GHQ/SCAP Records(RG 331)
Description of contents

THE
NATIONAL ARCHIVES
OF THE
UNITED STATES

(1) Box no. 2189

(2) Folder title/number: (16)
Immigration

(3) Date: Feb. 1950 - Mar. 1952

(4) Subject:

Classification	Type of record
150	e, i, v

(5) Item description and comment:

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

24 March 1952

MEMORANDUM FOR RECORD

SUBJECT: Assumption of Entry and Exit Control Authority by the Japanese Government, C/N 1, G-1 to C/S, 23 Mar 52

With reference to above check note, called Lt. Colonel Lay on the telephone and suggested last sentence be phrased permissively rather than as an order. Lt. Colonel Lay agreed to change or delete the sentence entirely. The sentence as written would require all commercial entrants to post guarantee bonds with the Japanese Government prior to the effective date of the Peace Treaty, which is desirable but impractical. Since the present bonds run to SCAP, who will cease existence, replacement is a responsibility of the Japanese.

W E Monagan Jr.

W. E. Monagan, Jr.

14 March 1952

MEMORANDUM FOR RECORD

SUBJECT: Immigration Control Order and Alien Registration Bill

1. A conference was held this date between Mr. Monagan and Mr. Matsuno, Immigration Agency, Foreign Ministry, with the undersigned present concerning subject laws. Mr. Monagan informed Mr. Matsuno that measures were being taken to expedite GHQ clearance of the subject laws in order that they may be presented to the current Diet session. Other GHQ staff sections concerned were expected to give their opinion either today or tomorrow.

2. When queried on whether Koreans would be able to remain in Japan after the Peace Treaty without acquiring a legal status Mr. Matsuno stated that determination of status as provided under paragraph 6, Article 3, FOM No. 83 (see attachment I) will depend on outcome of negotiations presently being carried on between representatives of Japanese and Korean Governments.

S. HAYASHI

Bond Section

Maj Connelly/bg 26-7804
CFAD

Immigration Controls

G-1 C/S

1 1. Upon the coming into effect of the Japanese Peace Treaty, SCAP control of the entry of individuals into Japan will cease and, except as provided in the Adm. agreement, the Japanese Government will control the entry of all individuals into Japan.

2. In order to avoid any interruption in the processing of applications from foreign nationals for permission to enter Japan, it is considered advisable to request the Japanese Government to submit its plan for handling such applications so that this Headquarters will be prepared to advise foreign governments in advance of the procedure to be followed on the effective date of the ratification of the Japanese Peace Treaty when the provisions of SCAP Circular 14 will cease to be effective.

3. Recommend approval of proposed draft SCAPIN (TAB A).

4. Concurrences:

GS _____

DS _____

AG _____

GS

1 Incl
Tab A - Pped draft, SCAPIN

---------- B. L. M. ----------

D R A F T

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 014.331 ( )GA
SCAPIN 2083/3

MEMORANDUM FOR: The Japanese Government

SUBJECT: Customs, Immigration and Quarantine Operations

1. References:

a. Memorandum for Japanese Government, AG 720.4 (3 Feb 50)GA, SCAPIN 2083, subj: Customs, Immigration and Quarantine Operations, 20 February 1950, as amended by SCAPIN 2083/1, 22 October 1951 and SCAPIN 2083/2, 5 February 1952.

b. Circular No. 14, General Headquarters, Supreme Commander for the Allied Powers, subject: Control of Entry and Exit of Individuals, Cargo, Aircraft and Surface Vessels Into and From Japan, 22 October 1951.

2. It is the intent of the Supreme Commander for the Allied Powers to inform foreign governments that the provisions of Supreme Commander for the Allied Powers Circular No. 14 prescribing the procedures for entry of individuals into Japan will be rescinded on the effective date of the Peace Treaty. In order to avoid any interruption in the processing of applications of individuals for permission to enter Japan, it is desired to transmit to foreign governments prior to the effective date of the Peace Treaty complete information relative to the procedures to be followed by individuals in applying for permission to enter Japan.

GS

3. It is requested that the Japanese Government forward to this headquarters no later than 25 February 1952 its procedural plan for the control of entry of individuals into Japan. This procedural plan will be forwarded to foreign governments for their information and guidance together with the Supreme Commander for the Allied Powers announcement of the rescission of the provisions of Supreme Commander for the Allied Powers Circular No. 14 as it applies to individuals.

FOR THE SUPREME COMMANDER:

D R A F T

Subject: Entry Clearance Into Japan

From: G-1

To: ESS
GS
IS
G-2 (in turn)

Maj. Connelly/bg 26-7804
14 February 1952

2 Request comments and recommendations on which to base a recommendation to the C/S relative to AG rqst in c/n 1.

----------B. L. M.----------

GS file

From: ESS

To: GS
LS
G-2 (in turn)

Maj W. F. Ganeau - 26-6670
WFM/HRG/WFG/mm
15 February 1952

3 1. ESS has no objection to the granting of military clearance for Mr. Morita's entry to Japan.

2. Mr. Morita should be advised that any arrangements for conversion of earnings to foreign exchange require approval of the Japanese Government.

----------W.F.M.----------

4 From: GS

To: LS
G-2 (in turn)

M. Matsukata 26-6071
Date: 16 Feb 1952

No comment.

----------F. R.----------

Lt Col Lay/ot 26-6600
Date: 12 February 1952

MEMORANDUM FOR: Med Sec (Quarantine Division)
AG (Capt Hill)
G-2 (Major Cross)
ESS (Mr. Lassiter)
Govt (Mr. Monagan)
DS (Mr. Pilcher)
JLCOM (Major Hammer)

SUBJECT: Meeting of the Controls Sub-Committee of the GHQ Immigration Committee

There will be a meeting of the sub-committee on Controls of the GHQ Immigration Committee, in Room 600 N (front of theater entrance), of the Dai Ichi Building, at 1400 hours February 13th. The following is a proposed agenda for the meeting:

a. Discussion of the proposed hiring of immigration consultants to assist in training Japanese immigration officials. A study of this project was undertaken last October, but a solution was not obtained because of the difficulty of funding the project.

b. Consideration of a proposal to turn over to the Japanese Govt Immigration Agency the control of entry of Ryukyuans into Japan, as an interim step toward control of all entrants into Japan.

c. A study of extent to which SCAP Circular 14 may be supplanted by the Japanese Immigration law prior to effective date of the Treaty.

d. The determination of records, files, etc., which should be turned over to the Japanese Government.

e. Discussion of the extent to which liaison between Allied Forces and Japanese Government will be necessary in post-treaty period in immigration matters.

for HERBERT E. LAY
Lt Col GS w/troops
G-1 CFAO

7261

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

7 February 1952

MEMORANDUM FOR THE RECORD

SUBJECT : Customs, Immigration and Quarantine Operations

1. Reference SCAPIN 2083/2, dated 5 February 1952. The undersigned was requested to discuss with G-1, orders issued by the Headquarters to the Japanese Government in regards to deportation of non-Japanese from Japan. The undersigned discussed the above subject with Colonel Graham, G-1, and Mr. R.A. Anderson, CFAD, G-1. According to Mr. Anderson the request for deportation originate in G-1 and is transmitted to the Chief of Staff for approval, when approved the action is given to G-2. The reason for a memorandum to the Japanese Government requesting deportations of individuals of non-Japanese nationality is that SCAP approval is required for all persons entering Japan (they are under Japanese law if not a part of the U.N. forces). All passports are stamped to indicate SCAP approval upon the individual's entry into Japan. At the present time, the Japanese Government has no authority to permit entry of the individual on their own responsibility. It is, therefore, assumed that all those entering under SCAP authority may be deported at any time SCAP desires to withdraw the permit. Most of the persons are being deported for security reasons or violation of SCAP and/or Japanese law.

