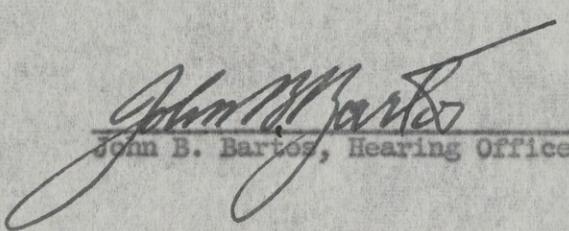
The hearing is closed.

***** HEARING CLOSED *****

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I certify that the foregoing is a true and correct transcript of the recording made of the testimony taken in the above case.

LaVerne M. Hawley, Stenographer.

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


John B. Bartos, Hearing Officer.

16-404
5-21-51

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

Paul 4/29/52
41153

REGISTERED MAIL

Date APR 28 1952

RETURN RECEIPT REQUESTED

File No. 1600-36572 (HS)

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

Chas. H. Brown

Dear Sir:

Reference is made to the hearing on March 6, 1952,
in the deportation proceedings against YAE OYAKAWA or YAE MIYAGI-OYAKAWA.

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

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

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

Very truly yours,

Harold L. Freed
For the District Director

Encl.

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

File No. A6 153 194 - Los Angeles (1600-36572)

March 6, 1952

In Re: YAE OYAKAWA, nee Miyagi

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Mr. Wayne M. Collins,
Attorney at Law,
1701 Mills Tower,
220 Bush Street,
San Francisco 4, California.

CHARGES:

Warrant: Act of 1924 - No immigration visa.
Act of 1918 - No passport.

Lodged : None.

APPLICATION: Suspension of deportation - 7 years residence.

DETENTION STATUS: Released upon conditional parole.

DISCUSSION AS TO DEPORTATION: This record relates to a 34 year old married female, a native and citizen of Japan who last entered the United States at New Orleans, Louisiana on March 21, 1944 when she was brought to the United States by military authorities for internment. She remained in internment until November, 1946 when she was made an internee at large and placed under parole. She has not departed from the United States since entry and has stated that she is not willing to depart voluntarily from the United States.

Enemy aliens brought to the United States for internment who have not departed from the United States may be deported as immigrants who have not satisfied the requirements of law. Accordingly, the respondent is amenable to deportation under the Immigration Act of 1924 and the Act of 1918 on the charges specified in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The respondent has applied for suspension of deportation on the ground that she has resided continuously in the United States for more than 7 years and was residing in this country on July 1, 1948. The record establishes that she was brought to this country for internment on March 21, 1944 and she has been in custody and under the supervision of the Immigration and Naturalization Service since that date. Enemy aliens whose presence in the United States for seven years or more was necessitated because of the war cannot be construed as having resided in the United States within the meaning of Section 19(c) of the Immigration Act of 1917, as amended (I.D.-225).

The respondent is married and her husband is in the United States in the same status as the respondent, he having been brought to this country on June 15, 1943 as an alien
1600-36572

enemy internee and is under deportation proceedings.

The respondent at this time is unemployed and is being supported by her husband who is a laborer and has a salary of approximately \$70 a week. The family assets consist of about \$750 in the bank, furniture valued at approximately \$1500, and money out on loan of approximately \$1300. They have no other assets in this country.

No children have been born to the respondent although she states she expects to give birth to a child in another three or four weeks.

The respondent is of the Japanese race and is racially ineligible to naturalization in the United States, hence she cannot secure an immigration visa by going abroad as she has no exemptions that would entitle her to admission into the United States.

A check of the appropriate local and federal records has failed to reveal an arrest or criminal record. The respondent disclaims any connection with subversive groups. She has presented affidavits of witnesses purporting to show that she has been a person of good moral character for the past five years. However, in view of her status here in the United States since she was brought here on March 21, 1944 for internment as an alien enemy and as she has been in custody or under supervision since that time, she has not established her eligibility for suspension of deportation.

The alien has declined to specify the country to which she shall be deported if she is found to be subject to deportation and so ordered.

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

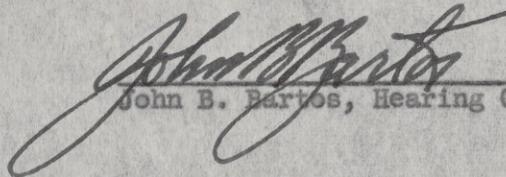
- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States on March 21, 1944 at New Orleans, Louisiana when she was brought to this country by the military authorities as an alien enemy for internment;
- (3) That the respondent has not departed from the United States since entry;
- (4) That the respondent, at the time of entry, was not in possession of a valid immigration visa;
- (5) That the respondent, at the time of entry, did not present an unexpired passport or other valid travel document showing her 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 1924, the respondent is subject to deportation on the ground that, at the time of entry, she 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 the Passport Act approved May 22, 1918, as amended, and Section 19 of the Act of February 5, 1917, the respondent is subject to deportation on

the ground that, at the time of entry, she did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which she owes allegiance or other travel document showing her origin and identity, as required by Executive Order in effect at time of entry.

RECOMMENDED ORDER: It is recommended that the respondent be deported from the United States pursuant to law on the charges stated in the warrant of arrest.


John B. Bartos, Hearing Officer.

JBB/lmh

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

June 24, 1952

Mr. Yoshitatsu Oyakawa
315 $\frac{1}{2}$ E. 7th Street
Los Angeles, Calif.

Dear Mr. Oyakawa:

Enclosed find a copy of the "Exceptions to Recommendation" I have filed on your behalf with the District Director, USI&NS and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of your case and of your status in this country.

Very truly yours,

Encs.

May 6, 1952

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

Dear Sir:

In re: Yoshitatsu Oyakawa
L.A. 1600-35823

Enclosed find Exceptions to Recommendation
in triplicate original in the above entitled
cause.

Very truly yours,

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BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
YOSHITATSU OYAKAWA) L.A.-1600-35823
-----)

EXCEPTIONS TO RECOMMENDATION

The hearing officer, John B. Bartos, has recommended that the alien above-named, a resident of Peru, be deported on the charges stated in the warrant of arrest.

Because the Peruvian Government thus far has not granted the applicant authority to return to Peru, in which country he had acquired residence, his efforts to return there have not yet proved successful. His counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow his entry to Peru. Of the causes and reasons connected with their failure to depart from the U.S. the Commissioner has actual knowledge and takes administrative notice.

The applicant was brought to this country and interned on June 15, 1943, under an asserted claim that he was subject to the provisions of the Alien Enemy Act. His wife, Yae Oyakawa was permitted to enter the U.S. as a "guest" of our government, although now termed a voluntary internees, simply to accompany him. On August 6, 1946, he was released from the provisions of the Alien Enemy Act and his detention under authority of that Act thereupon ceased. Of these facts the Commissioner, the Board of Immigration Appeals and the Attorney General have actual knowledge and take executive notice.

We except and object to the finding and conclusion, unsupported by any evidence whatever, that the alien cannot meet the residence requirements for suspension of deportation under Title

1 8 USCA, Sec. 155 (c). We submit also that said finding and con-
2 clusion is contrary to law, to fact and to the evidence.

