

20:15

USHIDA, SABURO

1950-1953

78/177
C

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

April 12, 1950

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

Gentlemen:

In re: Saburo Ushida
Chicago, Illinois

Enclosed find appearance form and applica-
tion to reopen cause for the purpose of enabling
Saburo Ushida, Peruvian-Japanese, who is living
in Chicago, Illinois, to apply for a suspension
of deportation, together with accompanying
affidavit of merits.

Very truly yours,

P. S. Mr. Saburo Ushida now resides at
2011/2 W. North Ave. Sta., Chicago 10, Illinois.

Copy to:
USI&NS, Chicago, Ill.

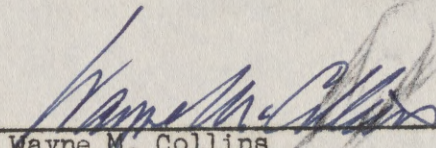
BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of)
) No. _____
SABURO UCHIDA - - - - -)

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

_____ hereby requests
that the deportation proceeding heretofore instituted against _____
be reopened for the purpose of enabling _____ to apply for a sus-
pension 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 _____ is and has been, for a period of time in excess of five
years, a person of good moral character and that _____ 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 _____ eligibility to apply for and to receive the benefits
afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regula-
tions thereunder and for the grant of said application for suspension
of deportation.



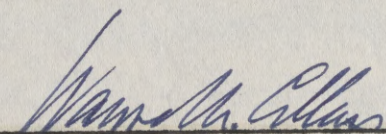
Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

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 _____ SABURO USHIDA, 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.

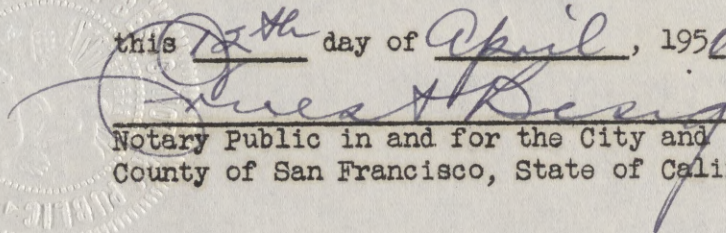


Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

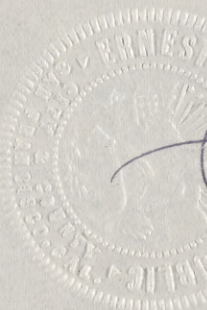
Attorney for Applicant.

Subscribed and sworn to before me

this 12th day of April, 1950.



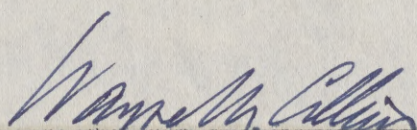
Notary Public in and for the City and
County of San Francisco, State of California.



AFFIDAVIT OF MERITS

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

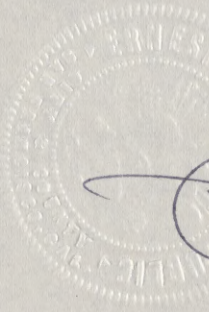
Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ SABURO USHIDA _____, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c), as amended, became effective; that 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 12th day of April, 1950.


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

File

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

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

April 24, 1950

In re: Saburo Uehida
File No. 5967625
ALM:rmd

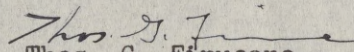
Wayne M. Collins, Esquire
Mills Tower, Bush Street,
San Francisco, California.

My dear Mr. Collins:

This will acknowledge receipt of your communication dated April 12, 1950, with reference to the above case.

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

Sincerely yours,


Thos. G. Finucane
Chairman

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

5967625
Ushida

May 1, 1950

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

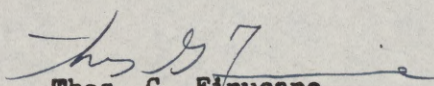
My dear Mr. Collins:

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

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

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

Sincerely yours,


Thos. G. Finucane
Chairman

APR 27 1950

IN THE MATTER
of
SABURO USHIDA
or
JORGE SABURO USHIDA

File: A-5967625

IN DEPORTATION PROCEEDINGS

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

Counsel has filed a motion asking that this case be reopened in order that the respondent may apply for suspension of deportation.