2. The undersigned pointed out that with the imminence of the ratification of the Peace Treaty and the possible withdrawal of SCAP, the Japanese Government should not be ordered to deport any individuals who had entered originally on SCAP authority. It should be up to the Japanese Government to decide the desirability of deportation of the individual after confirmation of SCAP's cancellation of the individual's permit and entry into Japan.

3. Colonel Graham suggested that GS originate a check sheet based on the information available in GS, subject: Extension of Relaxation of Controls. The undersigned stated that that would be rather difficult as the information available to GS on this matter was informally questioned by the Japanese Government and at present GS was not fully informed on the matter through which the Japanese Government was ordered to take this action. Colonel Graham agreed to restudy the matter and inform GS of the policy that would be followed by G-1 and also agreed that the suggestion made by GS was sound and should be taken into consideration. The undersigned was also informed that the majority of security cases are classified and should be of mutual interest since SCAP usually ordered deportation of individuals for the security of Japan.

M. MATSUKATA

write M.R.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 720.4 (3 Feb 50)GA
SCAPIN 2083/2

5 February 1952

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Customs, Immigration and Quarantine Operations

1. References. a. Circular 14, General Headquarters, Supreme Commander for the Allied Powers, subject: Control of Entry and Exit of Individuals, Cargo, Aircraft and Surface Vessels Into and From Japan, 22 October 1951.

b. Memorandum for the Japanese Government, from General Headquarters, Supreme Commander for the Allied Powers, file AG 720.4 (3 Feb 50)GA, SCAPIN 2083, 20 February 1950, subject: Customs, Immigration, and Quarantine Operations, as amended by SCAPIN 2083/1, 22 October 1951.

2. Effective 15 February 1952, the Japanese Government will assume full responsibility for the following immigration operations pertaining to other than Allied Forces personnel:

a. Extensions of stay in Japan

b. Changes of status

c. Exit-reentry clearances.

3. General Headquarters, Supreme Commander for the Allied Powers, will continue to process applications of individuals desiring to change their status to that of Allied Forces personnel.

FOR THE SUPREME COMMANDER:

C. C. B. Warden

C. C. B. WARDEN
Colonel, AGC
Adjutant General

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General, Staff
Japanese Liaison Section
APO 500

1 February 1952

MEMORANDUM FOR: MINISTRY OF FOREIGN AFFAIRS
Attention: International Cooperation Bureau
(5th Section)

SUBJECT: Status of J. W. Rich

1. The Japanese Government is hereby advised that Mr. J. W. Rich has been instructed by this headquarters to regularize his status or depart from Japan not later than 20 February 1952.

2. It is requested that should Mr. Rich fail to regularize his status of depart from Japan by 20 February 1952 the proper Japanese authorities take action to effect the deportation of Mr. Rich.

3. It is further requested that this office be notified of the action taken by the Japanese authorities.

4. Copy of letter from this headquarters to Mr. Rich is attached hereto.

For the Assistant Chief of Staff, G-2:

DAVID S. TAIT
Colonel, General Staff with Troops
Chief, Japanese Liaison Section

1 Incl
a/s

Received: 4 Feb 11.00 a.m.
Shukan : IA
Copy : C of IC. C of S.C.
IC-3. MA.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General Staff
Japanese Liaison Section
APO 500

1 February 1952

MEMORANDUM FOR: MINISTRY OF FOREIGN AFFAIRS
Attention: International Cooperation Bureau
(5th Section)

SUBJECT: Status of F. Biagini

1. The Japanese Government is hereby advised that Mr. F. Biagini has been instructed by this headquarters to regularize his status or depart from Japan not later than 20 February 1952.

2. It is requested that should Mr. Biagini fail to regularize his status or depart from Japan by 20 February 1952 the proper Japanese authorities take action to effect the deportation of Mr. Biagini.

3. It is further requested that this office be notified of the action taken by the Japanese authorities.

4. Copy of letter from this headquarters to Mr. Biagini is attached hereto.

For the Assistant Chief of Staff, G-2:

1 Incl
a/s

DAVID S. TAIT
Colonel, General Staff with Troops
Chief, Japanese Liaison Section

Received: 4 Feb. 11.00 a.m.
Shukan : IA
Copy : G of IC. C of S.C.
IC-3. MA.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General Staff
Japanese Liaison Section
APO 500

1 February 1952

MEMORANDUM FOR: MINISTRY OF FOREIGN AFFAIRS
Attention: International Cooperation Bureau
(5th Section)

SUBJECT: Status of W. C. Cheesman

1. The Japanese Government is hereby advised that Mr. W. C. Cheesman has been instructed by this headquarters to regularize his status or depart from Japan not later than 20 February 1952.

2. It is requested that should Mr. Cheesman fail to regularize his status or depart from Japan by 20 February 1952 the proper Japanese authorities take action to effect the deportation of Mr. Cheesman.

3. It is further requested that this office be notified of the action taken by the Japanese authorities.

4. Copy of letter from this headquarters to Mr. Cheesman is attached hereto.

For the Assistant Chief of Staff, G-2:

DAVID S. TAIT
Colonel, General Staff with Troops
Chief, Japanese Liaison Section

1 Incl
s/s

Received: 4 Feb 11.00 a.m.
Shukan : IA
Copy : C of IE C of SC
IC-3 MA

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General Staff
Japanese Liaison Section
APO 500

24 December 1951

MEMORANDUM FOR : MINISTRY OF FOREIGN AFFAIRS
Attention: International Cooperation Bureau
(Fifth Section)

SUBJECT : SHANKEL, Robert

1. It is requested that the proper Japanese authorities take action to effect the apprehension and deportation of Mr. Robert SHANKEL.

2. The present status of Mr. SHANKEL is that of an illegal entrant. He has failed to regularize his status in Japan despite instructions from this headquarters, nor has he departed from Japan by 5 December 1951 as instructed.

