

17.2

KISHI, HAJIME

1946-1955

18/177

C

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1201

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

A. N. WILLIAMS, CHAIRMAN OF THE BOARD

JOSEPH L. EGAN, PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

TA96

APR 24 PM 7 42

DX233 NL PD=SANPEDRO CALIF 24

WAYEN M COLLINS=

MILLS LOWER 225 BUSH ST SFRAN=

WE WISH TO CONSULT WITH YOU COULD YOU COME IMMEDIATELY TO
THE IMMIGRATION STATION TERMINAL ISLAND TRUSTING TO HEAR
FROM YOU=

HAJINE KISHI SPOKESMAN OF THE INTERNEES FROM PERU.

HAJINE KISHI

Peruvian

Wayne M. Collins, 1721 Mills Tower, S.E.; Garfield 1218.

Charge to the account of

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	ORDINARY
DAY LETTER	URGENT RATE
SERIAL	DEFERRED
NIGHT LETTER	NIGHT LETTER

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206

A. N. WILLIAMS
PRESIDENT

CHECK
ACCOUNTING INFORMATION
TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

San Francisco, California,
April 25, 1946.

Review

-Hajime Kishi,
Detention Quarters,
Immigration Station,
Terminal Island,
Los Angeles County, Calif.

Tex Nakamura of my office will visit you this Sunday. stop. Ernest Besig will talk to Kelly of Philadelphia immigration office tomorrow concerning your status and will visit you next week. stop. I will wire you tomorrow or Saturday and let you know the day I shall arrive at Terminal Island to discuss your cases with you. stop. There is no need for any of you to be worried.

Wayne M. Collins.

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeatable message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeatable message and paid for as such, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeatable-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeatable-message rate beyond the sum of five thousand dollars, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines.
2. In any event the Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeatable-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.
3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.
4. Except as otherwise indicated in connection with the listing of individual places in the filed tariffs of the Company, the amount paid for the transmission of a domestic telegram or an incoming cable or radio message covers its delivery within the following limits: In cities or towns of 5,000 or more inhabitants where the Company has an office which, as shown by the filed tariffs of the Company, is not operated through the agency of a railroad company, within two miles of any open main or branch office of the Company; in cities or towns of 5,000 or more inhabitants where, as shown by the filed tariffs of the Company, the telegraph service is performed through the agency of a railroad company, within one mile of the telegraph office; in cities or towns of less than 5,000 inhabitants in which an office of the Company is located, within one-half mile of the telegraph office. Beyond the limits above specified the Company does not undertake to make delivery, but will endeavor to arrange for delivery as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee. There will be no additional charge for deliveries made by telephone within the corporate limits of any city or town in which an office of the Company is located.
5. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.
6. The Company will not be liable for damages or statutory penalties in the case of any message except an intrastate message in Texas where the claim is not presented in writing to the Company within sixty days after the message is filed with the Company for transmission, and in the case of an intrastate message in Texas the Company will not be liable for damages or statutory penalties where the claim is not presented in writing to the Company within ninety-five days after the cause of action, if any, shall have accrued; provided, however, that neither of these conditions shall apply to claims for damages or overcharges within the purview of Section 415 of the Communications Act of 1934.
7. It is agreed that in any action by the Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.
8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.
9. No employee of the Company is authorized to vary the foregoing.

10-42

CLASSES OF SERVICE

DOMESTIC SERVICES

TELEGRAMS

A full-rate expedited service.

DAY LETTERS

A deferred service at lower than the standard telegram rates.

SERIALS

Messages sent in sections during the same day.

NIGHT LETTERS

Accepted up to 2 A.M. for delivery not earlier than the following morning at rates substantially lower than the standard telegram or day letter rates.

CABLE SERVICES

ORDINARIES

The standard service, at full rates. Code messages, consisting of 5-letter groups only, at a lower rate.

DEFERREDS

Plain-language messages, subject to being deferred in favor of full-rate messages.

NIGHT LETTERS

Overnight plain-language messages.

URGENTS

Messages taking precedence over all other messages except government messages.

Charge to the account of _____

\$ _____

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	ORDINARY
DAY LETTER	URGENT RATE
SERIAL	DEFERRED
NIGHT LETTER	NIGHT LETTER

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WESTERN UNION

1206

A. N. WILLIAMS
PRESIDENT

CHECK
ACCOUNTING INFORMATION
TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

B
Bruce Moller =

1312 Mass. Ave., N.W.
Wash., D.C.

*Not an atty - is welfare
checked stay of deportation*

*Approved by Chair
& Bd of Appeals*

*52 families
who must get Ben*
101 - mid night men

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2. In any event the Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Except as otherwise indicated in connection with the listing of individual places in the filed tariffs of the Company, the amount paid for the transmission of a domestic telegram or an incoming cable or radio message covers its delivery within the following limits: In cities or towns of 5,000 or more inhabitants where the Company has an office which, as shown by the filed tariffs of the Company, is not operated through the agency of a railroad company, within two miles of any open main or branch office of the Company; in cities or towns of 5,000 or more inhabitants where, as shown by the filed tariffs of the Company, the telegraph service is performed through the agency of a railroad company, within one mile of the telegraph office; in cities or towns of less than 5,000 inhabitants in which an office of the Company is located, within one-half mile of the telegraph office. Beyond the limits above specified the Company does not undertake to make delivery, but will endeavor to arrange for delivery as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee. There will be no additional charge for deliveries made by telephone within the corporate limits of any city or town in which an office of the Company is located.

5. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

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7. It is agreed that in any action by the Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

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Charge to the account of

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TELEGRAM	ORDINARY
DAY LETTER	URGENT RATE
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WESTERN UNION

1206

CHECK
ACCOUNTING INFORMATION
TIME FILED

A. N. WILLIAMS
PRESIDENT

as well as est
at (particular) interest

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

Bruce Miller, (not an attorney)
Full Catholic Welfare Conf.,
Washington, D.C.

Hill
Miller
Bruce Miller

Moving "single" - Smith - 5/11/48
5 many text

Single - Remains on Day 6. H. from L.A.

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Alien Internment Camp
P.O.Box 788
Crystal City, Texas

April 29, 1946

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

In Re: Peruvian Deportees

Dear Mr. Collins:

We received your informative letter of April 27, 1946. We understood that the Commissioner of Immigration has scheduled a few of the single Japanese nationals from Peru and Japanese couples from Peru without children, for deportation from the port of San Pedro, California, about May 6th. That efforts are being taken by you and Mr. Besig to effect stay of their deportation without having to resort to court action, but when it fails then you may bring the case in to the Federal District Court in San Francisco to prevent their deportation. We also understood that Santa Fe Peruvian group is now at Terminal Island, California, that Mr. Tex Nakamura went to Los Angeles to meet Mr. Gongoro Nakamura, that they paid a visit to the group in Terminal Island, and that you are already in possession of the files of papers we have entrusted with Mr. G. Nakamura.

Mr. Gongoro Nakamura informed us by letters and telegrams, receipt of our messages addressed in your care. He also stated in one of his letters that he is expecting to make a short trip to San Francisco. Undoubtedly, he has seen you by this time and we hope you are agreeably cooperating with him on our behalf.

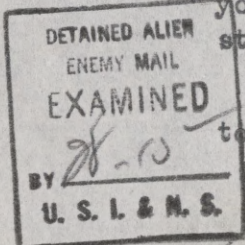
Voluntary repatriates of this camp were notified today to the effect that the ship to carry voluntary repatriates were temporarily postponed its sailing. This notice was given to our spokesman verbally by the camp's authority.

Attached herewith a copy of a clipping of El Comercio the most authentic paper of Lima, Peru dated April 23, 1946. The original of which came to one of ^{us} by airmail. We hope you will have it translated into English for an accurate understanding.

Trusting this reply and information are in order to cooperate with your efforts, we are

Very truly yours,

Koshiro Mukoyama
Koshiro Mukoyama



KM/GKU

EL COMERCIO Lima, 23 de Abril de 1946

COPY

Comunicado del Ministerio de Relaciones Exteriores

De conformidad con las gestiones realizadas entre los Gobiernos del Perú y de los Estados Unidos de América, los súbditos alemanes residentes en el Perú que fueron extrañados durante la última guerra a los Estados Unidos, han sido puestos en libertad en ese país y se encuentran en aptitud de regresar al Perú, con excepción de aquellos que el Gobierno del Perú ha considerado peligrosos para la seguridad continental y de un pequeño número que permanece sujeto a mayores investigaciones.

En cuanto a los súbditos japoneses extrañados del Perú e internados en los Estados Unidos de América, el Gobierno del Perú resolvió que fueran remitidos al Japón, con excepción de los naturalizados peruanos. Habiéndose invocado por algunos de los internados la circunstancia de tener en el Perú conyuges e hijos peruanos, el Gobierno está investigando la efectividad de tal situación para resolver lo que proceda, de acuerdo con los compromisos interamericanos y las leyes vigentes.

Con este motivo se advierte que la acción del Gobierno no será influenciada por ninguna gestión de terceros en favor de los internados, quienes tienen expeditas las vías administrativas para hacer valer su derecho presentando los documentos comprobatorios del caso, directamente o por conducto de sus familiares residentes en el Perú, o de sus apoderados.

Lima, 22 de Abril de 1946

COPY

May 2, 1946.

Mr. Hajime Kishi,
Detention Quarters,
U.S. Immigration Station,
Terminal Island, California.

Dear Mr. Kishi:

Attached hereto find copy of a clipping from the El Comercio of Lima, Peru, published on April 23, 1946, which Mr. Koshiro Mukoyama of P.O. Box 788, Alien Internment Camp, Crystal City, Texas mailed to me in the letter dated April 29th which would be of interest to you.

As Mr. Tex Nakamura has informed you and probably also Mr. Gongoro Nakamura, the single Japanese nationals from Peru and the married couples from Peru who were to have been deported on May 6th are now temporarily scheduled for deportation on May 29th, and it is possible that the deportation date may be extended for a further period of time.

Very truly yours,

WMC: onw

Enc.

C
O
P
Y

EL COMERCIO Lima, 23 de Abril de 1946

C
O
P
Y

Comunicado del Ministerio de Relaciones Exteriores

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En cuanto a los súbditos japoneses extrañados del Peru e internados, en los Estados Unidos de America, el Gobierno del Peru resolvió que fueran remitidos al Japan, con excepcion de los naturalizados peruanos. Habiendose invocado por algunos de los internados la circunstancia de tener en el Peru conyuges e hijos peruanos, el Gobierno esta investigando la efectividad de tal situacion para resolver lo que proceda, de acuerdo con los compromisos interamericanos y las leyes vigentes.

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Lima, 22 de Abril de 1946

C
O
P
Y

April 25, 1946.

Peruvian

Mr. Hajime Kishi,
c/o Detention Quarters,
Immigration Station,
Terminal Island,
Los Angeles County,
California.

Dear Mr. Kishi:

I have received your telegram and shall visit you so soon as possible to discuss your cases with you. I shall know tomorrow after calling Mr. Cooley of the Department of Justice just what day I shall be able to visit you.

