

### PROPOSED STIPULATIONS

1. The late Seigo Miwa was born on June 25, 1897 and first came to this country at the age of sixteen, moving from Japan to Hawaii on April 15, 1914 to become a part of his father's business. His father was then engaged in Hawaii in importing foodstuffs and agricultural foods from Japan and the United States, the same business which was eventually incorporated as J. S. Miwa & Company, Limited. Since that time of arrival and September 1, 1943, when he last left for Japan while under a deportation order, Seigo Miwa made five trips to Japan spending an aggregate of less than four years in Japan and more than twenty-five years in the United States, both in Hawaii and in California where he had set up an affiliated trading firm. These business trips were as follows: left for Japan April 21, 1926, arrived Honolulu June 22, 1926; left for Japan August 18, 1933, arrived Honolulu October 24, 1933; left for Japan July 17, 1935, arrived Honolulu May 21, 1936; left for Japan July 6, 1936, arrived Honolulu November 22, 1938; left for Japan April 1, 1941, arrived in Honolulu October 21, 1941.

The 1936 trip to Japan was made because his father, who was handling the Japanese export end of the Miwa Company, as well as other business interests, had become aged and needed him there. Also, his wife and three children were in Japan at that time. Miwa overstayed the duration of his reentry permit. Consequently, his return to Hawaii in 1938 was on the basis of a treaty trader visa. His final return to Hawaii in October, 1941 was on the basis of a visitors permit valid for six months. Upon the outbreak of war with Japan, Miwa was appointed one of the food committee by the then Governor Poindexter, on which he worked until his detention as an "enemy alien" on February 13, 1942.

Subsequently he was transferred to detention camps in the United States. On September 1, 1943 he was returned to Japan. He applied on November 26, 1947 for a returning resident's visa, which was denied him on the ground that his last entry into the United States was as a treaty merchant. He renewed his application for a visa in 1949 or 1950 and this application was denied because his departure in 1943 was with a warrant of deportation outstanding. His application for permission to reapply for admission was denied on March 19, 1953. He died on May 23, 1954.

2. "Section 1(b) of the Act of March 4, 1929, which was in effect at the time of the respondent's departure while the order of deportation was outstanding, provided in pertinent part that: '\*\*\* any alien ordered deported \*\*\* who has left the United States shall be considered to have been deported in pursuance of law \*\*\*'".