3. It is further requested that this headquarters be notified of the action taken by the Japanese authorities.

For the Assistant Chief of Staff, G-2:

E. S. PEARCE
Captain USN
Acting Chief, Japanese Liaison Section

Received: 24 Dec 11:00 a.m.
Shukan : IA
Copy : C of IC. C of SC.
IC-3. MA.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Military Intelligence Section, General Staff
Japanese Liaison Section
APO 500

24 December 1951

MEMORANDUM FOR : MINISTRY OF FOREIGN AFFAIRS
Attention: International Cooperation Bureau
(Fifth Section)

SUBJECT : ROBIDA, Daniel A

1. The Japanese Government is hereby advised that the following person has been instructed by this headquarters to depart from Japan not later than 8 January 1952:

Mr. Daniel A. ROBIDA
c/o Mr. KATO Mitsuga
628 Karagasaki-cho
Meguro-ku, Tokyo, Japan

2. It is requested, should Mr. ROBIDA fail to depart from Japan by 9 January 1952, that the proper Japanese authorities take action to effect the apprehension and deportation of Mr. ROBIDA.

3. It is further requested that hhis headquarters be notified of the action taken by the Japanese Government.

For the Assistant Chief of Staff, G-2:

E. S. PEARCE
Captain USN
Acting Chief, Japanese Liaison Section

Received: 24 Dec 11.00 a.m.
Shukan : IA
Copy : C of IC. C of SC.
IC-3. NA.

WHSullivan/ch 26-7695
Delegation of Additional Immigration Control
Responsibilities to the Japanese Government

DS

C of S

25 January 1952

2

1. DS concurs in the proposed transfer of limited immigration responsibilities to the Japanese Government in accordance with proposals outlined in checknote 1. DS recommends that G-1 undertake additional studies to determine what further immigration authority can be transferred to the JG within the near future. It would appear advisable that the Japanese assume complete control over all matters pertaining to immigration of persons other than members of the Allied Forces prior to the effective date of the Treaty of Peace.

5 Incls:
n/c

Info Copies to: G-1, G-2, GS and AG

- W.J.S. - - - - - - - - - - - - - -

GS (Info)

25 January 1952

MEMORANDUM FOR THE RECORD

SUBJECT: Immigration Committee

1. On 23 January 1952 the undersigned attended an organization meeting of the SCAP/FEC Committee on Immigration. The Committee is composed of G-1, G-2, ESS, Medical, AG, GS, COMNAVFE, FEAF and JLC/Customs, Immigration & Quarantine.

2. G-1 representative is Chairman of the Committee. It was decided that the work of the Committee would be carried on by sub-committees as follows:

a. Enforcement Committee

ESS	Medical/Narcotics	FEAF
G-2	JLC/CIQ	COMNAVFE

b. Relaxation of Controls Committee

JLC/CIQ	Medical/Narcotics	G-1
ESS	AG	GS (Advisory)

c. Immigration and Customs Law Committee

LS	Medical/Narcotics	GS

3. The Committee as a whole will meet only to consider final recommendations of the sub-committees and then only at the call of the Chairman. A parallel committee has been established within the Japanese Government but it is not immediately contemplated that joint meetings will be held, since appropriate contacts with Japanese officials will be made by members of the sub-committees set forth above. It is not expected that the work of the Committee or the sub-committees will be extensive since certain of the representatives have daily contact with the Japanese agencies concerned and can report to the Committee action taken in their daily work. In other words, the Committee will be principally a clearing house for consideration of major problems.

W. E. Monagan, Jr.

W. E. MONAGAN, JR.

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

Lt Col Benson/chj 26-6600

(Do not remove from attached sheets)

File No.: Subject: Immigration Controls

Note No.	From: G-1 To: C/S Date:

1. The problem:

Cabinet Order No. 319 of 1951, the Immigration Control Order (Tab A), has now been adopted by the Japanese Government (JG). Except to the extent that its provisions conflict with those of SCAP Circular No. 14 (TabB), this Order governs. Both bear on the control of legal and illegal immigration. Primary, secondary and cooperative responsibility for enforcement is divided both in SCAP and in the JG between a number of separate agencies. Because of the ever-changing situation, particularly as it relates to illegal immigration, enforcement efficiency demands that more expeditious means be provided to coordinate the thinking and actions of responsible officials, SCAP and JG.

2. The Facts:

a. Close SCAP-JG enforcement relationship exists for the examination of aliens to determine admissibility at designated air and water ports of entry; the detection and prevention of surreptitious entry at and between open ports and the apprehension, criminal prosecution and/or deportation of those who succeed in evading coast patrols or who, having entered legally, fail to comply with the conditions of entry.

b. In the enforcement of Cabinet Order 319, the Immigration Agency of Japan has primary responsibility for promulgating uniform regulations, for the examination of aliens at the open ports, and for according all hearings to determine rights of aliens to enter, pass through or reside in Japan. It likewise passes upon all matters involving the immigration status of lawfully admitted aliens. The National Rural Police and the Maritime Safety Board have primary responsibility for patrolling external boundaries; whereas the NRP and Municipal Police share responsibility for the apprehension of illegal entrants who reach interior points. A number of other agencies of Japan share cooperative interest in alien controls.

c. On the Allied Forces side, G1, AG, G2, DS, ESS, LS, GS, MS, JLC, COMNAVFE and FEAF, either have direct responsibility for maintaining surveillance over Japanese agencies performing alien control functions or interest in the effectiveness, or lack thereof, of immigration controls.

d. With a view to attaining maximum coordination of effort and in order to better coordinate with SCAP officials, the Immigration Agency of Japan has set up a committee known as the "Immigration Control Liaison Conference" composed of officials of fifteen agencies. This committee is completely

DS File

FEC AGO Form No 37a
(13 Dec 49)

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C
O
P
Y

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.:

Subject: Immigration Controls

Note No.	From: G1 To: C/S Date:
1. (Cont'd)	organized and has held its second monthly meeting. Special meetins are held as required. The executive committee meets weekly.

3. Discussion:

Since it is the desire of SCAP to relinquish full control of non-Allied Forces immigration to the Japanese Government at the earliest practicable date and since the determination of when and to what extent such controls can be relinquished is of primary interest to a number of Allied Forces officials, it would appear logical to set up a committee paralleling the one formed by the Japanese Government. Such a committe should prove advantageous in presenting a "united front" to the proper Japanese officials, because decisions reached and approved can readily be passed through normal personal-contact channels on an informal basis. Thus important procedures and enforcement techniques can be suggested for adoption with a view to immediate improvement in enforcement and a much better chance that such improvements will survive in the post-treaty period.

4. Conclusion:

The known lack of efficiency with which alien controls are presently being enforced by the Japanese impels the conclusion that such a committee should be established without delay.

5. Recommendation:

a. Approval of proposed check note to G1, AG, G2, DS, ESS, LS, GS, and MS (Tab C).

b. Approval of proposed letter to JLCOM, COMNAVFE and FEAF (Tab D).

6. Concurrences: G2 _____
AG _____
DS _____
ESS _____

FEC AGO Form No 37a
(13 Dec 49)

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COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.: Subject: Immigration Controls

Note No. 1. (Cont'd)

From: G1 To: C/S Date:

Concurrences (Cont'd):

LS _____

GS _____

MS _____

4 Incls
1. TAB A - Cabinet Order No. 319, 1951.
2. TAB B - SCAP Cir 14, 22 Oct 51.
3. TAB C - Ppsd C/N w/1 incl.
4. TAB D - Ppsd Ltr w/1 incl.