Mr. Ernest Besig has already talked to Mr. Kelly of the Immigration Office in Philadelphia and will talk to him by telephone tomorrow concerning the internees from Peru who are now in Terminal Island, and he will be able to inform you of the results of his conversation with him.

None of you are scheduled for deportation at the present time. Mr. Cooley of the Department of Justice in Washington informs me that the government is doing everything that it can do to see that each of you is returned to Peru.

We are doing everything here to persuade the government of Peru through the Peruvian Consul to have all of the Peruvian internees to return to Peru.

Mr. Besig will visit you within one week.

Tomorrow I shall have a further telephone conversation with Mr. Cooley and by Saturday I shall send you a wire informing you when I shall arrive to visit you at Terminal Island.

Mr. Gongoro Nakamura who had acted as a spokesman for the Crystal City Peruvian internees has sent all the files in his possession to me and Mr. Besig. He intended to be in San Francisco today accompanied by Mr. Hisao Inouye but has not arrived. I am endeavoring to communicate with him and ask him to remain in Los Angeles so that he likewise may pay you a visit and inform you of the news that he has. He talked to me by telephone yesterday. He got in touch with a Catholic welfare agency in Washington

and he said that the Apostolic delegate in Lima would endeavor to do all that he could to obtain your return to Peru.

Mr. Tex Nakamura of my office will be in Los Angeles on Sunday and will visit you so soon as arrangements can be made for him to do so through the Immigration Office in Philadelphia. He will convey to you practically all the information and news that I can give you at the present time.

I have made verbal arrangements with Mr. Cooley whereby in the event that the Peruvian government finally refuses to accept any of you and the government of the United States endeavors thereafter to deport you, that I will file a suit on your behalf and the behalf of all of the Peruvians at Crystal City so as to prevent their deportation.

It is possible that an arrangement may be made with the government whereby pending the outcome of negotiations with the Peruvian government that you may be released in this country so that you could go to work and obtain an income until your matters have been determined.

There is no reason for any of you to be alarmed inasmuch as none of you are scheduled for deportation.

Very truly yours,

WMC:cnw

April 30, 1946.

Peruvian

Mr. Hajime Kishi,
Detention Quarters,
U.S. Immigration Station,
Terminal Island,
Los Angeles County, Cal.

Dear Mr. Kishi:

As you have been informed, those among the Peruvian groups in Crystal City and Terminal Island who are single persons of Japanese nationality or married couples of Japanese nationality who have no children were scheduled for deportation on May 6th.

Today the office of the Commissioner of Immigration in Philadelphia informed Mr. Besig that the deportation of those scheduled for May 6th had been postponed until May 29th.

Mr. Nakamura of my office, that is Tex Nakamura, has called to see you to keep you posted on the developments. He has had some difficulty in getting to see you although the Philadelphia office informed us he would be permitted to talk to you on my behalf and Mr. Besig's behalf. Evidently Mr. Wirin of Los Angeles still claims to be representing you. I am informed that he has so informed the Acting Officer or Acting District Director of the U.S. Immigration & Naturalization office in Los Angeles. I suggest, therefore, that you immediately notify the Acting District Director at Los Angeles that you terminated his representation and engaged me and Mr. Ernest Besig to represent you. I suggest that you send him a copy of your letter terminating Mr. Wirin and Mr. Tietz's services.

We are endeavoring to obtain the release of all of the Peruvian groups at Crystal City and Terminal Island so that you may obtain employment so as to be able to support your families until you can be returned to Peru.

Very truly yours,

WMC/W

Hajime Kishi
96 H.V.A.
Seabrook Farms,
Bridgeton, N.J.

March 10 1950

Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

I would like to ask your advice concerning an urgent problem which has just arisen.

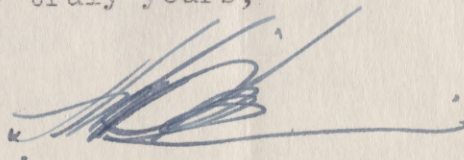
Several days ago, my two sons received a letter from Mr. Karl Zimmerman, District Director of the U.S. Immigration in Philadelphia directing us to be present on Monday March 13 for a continued hearing in deportation proceedings in their cases. He also mentioned that Mr. Ernest Besig of the American Civil Liberties Union in San Francisco had been sent a copy of this letter.

At the hearing if it should turn out that my sons would have to be deported to Peru, I am wondering what my position would be. I, myself, have not received any letter of a similar nature. However, a friend of ours who is a native of Japan did receive such a letter and was told that he may have to be deported to Japan unless the Peruvian Government was willing to permit his re-entry into Peru.

I am also a native of Japan but my two sons are Peruvian. Granted that they would be allowed re-entry it would not necessarily mean so, in my case- I am an old man dependent on my sons, and unable to make my own living. Is there some way in which I could be allowed to go with my sons in the event of their departure? I must be with them wherever they go.

I will write you the results of my sons' hearings later but will be anxiously waiting for your reply?

Very truly yours,



March 13, 1950

Mr. Hajime Kishi
96 H.V.A.
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Kishi:

In reply to your letter of March 10th, you need not worry about your sons' hearings. The regulations of the Immigration Service require the hearings in deportation matters to be concluded. As part of their administrative procedure when a final recommendation for deportation to Japan is made, the Immigration Service is required to give each person a reasonable period of time thereafter to depart.

All deportation proceedings commenced by the Immigration Service since the Federal Administrative Procedures Act went into effect in 1947 are void because the hearings were not held before independent hearing examiners as required by that Act.

Nevertheless since each of the Peruvians by June of 1951 will be eligible to apply for a suspension of deportation it is necessary for the deportation hearings first to be concluded. When they are completed or when a Peruvian has an American born child or has been in the United States 7 years, he is entitled to apply for a suspension of deportation.

The only reason for the Immigration Service to be completing the deportation proceedings is that they are required to do so by their rules.

There is no need for you or your sons to worry. Each of you finally will be granted a suspension of deportation and a right to permanent residence in this country. There is no reason for you or your sons to be alarmed. None of you will be deported to Peru.

Very truly yours,

File

Hajime Kishi
96 H.V.A.
Seabrook, N.J.

March 14, 1950

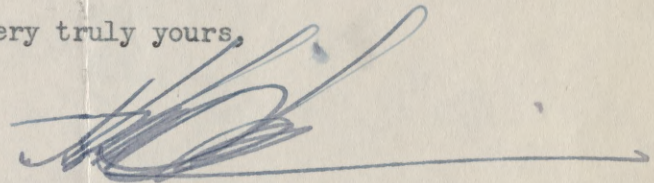
Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

This is just to let you know that the scheduled hearing for my sons on Monday, March 13th. was postponed indefinitely. The Immigration officer sent us a telegram saying he would notify us in a later date for the hearing.

At any rate, when the hearing is over, I will let you know the results immediately. I hope that you will be able to advise us, then, as you have so willingly done, in the past.

Very truly yours,



file

Hajime Kishi
96 Hoover Village Annex,
Seabrook Farms,
Bridgeton, N.J.

March 30 1950

Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

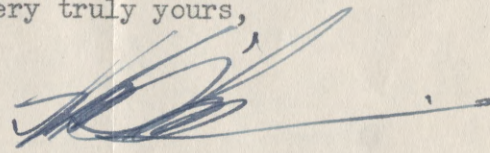
This is to acknowledge receipt of your letter of March 13 th.

I was very glad to hear the details concerning my inquiry
and know that there is no need for me to worry.

Thank you again for your sincere interest and assistance.

Hoping that I can continue to call on you for advice, I remain.

Very truly yours,



Hajime Kishi
96 Hoover Village Annex
Seabrook Farms,
Bridgeton, N. J.

August 28, 1950

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

Dear Sir:

I received the letter dated Aug. 17, 1950 from the Immigration and Naturalization office at Philadelphia to have "hearing" on Aug. 23, 1950 for my sons Masao Kishi and Katsumi Kishi. I believe, you also notified about it by the Immigration office.

On Aug. 23, 1950 we appeared at the Immigration office and the Interpreter at that time was a young man of Italian descendant and his conversation was not clear to us. The questions were as follows:

(Q) Did you receive the warrant on June 18, 1946, when you were in Immigration Station at Terminal Island, California?

(A) Yes. The warrant paper is kept by attorney Collins in San Francisco, Calif.

(Q) Have you had the passport or vise when you landed at New Orleans on March 21, 1944?

(A) No.

(Q) Do you know the reason why Katsumi Kishi did not get the deportation notice from the United States Government until to-day?

(A) No. I don't know the reason.

(Q) Do you want an attorney or proxy to be present on your Hearing?

(A) I would like to consult with attorney Collins about it and will decide.

The hearing board said " Then you write to attorney Collins and ask his opinion and let us know as soon as possible !"

Such being the case, the "hearing" was postponed temporary until I hear from you. Therefore, I am writing this letter and wish to know your opinion about the following:

When we were in the Immigration Station at Terminal Island 1946, Masao and Katsumi Kishi have received the warrants and the hearing board at that time asked them, whether you want attorney or proxy at your hearing or not? The boys answered like to have attorney for their hearing. Soon they received the notice of hearing to be held on June 27, 1946.

About the same time, all the Peruvians were notified to move to Crystal City, Texas, and left Terminal Island on June 26, 1946. Naturally, they could not have hearing at Terminal Island. Also there were no hearing at Crystal City, Texas.

As you see, they had no chance to have hearing until to-day.

Now we will have hearing at Philadelphia as soon as we get the answer from you.

What would you suggest, we rather have attorney when we will have hearing at Philadelphia shortly? or there will be disadvantage for us in future without attorney?

In case we have hearing without attorney and if you find any disadvantage points for us, could you make these disadvantage points invalidity?

At the hearing, when we were asked to sign on enclosed paper, what could you suggest to sign A or B? or no sign at all?

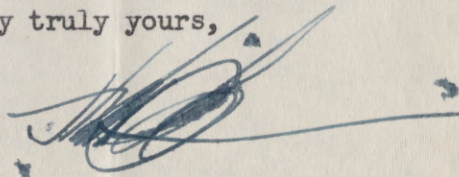
If we refuse to sign either A or B and asked the reason, what is the best reason to answer?

We had intention to go back to Peru until last year, but now we decided to stay permanently in this country.

On March 21, 1951 will be our 7th anniversary in the United States and would like to get permanent residents. We would like to have your suggestion, and help hereafter.

We will appreciate your assistance on this matter.

Very truly yours,



U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Field File No.

Central Office
File No.

Alien
Registration No.

(For office use. Do not write in this space)

APPLICATION FOR DEPARTURE IN LIEU OF DEPORTATION
AND/OR PREEXAMINATION

I,
(Name of alien)

residing at
(Number and street) (City or town) (County) (State)

hereby apply for the privilege or privileges checked below:

- A** Permission to depart from the United States at my own expense in lieu of deportation.
- B** The privilege of preexamination at
(Nearest immigration office)

If my application for preexamination is granted, I intend to apply for an immigration visa to the American Consul at

.....
(Place where Consul is located)
and I will promptly submit the required documents to that officer.