The case concerns a native and citizen of Japan, male, who was brought to the United States from Peru on February 6, 1943 for internment. The case was last considered by us on February 18, 1947 when we directed that the alien be deported to Peru but that execution of the warrant of deportation be deferred pending the outcome of litigation involving the same subject matter.

In a memorandum by the Commissioner dated May 2, 1946 it was stated that the respondent had a wife and 4 children residing in Peru and that he had property in Peru.

Since the case was considered the provision of the statute respecting suspension of deportation has been amended to remove racial disqualification. It is agreed, therefore, that the motion of counsel should be granted.

ORDER: It is ordered that order and warrant of deportation be withdrawn.

IT IS FURTHER ORDERED that the record be reopened to bring it up to date and to afford the respondent opportunity to make application for relief from deportation.

Chairman

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

433 WEST VAN BUREN STREET
CHICAGO 7, ILLINOIS

December 5, 1952



0900/35984
EAB

Mr. Saburo Ushida,
201½ W. North Avenue,
Chicago, Illinois

Dear Sir:

Pursuant to warrant of arrest served on you on April 1st, 1946, you are advised to appear at 9:00 AM on January 6th, 1953, in room 901 Post Office Building, Chicago, Illinois, for a reopened hearing to enable you to show cause why you should not be deported from the United States in conformity with law. Please bring some one to act as interpreter who is not related to you.

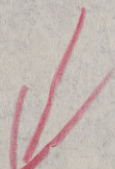
Very truly yours,

For the District Director,

F. M. Symmes

By: F. M. Symmes,
Acting Chief, Hearing Section.

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



Please advise if you will waive being present at this hearing.

F. M. Symmes

F. M. Symmes,
Acting Chief,
Hearing Section.

Mr. Weyen M. Collins
Attorney at Law
Mills Tower 220 Bush
San Francisco Cal.

December 20 - 1952

Dear Sir.

I am hoping very much
you will be able to advise me in regards
of the hearing that I am to attend on
January the 6th 1953 in the Department
of Justice. I am enclosing a copy of
the letter sended to me by the
Department of Justice. As you know
my case, my wish is to be able to
stay in United States and later on
to bring my family to the United
States and make a permanent residence
in Chicago

Thanking you very much

I Remain

Saburo Uchida

United States Dep. of Justice

Dec. 5-1952

Dear Sir,

Pursuant to warrant of arrest served on You on April 1st of 1946, You are advised to appear at 9 am on January 6-1953. in Room 901 Post office Building Chicago Illinois, for a reopened hearing to enable You to show cause why You should not be deported from the United States in conformity with law.

Please bring some one to act as interpreter who is not related to You.

Very truly yours

F. M. Symmes acting chief
hearing Section

December 24, 1952

Immigration and Naturalization Service
433 West Van Buren Street
Chicago 7, Illinois

Attn: Mr. F. M. Symmes
Acting Chief, Hearing Section

Gentlemen:

Re: Saburo Ushida - 0900/35984

I shall not appear at the hearing of the alien above-named on Jan. 6, 1953, but do request of you that a copy of the transcript of the hearing, together with the recommendation that is made thereon, be sent to me so that if an appeal be necessary I shall be enabled to take the same.

I have written Mr. Ushida informing him that I shall not be present and that he will not require the services of another attorney unless something unusual occurs at his hearing. I have instructed him also to apply for a suspension of deportation on the ground that he has resided here for a period in excess of seven years and is a person of good moral character and I wish said application to be made.

Very truly yours,

December 24, 1952

Mr. Saburo Ushida
201 1/2 W. North Ave.
Chicago, Illinois

Dear Mr. Ushida:

You informed me in your letter of Dec. 20, 1952, that you had been served with a notice to appear at 9:00 a.m., on Jan. 6, 1953, in Room 901, Post Office Building, Chicago, Ill., for a reopened hearing to enable you to show cause why you should not be deported from the United States.

At that hearing you will make an application for suspension of deportation on the ground that you have resided here for a period in excess of seven years and are a person of good moral character.

It will not be necessary for me to be personally present or for any other attorney to act for you unless something unusual should occur at the hearing.

However, you may inform the hearing officer at the time of the hearing that you desire a copy of the transcript and a copy of the recommendation he makes sent to me.

Very truly yours,

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

NOTICE OF CERTIFICATION

Peruvian

IN THE MATTER
OF
SABURO USHIDA

FILE NO. 0900-35984

DATE: May 22, 1953.