- B. L. M. - - - - - - - - - - - - -

From: DS To: G-1 Date: 8 Jan 52

2. 1. DS agrees with the proposal that a committee be inaugurated as a counterpart to the Japanese "Immigration Control Liaison Conference" in order to assist in turning over immigration control functions from SCAP to the Japanese Government. However, it is not clear from the draft actions that the scope of the proposed committee would be primarily concerned with such a transfer of functions.

2. Therefore concurrence by DS would be contingent upon an amendment to paragraphs 2 of TAB C AND TAB D to provide that the purpose of the Committee will be directed toward the transfer of all immigration controls to the Japanese Government, and will not constitute an extension of SCAP functions.

4 Incls: n/c

- W. J. S. - - - - - - - - - - - - -

FEC AGO Form No 37a
(13 Dec 49)

9981—FEC Printing Plant—12/49—20M

Tab C

D R A F T

Lt Col Benson/chj 26-6600

Subject: Committee on Immigration Control

From: Fact-finding & Coordinating Comm on Immigration Control

To: G1
AG
G2
DS
ESS
LS
GS
MS

Date:

1. 1. A Fact-finding and Coordinating Committee on Immigration Control is established.

2. The purpose of this committee will be to study all phases of immigration control and to make recommendations for improvement in immigration enforcement.

3. The committee will be composed of representatives from G1, G2, ESS, DS, LS, GS, AG, MS, JLCOM, NAVFE and FEAF.

4. The initial meeting of the committee will be held at 0930 hours, (as soon as practical after approval), in Room 537, NYK Building, Tokyo. An agenda is attached.

1 Incl
Agenda

- D. O. H. - - - - - - - - - - - - -

D R A F T

D R A F T

Initial Agenda for Meeting of Fact-finding and Coordinating Committee on Immigration Controls, Meeting of _____, 0930 hours, NYK Building, Tokyo, Japan

1. Meeting to be called to order by representative from G1, GHQ, Chairman pro tem.
2. Identification of each member with a brief statement for the record of the responsibility or interest of his agency in maintaining effective immigration or related controls.
3. Designation of a permanent Chairman.
4. General discussion of the present situation as it relates to immigration controls; enforcement weaknesses and beneficial actions which individual members of the committee may take through personal contacts with responsible Japanese officials or which the committee as a whole may recommend.
5. Determination of need for special sub-committees to make surveys, studies and report on specific matters and the designation of such committees by the Chairman, if required.
6. Discussion of questions raised by Japanese officials in relation to immigration controls which require or appear to require committee action.
7. Determination of the extent, if any, to which surveillance by Allied Forces over immigration controls may be reduced or eliminated at present and the extent to which liaison with responsible Japanese officials would presently serve the purpose of the Allied Forces and be desirable in the post-treaty period.

D R A F T

Incl

Initial Agenda for Meeting of Fact-finding and Coordinating Committee on Immigration Controls (Cont'd)

8. Any other matter related to immigration controls which requires or appears to require the immediate attention of the committee.

Tab D

D R A F T

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 334 ( )GA

SUBJECT: Committee on Immigration Control

TO: Commanding General, Japan Logistical Command, APO 343
Commander, United States Naval Forces, Far East, Navy No. 1165
Commanding General, Far East Air Forces, APO 925

1. A Fact-finding and Coordination Committee on Immigration Control is being established by this headquarters.

2. The purpose of this committee will be to study all phases of immigration control and to make recommendations for improvement in immigration enforcement.

3. It is desired that addressee commanders designate a representative to this committee.

4. The initial meeting of the committee will be held at 0930 hours, (as soon as practical after approval), in Room 537, NYK Building, Tokyo. An agenda is inclosed.

BY COMMAND OF GENERAL RIDGWAY:

1 Incl
Agenda

D R A F T

D R A F T

Initial Agenda for Meeting of Fact-finding and Coordinating Committee on Immigration Controls. Meeting of _____, 0930 hours, NYK Building, Tokyo, Japan.

1. Meeting to be called to order by representative from G1, GHQ, Chairman pro tem.
2. Identification of each member with a brief statement for the record of the responsibility or interest of his agency in maintaining effective immigration or related controls.
3. Designation of a permanent Chairman.
4. General discussion of the present situation as it relates to immigration controls; enforcement weaknesses and beneficial actions which individual members of the committee may take through personal contacts with responsible Japanese officials or which the committee as a whole may recommend.
5. Determination of need for special sub-committees to make surveys, studies and reports on specific matters and the designation of such committees by the Chairman, if required.
6. Discussion of questions raised by Japanese officials in relation to immigration controls which require or appear to require committee action.
7. Determination of the extent, if any, to which surveillance by Allied Forces over immigration controls may be reduced or eliminated at present and the extent to which liaison with responsible Japanese officials would presently serve the purpose of the Allied Forces and be desirable in the post-treaty period.

Initial Agenda for Meeting of Fact-finding and Coordinating Committee on Immigration Controls (Cont'd)

8. Any other matter related to immigration controls which requires or appears to require the immediate attention of the committee.

Lt Col Kuehner 26-6072

Japanese Immigration Law

18 Oct 51

GS

RCAS

1 1. Reference is made to the attached copy of a letter from USCAR concerning the Japanese Immigration Law.

2. Request assistance of GS in obtaining copies of the orders mentioned for transmittal to the Deputy Governor, together with any other pertinent information that may be available.

1 Incl
a/s

- - - -

2 October 1951

MEMORANDUM FOR THE RECORD

SUBJECT : Cabinet Order for Immigration Control

1. At 1000 hours the Cabinet draft of the above order was presented at a conference at Government Section. Mr. Masaki, Mr. Nakata, and Mr. Kawakami of the Japanese Foreign Office presented the draft to GHQ representatives from GS (Major Monagan), DS (Mr. Sullivan), LS (Dr. Oppler, Mr. Reese), G-1 (Lt. Col. Benson), and G-2 (Mr. Wheeler).

2. The conference concluded with the adoption of the draft as presented. However, extended discussion was had concerning the differences between Article 23 (f) of the Immigration Control Order and Article 16(2) of the Alien Registration Ordinance. Article 16(2) provides for deportation upon a sentence of imprisonment, whereas Article 23(f) provides for deportation upon sentence of punishment heavier than imprisonment. Since Koreans and certain Formosans only are affected by the Alien Registration Law (Article 16 (2)), this means that deportation in their cases may be accomplished under a lower standard than is now required under the Immigration Control Order. It was concluded that while discrimination might be spelled out based on this provision alone, that the causes for which Koreans and Formosans could be deported now are extremely limited in number; therefore, their position was in fact more favorable than if they were covered by the provisions of the Immigration Control Order. It was also pointed out that any claimed discrimination could be the basis of criticism for a limited time only and that even the words "for the time being" precluded any inference of permanent discrimination. Other technical matters were discussed but an adjustment of these was found to be possible without alteration of the draft as submitted.