To the best of my knowledge and belief, I (am) (am not) a member of any one of the following classes of individuals deportable or excludable under the Immigration laws: Idiots; imbeciles; feeble-minded; epileptics; insane persons; persons with constitutional psychopathic inferiority; persons afflicted with chronic alcoholism; persons afflicted with tuberculosis; persons afflicted with a loathsome or dangerous contagious disease; persons convicted of or admitting the commission of a crime involving moral turpitude; persons convicted of violating the narcotic laws; persons convicted under the Alien Registration Act of 1940 of interfering with the military or naval forces of the United States, or for subversive activities against any government in the United States; anarchists; persons who believe in or advocate the overthrow by force or violence of the Government of the United States; persons deportable under provisions of the Act entitled "An Act to Exclude and Expel from the United States aliens who are members of the Anarchistic and Similar Classes," approved October 16, 1918, as amended; prostitutes or persons connected with the business of prostitution; polygamists or smugglers of aliens.

(If within one of the foregoing classes, explain fully on reverse side of this application.)

My race is
(White, Negro, Japanese, Chinese, or any other)

.....
(Signature of applicant)

Sworn to (or affirmed) and subscribed before me this day of, 19.....

.....
(Title)

NOTE.—All applicants, other than those under deportation proceedings, must execute and file form I-55 with this form. This application should be submitted to the nearest office of the Immigration and Naturalization Service, either in person or by mail.

File

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

Sept. 7, 1950

Mr. Hajime Kishi
96 Hoover Village Annex
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Kishi:

I have copies of the warrants of arrest of Masao Kishi and Katsumi Kishi dated June 18, 1946 which issued at Los Angeles. The answers of both of your children should be "yes", that they received such a warrant. Apparently neither of your children had either passports or visas when they landed at New Orleans insofar as I know. I assume that your two children were permitted to accompany you as voluntary internees so as to prevent their separation from you. They entered the United States with you apparently on March 21, 1944, at New Orleans, Louisiana.

The Immigration Service in proceeding with your hearing and that of your children is merely completing their hearings so as to order each of you deported to Peru, of which country your two children are natives. Neither of you are yet eligible to apply for a suspension of deportation on the ground that you have resided here for seven years and you will not be so eligible until March 22, 1951, at which time I shall make a formal motion for suspension of deportation on behalf of each of you. In the meantime, none of you will be deported to Peru or to Japan. The Immigration Service is simply bringing its records up to date at the hearing, and in due course an order will issue which will provide for your deportation to Peru. However, that order will not be carried into execution because I have an agreement with the Justice Department and the Immigration Service that they will withhold deportation pending a final outcome of my negotiations with the Peruvian Government concerning your return to that country. When each of you has resided here seven years, my motion for the suspension of your deportation will be made and a hearing will be had thereon and each of you will be granted permanent residence status in the United States.

There is no necessity for any attorney to be present at your sons' hearings. If the Immigration officer requests you to fill out its form number I-255 you should not apply for permission to depart from the United States at your own expense

in lieu of deportation. You can ask for the privilege of pre-examination as shown on that form. There is no reason for you to be alarmed. Each of the Peruvians who is not yet eligible for a suspension of deportation because they have not yet resided here for a period of seven years and all those whose hearings have not been completed will in due course of time be given a deportation hearing at which they may request a suspension of deportation.

Very truly yours,

P. S. I believe that Mr. Fistere will be glad to appear at your and your sons respective hearings to assist you in case any of you feel that you need assistance.

Copy to:
Masao Kishi
Katsumi Kishi

File

Hajime Kishi
96 Hoover Village Annex,
Seabrook Farms,
Bridgeton, N. J.

September 12, 1950

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

Dear Sir:

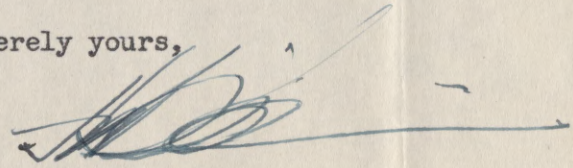
I am in receipt of your letter dated Sept. 7th. yesterday,
regarding your suggestions and advises for our hearings.

I am appreciated very much for your kindness.

When completing our next hearings, I will report you the
result of it.

Again I thank you and wish your advise in future.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'Hajime Kishi', with a long horizontal line extending to the right.

Hajime Kishi
96 H.V.A.
Seabrook Farms,
Bridgeton, N. J.

December 25, 1950.

Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

I have come across another problem and I am taking the liberty of asking for your advice.

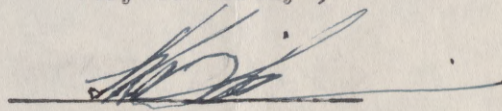
Can you give me the answers to the following questions?

- (1) If my sons should receive notices from the U. S. draft board, do they have to report for physical examinations?
- (2) If they should be classified as 1-A, can they refuse to be called by maintaining that they are Peruvian citizens? - In case they do, will it interfere with their application for permanent residence in the United States?

Incidentally, Masao is 28 years old and Katsumi is 25 years of age at the present time.

May we express our appreciation for your many kindnesses to us this past year and wish you a happy and prosperous new year.

Very sincerely ,



January 9, 1951

Mr. Hajime Kishi
96 Hoover Village Annex
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Kishi:

In reply to your letter of December 25th, I wish to advise you that aliens, including Peruvian-Japanese in this country, are subject to our draft law. Your sons should report for physical examination. If they should claim exemption from the draft by virtue of being Peruvian citizens and that exemption is allowed, they will never be able to become American citizens. I do not know whether it would interfere with their applications for permanent residence in the United States inasmuch as the Attorney General would have to make a ruling on that matter. My advice to you and your children is to have your children report for physical examinations when they are required and to serve in the armed forces without claiming exemptions. In that way it is my belief that in due course of time Congress will enable aliens who have served in the Army to become citizens. In addition thereto, there are many benefits that flow from serving in our armed forces.

Very truly yours,

Hajime Kishi
% Mr. K. Kaneko
2926 "G" St.,
San Diego 2, Calif.

April 2, 1951

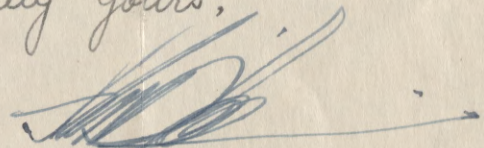
Mr. Wayne M. Collins
Attorney at Law
Mills Towers, 220 Bush St.,
San Francisco, Calif.

Dear Mr. Collins:

I and my two sons Masao and Katsumi left
Seabrook Farms on March 8th on a three months Pass.
After coming to San Diego we talked it over and decided
to remain in San Diego. I would like to know what we
should do so we could remain here in San Diego.

It will be seven years for us in the United States on
March 21, 1951. I am writing to you in regards to
our formal motion for suspension of Deportation.

Sincerely yours,



Hajime Kishi
c/o Mr. K. Kaneko
2926 "G" St.,
San Diego 2, Calif.

April 29, 1951.

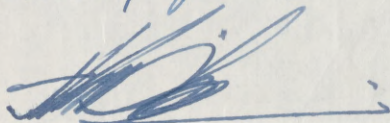
Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

I am writing to you in regards to the letter I have written on April 2nd of our stay in San Diego and suspension of deportation. We are here on a three months pass and it will expire on June 8th. After coming here we decided to remain.

I know you must be busy but I would like to know if you would please let us know what you advise us on what to do, as soon as possible.

Truly yours,



May 1, 1951

Mr. Hajime Kishi
c/o Mr. K. Kaneko
2926 "G" St.
San Diego 2, Calif.

Dear Mr. Kishi:

Inasmuch as you went to San Diego on a three months' pass for the purpose of ascertaining whether or not you wish to reside there, I suggest that you write to the Immigration Service which issued the pass to you and notify them that you desire to change your residence to San Diego.

Very truly yours,

WAYNE M. COLLINS

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-1218

May 1, 1951

*Held
and never sent
8/22/51*

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

Gentlemen:

In re: Hajime Kishi, Masao Kishi & Katsumi Kishi

Enclosed find three original application forms to reopen cause for the purpose of enabling Hajime Kishi, Masao Kishi and Katsumi Kishi to apply for a suspension of deportation, together with accompanying affidavits of merits. An original application form for each of them is also being sent to the District Director, USI&NS, Philadelphia, Pa., with the request that his file be transferred to the San Diego office inasmuch as the family has just removed to that city. They were formerly of Seabrook Farms, Bridgeton, New Jersey, under the jurisdiction of the Philadelphia Immigration Office. Also enclosed is notice of appearance.

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

Very truly yours,

Copy to:
District Director, USI&NS
Philadelphia, Pa.

File

Mr. Wayne Collins

*Hajime Kishi
3130 "K" St.
San Diego 2, California*

常ニ不断ノ御指導ト保護ニ預リ深ク感謝シテ居リマス茲ニ
厚ク御礼申上げマス

私、正雄、克巳^{カツミ}ノ三人ハ三月八日三ヶ月間ノ旅行ノ目的ヲ以テシー
ブルックファームヲ出發サンディゴニ参リニヶ月間友人金子^{カネ}角明^{カクアキ}

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困リ居リマス左ノ概要申上げマス

一、私達三名ハ三月六日シーブルックファーム事務所ヨリ移民局ニ

提出スル用紙ニ三ヶ月間旅行ノ目的ヲ以テサンディゴニ行ク旨ヲ

記入署名シテヘルビアングループスポークスマン^{ヒコヤマコウジロウ}向山^{マカシ}甲子^{カウシ}郎^{ロウ}氏ノ署

名ヲ受ケテシーブルック事務所ニ赴キ無^ムフステイヤノ署名ヲ

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置イタシテス此^{コノ}前ヨリシーブルックデハ旅行ニ出掛ケル時ハ化テ

以ノ方法ニ依ツテ来タモノデス

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ハ当地移民局ヨリ貴府移民局ニ通達スルカテ私達ヨリ八日
下貴府移民局ニ通達スルハ要ナシトノ事ヲシタ、

一、五月十二日私達ハ当地居住加島^{カシマ}南教師ヲ保証人トシテ
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一、年紙令封貴府移民局ニ願書ヲ提出シ許可ノ事ノヲ
待テ居マシタ、

一、六月九日当地移民局ヨリ六月十三日午前九時ニ私達三名ニ
出頭インスペクター A A D / S 氏ノ許ヲ尋ネヨトノ通知ニ
接シタシテ出頭シタシタ處 A 氏ハ貴府移民局ヨリ私達ノ
カ到着シタ然レ貴府移民局ニ通知シヨレバ私達三名ニシテ
出頭ノ際貴府移民局ニ対シ旅行ノ関スル何等ノ通知ナク
地ニ来タ旨ガ書イテアル之ハバール法違反テアルト大畏比
ラレマシタ、

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ヲ有スル者ヲ保証人ニ立テル事ヲ来ルニナリ(水)年在ニ時
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有スル日第ニ查ガ佳マル、ノテ来ニ日私権ト合道移民局
ニ出願シテ下サル事ニナリマシタ

一、私権ノレニトガ悪クナレバ定住権獲得ノヒヤリシクアリ又
ケル際不利益ト存ジマスノテ也、シールツラヘルビヤンスホークスマン
向山甲子郎ニ依頼シ、ブルツラ事務所カ私達旅行ニ関スル
届出ヲ忘レタノカ事情調査シテ昔々ワケ居リ若シ忘レタ
ノナラハ其旨ヲ告知移民局宛通知シテ是レル採取違ニシテ
居リマス

一、此上ノ梯ノ事件ガ起クタゲスカ万一、シールツラ事務所カ忘
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此上

16th June 1951

Hajime Kishi
3130 "K." St.
San Diego 2, Calif.