TO: Wayne M. Collins, Esq.,
1701 Mills Tower, 220 Bush St.,
(ADDRESS)
San Francisco, California.

Attached is a copy of the Special Inquiry Officer's decision in this case.

Please take notice that the above entitled matter has been certified to the Assistant Commissioner, Inspections and Examinations Division, for review.

You may submit to this office within ten days after receipt of this notice a brief or other written statement for consideration by the Assistant Commissioner, Inspections and Examinations Division.

Chas. Eck.

~~District Director or Officer in Charge~~
Acting Chief, Inquiry Section

REGISTERED MAIL
RETURN RECEIPT REQUESTED

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Chicago, Illinois

May 21, 1953.

File: 0900-35984

In re: SABURO USHIDA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esq.,
1701 Mills Tower, 220 Bush St.,
San Francisco, California.

CHARGES:

Warrant - Act of 1924; no immigration visa;
Act of 1918; no passport
Act of 1924; ineligible for citizenship.

Lodged - None.

DETENTION STATUS: Released on conditional parole.

WARRANT OF ARREST SERVED: April 1, 1946.

APPLICATION: Suspension of deportation; 7 years residence.

DISCUSSION AS TO DEPORTABILITY:

This record relates to a 52 year old married male, a native and citizen of Japan and of Japanese race, whose only entry into the United States occurred at San Pedro, California on February 6, 1943, when he was brought here for internment as an alien enemy. He did not have an immigration visa or a passport or other travel document at the time he entered the United States. Upon his release from internment he failed to depart from the United States and on February 18, 1947 the Board of Immigration Appeals determined that he was deportable on the charges contained in the warrant of arrest. The hearing was ordered reopened on April 27, 1950 to permit the respondent to apply for suspension of deportation. Inasmuch as his deportation has been adjudicated, it is believed unnecessary to include findings of fact and conclusions of law as to deportability.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION:

The respondent has a wife and four children who are residents of Peru.

He owns a cleaning shop which he purchased for \$1500 in 1949 and which he values at about \$3,000 or \$3,500, and from which he stated he derives a net profit of about \$2,000 annually. He stated that his cash resources including a bank account amount to about \$6,000. Service records including parole records, affidavits of witnesses and bank letter show conclusively that the respondent has resided in the United States continuously in excess of seven years, and that he was so residing on July 1, 1948. The record establishes that he has met the residence requirements for suspension of deportation under Section 19(c)(2)(b), of the Immigration Act of 1917, as amended.

His application for suspension of deportation was filed with this Service on June 8, 1950 under the provisions of the Immigration Act of 1917, as amended, and it, therefore, comes within the provisions of the savings clause of Section 405(a) of the Immigration and Nationality Act. Although the respondent was ineligible for citizenship at the time of entry, such ineligibility was due solely to race and does not bar him from suspension under Section 19(c) of the Immigration Act of 1917, as amended.

The respondent is a non-preference quota immigrant under the Japanese quota, which is oversubscribed and he cannot readily obtain an immigrant visa. He stated that he could return to Peru or Japan without fear of persecution but that Peru will not permit him to return and that he has not lived in Japan since 1921.

A check of appropriate local and federal records has failed to disclose an arrest or criminal record. Inquiry has disclosed that he has no connection with any subversive group. Affidavits of witnesses and other facts in the record affirmatively establish that he has been a person of good moral character for the preceding five years. On the record the respondent has established statutory eligibility for suspension of deportation under the provisions of Section 19(c)(2)(b) of the Immigration Act of 1917, as amended. Inasmuch as he was brought here from Peru involuntarily for internment during World War II and Peru will not permit him to return and as he migrated from his native country over 30 years ago, it is believed that in accordance with the Acting Attorney General's decision of May 6, 1952, in the Matter of W-Interim Decision No. 225, suspension of deportation is warranted in this case.

ORDER:

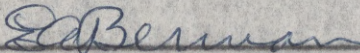
IT IS ORDERED that the deportation of the alien be suspended under the provisions of Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if Congress approves the suspension of alien's deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as provided by law.

0900-35984

IT IS FURTHER ORDERED that in the event Congress fails to take action approving suspension of the alien's deportation, the alien shall be granted the privilege of voluntary departure at his own expense, in lieu of deportation and that if the alien after notification fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceeding and the alien shall be deported from the United States in the manner provided by law on the charges contained in the warrant of arrest.