3 The seven (7) year period of residence required by Title 8
4 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
5 the elapse of time from June 15, 1942, when applicant arrived
6 here or is, at least, partially satisfied by the elapse of time
7 from August 6, 1946, when he was released from internment and from
8 any claim of being subject to the provisions of the Alien Enemy
9 Act.

10 We submit that there is no evidence in the record that the
11 alien was brought to this country for any legitimate war connected
12 reason. We contend that the government is estopped to deny that
13 his entry was lawful and likewise is estopped to assert that his
14 presence in this country is unlawful. It is nonsense for the
15 government to assert that he did not present unexpired passport
16 or other travel document at the time of entry and that he was not
17 in possession of valid immigration visa. The secret orders of
18 the Peruvian government which authorized this cruel uprooting of
19 the applicant and similarly situated Peruvian-Japanese constitute
20 a blanket visa to the applicant and those other Peruvian-Japanese
21 who forcibly were brought to this country. The concealed orders
22 of the U.S. Government, under which he and they were banished
23 from Peru and transported to the U.S., constitute blanket admission
24 credentials.

25 We submit that the applicant was brought involuntarily to
26 this country for political reasons only. Because he is, in fact,
27 an involuntary refugee from Peru, he is entitled to asylum in this
28 country.

29 Our ambassador to Peru and our State Department still are
30 trying to prevail upon the Peruvian authorities to re-admit the
31 applicant and similarly situated members of the Peruvian-Japanese
32 group here to Peru. So long as those negotiations are pending

1 we suggest that no order of deportation should issue against him.

2 For the foregoing reasons we urge that the recommendation
3 of the hearing examiner be disregarded and that the alien's
4 application for suspension of deportation be granted.

5 Respectfully submitted,

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

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Attorney for Applicant

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16-404
5-21-51

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

*Recd
4/29/52* GWS

REGISTERED MAIL

Date APR 28 1952

RETURN RECEIPT REQUESTED

File No. 1600-35823 (HS)

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

Dear Sir:

Reference is made to the hearing on March 6, 1952,
in the deportation proceedings against YOSHITATSU OYAKAWA

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

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

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

Very truly yours,

MacDonald H. Freed
For the District Director

Encl.

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

File No. A-5977610 - Los Angeles (1600-35823)

March 6, 1952

In Re: YOSHITATSU OYAKAWA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Mr. Wayne M. Collins,
Attorney at Law,
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 - 7 years residence.

DETENTION STATUS: Released upon conditional parole.

DISCUSSION AS TO DEPORTATION: This record relates to a 41 year old married male, a native and citizen of Japan, who last entered the United States at San Francisco, California on June 15, 1943 when he was brought to the United States by the military authorities as an alien enemy for internment. He was brought to the United States from Peru as a dangerous enemy alien.

Since his entry on June 15, 1943, he having being released from internment in November, 1946, he has had ample opportunity to depart from the United States. In a hearing conducted on March 6, 1952 the alien stated that he was not willing to depart voluntarily from the United States. At the time of his entry into the United States on June 15, 1943, he was not in possession of a valid immigration visa and he did not present an unexpired passport showing his origin and identity as required by law. Having been brought to the United States for internment and having failed to depart, he may be deported as an immigrant who has not satisfied the requirements of law. Accordingly, he is amenable to deportation under the Immigration Act of 1924 and the Act of 1918 on the charges specified in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The respondent has applied for suspension of deportation on the grounds that he has resided continuously in the United States for seven years or more and was residing in this country on July 1, 1948.

The record relates that this alien was brought into the United States as an alien enemy for internment on June 15, 1943 and was released from internment in November, 1946. Since that time he has been under parole and supervision of the Immigration

and Naturalization Service. Accordingly, his presence in the United States as an alien enemy under supervision was necessitated because of the war and is not to be construed as residence required within the meaning of Section 19(c) of the Immigration Act of 1917, as amended (I.D.-225).

The wife of the respondent was brought to the United States as an alien enemy internee at New Orleans, Louisiana on March 21, 1944. They have no children although the respondent testifies that he and his wife expect a child to be born to them within a month.

The respondent is a laborer and earns a salary of \$70 a week. He has approximately \$750 in the bank, furniture valued at about \$1500, and money out on loan to the amount of about \$1300. He has no other assets in the United States.

The respondent is of the Japanese race and being racially ineligible to citizenship in the United States, he cannot obtain an immigration visa as he has no exemptions that would place him within the nonquota status, or otherwise exempt him from the provisions of the Immigration laws.

A check of the local and federal records has failed to reveal an arrest or criminal record. The respondent claims that he registered under the Selective Training and Service Act of 1940 but has failed to present evidence of such registration. He disclaims any connection with subversive groups. He has presented affidavits of witnesses purporting to show that he has been a person of good moral character for the past five years.

However, in view of the status under which the respondent was brought to the United States and his constant supervision here since then, he has not established his eligibility for suspension of deportation.

The respondent has declined to specify the country to which he wishes to be deported in the event he is found subject to deportation and so ordered.

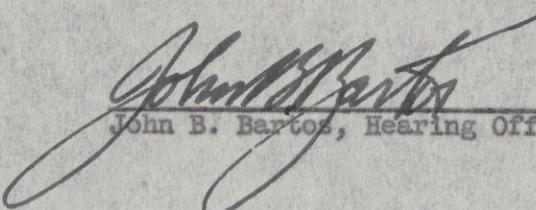
FINDINGS OF FACT: Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States at San Francisco, California on June 15, 1943;
- (3) That the respondent was brought to the United States by the military authorities for internment as an alien enemy;
- (4) That the respondent has not departed from the United States since entry;
- (5) That the respondent, at the time of entry, was not in possession of a valid immigration visa;
- (6) That the respondent, at the time of entry, did not present an unexpired passport or other travel document 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 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 the Passport Act approved May 22, 1918, as amended, and Section 19 of the Act of February 5, 1917, 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 time of entry.

RECOMMENDED ORDER: It is recommended that the respondent be deported from the United States pursuant to law on the charges stated in the warrant of arrest.


John B. Bartos, Hearing Officer.

JBB/lmh

HEARING:

File No. 1400-5638

Date: April 2, 1946
Time:
Place: Crystal City, Texas
Presiding Inspector: James A. Winters
Stenographer: Marjorie P. Umberson
Respondent: Yoshitatsu Oyakawa
Present: Masaru Bon Akahori

BY PRESIDING INSPECTOR TO ALLEN IN SPANISH:

Q. Are you able to speak and understand the English language? A. **X** No.

Q. Do you desire this hearing conducted in the Spanish language? A. Yes.

Q. There is presented to you herewith original warrant of arrest No. 1400-5638 issued at San Antonio, Texas, on the 30th day of March, 1946 the indorsement on which shows it was served on you on March 30, 1946

which states that YOSHITATSU OYAKAWA, and

who entered the United States on the 15th day of June 1943 appears subject to be taken into custody and deported for the following reasons to wit:

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. A visa is a document which must be secured from the Consular Service of the United States for presentation at the time of entry, and you are charged with not being in possession of this document at the time of your entry.