SAN DIEGO
JUN 16
4 PM
1951
CALIF.

AIR MAIL
6¢
HIRE THE HANDICAPPED
IT'S GOOD BUSINESS
U.S. POSTAGE

VIA AIR MAIL

Mr. Wayne M. Collins
Hills Tower, 220 Bush St.
San Francisco 4,
California



Hajime Kishi

3130 "K" St.,

San Diego 2, Calif.

July 6, 1951

Mr. Wayne M. Collins
San Francisco, California.

Dear Mr. Collins:

I am writing this letter in regards to the letter I wrote on April 2, 1951. As you know, it was seven years on March 21, 1951 and therefore, we are now eligible to apply for a suspension of deportation. I would like to know if you make a formal motion for suspension of deportation on behalf of each of us.

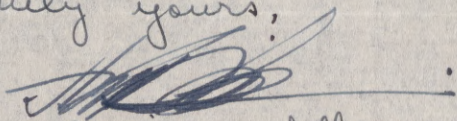
Yesterday, July 5th, was our monthly report day to the Immigration office. When we got there I was called into Inspector Siemsen and he told me that he had a deportation order for me and he asked me whether or not you are going to take my case. Because according to Inspector Siemsen they don't have any record that shows you have applied for suspension of deportation on behalf

of us. The Inspector also said "if Mr. Collins is continuing to represent you, tell him to reopen right away for application for suspension of deportation.

After coming back home from the Immigration office I got a letter from Inspector Siemsen asking me to report to his office on July 11th. If it is possible, please let me know your opinion before then and if you could write to Inspector Siemsen what you are planning to do for us in this matter.

As always appreciate your kind services on our behalf, we shall be expecting to hear from you soon.

Truly yours,



P.S.

The address of Inspector Siemsen is as follows:

MR. SIEMSEN.

U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
FEDERAL BLDG., STATE & F. STREET
SAN DIEGO, CALIF.

July 9, 1951

Mr. Hajime Kishi,
3131 "K" Street,
San Diego 2, Calif.

Dear Mr. Kishi:

An application to reopen your individual case before the Immigration Service is being made to the USI&NS, Central Office, at Washington, D. C., and to the USI&NS at San Diego. In due course you will be informed of the re-opening of your case and thereafter a hearing will be accorded you. It will not be necessary for me to be present at your hearing on your application for suspension. However, it will be necessary for me to take an appeal from the decision of the immigrant examiner to the Commissioner of Immigration at Washington, D.C., and thereafter to the Board of Immigration Appeals.

For your information, your sons, Masao and Katsumi Kishi, applied for suspension of deportation without my knowledge while they were at Philadelphia. Thereafter their hearings were had. Thereafter each of them received an adverse decision. Thereafter I appealed on behalf of each of them from the Commissioner's unfavorable decision to the Board of Immigration Appeals, before which Board both appeals now are pending for final determination. Fortunately, both Masao and Katsumi are Peruvian citizens and in any event they cannot be deported to Japan. The worst that can happen to them is that the Board of Immigration Appeals will affirm the decision to deport them to Peru. As you know, Peru still is unwilling to permit them to return.

In your own case, it well may be that you will be ordered deported to Peru, or to Japan in the event that Peru refuses to permit you to return. Nevertheless the Government will allow me a reasonable period of time to continue my endeavors to have the Peruvian Government authorize you and other Peruvian residents to return to that country. Further, it is my opinion that even if the United States eventually does endeavor to deport you to Japan that a court suit may be prosecuted on your behalf to prevent such a deportation.

I regret to inform you that the Government now claims that no portion of the time during which any of the Peruvians

have been in this country constitutes residence toward the 7-year period which is required under 8 USCA, Section 155 (c) for a suspension of deportation because the bringing of the Peruvians here was for "reasons connected with the war". The first of such decisions arose in the case of Mrs. Shimabukuro who, unknown to me, had a hearing at which she was represented by Saburo Kido. It was very unfortunate that such a ruling was made. I shall write you later as well as the committeemen at Seabrook concerning this matter.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA

August 13, 1951

PLEASE REFER TO THIS FILE NUMBER

A-5981982 BP G

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR

Wayne M. Collins
Attorney at Law
Mills Tower
220 Bush St.
San Francisco 4, Calif.

Re: HAJIME KISHI

Dear Sir:

We have been informed by the above named alien that he has been in communication with you and that you have advised him you were making an application to have the hearing in deportation proceedings in his case reopened. As no motion has been received at this office or our San Diego office, where subject is on parole, it is assumed that if a request for reopening has been made it was forwarded direct to Washington without a copy being furnished to us.

Please advise whether you have submitted a request for reopening and if so forward a copy of your motion and any supporting documents to this office for our file.

Very truly yours,

J. W. Nelson
FOR THE DISTRICT DIRECTOR

August 20, 1951

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

Dear Sir:

In re: Hajime Kishi
File No. A-5981982 BP G

Enclosed find copy of application to
reopen cause and to enable the applicant
to apply for a suspension of deportation,
the originals of which were this date
forwarded to the Commissioner of Immigration,
Washington, D. C.

Very truly yours,

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

August 20, 1951

The Commissioner of Immigration
Washington, D. C.

Dear Sir:

In re: Hajime Kishi
File No. A-5981982 BP G

Enclosed find three original application forms to reopen cause for the purpose of enabling Hajime Kishi, Peruvian-Japanese, to apply for a suspension of deportation, together with accompanying affidavit of merits and notice of appearance. An original application form is also being sent to the District Director, USI&NS, Los Angeles, California, inasmuch as Mr. Kishi resides at the following address: c/o Mr. K. Kaneko, 2926 "G" St., San Diego 2, California. A notice of appearance had been forwarded previously to the Immigration Office at Philadelphia, Pa., as Mr. Kishi had formerly resided at Seabrook Farms, Bridgeton, New Jersey.

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,

7 September 1951

Mr. Hajime Kishi
3103 K St.,
San Diego, Calif.

Dear Mr. Kishi:

Inasmuch as you and the members of your family are now situated in San Diego, I suggest that you write a letter to the District Director, United States Immigration, Philadelphia, Penn., and inform them of the fact that you and the members of your family have changed your address to 3103 K St., San Diego.

Very truly yours,

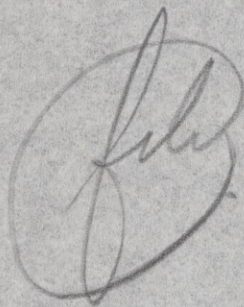
WMC/ms

EABLE-A
Trojan Dragon Skin
OPEN CONFIDENTIAL

Hajime Kishi
3130 "K" St.,
San Diego 2, Calif.

September 21, 1951

Mr. Wayne M. Collins
San Francisco, Calif.



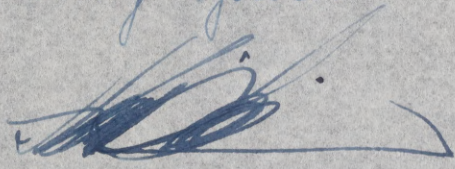
Dear Mr. Collins:

Shortly after receiving your kind letter I sent a letter to the District Director, U. S. Immigration, Philadelphia, Penn., informing about the change of our address to 3130 "K" St., San Diego.

Thank you again for your sincere interest and assistance.

Hoping that I can continue to call on you for advice, I remain.

Very truly yours.



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.
October 8, 1951

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

A-5981982-T WU

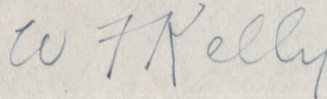
Wayne M. Collins, Esquire
220 Bush Street
San Francisco, 4, California

Dear Sir:

Reference is made to your letter of August 20, 1951, enclosing three original application forms to reopen the case of HAJIME KISHI in order that he may apply for suspension of deportation.

As the file in this case was decentralized to the District Director of this Service in Los Angeles, California on January 2, 1950, that official is being requested to return the record, and upon receipt of the file, further consideration will be given to your communication.

Sincerely yours,



W. F. Kelly
Assistant Commissioner
Enforcement Division

Hajime Kishi
3130 "K" St.,
San Diego 2, Calif.

December 24, 1951.

Mr. Wayne M. Collins
San Francisco, Calif.

Dear Mr. Collins:

I would like to ask your advice concerning a problem which has just arisen.

Several days ago, my two sons Masao and Katsumi received a letter from Mr. U. L. Press, Officer in Charge of the U. S. Immigration in San Diego advising them that under date of November 28, 1951 the Board of Immigration Appeals ordered them to depart from the United States voluntarily without expenses of the Government, to any country of their choice, within six months from the date of the decision. He also mentioned that a copy of this letter has been sent to you. I would like to know what sort of measure my two sons should take in regard with this matter? My two sons Masao and Katsumi have a strong desire to stay permanently in this country.

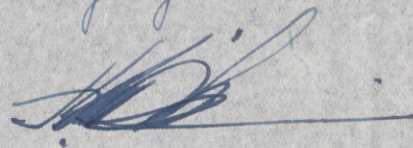
My son Masao is planning to get married on the 19th of January, 1952. The girl he is going to marry is a citizen. I would like to know if it would make any difference. Please let me know your opinion on this matter.

In regards to my case, sometimes ago, Mr. Jitens Dodohara of Seabrook, N. J., wrote to me saying that the Immigration had sent him a form to file and return to the Immigration in regards to the suspension of deportation. On the other hand, my friend in New York, Mr. Shigeyuki Nishioka wrote to me that he already has finished his hearing. I would like to remind you that above mentioned persons were brought together with us into this country in 1944.

The last time I went to the Immigration for my every 2 weeks report and I asked the officer about my case. The officer told me that they did not receive any notice about my case so for me to wait. I would like to know if it is all right to leave things as it is. Please let me know.

As always I appreciate your kind services on my behalf, I shall be expecting to hear from you soon.

Sincerely yours,

A handwritten signature in dark ink, consisting of several overlapping loops and a horizontal line at the end, positioned below the closing text.