IT IS FURTHER ORDERED that this case be certified to the Assistant Commissioner, Inspections and Examinations Division, for review.



E.A. Berman, Special Inquiry Officer

June 5, 1953

Mr. Saburo Ushida
201 1/2 W. North Ave.
Chicago, Illinois

Dear Mr. Ushida:

Special Inquiry Officer E. A. Berman of the U.S. Immigration Service at Chicago on May 21, 1953, rendered a favorable decision in your case. He ordered that your application for a suspension of deportation be granted and certified the case to the Assistant Commissioner, Inspections and Examinations Division, for review. If your application there is favorably viewed the Attorney General will make a favorable recommendation to Congress.

If Congress also approves a suspension of deportation you will be granted permanent residence status in the United States and, in due course of time, you will become eligible for naturalization.

Very truly yours,

June 5, 1953

Mr. Saburo Ushida
201 1/2 W. North Ave.
Chicago, Illinois

Dear Mr. Ushida:

Special Inquiry Officer E. A. Berman of the U.S. Immigration Service at Chicago on May 21, 1953, rendered a favorable decision in your case. He ordered that your application for a suspension of deportation be granted and certified the case to the Assistant Commissioner, Inspections and Examinations Division, for review, and if your application there is favorably viewed the Attorney General will make a favorable recommendation to Congress. If Congress also approves a suspension of deportation you will be granted permanent residence status in the United States and, in due course of time, you will become eligible for naturalization.

When Mr. Collins phones --

Aug. 11

Re: Saburo Ushida

This order was received in
S.F. on Aug. 8th.

Does Mr. Collins wish to submit
any statement re same? ~~XXXXXXXXXX~~
Should we ask for extension of time?
Apparently we have until Aug. 19

DP

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

NOTICE OF CERTIFICATION

IN THE MATTER
OF
SABURO USHIDA

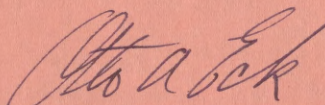
FILE NO. A-5967625; 0900-35984

DATE: August 3, 1953.

TO: Wayne M. Collins, Esq.,
1701 Mills Tower, 220 Bush Street,
(Address)
San Francisco, California.

Please take notice that the above entitled matter has been certified to the Board of Immigration Appeals for review.

You may submit to this office within ten days after receipt of this notice a brief or other written statement for consideration by the Board of Immigration Appeals. If you desire to present oral argument before the Board of Immigration Appeals at its office at Washington, D. C., your request for such oral argument must be made promptly by letter addressed to the Board of Immigration Appeals.



~~District Director or Officer in Charge~~

Otto A. Eck, Acting Chief, Inquiry Section

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A-5967625 - Chicago (0900-35984)
IB

JUL 23 1953

In re: SABURO USHIDA

IN DEPORTATION PROCEEDINGS

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

CHARGES:

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

Lodged: None

APPLICATION: Suspension of deportation - 7 years' residence

DETENTION STATUS: RELEASED ON CONDITIONAL PAROLE

WARRANT OF ARREST SERVED: April 1, 1946

DISCUSSION: On May 21, 1953, the Special Inquiry Officer entered an order in these proceedings granting the respondent suspension of deportation in accordance with the provisions of Section 19(c)(2) of the Immigration Act of 1917, as amended. Thereafter, the case was certified to this office for review pursuant to the authority contained in 8 CFR 7.1(b).

In our opinion, the maximum discretionary relief which should be made available to this respondent is the privilege of voluntary departure with an alternate order of deportation if he fails to depart within the time allowed him. Furthermore, consideration should be given to the paragraph relative to discussion as to deportability in order that the paragraph may show the charges on which the alien is now found deportable.

So that this case may receive further consideration by the Board of Immigration Appeals, it will be certified to the Board as provided in 8 CFR 6.1(c).

ORDER: It is ordered that pursuant to the authority contained in 8 CFR 6.1(c), this case be certified to the Board of Immigration Appeals.