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. This charge is urged against you as you did not present a passport or other document issued by the government of the country to which you owe allegiance, such document or passport showing your origin and identity.

Do you clearly understand the charges contained in this warrant of arrest?

A. Yes.

Q. You are advised that this proceeding is to allow you an opportunity to show cause, if any, why you should not be deported from the United States on the charges contained in the warrant of arrest. Do you understand?

A. Yes.

- Q. You are advised that at this proceeding, you have the right to be represented by counsel of your own choice and at your expense, which counsel may be an attorney at law, or any person of good character. Do you wish to be represented? A. **No.**
- Q. Do you solemnly swear/~~affirm~~ that all the statements you are about to make in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God? A. **Yes.**
- Q. You are warned that if you willfully and knowingly give false testimony at this proceeding regarding a material fact, you may be prosecuted for perjury, the penalty for which is imprisonment for not more than five years and a fine of not more than \$2000. Do you understand? A. **Yes.**
- Q. You are advised that a copy of warrant of arrest No. **1400-5638**, which has just been read and explained to you, will be attached to and made a part of this hearing and will be identified as Government Exhibit 1. Do you have any objections thereto? A. **No.**
- Q. What is your true and correct name? A. **Yoshitatsu Oyakawa.**
- Q. Have you ever been known by any other name or names? A. **No.**
- Q. What is your age and occupation? A. **Thirty eight years; merchant.**
- Q. Where and on what date were you born? A. **Okinawa, Japan, November 1, 1908.**
- Q. What is your race and nationality? A. **Japanese race; citizen of Japan.**
- Q. What is your father's name and address? A. **Kigoro Oyakawa. He is here at Crystal City.**
- Q. What is your father's birthplace and nationality? A. **He was born in Okinawa, Japan and is a citizen of Japan.**
- Q. What is your mother's name and address? A. **Matsu Oyakawa. She was in Okinawa, but we don't know now.**
- Q. What is your mother's birthplace and nationality? A. **She was born in Okinawa, and is a citizen of Japan.**
- Q. Have you or, to your knowledge, has either of your parents ever taken steps to become a naturalized citizen of any other country? A. **No.**

- Q. What is your marital status? A. **I am married.**
- Q. (If married) State the name, place of birth, nationality, and present location of your spouse? A. **Yae Miyagi Oyakawa. She was born in Okinawa, Japan and is a citizen of Japan. She is here at the Camp.**
- Q. Do you have any children? If so, state their names, dates and places of birth, nationality, and present location? A. **No.**

Q. When, where, and how did you last enter the United States? A. **June 15, 1943 at San Francisco, California on a U.S. army transport.**

Q. By whom were you accompanied? A. **My brother, Yoshiharu.**

Q. Were you inspected and admitted at the time of your last entry? A. **Yes.**

Q. Were you questioned by an inspector or did you make any statement to him?
A. **Yes.**

Q. Were you brought to the United States for internment? A. **Yes.**

NOTE: **The files of this Service verify the information furnished by the respondent as to date, place and manner of entry.**

Q. At the time of your last entry into the United States, were you in possession of an unexpired immigration visa? A. **No.**

Q. At the time of your last entry into the United States, did you present a valid passport or other official document in the nature of a passport showing your origin and identity? A. **No.**

Q. At the time of your last entry into the United States, were you able to read in any language or dialect? A. **Yes, Spanish and Japanese.**

Q. Have you ever been excluded, deported, or allowed to voluntarily depart from the United States in lieu of deportation proceedings being instituted against you? A. **No.**

- Q. Have you ever been arrested, fined, or convicted for any criminal offense?
A. **No.**
- Q. What is the condition of your health? A. **good.**
- Q. Have you ever been legally admitted to the United States for permanent residence? A. **No.**
- Q. What previous residence have you had in the United States? A. **None.**
- Q. Do you own any property in the United States? A. **No.**
- Q. Do you own any property elsewhere? A. **No.**
- Q. Are you a party to any lawsuit or claims or does anyone have any lawsuits or claims pending against you? A. **No.**
- Q. Do you owe any money in the United States or does anyone here owe you money?
A. **No.**
- Q. What was your last residence abroad? A. **Lima, Peru.**
- Q. What are the names, addresses and citizenship of relatives you might have in the United States?
A. **None.**

Q. What relatives have you abroad other than those you might have previously mentioned? A. **I have two uncles, Kiroku and Kishichi, in the Territory of Hawaii.**

Q. What is your religion? A. **Buddhist.**

Q. ~~Where were you baptized?~~ A.

Q. Where is your birth registered? A. **In Okinawa, Japan.**

Q. Where have you attended school? A. **In Okinawa.**

Q. In what places, other than those previously named, have you resided?
A. **Only Peru and Japan and the United States.**

Q. Have you registered under the Alien Registration Act of 1940? A. **Yes.**
NOTE: File indicates registration and AR No. 5977610 assigned.

Q. Have you registered as an Enemy Alien as required by Presidential Proclamation? A. **Yes.**

NOTE: File indicates registration at Kenedy, Texas, February 19, 1944.

Q. Do you have any witnesses or documentary evidence to present which might have a bearing on your immigration status? A. **No. A petition has been previously forwarded to the Enemy Alien Control Section of the State Department, Washington, D.C., and we wish that petition to be taken into consideration in our case.**

Q. Were you legally residing in Peru at the time of your arrest by the Peruvian authorities? A. Yes.

Q. Do you have any documents which would facilitate your return to Peru? A. No.

Q. You are advised that a copy of the proposed findings of fact, conclusions of law, and order will be furnished you as soon as completed. You will be allowed twenty-four hours in which to file exceptions thereto in writing if you so desire. Do you understand? A. Yes.

Q. I now advise you that under the Act of March 4, 1929, as amended, you will, if ordered deported and thereafter enter or attempt to enter the United States, be guilty of a felony, and upon conviction be liable to imprisonment for not more than two years or a fine of not more than \$1,000 or both such fine and imprisonment, unless you, following your departure from the United States in pursuance of an order of deportation, receive permission from the Attorney General to apply for admission after one year from the date of such departure. Do you understand? A. Yes.

Q. Is it satisfactory with you that the hearing be closed? A. Yes.

HEARING CLOSED

DESCRIPTION: Height 5 ft. 5 in.; weight, 142 lbs.; complexion, medium
hair black; eyes brown; distinguishing marks, left index
finger scarred.

I CERTIFY the foregoing to be a true and correct transcript of my shorthand notes of the testimony taken by me in the above case.

Stenographer
Marjorie P. Umberson

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

BY HEARING OFFICER:

REOPENED HEARING
IN
DEPORTATION PROCEEDINGS

PLACE OF HEARING: Los Angeles, California
DATE OF HEARING : March 6, 1952
PERSONS PRESENT :

IN THE CASE OF
YOSHITATSU OYAKAWA
File No. 1600-35823

John B. Bartos, Hearing Officer
Satoru Tsuneishi, Japanese Interpreter
Yoshitatsu Oyakawa, Respondent

CONDUCTED IN JAPANESE. RECORD BY DICTAPHONE.