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

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

5981982
Kishi

January 5, 1952

Wayne M. Collins, Esquire
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

JAN 5 - 1952

IN THE MATTER
OF
HAJIME KISHI

FILE NO: A-5981982

IN DEPORTATION PROCEEDINGS

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

The subject of this record is a native and citizen of Japan now about sixty-six years of age who entered the United States at New Orleans, Louisiana, on March 21, 1944. At that time he was brought to this country from Peru for internment. On February 18, 1947, the alien's deportation to Peru was ordered by this Board.

The case is before us on motion of counsel requesting that the proceedings be reopened for the purpose of permitting the alien to make application for suspension of deportation under Public Law 863.

We have carefully examined the record and it is our conclusion that favorable action on the motion is warranted. At the reopened hearing it should be ascertained whether or not the alien has been afforded an opportunity to return to Peru, and whether he is able to enter that country.

ORDER: It is ordered that the outstanding order of deportation be withdrawn and the motion to reopen for the purpose of considering the alien's application for discretionary relief be granted.

LW/mkshc:erc

Chairman

January 8, 1952

Mr. Hajime Kishi
3130 "K" Street
San Diego 2, California

Dear Mr. Kishi:

Katsumi Kishi and Masao Kishi are born native born Peruvian citizens. In consequence, neither one of them can be deported to Japan. They can be ordered deported to Peru but inasmuch as the Peruvian Government thus far refuses to authorize their return to Peru, it is obvious that they cannot be deported even to Peru.

If Masao marries a citizen of the United States or a legally resident alien of the U.S., a new application can thereafter be made by me requesting a suspension of deportation for him on that ground. Therefore, when he does marry he should write me and let me know the date and place of marriage and the maiden name of the lady he marries, and also notify me of the place and date of her birth.

There is no reason for you to be alarmed at any deportation order which the Immigration Office may enter against you or your children. They are in no danger of being deported to Japan; neither are you.

Each of the Peruvians who has not yet had a hearing on an application for suspension of deportation soon will be given such a hearing. In all those cases where a child has been born in this country the parents will be granted a suspension of deportation. Likewise all those persons who marry citizens of the United States or legally resident aliens will receive a suspension of deportation. However, in all cases where single aliens are in the country and have no family ties here, orders to deport them to Peru will be issued by the Immigration Service. If Peru finally refuses to re-admit them to Peru, it is possible that the Immigration Service thereafter might attempt to

deport those persons to Japan. However, there is no reason for any of them to feel any degree of alarm. The Immigration Service has agreed to allow ample time for me to complete my negotiations with the Peruvian authorities with a view toward having Peru authorize their return. If the Government ever attempts to deport any of such persons to Japan I shall commence a test suit to prevent the Government from so doing and that suit would take a minimum of two years to have the legal issues decided by the United States Supreme Court. If by chance I were to lose such a case in the U.S. Supreme Court a special bill covering all the Peruvians might be introduced in Congress.

In view of the foregoing there is no reason for you or any of the Peruvian group to fear being deported to Japan. As a matter of fact, it is doubtful if the Government actually could deport anybody to Peru. It is my opinion that the courts might hold that none of the Peruvian group could even be deported to Peru against their consent.

Very truly yours,

File

Kajime Kishi
3130 "K" St.,
San Diego 2, Calif.

January 15, 1952

Mr. Wayne M. Collins
San Francisco, Calif.

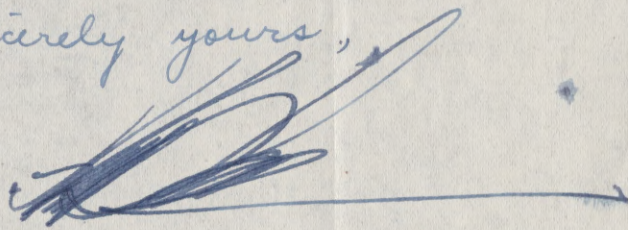
Dear sir:

Thank you for your letter after receiving your detailed answer, I am very relieved to learn of the immigrants' situation and in the future, please help me and my sons.

After Masao is married, I shall write you all the details as you requested.

Thank you for all your trouble.

Sincerely yours,



Exceptions to the Hearing Officer's
Decision in a Deportation Proceeding

Check Appropriate Block



1. Exception is taken to finding(s) of fact as to deportability. (Here state, by number the specific finding or findings to which exception is taken). (2) (45)



2. Exception is taken to conclusion(s) of law as to deportability. (Here state by number the specific conclusion or conclusions to which exception is taken). 10, 1, 293



3. Exception is taken to the denial of the application for suspension of deportation.



4. Exception is taken to the finding that I have failed to establish statutory eligibility for voluntary departure.



5. Exception is taken to the denial of the application for voluntary departure with or without the added privilege of preexamination. I have been in the United States for a period of five years or more at the time warrant of arrest in deportation proceedings was served on me.

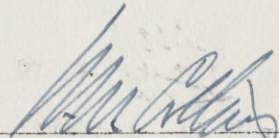


6. Exception is taken to the denial of the application for the exercise of the discretion contained in the Seventh Proviso to Section 3 of the Act of February 5, 1917.



7. Exception is taken to the denial of motion to reopen covering issues relating to any of the foregoing exceptions.

WARRANT OFFICE



(Signature of respondent or representative)

NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS
DEPARTMENT OF JUSTICE, WASHINGTON, D. C.

IN THE MATTER
OF
HAJIME KISHI

FILE NO: A5 981 982

DATE: *Oct 12 1952*
mm.

I hereby appeal from the decision in the above entitled case
dated September 26, 1952, and received by me on October 22, 1952
(date)

[If an appeal is taken in a deportation proceeding, it is not
perfected unless specific exceptions to the Hearing Officer's decision
are taken, and the form on the reverse of this Notice is executed.]

I (~~do~~) desire oral argument before the Board of
(do not) Immigration Appeals in Washington, D. C.

Mr. Collins
1701 Wilbur Ave
San Francisco 4 Cal.
Garfield 1-1218
Attorney for Respondent

Hajime Kishi
(Signature of respondent or representative)
3120 K. St.
(Address)

San Diego 2, California

Note. If the appellant is in detention or has been denied admission to the United States at the Canadian or Mexican border, he will not be released from detention nor permitted to enter the country to present oral argument to the Board. In such cases, if representation is desired, the appellant should arrange for someone to present his case to the Board of Immigration Appeals. Unless arrangement is made at the time the appeal is taken, where representation is desired, the Board of Immigration Appeals will not calendar the case for argument.

In any case, a written statement in support of the appeal may be submitted at the time the appeal notice is filed.

16-404b
(Rev. 6-4-52)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

REGISTERED MAIL

Date: October 20, 1952

RETURN RECEIPT REQUESTED

File No.: A5 981 982

Mr. Hajime Kishi
3130 K Street
San Diego, California

Dear Sir:

Reference is made to the hearing on September 23, 1952
in the deportation proceedings against

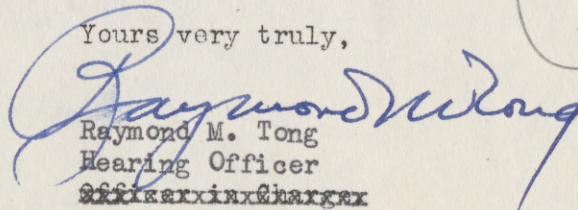
HAJIME KISHI

Transmitted herewith is a copy of the Hearing Officer's decision
in the case, furnished in accordance with 8 C.F.R. 151.5(d).

You have the right to take exceptions to the Hearing Officer's
decision only as provided on the reverse of the Forms I-290 which are attached.
Such exceptions, if taken, will constitute an appeal to the Board of Immigra-
tion Appeals. You may also submit argument or brief for the consideration of
the Board of Immigration Appeals and, if you wish, a request for oral argument
before that Board. If you desire to submit exceptions, you should execute
both sides of the enclosed Forms I-290 in duplicate, which must then be filed,
together with any argument or brief in duplicate, in this office before the
expiration of five business days from receipt of this letter. If you do not
desire to submit exceptions, you may file a written waiver of this right.

If exceptions are not filed within the time allowed, or if a waiver
of exceptions is filed, the decision of the Hearing Officer will become final.

Yours very truly,


Raymond M. Tong
Hearing Officer
~~Officer in Charge~~

rmt/mv

Encls.

P.S. In compliance with your request at the time of the hearing, one extra
copy of the Hearing Officer's decision is being sent you herewith
for transmittal to your attorney.

Rec'd
Oct. 23, 1952

3130 K Street
San Diego 2, California.
October 23, 1952.

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

Dear Mr. Collins:

Here are the papers I received yesterday, in reference to my hearing held on September 23, 1952. Please fill out and return as soon as possible. I appreciate your effort on my behalf.

Sincerely yours,

Lajineishi

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

October 27, 1952

Immigration & Naturalization Service
San Diego, California

Attn: Mr. Raymond M. Tong
Hearing Officer

Dear Sir:

Re: Mr. Hajime Kishi
File No. A5 981 982

Mr. Kishi mailed to us the papers he had received in connection with his hearing held on Sept. 23, 1952. I enclose Notice of Appeal which was signed by Mr. Kishi, and also ask that a two weeks' extension of time be granted within which Mr. Collins may file exceptions to the decision. Mr. Collins has been absent from the office due to a death in his family.

Very truly yours,

Secretary to Mr. Collins

Copy to:
Mr. Yaju Ganiko

U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
P. O. Box 2550
San Diego 12, California .

A5 981 982

October 29, 1952

Mr. Wayne M. Collins
Attorney at law
Mills Tower, 220 Bush St.
San Francisco 4, Calif.

Dear Sir:

In response to the request contained in your letter of October 27, you are hereby granted until the close of business on November 14, 1952 for filing of exceptions to the decision in the case of your client HAJIME KISHI.

It is noted that the Form I-290--"Notice of Appeal"--has been signed by Mr. Kishi on one side only. It is necessary that this form be executed and signed on both sides. Further, this form must be filed in duplicate, but only one copy of it was enclosed with your letter. Therefore, we are sending you herewith another Form I-290, for execution, as well as returning the one enclosed with your letter, for completion. Also forwarded herewith is a formal receipt (Form 16-215) which please execute and return to this office for our records, as the receipt form sent to Mr. Kishi with our letter of October 20 has not been received.

Very truly yours,

Raymond M. Tong
Raymond M. Tong
Hearing Officer

seth
11/22/52

rmt/mv

Encl.

November 3, 1952

Mr. Hajime Kishi
3130 K St.
San Diego 2, Calif.

Dear Mr. Kishi:

Inasmuch as you have signed your notice of appeal, I suggest that you sign the enclosed form, a duplicate, and return to me immediately via air mail for forwarding to the Immigration Service at San Diego.

Very truly yours,

3130 "K" Street
San Diego 2, California
November 4, 1952

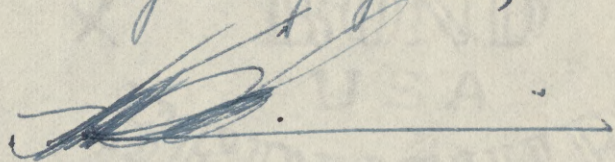
Mr. Wayne M. Collins
Mills Tower, 220 Bush Street
San Francisco 4, California.