3. All SCAP sections represented at the conference concurred in the draft. It should be stated that the lucid presentation given the Japanese representatives under the direction of Mr. Masaki was of substantial help in reaching the successful conclusion of the conference.

W E Monagan Jr.
W. E. MONAGAN
Major

HR

2 Incls
1. C.O. for Immigration Control (draft)
2. Ordinance for Registration of Aliens

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

29 September 1951

MEMORANDUM FOR RECORD:

SUBJECT : Immigration Control Order.

1. At 1330 hours on 29 September 1951, Mr. Rizzo in the presence of the undersigned advised Mr. Masaki of the Foreign Office, Japanese Government, that the proposal presented earlier in the day by Mr. Kimura (Tab A) was totally unacceptable to G.H.Q., and further that any proposal of a similar nature was likewise unacceptable.

2. After a preliminary discussion in which the salient points of the G.H.Q. proposal concerning the Immigration Control Order were discussed, the attached paper (Tab B) was handed to Mr. Masaki for the use of the Japanese Government.

3. It was particularly made clear that the policy was that all deportations under either Ordinance No. 207 or the proposed Order should be along identical lines, and that any conflicts between the two laws were to be reconciled within the Japanese Government.

4. It was decided that any representations to the Japanese Government concerning the competence of Mr. Tanaka of the Immigration Agency to carry on further discussions on this subject would be referred to his immediate superior at a later date.

Walter E. Monagan Jr.
WALTER E. MONAGAN, JR.
Major, INF.
Special Assistant, Foreign Affrs.

2 Incls:
Tab A - Proposed Amendments to the draft Cabinet Order for Immigration Control and to the draft Alien Registration Order.
Tab B - Proposal concerning Immigration Control Order.

Noted
JR

GS Files

Proposed Amendments to the draft Cabinet Order for Immigration Control and to the draft Alien Registration Order

September 29, 1951
Immigration Agency

1. Paragraph 12 and paragraph 13 of the Supplementary Provisions of the draft Cabinet Order for Immigration Control shall be deleted:

2. Paragraph 8 of the Supplementary Provisions of the draft Alien Registration Order shall be deleted and in its instead paragraph 3 and paragraph 4 shall be inserted anew as follows:

3 Regardless of the provision of the preceding paragraph, the ~~former~~ existing Ordinance for Registration of Aliens shall still have its effect in the case of Koreans and Formosans:

4 The provisions under Chapter V of the Cabinet Order for Immigration Control shall apply to the deportation ~~of Koreans and Formosans~~ proceedings as provided for by the preceding paragraph.

4. In the case of deportation proceedings under the Ordinance for Registration of Aliens, the provisions of Chapter V of the Cabinet Order for Immigration Control shall apply.

29 September, 1951

PROPOSAL CONCERNING THE IMMIGRATION CONTROL ORDER:

1. The firm GHQ position on the above matter is as follows:

a. That paragraphs 10 and 11 of the supplemental provisions of the Cabinet Order for Immigration Control be deleted;

b. That Imperial Ordinance 207 of 1947 be permitted to stand and that the proposed enactment of a new Alien Registration Act be held in abeyance. Any conflicts which may be found to exist between the provisions of Ordinance 207 and the provisions of the new Immigration Control Order shall be resolved within the Japanese Government.

c. That Imperial Ordinance No. 207 of 1947 be amended to make applicable thereto the procedures for deportation set forth in Chapter V of the Immigration Control Order.

File

Government Section

31 August 1951

MEMORANDUM FOR THE RECORD:

SUBJECT: Immigration

The following information was received from Mr. Collaer by telephone:

Paragraphs 10 and 11 of the Supplementary Provisions of Cabinet Order on Immigration:

Paragraph 10. - Any person who is not subject to the application of the Family Registration Law (Law No. 224 of 1947) shall be regarded with respect to the application of this cabinet order for the time being as an alien.

Paragraph 11. - The provisions of Paragraph 10 shall not apply to those persons mentioned in that paragraph who are Japanese nationals and have continuously resided in Japan since prior to September 1945 other than those who come within the purview of the provisions of Article 24, Paragraph 1., Item 4, Sub-Item f.

A conference was called by G-1, GHQ, on 30 August with the following present:

Mr. WAJIMA, assisted by Mr. TANAKA, Mr. ITO and two others, representing the Japanese
Mr. Sullivan, Diplomatic Section
Dr. Oppler, Legal Section
Colonel Benson, G-1
Mr. Reese, Legal Section
Mr. Collaer, Visiting Immigration Expert

It was agreed at the conference that the above-mentioned Paragraphs 10 and 11 of the Supplementary Provisions of Cabinet Order on Immigration would be submitted to the Japanese Government.

MM

Government Section

27 August 1951

MEMORANDUM FOR THE RECORD:

SUBJECT: Immigration Control

Colonel Benson, G-1, requested the undersigned to help Mr. Collaer, visiting immigration expert, on a problem raised by the Japanese Government Immigration Agency on the proposed three cabinet orders relating to immigration. The cabinet orders were to be presented on the morning of 27 August to the Vice Minister's Conference. Subject to the approval of the Vice Minister's Conference, the cabinet orders would be submitted to the last Cabinet meeting on 28 August, prior to the departure of the Prime Minister to the United States.

G-1 desires to turn over to the Japanese Government all matters relating to immigration. The undersigned discussed the question with Mr. Kimura on 25 August, who in turn requested Mr. Tanaka, Chief of the Immigration Agency, Foreign Office, to report to the undersigned.

Mr. Tanaka stated that at the present time all persons in Japan were required to have a SCAP permit. Those conducting the immigration activities felt that as long as SCAP had granted clearance to these people, the Japanese Government had no jurisdiction or right to consider whether the entry of the individual into Japan was desirable. Therefore, the Immigration Agency desired the right to issue the entry permit even if SCAP reserved the right to final clearance.

After discussing the question with Colonel Benson, the undersigned gave Mr. Tanaka a copy of the proposed revision of Circular No. 3 and two SCAPINs. He was informed that these were presently being circulated within GHQ for concurrence. As to the date the circular and the SCAPINs would be effective, no definite information is available. Upon reading the revision of Circular No. 3, Mr. Tanaka was greatly relieved as this would allow the Japanese Government to deny the entry of an individual into Japan even though he had obtained a SCAP entry permit, if he violated any of the requirements set forth in the proposed Japanese cabinet order. In other words, if an individual had received a SCAP permit to enter Japan and upon arrival at the port of entry the Japanese Government decided that he was mentally deranged, they could, through consultation with the GHQ section concerned, deny the individual entry into Japan.

MEMO FOR THE RECORD 27 August 1951

G-1, though willing to turn over all immigration duties to the Japanese, is concerned with the lack of organization and personnel to handle this present situation in the Japanese Government. Therefore, they desire to gradually turn over various aspects of the immigration duties as the Japanese Government is considered capable of handling the function. They desire to do this as informally as possible, preferably without the use of a SCAPIN.