BY HEARING OFFICER:

For the record I state that I have familiarized myself with the prior proceedings in this case.

Mr. Wayne M. Collins, Attorney at Law, 220 Bush Street, San Francisco, California, is Counsel of record but is not present.

HEARING OFFICER TO INTERPRETER:

Q Please raise your right hand and be sworn. Do you solemnly swear that you will correctly translate from English into Japanese and Japanese into English the proceeds of this hearing, so help you God?

A I do.

HEARING OFFICER TO RESPONDENT: (THROUGH INTERPRETER)

Q Please raise your right hand and be sworn. Do you solemnly swear that your testimony in this proceeding shall be the truth, the whole truth, and nothing but the truth, so help you God?

A Yes.

Q What is your name?

A. YOSHITATSU OYAKAWA.

Q Are you the same YOSHITATSU OYAKAWA who was granted a hearing in deportation proceedings at Crystal City, Texas on April 2, 1946?

A Yes.

Q You are informed that the hearing in deportation proceedings in your case has been ordered reopened for the purpose of permitting you to make an application for discretionary relief and for such other purposes as may be necessary. Do you understand?

A Yes.

Q The record in your case shows that Mr. Wayne M. Collins is your Counsel of record but he is not present today. What arrangements have you made concerning proceeding

with this hearing?

A Yes, I wish you to send the record to Mr. Collins.

Q You mean that you wish to proceed with the hearing and have Mr. Collins forwarded the decision in your case?

A Yes.

Q Do you waive the right of counsel in these proceedings and are you ready and willing to proceed with this hearing at this time and place?

A Yes.

Q You are informed that in this proceeding you have the right to present evidence to meet any evidence against you, to cross-examine any witnesses, and to make objections for the record. Do you understand?

A Yes.

Q What is your correct place of birth?

A Kawa-kami, Hanechi-mura, Okinawa-ken, Japan.

Q The record in your case relates that you were brought to the United States at San Francisco, California on June 15, 1943 as an alien enemy internee. Is that correct?

A Yes.

Q Have you departed from the United States at any time since June 15, 1943?

A No.

Q Are you willing to depart voluntarily from the United States without expense to this government to any country of your choice?

A No.

Q When were you released from detention?

A I remember I came to Los Angeles on Thanksgiving Day in 1946.

Q Were you released from detention in November, 1946?

A. Yes.

Q Prior to the reopening of the hearing, the following described documents were presented and are now made a part of this record as exhibits in the following order and will be considered in arriving at a decision in this case:

EXHIBIT 2, Form I-256 executed by YOSHITATSU OYAKAWA at Los Angeles, California on January 14, 1952 applying for suspension of deportation on the ground that he has resided continuously in the United States since June 15, 1943 and was living in the United States on July 1, 1948;

EXHIBIT 3, Affidavit of Janet Sakiko Oshiro executed at Los Angeles, California on January 11, 1952;

EXHIBIT 4, Affidavit of William H. Miyagi executed at Los Angeles, California on January 11, 1952;

Did you present these documents and are you the YOSHITATSU OYAKAWA named in those?

A Yes.

1600-35823

Q I now present for your inspection the following described documents which will be read to you by the Interpreter:

Report of investigation dated February 5, 1952 at Los Angeles, California concerning YOSHITATSU OYAKAWA;

Report from the Los Angeles County Department of Charities dated February 18, 1952 showing no record of aid to YOSHITATSU OYAKAWA;

Form G-58 returned from the Federal Bureau of Investigation showing that there is no criminal record with that organization concerning YOSHITATSU OYAKAWA;

Do you understand the information contained in these documents?

A Yes.

Q You are informed that these documents are now made EXHIBITS 5, 6 and 7 of this record respectively and will be considered in arriving at a decision in your case. Do you understand?

A Yes.

Q When did you marry YAE MIYAGI? A. I think 26th July, 1937 we were married.

Q Where were you married? A. In Kawa-kami, Hanechi-mura, Okinawa-ken, Japan.

Q Do you have a copy of your family history record which will show this marriage?

A I have not with me but I am sure I can find one when I go home and hunt it.

Q Have you any children?

A No, none, my wife is in family way about nine months.

Q This is the last month; in other words, you expect a baby to be born to you and your wife shortly; is that right?

A Yes.

Q What is your occupation? A. I'm a laborer at San Lorenzo Nursery.

Q What is your average weekly salary? A. \$70 per week.

Q Do you own any property in the United States? A. No.

Q Do you have any money in the bank? A. Yes.

Q How much? A. I have about \$750.00.

Q Do you own any bonds or other securities? A. No.

Q Do you own an automobile? A. No.

Q Have you any household furniture or effects? A. Yes.

Q What is the value of your furniture and household effects? A. About \$1500 worth.

Q Do you owe any money to anyone in the United States? A. No.

- Q When did you go to Peru to live? A. In 1925.
- Q And, then did you make a trip back to Japan to get married? A. Yes.
- Q And, then when did you return to Peru? A. In 1937.
- Q How many times have you been married? A. Once.
- Q Are you now or have you ever been a member of the Communist Party, either in the United States or anywhere else?
A No.
- Q Did you ever belong to the Japanese Central Society while you were living in Peru?
A No.
- Q What organizations did you belong to in Peru?
A I belonged to a social club of Hanechi-mura people.
- Q Did you belong to any other organizations in Peru? A. No.
- Q What organizations did you belong to in Japan? A. None.
- Q Have you ever been arrested or charged with a violation of law anywhere?
A No.
- Q Does anyone in the United States owe you any money? A. Yes.
- Q How much and why do they owe it to you? A. I have \$1300 out on loan.
- Q Have you any further statement to make or evidence to offer to show cause why you should not be deported from the United States pursuant to law?
A No.
- Q Have you ever registered under the Selective Service laws of the United States for military service?
A Yes.
- Q Do you have your Draft card with you? A. I have Draft card at home.
- Q Do you have it with you? A. No.
- Q When did you register? A. I do not remember the date.
- Q Where did you register? A. In Los Angeles, California.
- Q In what year was it?
A I do not remember, it must be written in the paper that I sent to you.
- Q Have you any further statement to make? A. No.
- Q You are informed that in the event you are found subject to deportation and ordered deported, you have the right to specify the country to which you wish to be deported;

in such event, what country do you wish to specify as the country to which you wish to be deported?

A No, I can't tell.

BY HEARING OFFICER:

The hearing is concluded.

HEARING OFFICER TO RESPONDENT:

Q You are informed that a decision of the Hearing Officer will be prepared in your case and your Counsel will be furnished a signed copy of such decision and will be granted five business days within which to submit exceptions, if he so desires. Do you understand?

A Yes.

BY HEARING OFFICER:

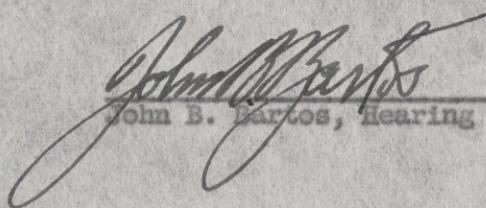
The hearing is closed.