Dear Mr. Collins:

I am enclosing the signed form as you
requested.

Thank you for effort.

Very truly yours,

A handwritten signature in dark ink, consisting of a stylized, cursive name followed by a horizontal line.

November 12, 1952

U. S. Immigration Service,
P. O. Box 2550,
San Diego 12, California.

In re: Hajime Kishi, No. A 5-981-982

Attention: Raymond M. Tong, Esq.

Dear Sir:

Enclosed find duplicate originals of Form I-290 executed by Hajime Kishi as suggested in your letter to me of Oct. 29th.

Today I returned to my office for the first day following a death in my family - and to this is attributed the delay in forwarding to you the above mentioned notices.

In order to prepare my exceptions to the adverse findings and to file my brief I request that you forward to me a transcript of the hearing of the alien upon which the adverse recommendation has been made and also that you grant me five days time from the receipt thereof to take exceptions and file my brief.

Very truly yours,

*Receipt to
of facts as to discrepancy No. 4. - in order to verify
at time of entry
No. 5 - date present passport as desired
thing. return copy of entry at time*

U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICEP. O. Box 2550
San Diego 12, California

A5 981 982

Nov. 17, 1952

REGISTERED MAIL
RETURN RECEIPT
REQUESTED

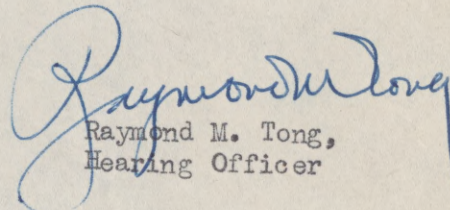
Mr. Wayne M. Collins
Attorney at law
Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Sir:

In compliance with the request contained in your letter of November 12, there is forwarded herewith, on a loan basis, a copy of the transcript of record of hearing in the case of your client HAJIME KISHI. Please execute and return to this office the enclosed Form 16-260, which is a receipt for the transcript.

You are hereby granted a period of five business days from the date of receipt of this letter to take exceptions and file your brief in this matter.

Very truly yours,



Raymond M. Tong,
Hearing Officer

rmt/mv

encl.

December 12, 1952

Mr. Hajime Kishi
3130 K Street
San Diego 2, California

Dear Mr. Kishi:

Enclosed find copy of the Exceptions
and Brief I have filed on your behalf
with the Immigration Office.

Very truly yours,

Peruvian

April 29, 1953

Mr. Hajime Kishi
3130 "K" Street
San Diego 2, California

Dear Mr. Kishi:

Enclosed find copy of my letter to
Mr. Onaga which is self explanatory.

Very truly yours,

April 29, 1953

Mr. Yoshihiko Onaga
736 San Julian Street
Los Angeles, California

Dear Mr. Onaga:

In reply to your letter of April 24, 1953 I wish to inform you as follows:

Because of the number of appeals and motions to reopen and for reconsideration I am in process of preparing and filing it is impossible for my secretaries to take off the time necessary to go through some 195 files relating to the Peruvian cases to compile a complete list of those whose applications for suspension of deportation have been rejected by the Attorney General (Board of Immigration Appeals) and those which were disapproved by Congress.

Congress rejected the Commissioner's favorable recommendation of Kiyomasa Kanashiro's application for suspension and he was notified thereof by the Board by letter of Nov. 28, 1952. The Board, however, granted him voluntary departure. This means that inasmuch as he is a Japanese national that, in due course, unless I succeed in having his cause reopened by the Board because of his subsequent marriage to a U.S. citizen or his wife succeeds in getting him priority on the Japan quota that he will be ordered deported to Japan.

Suspension of deportation has been rejected by the Board in a number of cases, such as Harukichi Kanashiro, Seishun Arashiro, Banemon Takahashi, Sensusuke Shiroma, Chinryu Kanashiro, Shisho Nashiro, Kotoku Yamashiro, Manuel Koichi Kawai and others. As to these cases, when the Board dismisses an appeal and denies an application for suspension the Attorney General does not refer their cases to Congress. Therefore, special bills to stay deportation may be sought by appeals to Congress. It is possible, too, that from time to time, as necessity dictates, motions to reopen such causes can be made where legitimate grounds therefor can be asserted. However, it is probable that finality on the question of deportation in a number of the cases ultimately may depend upon court proceedings. All these contingencies must be weighed and it is wise to be prepared for them in advance. However, by the time your

Committee meets with me to discuss the matters all of the individual files of the Peruvian cases will have been assembled and will be available for discussion so that you can learn the status of each case and the detailed steps which remain to be taken on behalf of each and the problems presented.

For your information I requested our State Department to be instrumental in requesting the Japanese Ambassador to Peru, through proper diplomatic channels, to use his influence to persuade the Peruvian Foreign Minister to permit the reentry to Peru of those in the group still desirous of returning to Peru.

I direct your attention to the fact that it is the policy of the U.S. Government not to let any foreign government interfere with the conduct of its own internal affairs. The question of who is and who is not deportable from the United States relates to the enforcement of the immigration laws of the United States and is an internal affair of the United States. It is not likely that the Japanese Consulate in Los Angeles or the Japanese Embassy in Washington could be of much service to the Peruvian-Japanese in these matters. As a matter of fact it is likely that our government officers might deem it presumptuous in the part of Japanese officials to endeavor to interfere or to try to exercise political influence in deportation matters which are matters of the internal affairs of the United States. The most that the Japanese Government could do that would prove of any aid to a Japanese national confronted with deportation to Japan would be to refuse to issue a passport to such a person. It is not likely, however, that Japan would refuse to issue a passport to one of her own nationals when the request for such passport would emanate from the U.S. Government. In consequence, I do not advise anyone to solicit the intervention of Japanese officials. It is likely that more harm than good would result from any such interference. As a matter of fact it is appropriate to exhaust first all the administrative remedies available, then exhaust all congressional remedies and then resort to court proceedings before any outside intervention be contemplated.

My letter of April 16, 1953, pointed out that, by reason of the speed with which appeals and motions to reopen and for reconsideration must be made I am compelled perforce to advance a \$25 filing fee on each appeal and a \$5 filing fee on each such motion and thereafter rely upon the persons for whom the appeals and motions are made to reimburse me. My objection to this matter is that there exists no good reason why I should make such advances for any person. If by the time our meeting takes place there are any in the group who have not reimbursed me for such advances I will inform you of their names.

Very truly yours,

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

Rec'd 7/17/53

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

5981982
Kishi

July 14, 1953

Wayne M. Collins, Esquire
1701 Mills Tower,
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

Thos. G. Finucane
Chairman

JUL 14 1953

A-5981982 - Los Angeles

HAJIME KISHI

IN DEPORTATION PROCEEDINGS

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

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: Suspension of deportation - seven years residence

DETENTION STATUS: Released on conditional parole

DISCUSSION AS TO DEPORTABILITY: Respondent is 68 years of age, male, a native and citizen of Japan, of the Japanese race. His only entry into the United States occurred at New Orleans, Louisiana on March 21, 1944, at which time he was brought to this country from Peru by the United States Army for internment during World War II.

Respondent is no longer deportable as a person ineligible to citizenship, and the third warrant charge is inapplicable. Prior to amendment by the Act of July 1, 1948 (Pub. Law 863, 80th Cong.) a person of the Japanese race was not eligible for suspension of deportation, because he was racially ineligible for naturalization in the United States. By that Act an alien who was ineligible for naturalization solely by reason of his race became eligible for suspension of deportation. Further, the Immigration and Nationality Act of 1952 (Pub. Law 414, 82d Cong.), Section 311, provides that the right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race. Respondent is deportable on the documentary grounds only.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: Respondent has applied for the privilege of suspension of deportation on the ground that he has been in the United States for seven years and was resident in the United States on July 1, 1943. He has been found technically eligible for suspension on this ground. Respondent is married and has two daughters and a son now living in Japan. He has two sons in the United States who were brought here by the United States Army for internment. They are both working and the record shows that one of them is supporting respondent, who, at the time of his hearing in 1952, was unable to work because of bad health. The two sons living in the United States are now also the subjects of deportation proceedings. Respondent migrated from Japan to Peru in 1912 and has continued to live in that country until he was brought to the United States, with the exception of two trips to Japan to see his parents.

After more than two years in detention respondent was permitted to leave the internment camps and was paroled to Seabrook Farms, Bridgeton, New Jersey. He worked at Seabrook Farms, as a laborer, for three months and continued to live there until March 1951. At the time of his hearing in 1952 he was living in San Diego, California. There is nothing in the record to indicate that respondent is other than a person of good moral character.

Until recently it was the policy of this Department to deny suspension of deportation to aliens brought into the United States solely for reasons connected with the war. Many of these persons, after a period of internment, were permitted to depart from the detention centers, and proceedings against them as alien enemies were terminated after favorable findings were made by the Alien Enemy Division of the Department of Justice. They were permitted to obtain employment, and they lived and worked in the United States, subject to the usual restrictions on parolees. After the termination of World War II some of these persons desired to remain in the United States and applied for suspension of deportation. This relief was denied them as a matter of policy. However, in Matter of W., Int. Dec. 225 (BIA, May 31, 1950, A. G. May 6, 1952) the Acting Attorney General reviewed the policy and concluded that, in that case at least, deportation of the subject alien would bring about undue hardship. Accordingly, he reversed this Board and ordered the grant of suspension of deportation to E. W., the alien involved in that proceeding. On the authority of that case it has become possible for this Board now to grant suspension of deportation to the Peruvian Japanese in the group of cases now before us.

We are informed that the Government of Peru has continued to decline to permit respondent and other persons similarly situated to reenter that country. They cannot remain in the United States permanently as illegally resident aliens. Having left Japan many years ago, none of them desires to return to that country. The most equitable solution to this problem within the power of this Government is to permit respondent to remain in the United States by granting him suspension of deportation.

It is our opinion that because respondent has been in the United States for seven years and was residing in this country on July 1, 1948, and because he has an otherwise good record, and because he is unable to return to the country from which he was brought for internment, respondent should be granted suspension of deportation.

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

IT IS FURTHER ORDERED that the order entered by the Hearing Officer on September 26, 1952 be and the same is 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 deportation, the proceedings be canceled upon the payment of the required fee and that the alien be charged to the quota of Japan.

Chairman

file
July 20, 1953

Mr. Hajime Kishi
3130 "K" Street
San Diego, California

Dear Mr. Kishi:

My appeal taken on your behalf to the Board of Immigration Appeals has been successful.

I have received a letter dated July 14, 1953, from the Chairman of said Board which enclosed a copy of its decision made in your case on July 14, 1953. The Board has set aside the adverse decision of the Hearing Officer and has ordered that you be granted a suspension of deportation.

In consequence, if Congress likewise approves your application for suspension of deportation you will be granted permanent residence status in the United States. The local immigration office in due course will notify you if Congress approves your application. If it rejects your application other steps on your behalf will have to be taken.