ASSISTANT COMMISSIONER
INSPECTIONS AND EXAMINATIONS DIVISION

COPY FOR ATTORNEY
OR REPRESENTATIVE

August ¹⁸~~19~~, 1953

AIR MAIL

Immigration and Naturalization Service
New Post Office Building
Chicago 7, Illinois

Attn: Mr. Otto A. Eck
Acting Chief, Inquiry Section

Dear Sir:

In re: Saburo Ushida
File No. A-5967625; 0900-35984

We have received your letter dated August 3, 1953, and bearing San Francisco postmark of August 8, 1953. Mr. Collins has been on vacation and has not yet returned to the office; he is expected back about Sept. 1st. Consequently, we would appreciate your extending the time within which he may submit a brief or other written statement on behalf of Saburo Ushida until about Sept. 9, 1953.

Very truly yours,

Secretary to Mr. Collins

Peruvian

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

POST OFFICE BUILDING
CHICAGO 7, ILLINOIS

PLEASE REFER TO THIS FILE NUMBER

August 28, 1953

A5 967 625
(Chicago 0900-35984)

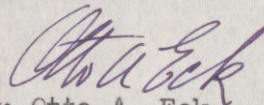
Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Sir:

Reference is made to the deportation proceeding relating to Saburo Ushida. In accordance with your request dated August 18, 1953, the time for filing a brief or other written statement on behalf of Mr. Ushida has been extended to September 9, 1953.

Very truly yours,

For the District Director,



By: Otto A. Eck
Acting Chief, Inquiry Section

Sept. 4, 1953

AIR MAIL

Immigration and Naturalization Service
New Post Office Building
Chicago 7, Illinois

Attn: Mr. Otto A. Eck
Acting Chief, Inquiry Section

Dear Sir:

In re: Saburo Ushida
File No. A5,967,625; 0900-35984

On August 18, 1953, during my absence from my office due to vacation, my secretary requested an extension of time to Sept. 9th within which I might submit a brief on behalf of the alien above-named, and you were kind enough to grant me an extension of time to Sept. 9, 1953, for me so to do.

Enclosed herewith please find triplicate original briefs, one of which I would thank you to forward to the Board of Immigration Appeals when the cause is certified to the Board of Immigration Appeals.

Very truly yours,

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BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of
SABURO USHIDA
Respondent.

A5,967,625
(Chicago 0900-35984)

BRIEF FOR RESPONDENT

Respondent is a 52 year old Japanese national who was admitted to Peru for permanent residence purposes. His wife is a resident of Peru. He is the father of 4 children who are citizens and residents of Peru.

He was brought involuntarily to the United States, along with other like Japanese male heads of Peruvian Japanese families, on February 6, 1943, and interned under the provisions of the Alien Enemy Act. At the time of his entry he possessed neither a visa, passport nor travel documents in the nature thereof. On August 16, 1946, he was released from the provisions of said Alien Enemy Act.

On May 21, 1953, the Special Inquiry Officer at Chicago recommended that his deportation be suspended under the provisions of Section 19 (c) (2) (b) of the Immigration Act of 1917, as amended, and certified the case to the Assistant Commissioner, Inspections and Examinations Division, for review.

The latter officer on July 23, 1953, entered an order in the cause expressing the opinion that the maximum discretionary relief which should be made available to respondent was voluntary departure with an alternate order of deportation if he failed

1 to depart within the time to be specified, and thereupon certified
2 the cause to this Board as provided by 8 C.F.R. 6.1(c) for
3 further consideration.

4 The Peruvian Government to date has refused to permit the
5 respondent to re-enter Peru and there be joined with his wife
6 and 4 children. Our State Department continues its efforts to
7 prevail upon the Peruvian Foreign Minister to authorize his
8 repatriation to Peru and that of similarly situated members of
9 the Peruvian Japanese group. See copy of letter from the State
10 Department, dated February 18, 1953, attached hereto.

11 The respondent is a person of good moral character and now
12 has resided in the United States for a period in excess of
13 10 years' time. Prior to being brought to the United States
14 he had resided in Peru from the time he was a young man.
15 Respondent presently resides at 201 ½ W. North Avenue, Chicago,
16 Illinois, and is gainfully employed.

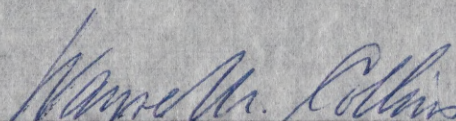
17 By reason of the provisions of Sec. 311 of the Immigration
18 and Nationality Act of 1952, the respondent no longer is
19 ineligible to citizenship. By reason of the want of family ties
20 in this country, he is not eligible to receive a non-quota
21 immigrant status and hence a visa to enter the United States
22 as a non-quota immigrant. The Peruvian Government has refused
23 so far to authorize his repatriation to Peru.