***** HEARING CLOSED *****

I certify that the foregoing is a true and correct transcript of the recording made of the testimony taken in the above case.

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


Laverne M. Hawley, Stenographer.


John B. Santos, Hearing Officer.

June 30, 1952

The Board of Immigration Appeals
Washington, D. C.

Dear Sir:

Re: Yae Oyakawa
File: L.A. 1600-36572

Enclosed find notice of appeal in the above-entitled cause, together with brief for appellant, together with motion to reopen cause and affidavit of merits thereon. Duplicate originals of the above-mentioned documents have been forwarded to the District Director, USI&NS, at Los Angeles.

Very truly yours,

July 1, 1952

Mrs. Yae Oyakawa
315 $\frac{1}{2}$ E. 7th St.
Los Angeles, Calif.

Dear Mrs. Oyakawa:

Enclosed find a copy of the Brief I have filed in your case with the Board of Immigration Appeals.

Also enclosed you will find a copy of my motion to reopen your case and accompanying affidavit of merits.

These are forwarded to you simply to keep you informed of the progress made in your case.

Very truly yours,

Encs.

July 1, 1952

Mr. Yoshitatsu Oyakawa
315 $\frac{1}{2}$ E. 7th Street
Los Angeles, California

Dear Mr. Oyakawa:

Enclosed find a copy of the Motion and Supporting affidavit filed in your immigration case.

This is forwarded to you simply to keep you informed of the progress made in your case.

Very truly yours,

June 30, 1952

The Board of Immigration Appeals
Washington, D. C.

Dear Sir:

Re: Yae Oyakawa
File: L.A. 1600-36572

Enclosed find notice of appeal in the above-entitled cause, together with brief for appellant, together with motion to reopen cause and affidavit of merits thereon. Duplicate originals of the above-mentioned documents have been forwarded to the District Director, USI&NS, at Los Angeles.

Very truly yours,

June 30, 1952

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

Dear Sir:

In re: Yae Oyakawa

Enclosed find duplicate original notices of appeal and supporting brief, together with motion to reopen cause and affidavit of merits. Duplicate originals of the said documents have been forwarded to the Board of Immigration Appeals.

Very truly yours,

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of)
) L.A. 1600-36572
YAE OYAKAWA)
))
- - - - -)

BRIEF FOR APPELLANT

On April 9, 1952, the hearing officer, John B. Bartos recommended that the alien Yae Oyakawa, a native of Japan and resident of Peru, be deported on the charges specified in the warrant of arrest. On June 9, 1952, the Assistant Commissioner, Adjudications Division, contrary to law and the evidence, denied her discretionary relief and, presumably, also voluntary departure and ordered her deported.

Because the Peruvian Government thus far has not granted the appellant authority to return to Peru, in which country she had acquired residence, her efforts to return there have not yet proved successful. Further, her counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow her entry to Peru. Of the causes and reasons connected with her 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 obtain the consent of the Peruvian Government to the repatriation of the appellant and similarly situated Peruvian-Japanese whom it and our own Government long have abused. The original of said letter has been forwarded to the Commissioner of Immigration for examination.

The appellant was brought to this country and interned on March 31, 1944, as a "guest" of our government because she elected to be exiled from Peru in order to accompany her husband, Yoshitatsu

1 Cyakawa who was brought here for internment under a claim he was
2 subject to the provisions of the Alien Enemy Act. However, he
3 was released from the Provisions of the Alien Enemy Act on
4 Aug. 16, 1946, and his detention under authority of the Act
5 thereupon ceased. Of these facts the Commissioner, this Board and
6 the Attorney General have actual knowledge and take executive
7 notice.

8 We submit that the finding and conclusion that the alien
9 cannot meet the residence requirements for suspension of deporta-
10 tion under Title 8 USCA, Sec. 155 (c), is contrary to law, to
11 fact and to the evidence.

12 The seven (7) year period of residence required by Title 8
13 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
14 the elapse of time from March 21, 1946, when applicant arrived
15 here or is, at least, partially satisfied by the elapse of time
16 from August 16, 1946, when her said husband was released from
17 internment and from any claim of being subject to the provisions
18 of the Alien Enemy Act.

19 We submit that there is no evidence in the record that the
20 alien was brought to this country for any legitimate war connected
21 reason. We contend that the government is estopped to deny that
22 her entry was lawful and likewise is estopped to assert that her
23 presence in this country is unlawful. It is nonsense for the
24 government to assert that she did not present an unexpired passport
25 or other travel document at the time of entry and that she was not
26 in possession of a valid immigration visa. The secret orders of
27 the Peruvian government which authorized this cruel uprooting of
28 the appellant and similarly situated Peruvian-Japanese constitute
29 a blanket visa to the appellant and those other Peruvian-Japanese
30 who forcibly were brought to this country. The concealed orders
31 of the U.S. Government, under which she and they were banished
32 from Peru and transported to the U.S., constitute blanket admission

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credentials.

We submit that the appellant was brought involuntarily as a "guest" for internment to this country for political reasons only. Because she is, in fact, an involuntary refugee from Peru, she is entitled to asylum in this country.

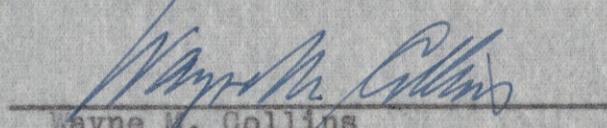
Our Ambassador to Peru and our State Department still are trying to prevail upon the Peruvian authorities to re-admit the appellant and similarly situated members of the Peruvian-Japanese group here to Peru. So long as those negotiations are pending we suggest that no order of deportation should issue against her.

For the foregoing reasons we urge that the order of deportation should be set aside and that the alien's application for suspension of deportation be granted.

Accompanying this Brief we also submit a Motion To Reopen the appellant's cause to enable her, and also her husband, to apply for a suspension of deportation, under Title 8 USCA, Sec 155 (c), upon the ground that their deportation would result in serious economic detriment to their daughter Lynn Hiroko Oyakawa, a U.S. citizen by birth, who was born in May 3, 1952, at Los Angeles, California.

June 25, 1952.

Respectfully submitted



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

Attorney for Appellant.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

C
O
P
Y

Address Official Communications to

American Embassy
Lima, May 29, 1952

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

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continues between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter

Sincerely yours,

/s/ Harold H. Tittmann

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BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

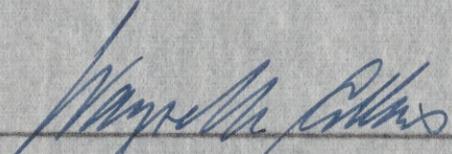
In the Matter of
YAE OYAKAWA

No. L.A. 1600-36572

MOTION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YAE OYAKAWA hereby requests that the deportation proceeding heretofore instituted against her be reopened for the purpose of enabling her to apply for 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 she has been, for a period of time in excess of five years, a person of good moral character, and is the mother of Lynn Hiroko Oyakawa, who is her dependent minor child and native born United States citizen born in Los Angeles, California, on May 3, 1952, and that her deportation would result in serious economic detriment to her said dependent minor child.