Very truly yours,

3130 "K" Street
San Diego 2, California

May 2, 1955

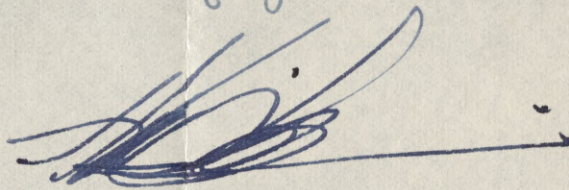
Mr. Wayne M. Collins
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

Last Friday, April 29, I got a notice from Naturalization and Immigration office in Los Angeles that Congress approved my application for suspension of deportation. I immediately sent \$18.00 in U.S. Postal Money Order to the Commissioner of Immigration and Naturalization in Los Angeles.

Thank you for all your efforts in making this possible for me. I shall let you know when I get my Alien Registration Card.

Sincerely yours,



(Peruvian)

KISHI, HAJIME

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

PLEASE REFER TO THIS FILE NUMBER

A5 981 982

NOV 18 1955

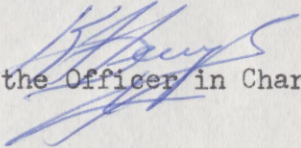
Mr. Wayne M. Collins,
Attorney at Law,
1701 Mills Tower,
San Francisco 4, California

Dear Sir:

A record of lawful entry for permanent residence has today been created in the case of HAJIME KISHI. Suspension of his deportation was approved by Congress in its Concurrent Resolution No. 60.

A copy of transcript of hearing, consisting of pages 1 to 11, inclusive, was loaned to you on or about November 17, 1952. Inasmuch as the deportation proceedings in the above case is now considered closed, it is requested that the copy of transcript loaned you be returned to this office.

Very truly your,


For the Officer in Charge

November 23, 1955

Mr. Hajime Kishi
3130 K Street
San Diego 2, California

Dear Mr. Kishi:

The U.S. Immigration Service has notified me by letter dated November 18 that a record of lawful entry for permanent residence in the U.S. has been created in your case. Congress in its Concurrent Resolution No. 60 approved a suspension of deportation for you. Inasmuch as you are now a permanent resident of the U.S. you are eligible to apply for naturalization as a U.S. citizen. I believe you should make that application so soon as possible at the nearest U.S. immigration office in San Diego.

Since you are an alien for permanent residence here 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.

I am pleased that Congress has approved the suspension of deportation and I shall be pleased to learn from you in due course that you have become a naturalized citizen.

Very truly yours,

November 23, 1955

U.S. Immigration & Naturalization Service
458 South Spring Street
Los Angeles 13, California

In re: A5 981 982; Kishi, Hajime.

Gentlemen:

Enclosed please find copy of transcript
of deportation proceedings in connection with
above-named individual as per your request of
November 18, 1955.

Very truly yours,

3130 "K" Street
San Diego 2, California
November 29, 1955

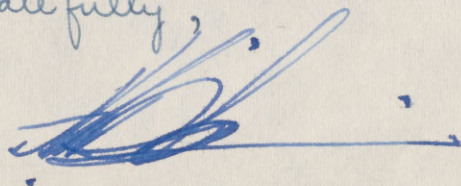
Mr. Wayne M. Collins
Mills Tower, 220 Bush Street
San Francisco 4, California.

Dear Mr. Collins:

Thank you for your letter of november 23rd.

I appreciate all you have done for us Peruvians, ever since we were in Santa Fe Internment Camp. I shall never forget your effort in making it possible for us to become permanent residents. I plan to study for citizenship eventually.

Gratefully,



UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
San Diego, California

No. A5 981 982

September 26, 1952

HEARING OFFICER'S DECISION

In re: HAJIME KISHI

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: No one

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 and Act of Feb. 5, 1917 - No passport
or official document
Act of 1924 - Ineligible to citizenship

Lodged: None

APPLICATION: Suspension of deportation - 7 years' residence

DETENTION STATUS: Released on conditional parole

DISCUSSION: This record relates to a 67-year-old male, native and citizen of Japan, who was born in Matsue, Shimane, Japan, and who last entered the United States on the SS "Cuba" on March 21, 1944, at New Orleans, Louisiana, as a civilian internee of war from Peru. As the respondent was not admitted as a nonimmigrant, it necessarily follows that he was an immigrant at the time of entry and was required to present an immigration visa, and that he is now amenable to deportation on the charge stated in the warrant of arrest under the Immigration Act of 1924. The respondent is a citizen of Japan and of the Japanese race, and he is ineligible to citizenship at this time. Therefore, he is amenable to deportation under the charge stated in the warrant of arrest under the Immigration Act of 1924.

The respondent testified that he was not in possession of an unexpired passport or official document in the nature of a passport at the time of his entry into the United States; therefore, he is amenable to deportation on the charge stated in the warrant of arrest under the Immigration Act of February 5, 1917 and the Passport Act approved May 22, 1918.

DISCUSSION RELATING TO SUSPENSION OF DEPORTATION: The respondent has applied for suspension of deportation based upon a residence of more than 7 years in the United States. His continued residence since admission on March 21, 1944 is established. He has two sons in the United States who accompanied him

into the United States in the same category, and who are now the subjects of deportation proceedings. One son is supporting the respondent, who has no funds and because of ill health is unable to work.

The respondent cannot adjust his status if granted voluntary departure, being unable to secure the status of an immigrant because of the provisions of Section 13(c) of the Act of 1924, being at this time ineligible to naturalization.

The respondent left Japan to go to Peru in 1913 and lived there continuously until being brought into the United States in 1944. He testified that he cannot return to Peru. He has two daughters and a son 16 years old now in Japan but stated that he did not believe they could support him.

It would seem that in all fairness the respondent should be allowed to remain in the United States. His long residence with his family in Peru was disrupted by acts beyond his control. The justification for this disruption is not a matter at issue in this case. However, this case falls within the class of cases in which the Board of Immigration Appeals denied relief as a matter of policy, and therefore suspension of deportation in this case must be denied. (See matter of W-----, A-590814, decided May 31, 1950; Interim Decision No. 225.)

The respondent has stated that he has no funds and that he would have difficulty in returning to Japan and that the Peruvian government has refused to allow him to return there. The grant of voluntary departure under these circumstances would be a useless gesture. Therefore, he is ineligible for grant of voluntary departure under Section 19(c) of the Act of 1917.

The respondent is unable to state the place he desires to be deported if such is ordered.

FINDINGS OF FACT:

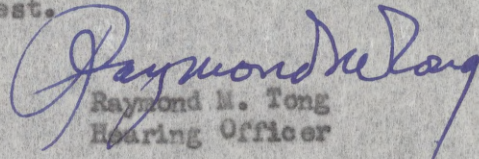
- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States at New Orleans, Louisiana on March 21, 1944 on the SS "Cuba";
- (3) That the respondent last entered the United States as an enemy alien internee;
- (4) That the respondent was not in possession of a valid immigration visa at the time of his last entry;

- (5) That the respondent did not present a passport or other official document in the nature of a passport showing his origin and identity at the time of his last entry;
- (6) That the respondent is of the Japanese race.

CONCLUSIONS OF LAW:

- (1) That under Sections 13 and 14 of the Immigration Act of May 26, 1924, the respondent is subject to deportation on the ground that at the time of entry he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) That under Section 19 of the Act of February 5, 1917, the respondent is subject to deportation on the ground that he entered in violation of the Passport Act approved May 22, 1918, as amended, 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;
- (3) That under Sections 13 and 14 of the Immigration Act of May 26, 1924, as amended, the respondent is subject to deportation on the ground that he is an alien ineligible to citizenship and was not entitled to enter the United States under any exception of paragraph (c), Section 13 thereof.

ORDER: That the alien be deported from the United States pursuant to law on the charge stated in the warrant of arrest.


Raymond M. Tong
Hearing Officer

Read in notes

of appeal & request

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Copy to Karbi

HEARING

In re: **HAJIME KISHI, 61 years old, male sex.**

Date: **April 5, 1946**
Place: **Santa Fe Internment Camp, Santa Fe, New Mexico**
Presiding Inspector: **Jesse G. Frye**
Secretary: **Charlotte L. Foster**
Official Interpreter: **Frank Sasaki**

BY PRESIDING INSPECTOR TO THE ALLEN:

Q. What languages are you able to speak and understand?

A. **Japanese and Spanish.**

NOTE: **Hearing conducted in the Japanese language.**

Q. What is your full and correct name?

A. **Hajime Kishi.**

Q. Are you the same **Hajime Kishi** on whom decoded copy of telegraphic Warrant of Arrest, dated **March 31, 1946**, was served on **April 1, 1946** at the Santa Fe Internment Camp, Santa Fe, New Mexico?

A. **Yes.**

Q. This warrant charges that you appear to be subject to deportation on the following grounds: that you are in the United States in violation of the Immigration Act of May 26, 1924, in that, at the time of entry, you were an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder; the Passport Act approved May 22, 1918, as amended, and the Act of February 5, 1917, in that, at the time of entry, you did not present an unexpired passport or official document in the nature of a passport issued by the government of the country to which you owe allegiance or other travel document showing your origin and identity, as required by Executive Order in effect at time of entry; and the Immigration Act of May 26, 1924, as amended, in that, you are an alien ineligible to citizenship and were not entitled to enter the United States under any exception of paragraph (c), Section 13 thereof.

Do you understand the nature of the charges against you?

A. **Yes.**

- Q. Have you secured counsel to represent you in these proceedings?
A. **Yes, there is an attorney to represent the man from Peru, Mr. J. B. Tietz.**
- Q. You are advised that your attorney, Mr. J. B. Tietz, waives his presence at this proceeding but desires that he be furnished with a copy of your hearing. Do you understand?
A. **Yes.**
- Q. Are you ready to proceed with your hearing at this time?
A. **Yes.**
- Q. Do you solemnly swear 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 informed that if you wilfully and knowingly give false testimony at this proceeding you may be prosecuted for Perjury, the penalty for which is imprisonment of not more than five years or a fine of \$2000, or both such fine and imprisonment. Do you understand?
A. **Yes.**
- Q. There is now introduced in evidence, made a part of this record, and marked Government Exhibit 1, copy of Warrant of Arrest No. 1500/15108 dated **March 31, 1946** Do you understand?
A. **Yes.**
- Q. Have you ever used or been known by any name other than **Hajime Kishi**?
A. **No.**
- Q. What is your age and conjugal status?
A. **I am 61 years old, married.**
- Q. What is your occupation and home address?
A. **I am a farmer and my home address is Jiron Coronel Leon Velarde No. 370, Lima, Peru.**
- Q. When and where were you born, of what country are you a citizen and of what race?
A. **I was born on February 11, 1885 in Matsue-Shi, Shimane-Ken, Japan. I am a citizen of Japan and of the Japanese race.**

Q. State the names of your parents, their birthplaces, citizenship and present whereabouts?

A. **Father, Masaaki Kishi, and mother, Tsune Nozu, were both born in the same place I was born. They were both citizens of Japan until their death. They are both buried in Matsue-Shi, Shimane-Ken, Japan.**

Q. Have you ever acquired citizenship in any country other than **Japan** either through your parents or by any affirmative act of your own?