Mr. Tanaka expressed great appreciation for the cooperation Mr. Collaer has given him in trying to impress the Japanese Government with the importance of setting up an Immigration Agency which will carry on such duties in accord with existing international practices. He said the concept of an Immigration Agency as shown him by Mr. Collaer was absolutely lacking in the Japanese Government. As far as the majority is concerned, immigration only meant the deportation of Koreans and Chinese. He intends to confine his organization to a small and compact unit which will be increased only as those concerned begin to understand this problem.

MM

file

The definition of "alien" in the Immigration Control Order:

The term "alien" shall be defined to mean any person without Japanese nationality who does not come under any of the follwing sub-items:

a. Members of the armed forces or any member of the United Nations.

b. Those officially attached to the Occupation forces or accompanying same under service therewith.

c. United Nation nationals (including judicial personnel) who enter Japan on official duty.

d. Spouses, lineal relatives, brothers and sisters, and other dependents accompanying the persons listed in sub-items a., b., and c.

"Koreans or any other persons possessing Japanese nationality and who were residents in Japan from 2 September 1945 should not be subject to deportation."

TOKYO 10 JULY 1951

Mr. Matsukada:

Herewith, in duplicate, the communication from Mr. Kitajima of Japanese Customs Service to Mr. Suzuki, Director of the Immigration Agency, which you have requested.

With reference to the attachment I offer the following comment in addition to that contained in my informal memorandum to Col. Benson of the 7th instant:

1. A study is being made by the Immigration Agency to determine on the basis of past experience which of the 58 ports of entry are of sufficient importance to justify separate customs and immigration forces and which can be handled (as we do in the U. S.) by immigration officers delegated to act as customs officers or vice versa. When this study has been completed a short conference with customs officials should overcome the entirely visionary difficulties anticipated by Mr. Kitajima.

2. "A chain is no stronger than its weakest part" and if Mr. Kitajima persists in his attitude that the screening of applicants for admission to any democratic country can be done on an "assembly line" basis and that such work should be performed only when officers can spare the time "from their customs duties" it would be well for Japan to man all ports with trained immigration officers, otherwise the present infiltration will continue; large-scale use of bogus documents can be anticipated and the officers trained in using rubber stamps instead of their heads will provide little or no deterrent effect. If, on the other hand, the Customs Service realizes the importance of screening applicants for admission; sends its officers to the Immigration Agency Training Instituted (provided for in the Establishment Order) there is no reason why immigration-customs officers should not function at the small ports of entry. The same would hold true of immigration officers designated to perform the duties of customs officers - they MUST be trained.

3. Mr. Kitajima's statement that new offices and buildings would be necessary and that greatly increased personnel would prove essential has not been borne out in the United States for at the large ports a certain number of officers are engaged full time in immigration and customs work and at the smaller ports they operate from the same offices and often perform both services.

4. Mr. Kitajima's suggestion that cases involving doubtful admissibility would be delivered to the immigration officers, is, obviously, impracticable, for no applicant for admission at a port of entry should be removed to an interior point; thus separating him from the ship on which he should be returned if excluded, his witnesses and the responsible officials of the carrier some of whom may be subject to criminal prosecution of fine for conniving in his illegal entry.

NDC

Finance-Tax-No. 736

FROM: Mr. Kitajima, Takeo, Chief of Customs Division, Tax Bureau, Finance Ministry

TO: Mr. Suzuki, Hajima, Director of Immigration Agency

SUBJECT: Proposal concerning draft Cabinet Order for Immigration Control

16, June 1951

Submitted herewith is the opinion of this Division concerning the Cabinet Order for Immigration Control now being drafted at your Agency. It is respectfully requested that you give your kind consideration to the purport thereof.

RE: Cabinet Order for Immigration Control

1. It is proposed to cause certain class of customs officials specially trained in the indorsement business, to execute the same without abolishing the prevailing system under which immigration officials who are customs officials execute this business at the custom-house and assigning specially immigration inspectors in their stead, and for this purpose to make necessary amendments to the customs Law by which to fix the endorsement business for normal entry and exit as the duty of the customs official.

2. It is also proposed, that in case the customs official finds a person subject to exclusion from admission to Japan or a person subject to deportation under the Cabinet Order for Immigration Control., etc. he shall transfer the person to Immigration Inspector at the nearest locality and that a new provision be made in the Customs Law for this purpose.

(As regards the transfer to the Immigration Inspector, there are instances such as the transfer by the Maritime Safety Official or cases of offenses of the Customs Law to the Customs Official or transfer by the Customs Official of cases of offenses of the Narcotic Control Law to the Narcotic Control Official)

3. It is proposed therefore, on the basis of the above proposals, that Article 101. 5. of the Customs Law be amended as follows:

Any person who wants to enter into Japan or depart from Japan (excepting Occupation Forces personnel, military and civilian,

members of the Allied Council for Japan, personnel assigned to diplomatic missions accredited to the Supreme Commander for the Allied Powers, and their dependents, travelling under official orders) shall not enter into or depart unless he possesses a passport or other substitute issued by competent government organization and endorsed by means of stamping by the Customs Officials.

In the case of the preceding paragraph, the Customs Official may put necessary questions.

The Customs Official shall be disallowed to stamp the endorsement under parggraph 1 in respect of the person not eligible for entry or exit in accordance with the provisions of law or orders concerning immigration control.

The Customs Official shall, if he does not stamp endorsement under paragraph 1 or refuses to permit entry or exit, transfer the case to the Immigration Inspector at the nearest district.

Article 101, 5.

Any person who wants to enter into or depart from Japan (excepting Occupation Forces personnel, military and civilian, members of the Allied Council for Japan, personnel assigned to diplomatic missions accredited to the Supreme Commander for the Allied Powers and their dependents, travelling under official orders) shall nottenter or depart unless he possesses a passport or other substitute issued by competent Government organization and endorsed by means of stamping by Immigration Officials.

In the case of the preceding paragraph, the Immigration

official may put necessary questions.

REASONS

Planning of administrative structure should be wedded to the actual so that the practical operation may be conducted most efficiently and smoothly, and at the least expense. It should never be mapped out in an idealistic manner and removed from realities.

The immigration endorsement service rendered in respect of passports and others constitutes a chain of relation with the service concerning personal effects and money carried by persons who enter into or depart from Japan and others under the Customs Law and the Customs Tariff Law, and the service of inspection or registration and the like under the Cabinet Order for Foreign Exchange Control . Especially in regard to the issuance of the foreign exchange record-book, there is a necessity to enter it in the passport and so it is most convenient for any person who enters into or departs from Japan to have this service performed simultaneously by customs-houses.

In order to operate the immigration control service at all our open ports totalling 58 at present, it becomes necessary to set up at each of such ports an independent Government office and to assign immigration inspectors thereto. If the assignment of immigration inspectors is limited to important ports, it will necessarily follow that in the case of a vessel's arriving at another class of open port passengers or crewmen of the vessel are incapable of going ashore; some of such officers must be dispatched there to stamp the necessary endorsement. It will be impossible to cope with the emergencies in which an unexpected necessity occurs for granting a shore pass on account of disease or other accidents and thus both the persons and the vessel entering into or departing from Japan may experience much inconveniences and receive unfavorable impression.