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
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 YAE OYAKAWA, 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 Lynn Hiroko Oyakawa, a minor child who is dependent upon her and who is a native born United States citizen born in Los Angeles California on May 3, 1952, that the deportation of applicant would result in serious economic detriment to said minor child; 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 27th day of June, 1952.

Ernest Perry

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

Form 16-270
(8-7-47)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

PERSONAL SERVICE () 458 So. Spring St.
REGISTERED MAIL (x) - Return receipt requested Los Angeles, California

Recd
6/24/52

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

FILE: 1600-36572 BP-H

DATE: June 20, 1952

In re: Yae Oyakawa or Yae Miyagi-Oyakawa

Dear Sir ~~confidential~~:

Pursuant to the provisions of Part 90, Title 8, Code of Federal Regulations, the attached copy of decision and order of the Commissioner, Immigration and Naturalization Service, in your case is hereby served upon you. This order is final unless an appeal is taken to the Board of Immigration Appeals in Washington, D.C., and notice of appeal is filed within 15 days (Not including Saturdays, Sundays, and holidays) after receipt of this notice, on or before **July 16, 1952**

IF APPEAL IS DESIRED, all copies of the attached Form ADJ-19, Notice of Appeal, should be executed by you. One copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington, D. C., and the other copies must be filed with the local field office of the Immigration and Naturalization Service. Distribute the forms exactly as follows:

- (a) Mail one copy to "Board of Immigration Appeals, Department of Justice, Washington 25, D.C."
- (b) Mail 2 copies to: **this office at 458 So. Spring Street
Los Angeles 13, California.**

IF YOU DO NOT DESIRE TO APPEAL, you are requested to sign, date and return at once to the office indicated in (b) above, the enclosed copy or copies of the mimeographed form(s) entitled "Waiver of Right to Appeal". Also return at the same time the unexecuted Forms ADJ-19.

Very truly yours,

H. R. LANDON
District Director

By: *J. W. Nelson*

(If you receive this letter by mail, the following does not apply to you)
FOR USE IN CASES WHERE SERVICE IS MADE PERSONALLY:

Received the above notice with attachments on _____.

(Signature)

I hereby certify that I have served copy of the above notice and attachments on the aforementioned party on _____.

(Title)

ADJ-304
(4-28-52)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

JUN 9 1952
Appeal 15

File: A-6153194 - Los Angeles (1600-36572)

In re: YAS OYAKAWA or YAS MIYAGI OYAKAWA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT:

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

DISCUSSION: Upon consideration of the entire record, including the exceptions taken, the findings relating to deportability made by the officer conducting the hearing are hereby adopted.

The facts and circumstances in this case do not warrant the exercise of any discretionary relief.

ORDER: It is ordered that the alien be deported from the United States, pursuant to law, on the charges in the warrant of arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

Form 16-269
(8-7-47)

File: 1600-36572
A6 153194

WAIVER OF RIGHT TO APPEAL

I hereby waive the right afforded me to file an appeal with the Board of Immigration Appeals from the decision and order of the Commissioner, Immigration and Naturalization Service, made in my case.

(Signature)

Date _____

June 30, 1952

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

Dear Sir:

In re: Yoshitatsu Oyakawa
File: L.A. 1600-35823

Enclosed find motion to reopen cause
and affidavit of merits in support thereof
in the above-entitled cause.

Very truly yours,

RECEIVED
JUL 1 1952
U.S. IMMIGRATION AND NATURALIZATION SERVICE
LOS ANGELES OFFICE

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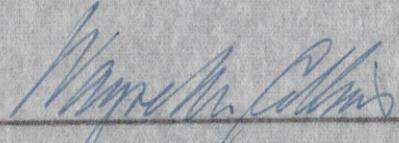
BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
YOSHITATSU OYAKAWA) L.A. 1600-35823
-----)

MOTION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YOSHITATSU OYAKAWA hereby requests that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for 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 he has been, for a period of time in excess of five years, a person of good moral character, and is the father of Lynn Hiroko Oyakawa, who is his dependent minor child and native born United States citizen born in Los Angeles, California, on May 3, 1952, and that his deportation would result in serious economic detriment to his said dependent minor child.

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

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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 YOSHITATSU OYAKAWA, 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 Lynn Hiroko Oyakawa, a minor child who is dependent upon him and who is a native born United States citizen born in Los Angeles, California on May 3, 1952, that the deportation of applicant would result in serious economic detriment to said minor child; 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

Subscribed and sworn to before me
this 20th day of June, 1952.

Ernst Berg

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

(Seal)

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

July 15, 1952

Mr. Yoshitatsu Oyakawa
315½ E. 7th Street
Los Angeles, Calif.

Dear Mr. Oyakawa:

Enclosed find a copy of the brief I have filed on your behalf with the "Board Of Immigration Appeals" in the appeal I took on your behalf to that Board from the adverse recommendations of the hearing officer and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of the case and of your status in this country.

Very truly yours,

Encs.

July 15, 1952

Board of Immigration Appeals
Washington, D. C.

Dear Sir:

Re: Yoshitatsu Oyakawa
L.A. 1600-35823

Enclosed find notice of appeal, brief for appellant and accompanying motion to reopen cause in the above-entitled cause. Duplicate originals of said documents have been forwarded to the District Director, USI&NS, at Los Angeles.

Very truly yours,

July 15, 1952

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

Dear Sir:

In re: Yoshitatsu Oyakawa
L.A. 1600-35823

Enclosed find duplicate original copies of notice of appeal in the above-entitled cause, together with brief for appellant and motion to reopen cause for suspension of deportation.

A duplicate original of said notice, brief and motion have been forwarded this date to the Board of Immigration Appeals.

Very truly yours,

BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of)

YOSHITATSU OYAKAWA)

L. A. 1600-35823)

BRIEF FOR APPELLANT

On April 9, 1952, the hearing officer, John B. Bartos recommended that the alien Yoshitatsu Oyakawa, a native of Japan and resident of Peru, be deported on the charges specified in the warrant of arrest. On June 9, 1952, the Assistant Commissioner, Adjudications Division, contrary to law and the evidence, denied him discretionary relief and, presumably, also voluntary departure and ordered him deported.

Because the Peruvian Government thus far has not granted the appellant authority to return to Peru, in which country he had acquired residence, his efforts to return there have not yet proved successful. Further, his counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow his entry to Peru. Of the causes and reasons connected with his 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 obtain the consent of the Peruvian Government to the repatriation of the appellant and similarly situated Peruvian-Japanese whom it and our own Government long have abused. The original of said letter has been forwarded to the Commissioner of Immigration for examination.

The appellant was brought to this country and interned on June 15, 1943, under a claim that he was subject to the Alien Enemy Act. The appellant's wife was brought to this country and

1 interned on March 31, 1944, as a "guest" of our government because
2 she elected to be exiled from Peru in order to accompany her
3 husband, Yoshitatsu Oyakawa. However, he was released from the
4 Provisions of the Alien Enemy Act on Aug. 16, 1946, and his
5 detention under authority of the Act thereupon ceased. Of these
6 facts the Commissioner, this Board and the Attorney General have
7 actual knowledge and take executive notice.