24 It is our impression that it is the policy of this Board,
25 following the policy determination by the Acting Attorney
26 General, that aliens in like predicament and circumstances as
27 the respondent should be granted a suspension of deportation
28 because deportation would work undue hardship upon him. See,
29 for example, the decision of this Board, dated May 27, 1953,
30 In re Chika Yamasaki, File A-5,977,644 (Chicago 0900/56013).
31 We believe, therefore, that the respondent should be granted
32 a suspension of deportation under the provisions of Title 8,

1 USCA Sec. 155(c), or under the provisions of Sec. 244 (a) of the
2 Immigration and Nationality Act of 1952.

3 In consequence, we request this Board to reject the sug-
4 gestion of the Assistant Commissioner, Inspections and Ex-
5 aminations Division, that only voluntary departure be granted
6 to the respondent and request that the decision of the Special
7 Inquiry Officer dated May 21, 1953, ordering a suspension of
8 deportation be affirmed.

9 Respectfully submitted,

10 

11

Wayne M. Collins
12 Mills Tower
13 220 Bush Street
14 San Francisco 4, California
Garfield 1-1218

15 Attorney for Respondent.
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DEPARTMENT OF STATE
Washington

C
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Y

February 18, 1953

My dear Mr. Collins:

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

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

Sincerely yours,

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

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

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

September 24, 1953

Mr. Saburo Ushida
201½ W. North Avenue
Chicago, Illinois

Dear Mr. Ushida:

The Assistant Commissioner of Immigration, Inspections and Examinations Division, has certified your case to the Board of Immigration Appeals for further consideration on your application for suspension of deportation. I have forwarded to the Board a brief. A copy of my brief is enclosed for you.

It is my hope that the Board will render a favorable decision in your case and grant you a suspension of deportation. If it fails to do so other steps will be taken on your behalf.

Very truly yours,

RECEIVED
DEPT. OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SEP 24 1953

3030 S. E. 58th Ave.
Portland, Ore.
October 7, 1953

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

Dear Mr. Collins:

I am enclosing a check for \$100.00 in your favor. The sum has been sent to me by Mr. Saburo Ushida of Chicago through Mr. Ohashi in the same city with request that the sum be forwarded to you for Mr. Ushida's payment of retainer fee.

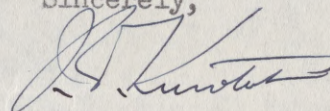
You are probably aware the fact that Mr. Ushida has his family in Peru and he has to support them; consequently he found it difficult to make payment of additional retainer fee unless his financial condition improves.

Please acknowledge receipt of the enclosed sum to Mr. Ushida through Mr. Ohashi at your earliest convenience.

I have just received a letter from Mr. Ohashi that he do not yet receive your acknowledgement of receipt of my previous remittances which I have forwarded to you some time in August. If you do not yet done so, please acknowledge the receipt to Mr. Ohashi at your convenience.

Best Regards

Sincerely,



I. E. Kurotobi

cc: Mr. Y. Ohashi
Mr. S. Ushida

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

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

A-5967625
Ushida

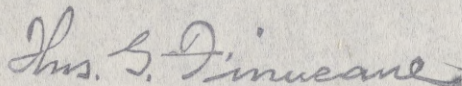
October 26, 1953

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

Reference is made to your interest in the above case.

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

Sincerely yours,



Thos. G. Finucane
Chairman

Rec'd 10/29/53

UNITED STATES DEPARTMENT OF JUSTICE
Board of Immigration Appeals

Bruce

OCT 23 1953

File: A-5967625 - Chicago (0900-35984)

In re: SABURO USHIDA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT: Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
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 - 7 years' residence

DETENTION STATUS: Released on conditional parole

When we first considered this case on February 18, 1947 we found respondent deportable on the charges stated above but directed that execution of the warrant of deportation be deferred pending the outcome of litigation involving the same subject matter. On April 27, 1950, on motion of the alien, we ordered that the order and warrant of deportation be withdrawn and that the proceedings be reopened to permit him to apply for suspension of deportation. By order dated May 21, 1953, the special inquiry officer granted respondent's application for suspension of deportation but directed that the case be certified to the Assistant Commissioner for review. This case is before us now on certification of the Assistant Commissioner by order dated July 23, 1953 pursuant to 8 C.F.R. 6.1(c). The Assistant Commissioner is of the opinion that the maximum discretionary relief which should be made available to respondent is the privilege of voluntary departure with an alternate order of deportation if he fails to depart within the time allowed him.