3 According to the present practice, a custom house requests in virtue of passengers, a list of ship's stores, manifest, the list of passenger's personal affects, and the list of crewmembers for the use of inspection for customs clearance. If the Immigration Inspector requests the same in addition to the above procedure more troublesome procedures that those follow at present will be imposed upon the vessels entering into or departing from Japan.

4 From a budgetary viewpoint as well, establishment of an independent government office at each open port for immigration control will necessarily require more office buildings, water craft, and other facilities and a great deal of personnel, and result in the increase of financial burden, and on the other hand it will be in conflict with the spirit of simplified administration.

5. The Immigration endorsement service forms an "assembly line operation" relation to the other general branch of customs service and can be satisfactorily performed by the location of the place where it is effected by transferring part of the personnel of the custom-house thereto, when they have spare time from their

customs duties. The fixed number of immigration officials presently assigned to custom-houses is 120, but the person specially engaged as such number only 35 and the remainder is accounted for by customs personnel concurrently engaged in this service.

However, they meet not infrequently the approbation of the authorities concerned in regard to their accomplishment.

This is solely due to the working of administration as referred to in the foregoing items.

Tokyo 7 July 1951

Informal memorandum for
Lt. Col. R. T. Benson, G-1

SUBJECT: Views of the heads of the NRP, Customs, and Maritime Safety Board in regard to the proposal to fix responsibility in the Immigration Agency of Japan for all work involving alien control.

Herewith memoranda received from the Immigration Agency setting forth the view of Mr. Saito and Mr. Kitajima, heads of the National Rural Police and Customs Division, respectively, in the foregoing connection. It is understood that the Maritime Safety Board has indicated that it will interpose no objection to full coverage of alien control being fixed in the Immigration Agency.

The NRP feels it should handle all aspects of alien control with the exception of the inspection of aliens arriving at designated ports of entry. It would handle depertation through hearings before procurators exclusively as at present and the proposed provisions of law relating to reentry permits, administrative relief, appeals to the Immigration Review Committee, and other safeguards thrown around the procedures involving the handling of aliens, would, apparently be ignored. In other words, the clock would be turned back to 1939 when the police handled aliens in much the same manner as they are presently handled in all Iron Curtain countries.

Since the SCAP has indicated that he is opposed to police control of immigration it appears that no consideration can be given to Mr. Saito's suggestions at this time. It is pointed out however that the proposed order for alien control provides that the closest cooperation shall exist between the NRP, Customs, Maritime Safety Board in carrying out the order. This is definitely as it should be. There is no reason why the NRP can not apprehend suspected illegal entrants and get credit for their

155

arrest by delivering them to the nearest immigration inspector for appropriate action.

Mr. Kitajima, on the other hand, apparently feels rather deeply that the proposal to place supervision of the inspection of arriving aliens under trained immigration inspectors working directly under supervisors with thorough and ready knowledge of immigration and nationality laws and the procedures thereunder which have the effect of law, would be inefficient, uneconomical, and unrealistic; that the "stamping" of passports for immigration purposes constitutes but an "assembly line operation" which can be "satisfactorily performed by ..... transferring part of the personnel of the customs-house thereto, when they have spare time from their customs duties." It might be stated parenthetically that Mr. Kitajima has unwittingly pointed out the reasons why the enforcement of immigration controls in the United States were as early as 1904 taken from Customs and placed in the hands of trained immigration officers. It is quite apparent that Mr. Kitajima does not realize that the screening of arriving passengers and crewmen in this period of the world's history is entirely too important a function to be relegated to "assembly line operations" handled on an if, when, and as, customs-officers-are-available, basis.

Neither Mr. Saito or Mr. Kitajima are cognizant of what "effective" immigration controls "under generally accepted international practice"(SCAPIN 2083) entails. They are entirely inexperienced. The suggestion by Mr. Saito that he would handle all alien control matters judicially and by Mr. Kitajima that would deliver to the nearest immigration inspector aliens believed by customs inspectors to be inadmissible, clearly supports this assertion.

No alien controls worthy of the name now exists in Japan. Certain it is that they do not suffice for the turbulent period ahead.

The difficulties envisaged by both these gentlemen, can, I believe, be handled very nicely providing all agencies cooperate fully. In fact, with each agency devoting its full energy to these functions for which trained, better enforcement at lesser cost can be antitipated. It is my conviction that regulations can be drawn under the proposed orders which will overcome all of the difficulties mentioned and I shall be glad to work with the interested officials to that end.

NDC

Tokyo 7 July 1951

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The NRP feels it should handle all aspects of alien control with the exception of the inspection of aliens arriving at designated ports of entry. It would handle deportation through hearings before procurators exclusively as at present and the proposed provisions of law relating to reentry permits, administrative relief, appeals to the Immigration Review Committee, and other safeguards thrown around the procedures involving the handling of aliens, would, apparently be ignored. In other words, the clock would be turned back to 1939 when the police handled aliens in much the same manner as they are presently handled in all Iron Curtain countries.

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EDC

GOVERNMENT SECTION

6 July 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Immigration

On 5 July 1951, Mr. Saito, Director of the National Rural Police, called on the undersigned to discuss the relaxation of SCAPINs 93 and 115.

He was informed that this was being handled by Mr. Kimura, who was representing the Japanese Government as a whole. Mr. Saito stated that he had transmitted some information concerning this matter to the Attorney General and if Mr. Kimura was handling it, he would coordinate it on the Japanese side.

The undersigned discussed with him the problems concerning the immigration law and the immigration agency establishment law. Mr. Saito expressed surprise when the undersigned informed him that the information available showed that the National Rural Police were in complete opposition to the present lawsbeing drafted. He stated that he had not been informed on these laws.

He has agreed to obtain the Japanese copy from the Immigration Agency and study the laws with the object of ironing out some discrepancies which exist between the present police law and the proposed law.

Colonel Benson of G-1 was informed of this conference and it was agreed that as soon as Mr. Saito has had a chance to study the proposed law, a joint conference would be held with G-1, Mr. Collaer, the undersigned and any other interested parties.