8 We submit that the finding and conclusion that the alien
9 cannot meet the residence requirements for suspension of deporta-
10 tion under Title 8 USCA, Sec. 155 (c), is contrary to law, to
11 fact and to the evidence.

12 The seven (7) year period of residence required by Title 8
13 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
14 the elapse of time from March 21, 1946, when applicant arrived
15 here or is, at least, partially satisfied by the elapse of time
16 from August 16, 1946, when he was released from internment and
17 from any claim of being subject to the provisions of the Alien
18 Enemy Act.

19 We submit that there is no evidence in the record that the
20 alien was brought to this country for any legitimate war connected
21 reason. We contend that the government is estopped to deny that
22 his entry was lawful and likewise is estopped to assert that his
23 presence in this country is unlawful. It is nonsense for the
24 government to assert that he did not present an unexpired passport
25 or other travel document at the time of entry and that he was not
26 in possession of a valid immigration visa. The secret orders of
27 the Peruvian government which authorized this cruel uprooting of
28 the appellant and similarly situated Peruvian-Japanese constitute
29 a blanket visa to the appellant and those other Peruvian-Japanese
30 who forcibly were brought to this country. The concealed orders
31 of the U.S. Government, under which he and they were banished
32 from Peru and transported to the U.S., constitute blanket admission

1 credentials.

2 We submit that the appellant was brought involuntarily as
3 a "guest" for internment to this country for political reasons
4 only. Because she is, in fact, an involuntary refugee from Peru,
5 he is entitled to asylum in this country.

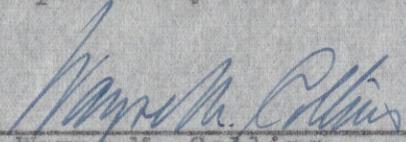
6 Our Ambassador to Peru and our State Department still are
7 trying to prevail upon the Peruvian authorities to re-admit the
8 appellant and similarly situated members of the Peruvian-Japanese
9 group here to Peru. So long as those negotiations are pending
10 we suggest that no order of deportation should issue against him.

11 For the foregoing reasons we urge that the order of deporta-
12 tion should be set aside and that the alien's application for
13 suspension of deportation be granted.

14 Accompanying this Brief we also submit a Motion To Reopen
15 the appellant's cause to enable him, and also his wife, to
16 apply for a suspension of deportation, under Title 8 USCA, Sec
17 155 (c), upon the ground that their deportation would result in
18 serious economic detriment to their daughter Lynn Hiroko Oyakawa,
19 a U.S. citizen by birth, who was born in May 3, 1952, at Los
20 Angeles, California.

21 July 15, 1952.

22 Respectfully submitted,

23
24 
25 Wayne M. Collins
26 1701 Mills Tower
27 San Francisco 4, Calif.

28 Attorney for Appellant.
29
30
31
32

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Address Official Communications to

American Embassy
Lima, May 29, 1952

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

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continues between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter.

Sincerely yours,

/s/ Harold H. Tittmann

2215

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

PLEASE REFER TO THIS FILE NUMBER

July 11, 1952

1600-35823 (IB)

REGISTERED MAIL
RETURN RECEIPT REQUESTED

*Recd
7/14/52*

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

Dear Sir:

There is attached a copy of an order entered by the Assistant Commissioner at Washington, D. C. in the case of YOSHITATSU OYAKAWA which is hereby served upon you in accordance with the provisions of Part 90, Title 8, Code of Federal Regulations. This order is final unless an appeal is taken to the Board of Immigration Appeals, Washington 25, D. C. and notice of appeal is filed within fifteen business days after receipt of this notice.

If appeal is desired, all copies of the attached Form ADJ-19 (Notice of Appeal) should be executed by you. One copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington 25, D. C., and the other two copies with the Los Angeles Immigration office.

The motion to reopen submitted with your letter of June 30, 1952, in triplicate, is returned herewith for the reason that the Hearing Officer has no jurisdiction to act on the said motion, the entire record having been forwarded to the Commissioner who would have such jurisdiction. It is suggested that if an appeal is taken from the Commissioner's decision enclosed that you incorporate the motion to reopen with such appeal.

Very truly yours,

Howard P. Freed
For the District Director.

Encls.

ADJ-304
(4-28-52)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

JUN 9 1952

COPY FOR ATTORNEY
OR REPRESENTATIVE

File: A-5977610 -LOS ANGELES (1600-35823)

Appeal 15

In re: YOSHITATSU OYAKAWA

IN DEPORTATION PROCEEDINGS

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

CHARGES:

Warrant Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of Deportation

DETENTION STATUS: Released on parole

DISCUSSION: Upon consideration of the entire record, including the exceptions taken, the findings relating to deportability made by the officer conducting the hearing are hereby adopted.

The facts and circumstances in this case do not warrant the exercise of any discretionary relief.

ORDER: It is ordered that the alien be deported from the United States, pursuant to law, on the charge s in the warrant of arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

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

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

5977610
6153194
Oyakawa

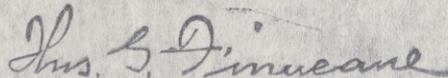
March 3, 1953

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

Reference is made to your interest in the above case.

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

Sincerely yours,


Thos. G. Finucane
Chairman

MAR 3 - 1953

Files: A-5977610 - Los Angeles (1600/35823)
A-615319h (1600/36572)

In re: YOSHITATSU OYAKAWA and wife, YAE OYAKAWA or YAE
MIYAGI-OYAKAWA

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of deportation - Economic detriment and
seven years' residence

DETENTION STATUS: Released on parole

We first considered the cases of these aliens on February 19, 1947 and found them deportable on the charges stated above. On October 9, 1951, on motion of the respondents through counsel, we entered an order withdrawing the orders and warrant of deportation, and directed that the proceedings be reopened in order to afford the respondents an opportunity to apply for appropriate discretionary relief. These cases are before us now on appeal from an order entered against each respondent by the Acting Assistant Commissioner on June 9, 1952, denying suspension of deportation and directing that each alien be deported from the United States on the charges in the warrant of arrest.

DISCUSSION AS TO DEPORTABILITY: The respondents are a 44-year-old male and his 34-year-old wife, natives and citizens of Japan of the Japanese race. The male respondent last entered the United States at the port of San Francisco, California on June 15, 1943 having been brought to this country from Peru for internment as an alien enemy. The female respondent last arrived in the United States at the port of New Orleans, Louisiana on March 21, 1944. She came to join the male respondent. At

the time of their respective entries, neither one of the respondents was in possession of an immigration visa nor did they present valid passports. The respondents testified that they are not willing to depart from the United States voluntarily. The deportability of aliens who came to the United States under like circumstances as the respondents has been settled by decision of the courts. Schirrasister v. Watkins, 171 F 3d 858 (C.A. 9, 1949); United States ex rel Sommers v. Zimmerman, 178 F 3d 845 (C.A. 9, 1949). It is concluded from the evidence of record that the respondents are subject to deportation on the charges stated above.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: At the warrant hearing it was stated that the respondents had no children but that the female respondent expected to give birth to a child within a few weeks. According to counsel, a child was born to the respondents in Los Angeles on May 3, 1952. The respondents base their application for suspension of deportation on serious economic detriment to this child and on seven years' continuous residence in the United States including July 1, 1948.