A. **I applied for naturalization in Peru but was not able to become a citizen because of the war.**

Q. When and where did you last enter the United States?

A. **At New Orleans, Louisiana on March 21, 1944.**

Q. For what purpose did you last enter the United States, what was your destination and how long did you intend to remain?

A. **I did not know anything. I was brought to the United States and did not know where I was going or how long I would have to stay.**

Q. Were you inspected and admitted by a United States Immigrant Inspector at the time of your last entry?

A. **No.**

Q. Have you ever been inspected and admitted to the United States for any purpose?

A. **No.**

Q. Have you ever lived in the United States?

A. **Only this time.**

Q. Were you in possession of a valid immigration visa at the time of your last entry, as required by the Immigration Act of 1924?

A. **No.**

Q. Have you ever been arrested in the United States or in any other country?
A. **The only time that I have ever been arrested was March 1, 1944, in Peru.**

Q. Were you able to read in any language or dialect at the time of your last entry into the United States?

A. **Yes, I can read Japanese.**

NOTE: Alien tested with **Japanese reading matter and was found able to read.**

Q. Have you ever been excluded, deported or allowed to depart voluntarily from the United States in lieu of deportation by the Immigration authorities?

A. **No.**

Q. Did you present a passport or other official document in the nature of a passport showing your origin and identity, at the time of your last entry?

A. **No, I did not show anyone a passport. I was brought here against my will so if I should have had one, it seems that the American government would have prepared it.**

Q. You state that you were arrested in Peru on March 1, 1944; why were you arrested at that time?

A. **I do not know; some Peruvian detectives arrested me and took me out to a ship and turned me over to some M. P's. I was brought to New Orleans on this same ship. The name of this ship was the "Cuba".**

Q. When did you leave Japan?

A. **I think it was December 18, 1912.**

Q. When and how were you admitted into Peru?

A. **January 22, 1913 to live.**

Q. Have you resided in Peru continuously since January 1913 until your arrest in March, 1944?

A. **Yes, except for two visits to Japan: one in 1919 and one in 1940.**

Q. What occasioned your trip to Japan in 1940?

A. **I went to visit my old, sick mother and stayed about six months.**

Q. Did you visit any government officials or any government offices during your stay in Japan in 1940?

A. **Only once, to get my passport to return to Peru.**

Q. Are any of the members of your immediate family citizens of or residents in the United States?

A. None.

Q. Have you registered under the provisions of the Alien Registration Act of 1940?

A. I do not know.

NOTE: The records of this Service show that subject was so registered and has been assigned Alien Registration No. 5981982.

Q. Have you registered as an alien enemy in the United States?

A. I do not know.

NOTE: The records of this Service show that subject was so registered at the Alien Detention Station, Kenedy, Texas on April 10, 1944.

Q. Do you wish to apply for the privilege of departing from the United States to any country of your choice, at your own expense, in lieu of deportation, under the provisions of Section 19(c) of the Act of February 5, 1917, as amended?

NOTE: Provisions of Section 19(c) of said Act explained to alien.

Q. No. Peru is the only country to which I care to go. I have been told that Peru will not accept Japanese who are not citizens of Peru, so I do not care to ask for this permission.

Q. You are advised that this Service has been notified that Peru will not admit Japanese who are not citizens of Peru. Do you understand?

A. Yes.

Q. What is your wife's name and address?

A. Shizue Murata. Before the war she was in Tokyo, Japan, but I do not know where she is at the present time.

Q. When and where was your wife born and what is her citizenship?

A. She was born in Fukuyama-Shi, Hiroshima-Ken, Japan in 1906. She is a citizen of Japan.

Q. When, where, and by what ceremony were you married?

A. We were married in 1919 in Tokyo, Japan by the common Japanese ceremony.

Q. Do you have any children?

A. Yes, I have six children: Yasuhiro, age 25; Kazuko, age 17; Yoshiko, age 15; Sei, age 8; all living in Tokyo, Japan. Masao, age 23; and Katsumi, age 20 are here in camp withme. They were all born in Peru, and they are all citizens of Peru.

- Q. Have you any further evidence to present or any further statement you wish to make concerning the evidence in your case?
- A. I would like to go back to Peru with my two sons. I intend to send for my children in Japan and have them come back to Peru to live.
- Q. In the event you are ordered deported to Japan, what would be your final destination in that country?
- A. I am not going back to Japan; I am going back to Peru.
- Q. Do you have any reason to offer why deportation in your case should not be effected?
- A. I was sent here by the government so they should send me back to Peru.
- Q. Have you fully understood everything the interpreter has asked you?
- A. Yes, sir.
- Q. You are advised that your attorney will be furnished with a copy of the proposed findings of fact, conclusions of law and order as soon as completed, and he will be afforded an opportunity to submit a brief in your case or to file exceptions thereto. Do you understand?
- A. Yes.
- Q. You are now advised 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 of not more than two years or a fine of not more than \$1000, 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.

PERSONAL DESCRIPTION: Height, 5'8"; weight, 125 lbs.; black hair; brown eyes.

MEDICAL CERTIFICATE: Medical records contained in the Detention Camp files indicate that the respondent is in good health.

I certify the foregoing to be a true and complete transcript of the record of testimony in the above case, as dictated to me by Immigrant Inspector Jesse G. Frye.

Charlotte L. Foster
Stenographer

WARRANT
FOR ARREST OF ALIEN

United States of America

DEPARTMENT OF JUSTICE

~~WASHINGTON~~

El Paso, Texas

No. 1500/15108

To CHIEF, EXPULSION SECTION, IMMIGRATION & NATURALIZATION SERVICE, EL PASO, TEXAS,
Or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it appears that the alien
HAJIME KISHI

who entered this country at New Orleans, Louisiana
on - - - the 22nd day of March 1944 has been found in the United States
in violation of the immigration laws thereof, and is subject to be taken into
custody and deported pursuant to the following provisions of law, and 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 immigra-
tion visa and not exempted from the presentation thereof by said Act or regu-
lations made thereunder; the Passport Act approved May 22, 1918, as amended,
and the Act of Feb. 5, 1917, in that, at the time of entry, he did not pres-
ent 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; and the Immigration Act of May 26, 1924, as
amended, in that, he is an alien ineligible to citizenship and was not entitled
to enter the United States under any exception of paragraph (c), Section 13
thereof.

I, by virtue of the power and authority vested in me by the laws of the
United States, hereby command you to take into custody the said alien and
grant him a hearing to enable him to show cause why he should not be deported
in conformity with law. The expenses of detention, hereunder, if necessary,
are authorized payable from the appropriation "General Expenses, Immigration
and Naturalization Service, 1946." ^{salaries and}

For so doing, this shall be your sufficient warrant.
Witness my hand and seal this 31st day of March, 1946.

GOVERNMENT EXHIBIT 1

G. C. WILMOTH,
DISTRICT DIRECTOR, DISTRICT NO. 15.

C O P Y

WARRANT FOR ARREST

OF

HAJIME KISHI

Served by me at Santa Fe Internment Camp,
Santa Fe, New Mexico

on April 1,..... 1946, at 2:15 P.M.

Alien was then informed as to cause of arrest, the conditions of release as provided therein, advised as to right of counsel and furnished with a copy of this warrant.

TITLE W. J. WATERSON,
Immigrant Inspector

BEFORE THE BOARD OF IMMIGRATION APPEALS

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of
HAJIME KISHI

No. A-5981982

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

HAJIME KISHI

hereby requests

that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 115 (c) effective as at July 1, 1948, (Public Law No. 863), on the ground that he is and has been, for a period of time in excess of five years, a person of good moral character and that he has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, the effective date of said Act.

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

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

Attorney for Applicant

AFFIDAVIT OF MERITS

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

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____
~~HAJIME KISHI~~, 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 ~~his~~ deportation proceeding reopened to enable ~~him~~ to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating ~~his~~ said eligibility to apply for and to be granted such suspension of deportation.

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

Attorney for Applicant.

Subscribed and sworn to before me
this _____ day of _____, 195_.

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

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of

HAJIME KISHI

A 5-981-982

EXCEPTIONS AND BRIEF FOR APPELLANT

On Sept. 26, 1952, the hearing officer, Raymond M. Tong, recommended that the alien Hajime Kishi, a native of Japan and resident of Peru, be deported on the charges stated in the warrant of arrest. He found and concluded the alien deportable, denied him discretionary relief and, presumably, also voluntary departure and ordered him deported.

Because the Peruvian Government thus far has not granted the respondent 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 respondent was brought to this Country and interned on March 21, 1944, under an asserted claim that he was subject to the provisions of the Alien Enemy Act. On August 16, 1946, he

1 was released from the Provisions of the Alien Enemy Act and his
2 detention under authority of the Act thereupon ceased. Of these
3 facts the Commissioner, this Board and the Attorney General have
4 actual knowledge and take executive notice.

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

9 The seven (7) year period of residence required by Title 8
10 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
11 the elapse of time from March 21, 1944, when applicant arrived
12 here or is, at least, partially satisfied by the elapse of time
13 from August 16, 1946, when he was released from internment and
14 from any claim of being subject to the provisions of the Alien
15 Enemy Act.

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

31 The respondent is a native of Japan who was lawfully admitted
32 to Peru for permanent residence. His six children were born in

1 Peru and are Peruvian citizens, four of whom are in Japan and two
2 of whom were brought with him to the United States as "voluntary
3 internees". He is some 67 years of age and because of physical
4 infirmities developed while in the United States presently is
5 unable to earn his own living and is supported by his son Katsumi
6 Kishi. It is likely that his life span is drawing to a close.
7 He is willing to return to Peru with his two sons but is unwilling
8 to go or be sent to Japan and be separated from his family.

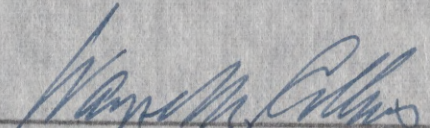
9 We submit that the respondent was brought involuntarily to
10 this country for political reasons only. Because he is, in fact
11 an involuntary refugee from Peru, he is entitled to asylum in
12 this country.

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

18 We except and object to Findings of Fact No. 4 that the
19 respondent was not in possession of valid admission credentials
20 at the time of his entry and also to Conclusions of Law Nos. (1),
21 (2) and (3) for the foregoing reasons. Also, for said reasons,
22 we urge that the finding of deportability be set aside and that
23 the alien's application for suspension, heretofore denied, be
24 granted and that he be granted a suspension of deportation.

25 November 24, 1952.

26 Respectfully submitted,

27 
28 _____

29 Wayne M. Collins
30 1701 Mills Tower,
31 San Francisco 4, Calif.
32 Garfield 1-1218

Attorney for Respondent.

SMP/cc

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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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 continued 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