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NAKAMATSU, YAKO & NATSUE (Wife)

1949

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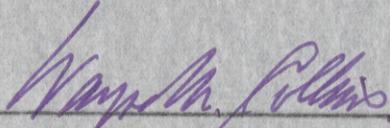
BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
Natsue Nakamatsu) No. _____
-----)

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

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

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



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

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for Natsue Nakamatsu, 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 Seiji Nakamatsu and Shinya Nakamatsu, minors who are dependent upon her and who are native born United States citizens; that the deportation of applicant would result in serious economic detriment to said minor children; that applicant desires to have her deportation proceeding reopened to enable her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating her said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins

Wayne M. Collins

Subscribed and sworn to before me
this 2nd day of June, 1949.

Ernest Deary

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

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AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for Yako Nakamatsu, 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 Seiji Nakamatsu and Shinya Nakamatsu, minors who are dependent upon him and who are native born United States citizens; that the deportation of applicant would result in serious economic detriment to said minor children; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins

Wayne M. Collins

Subscribed and sworn to before me
this 3rd day of June, 1949.

Quert & Desig

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

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

June 6, 1949

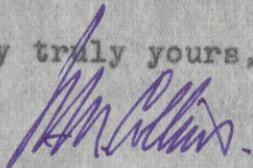
U. S. Immigration & Naturalization Service
Pennsylvania Building
Philadelphia 2, Penn.

Attn: Carl I. Zimmerman, District Director

Gentlemen:

Enclosed find appearance forms and applications to reopen the causes for the purpose of enabling the hereinafter named Peruvian-Japanese who are at Seabrook Farms, Bridgeton, New Jersey, to apply for a suspension of deportation, together with accompanying affidavits of merits, to-wit: Yako Nakamatsu and Natsue Nakamatsu, alien parents of U. S. born children.

Very truly yours,



AUG 10 1949

IN THE MATTER
OF
NATSUE SHIMABUKURO NAKAMATSU

FILE NO. A-6153136

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower
San Francisco 4, California

This matter comes before us by reason of a motion filed by Counsel requesting that the hearing be reopened for the purpose of introducing new material evidence and for the reception of application for remedial relief. The subject of the proceeding testified that she was born in Peru on August 20, 1926, that she is a citizen of the country of her nativity or of Japan and that she is of the Japanese Race (p. 2). The subject further testified that she last arrived at New Orleans, Louisiana on July 2, 1944, when she was brought to this country from Peru for the purpose of internment (p. 3).

The alien was found subject to deportation because at the time of arrival she was an immigrant not in possession of an unexpired immigration visa, as required by Section 3 of the Act of May 26, 1924 (8 U.S.C., Section 213 (a)) and for the further reason that she was not in possession of a valid passport as required under the so-called Passport Act of 1918 and Executive Order 8766. Her return to Peru was directed on February 19, 1947 for the reason hereinabove set forth and at that time it was further ordered by this Board that execution of the warrant of deportation be deferred pending the outcome of litigation. That litigation has since been concluded. Moreover, Section 19 of the Act of February 5, 1917 was amended by Congress, broadening the class of aliens who may be granted suspension of deportation (Public Law 863, 80th Congress, approved July 1, 1948).

Counsel now asserts in his motion that the alien is the parent of two minor United States born citizens and that her deportation would result in serious economic detriment to such minor children.

After careful consideration of the evidence of record, it being shown that the husband is also the subject of a similar petition for relief, it is the conclusion of this Board that the present motion should be granted.

ORDER: It is ordered that the motion be and the same is hereby granted, that order and warrant of deportation be withdrawn, and that the hearing

A-6153136

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be reopened for the reception of new material evidence as well as for such application for relief as may be warranted.

RNC:BPF:mtd

Chairman

AUG 10 1949

IN THE MATTER
OF
JAKO NAKAMATSU

FILE NO. A-5977624

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
1701 Mills Tower
San Francisco 4, California

This matter comes before us by reason of a motion filed by Counsel asking that the hearing be reopened for the purpose of receiving additional evidence and for the further purpose of receiving application for remedial relief pursuant to provisions of Section 19 of the Act of February 5, 1917 (8 U.S.C., Section 155), as amended by Public Law 863.

The subject of this proceeding testified that he was born in Okinawa, Japan on June 10, 1909 and that he is a citizen of Japan, of the Japanese Race (p. 2). He further testified that he last arrived at San Francisco, California on June 15, 1943 from Peru for interment (p. 3). This individual was found subject to deportation on February 19, 1947 and his return to Peru was directed in that at the time of his arrival he was an immigrant not in possession of an unexpired immigration visa as required under the provisions of Section 13 of the Act of 1924 (8 U.S.C. Section 213) and for the further reason that he was not in possession of a valid passport as required under the provisions of the so-called Passport Act of 1918 and Executive Order 8766.

When this Board last considered the case, in addition to ordering deportation, we also directed that execution of the warrant of deportation be deferred pending the outcome of litigation involving the same subject matter. Since that order was entered, that litigation has been concluded. Moreover, there has been an amendment of Section 19 of the Immigration Act of 1917 as aforesaid.

The alien asserts that he is the parent of two minor native-born citizens of the United States and that his deportation would result in serious economic detriment to them.

After careful consideration of the representations of Counsel in the present motion, it is the conclusion of this Board that the motion should be granted.

A-5971624

- 2 -

ORDER: It is ordered that the motion be and the same is hereby granted, that order and warrant of deportation now outstanding be withdrawn, and that the hearing be reopened for the reception of new material evidence and for application for such relief as may be warranted.

RMC:BPF:mtd

Chairman

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

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

6153136
Nakamatsu

August 11, 1949

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

My dear Mr. Collins:

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

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

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

Sincerely yours,



Thos. G. Finucane
Chairman

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

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

5977624
Nakamatsu

August 11, 1949

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

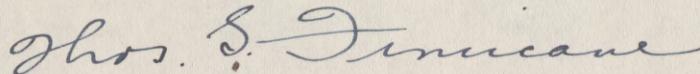
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Sincerely yours,



Thos. G. Finucane
Chairman