The evidence of record establishes that the respondents have been residing in the United States continuously since their last entries mentioned above. We find that they meet the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

The respondents reside in Los Angeles, California where the male respondent is employed as a laborer in a nursery at a salary of about \$70 a week. The female respondent was last employed in August 1951 in a factory doing sewing work and earned approximately \$80 per week. Since August 1951, she has been supported by the male respondent. Family assets amount to about \$3500. It is concluded that the deportation of the respondents would result in a serious economic detriment to their citizen child.

The respondents testified that they have never been members of the Communist Party in the United States or anywhere else. The female respondent stated that she has never been a member of any organization. The male respondent said that he belonged to a social club of Hanachi-mura people in Peru and did not belong to any other organization in that country.

A check of appropriate local and federal records has failed to reveal an arrest or criminal record relating to either one of the respondents. An independent character investigation is favorable. The respondents have presented affidavits from two persons in the United States attesting to their good moral character. We find that the evidence of record establishes

that the respondents have been persons of good moral character for the preceding five years. It is concluded that they are eligible for suspension of deportation.

Counsel states that the Peruvian Government thus far has not granted the Peruvian-Japanese in the United States authority to return to Peru. Counsel further states that the United States Ambassador to Peru and the Department of State are still trying to prevail upon Peruvian authorities to readmit members of this Peruvian-Japanese group.

The respondents thus far are not able to return to their former residence in Peru. Their deportation would result in a serious economic detriment to their citizen child. The independent character investigation has failed to disclose any derogatory information. We feel that the circumstances in this case warrant granting suspension of deportation. Accordingly, the applications for such relief will be granted.

ORDER: It is ordered that 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 the orders entered by the Acting Assistant Commissioner on June 9, 1952, be and the same are hereby withdrawn.

IT IS FURTHER ORDERED that if during the session of the Congress at which this case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a concurrent resolution stating in substance that it favors the suspension of such deportations, the proceedings be canceled upon the payment of the required fee and that the aliens be charged to the quota of Japan.

Chairman

March 9, 1953

Mr. & Mrs. Yoshitatsu Oyakawa
315 $\frac{1}{2}$ E. 7th Street
Los Angeles, Calif.

Dear Mr. & Mrs. Oyakawa:

On March 3, 1953, the Board of Immigration sustained my appeal and reversed the decision of the Acting Assistant Commissioner of Immigration. In consequence, if Congress approves a suspension of deportation for you, you will be granted permanent residence status in this country.

Very truly yours,

16-70
Rev. 2-14-50

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

Date: March 30, 1953

File Number: 1600-35823 IB

Yoshitatsu Oyakawa
1513 W. 12th Place
Los Angeles, Calif.

Dear Sir:

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

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

Very truly yours,

For the District Director

✓ Copy to: Wayne M. Collins, Attorney at law, 1701 Mills Tower,
220 Bush St., San Francisco 4, Calif.

16-70
Rev. 2-14-50

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

Date: March 30, 1953

File Number: 1600-36572 IB

Yae Oyakawa
1513 W. 12th Place
Los Angeles, Calif.

Dear Madam:

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

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

Very truly yours,

For the District Director

✓ Copy to: Wayne M. Collins, Attorney at law, 1701 Mills Tower,
220 Bush St., San Francisco 4, Calif.

March 31, 1953

Mr. Yoshitatsu Oyakawa
Mrs. Yae Oyakawa
1513 W. 12th Place
Los Angeles, Calif.

Dear Mr. & Mrs. Oyakawa:

The Attorney General's agent has approved your applications for suspension of deportation. In consequence, if Congress likewise approves the suspension you will be given permanent residence status in this country. In due course of time the Immigration Service will inform you whether or not Congress grants your suspension.

Very truly yours,

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

July 28, 1953

Mr. Yoshitatsu Oyakawa
and Mrs. Yae Oyakawa
1513 W. 12th Place
Los Angeles, California

Dear Mr. and Mrs. Oyakawa:

By a letter dated June 28, 1953, Mr. Yasuhiko Onaga informed me that you had decided "for the sake of convenience" "to retain some other persons" to represent you in connection with the deportation proceedings brought against you by the Immigration Service.

If that is true I would thank you to notify me by a letter signed by you.

For your information, as you already have been informed by letter from me dated March 31, 1953, my appeal on your behalf to the Board of Immigration was successful. That Board recommended that your application for suspension of deportation be granted. That recommendation was sent to Congress. If Congress likewise approves your application you will be granted permanent residence status in the United States and will become eligible for naturalization. However, if Congress rejects your application other steps would have to be instituted on your behalf.

Very truly yours,

Form 16-164
1-10-45

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

Peruvian-Japanese

Date: Nov. 9, 1954

File Number: A5 977 610 IB
A6 153 194

CR #: 60-14

Mr. Yoshitatsu Oyakawa
Mrs. Yae Oyakawa
1020 South Dewey Avenue
Los Angeles, California

*new case
noted
11/10/54*

Dear Sir and Madam:

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

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

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

Very truly yours,

Joseph Adame
Acting
For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

COPY TO: Wayne M. Collins, Atty. at Law, 1701 Mills Tower,
220 Bush St., San Francisco 4, Calif.

November 10, 1954

Mr. Yoshitatsu Oyakawa
Mrs. Yae Oyakawa
1020 South Dewey Avenue
Los Angeles, California

Dear Mr. and Mrs. Oyakawa:

Your application for suspension of deportation has been approved by Congress. Therefore you are entitled to the status of an alien who has permanent residence status in the United States.

However, it is necessary for you immediately to send to the District Director of the Immigration and Naturalization Service, 458 South Spring Street, Los Angeles 13, California, along with its letter to you of November 9, 1954, the sum of \$18.00 to create a record of your permanent residence. The remittance in the sum of \$18.00 should be in the form of a U.S. Postal Money Order made payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As soon as you have sent the \$18.00 to the District Director of the U.S. Immigration and Naturalization Service, kindly send me a post card or letter informing me that you have paid it.

After you have paid that sum to the Immigration Service, that office will issue to you in a month or two your permanent Alien Registration Card. You must not go to a foreign country, whether it be Canada, Mexico, Cuba, Japan or any other foreign country, unless you first obtain from the Immigration Service, upon an application being made therefor, a re-entry permit. If you do leave the U.S. at any time without first obtaining such a re-entry permit you will be denied the right to enter the U.S. because you will then become an alien who has lost permanent residence status.

When your permanent Alien Registration Card is issued to you by the U.S. Immigration and Naturalization Service, you will become eligible for naturalization as a United States citizen. Therefore, when that card issues to you, you should go to the Immigration Service office nearest you and apply to become a naturalized U.S. citizen as soon as possible.

Very truly yours,

D.P. Smith