DISCUSSION AS TO DEPORTABILITY: The respondent is a 53-year-old married male, a native and citizen of Japan of the Japanese race, whose only entry into the United States occurred at the port of San Pedro, California on February 6, 1943, when he was brought here for internment as an alien enemy. It is concluded from the evidence of record that respondent is subject to deportation on the charges contained in the warrant of arrest.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The evidence of record establishes that respondent has been residing in the United States continuously in excess of seven years, including July 1, 1948, and that he meets the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

Counsel urges that the Peruvian Government has refused to permit the respondent to reenter Peru and rejoin his family there. Counsel has submitted to us a copy of a letter addressed to him by the Acting Director, Office of Northeast Asian Affairs, Department of State, under date of February 18, 1953, the second paragraph of which reads as follows: "I appreciate your interest in the matter of the former Japanese residents of Peru who have been living in the United States since 1943 and 1944. Let me assure you of the sympathetic concern of the Department of State toward these unfortunate persons and of our continuing efforts to persuade the Peruvian Government to accept their return."

Respondent testified that he entered Peru in 1921 to live there. He further testified that he went to Japan in 1928 to get his wife. He has no close relatives in the United States. His wife and four children reside in Peru. He stated that when he left Peru he owned a store and merchandise worth about \$9,000 and that the Peruvian Government took and store and merchandise, sold the merchandise and gave the money to his wife for the support of his family. His wife is now a partner in a small restaurant in Peru but her earnings are not sufficient to support the family and he sent her \$1,000 in 1952. When respondent was released from internment in August 1946 he went to Seabrook Farms, Bridgeton, New Jersey, where he remained until January 1948. He is now self-employed in a cleaning store in Chicago for which he paid \$1,500. His net income amounts to \$2,000 a year. He has cash and bank savings amounting to approximately \$6,000. He states his business is now ~~xxxxx~~ worth about \$3,000.

A check of appropriate local and federal records has failed to reveal an arrest or criminal record. The character investigation is favorable. Respondent has submitted affidavits from four persons attesting to his good moral character. We find from the evidence of record that respondent has been a person of good moral character for the preceding five years and more. On the record he is eligible for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917, as amended. When asked as to whether he had any statement he would like to make as to why he should not be deported, respondent replied "Yes, if I stay in this country I have plenty confidence to live, but if I go back to Peru or Japan it is impossible to make a living. I am already 53 years old and if I leave this country to go to any other country, I have no confidence to support family and myself. Also, I like this country very much, more than any other country. I would like very much to be a citizen."

The quota of Japan, to which respondent is chargeable, is oversubscribed and an immigration visa is not readily obtainable.

Respondent has never been arrested for a criminal offense. The independent character investigation has failed to disclose any derogatory information. His good moral character is abundantly vouched for by witnesses. Since Peru has not and apparently will not authorize his return, and as so much time has elapsed since he was brought to the United States, it is our view that the only fair way to dispose of his case is to authorize suspension of deportation. We feel that to deport him now would cause an undue hardship. Accordingly, his application for suspension of deportation will be granted.

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

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.

A-5967623

- 4 -

IT IS FURTHER ORDERED that in the event Congress fails to take action approving this suspension of the alien's deportation, the alien shall be granted the privilege of voluntary departure at his own expense, in lieu of deportation and that if the alien after notification fails to depart when and as required, the privilege of voluntary departure be withdrawn without further notice or proceeding and the alien shall be deported from the United States in the manner provided by law on the charges contained in the warrant of arrest.

Chairman

October 29, 1953

Mr. Saburo Ushida
201½ W. North Ave. Sta.
Chicago 10, Illinois

Dear Mr. Ushida:

On October 23, 1953, the Board of Immigration Appeals entered an order granting you a suspension of deportation.

In consequence, your case will be submitted for approval to Congress and in the event Congress also approves suspension of deportation you will be granted permanent residence status in the United States and thereafter you will become eligible for naturalization as citizen of the United States. In the event Congress disapproves your application other steps will have to be taken in your behalf.

Very truly yours,