MM

GOVERNMENT SECTION

27 June 1951

MEMORANDUM FOR: Chief, Government Section

SUBJECT: Immigration and Control of Aliens in Japan

SCAP has issued the following SCAPINS:

SCAPIN	TITLE	JG ACTION
AG 014.33 (12 Jun 46)GC SCAPIN 1015 - TAB II	Suppression of Illegal Entry into Japan	Implemented
AG 000.5 (10 Dec 46)GC SCAPIN 1391 - TAB III	Suppression of Illegal Entry into Japan	Implemented
AG 091.1 (28 May 49)GA SCAPIN 2019 - TAB IV	Establishment of Immigration Service	Implemented by Cabinet Order No. 299
AG 000.5 (21 May 49)GE/ CIS/PSD, SCAPIN 2055 - TAB V	Suppression of Illegal Entry into Japan	Implemented
AG 014.311 (3 Feb 50)GA SCAPIN 2082 (Rescinds SCAPIN 2019) - TAB VI	Immigration Service	Implemented by Cabinet Order No. 299
AG 720.4 (3 Feb 50)GA SCAPIN 2083 - TAB VII	Customs, Immigration and Quarantine Operations	Implemented
AG 014.39 (15 Sep 50)GA SCAPIN 2122 - TAB VIII	Immigration	Implemented by Cabinet Order No. 295

The above-listed SCAPINS have all been implemented by Cabinet Orders or Ministry Orders.

Although the Japanese Government has implemented SCAPIN 2083 by Cabinet Order No. 33, the date of implementation has been extended indefinitely by Cabinet Order No. 155 of 15 May 1951.

G-1 was interested in having SCAPIN 2083 implemented in order that they would be able to turn over all related duties to the Japanese Government. They argue that Cabinet Order No. 33, if implemented, will not be desirable. The reasons are stated in an informal memorandum for Colonel Danson, G-1,

MEMORANDUM FOR: Chief, GS

27 June 1951

GHQ, from Mr. Collaer, USI&N Service, RTD., Visiting Expert — Page 9 through 16 of TAB I. This memorandum was borrowed informally from Colonel Benson. Actually G-1 would like to have the Japanese Government rescind Cabinet Order No. 33 and implement the proposed Cabinet Order presently being drafted by Mr. Collaer in cooperation with the Japanese Government agencies concerned. The draft is almost completed and is satisfactory to all SCAP Sections concerned. It is still questionable whether the Cabinet will accept it but the Vice Minister of Foreign Affairs has informally informed Mr. Collaer that the Japanese Government is willing to accept the present Cabinet draft.

It is recommended that if the Japanese Government is desirous of implementing the present draft Cabinet Order and this is done by an amendment to Cabinet Order No. 33, Government Section concur. However, if the Japanese Government plans to rescind Cabinet Order No. 33 and issue a new Cabinet Order, it is recommended that Government Section disapprove such action.

MM

COPY

Tokyo, Japan
12 June 1951

TAB I

Informal Memorandum for

Lt. Col. R. T. Benson, G-1, GHQ, SCAP

Subject: Progress of efforts to have Japan implement SCAPIN No. 2083 of 20 February 1950 through the adoption of "effective" controls of immigration "in agreement with generally accepted international practice."

* * * * * * * * * * * * *

CHAPTER IV

IV. DRAFT OF PROPOSED CABINET ORDER WHICH THE IMMIGRATION AGENCY PROPOSES BE SUBSTITUTED FOR CABINET ORDER NO. 21

In many respects the above document, attached and marked "Exhibit C", is a big improvement over anything so far adopted or suggested for adoption. However, it is fatally weak in two respects at least:

1. It does not eliminate the present confusion and inefficiency resulting from a five-way division of responsibility for enforcement and

2. It adds still another division of responsibility, thus increasing the confusion and inefficiency, by providing that the judicial courts shall have supervision over the issuance of detention orders under deportation proceedings.

It is quite apparent that Japanese officials feel that to authorize the administrative officers to issue detention orders would be violative of Article 33 of their constitution which provides: "Article 33. No person shall be apprehended except upon warrant issued by judicial official which specifies the offense being committed." It appears from other articles, notably Article No. 22, that the framers of this constitution had in mind criminal laws whereas immigration laws are civil in nature and the purpose of detention is not punitive in character.

Other weaknesses are:
1. Definitions of terms employed are inadequate.
2. The exclusion of illiterates (p. 9) should not apply to

seamen or to aliens coming in continuous transit or to persons over 55 coming temporarily with a literate spouse or children over 16 who are literate.

3. The provision for the exclusion of traffickers in narcotics (par. 8, p. 10) would be extremely difficult to enforce for "intent" must be established. It would greatly facilitate the handling of such cases if only illegal possession would have to be established.

4. The provision for exclusion stated in par. 11, (p. 10) is not clear.

5. The provision for exclusion stated in par. 12, (p. 10) is entirely too vague. A high percentage of all thinking people "advocate" or "encourage" military training. The term "semi-military training" should be fully defined.

6. The exclusion provisions covering subversives (p. 11) are poorly stated and will doubtless cause endless difficulties. I feel that the grounds stated in "Exhibit B" p. 14, 15 and 16 should prove much more effective and leave much less to judicial interpretation. The Special Investigations Bureau, Attorney General's Office, is understood to also be preparing legislation on this subject.

7. Par. 3, (p. 16) provides that aliens shall not be excluded on subversive grounds without the approval of the Director. The delay incident to submitting to the Central Office the transcribed record in each such case will doubtless result in the alien missing his aircraft or boat. If the grounds for exclusion were spelled out more fully, it should not be necessary to hold up such cases.

8. Par. 3, (p. 18) provides that the inspector shall stamp an excluded alien's passport to show such action "when he has made" the decision. Since the alien should have the right of appeal (p. 19) the passport should not be endorsed showing exclusion until the outcome of the appeal is known.

9. It is apparently intended (p. 19) that the alien himself will file a written appeal from an excluding decision. Aliens generally have no facilities for the preparation of such documents or briefs. The procedure provided can be greatly simplified by merely requiring, if the primary inspector entertains doubt as to the admissibility of an alien, that he refer the case to a qualified hearing examiner who shall make a complete record of his inquiry. If, upon the basis of his inquiry, he finds the alien to be inadmissible, he should so inform the alien and the record should so reflect, whereupon he should ask the alien if he

wishes to appeal the decision and if so, if he wishes to submit a brief or have counsel do so. If the alien should indicate a desire to appeal the record would be transcribed and forwarded. If, on the other hand, the alien should be determined by the examiner to be admissible, the record need not be transcribed and the alien would be admitted. This procedure appears to be much simpler and more fair and expeditious. In view of the language difficulties that would be involved, in order to perfect an appeal an alien would have to employ counsel or at least a translator. Thus the alien with limited resources would be prejudiced.

10. Under Article 15, (p.22) the decision in the case of an excluded alien rendered by the Director is final. It is felt that such cases should go to the Immigration Board of Review on appeal (p. 69) as in the case of an alien under deportation proceedings.

11. Article 19 (p. 26, 27) appear to perpetuate the old one year residence rule followed in pre-Occupation days. Every alien should be assured sanctuary following permanent admission, as long as he commits no acts which bring him within the deportation provisions of law. I doubt that the Japanese officials had in mind limiting the residence to one year of a tourist who secures a change of status while in Japan to a treaty trader. Under other authority it can be extended but the individual should know where he stands and definitely what his rights may be. No person can make long-term plans on a yearly basis.

12. Article 21 (p. 28) is ambiguous.

13. The same objections expressed to the exclusion provisions regarding subversives applies with equal force to the grounds for deportation (p. 34).

14. Article 26 (p. 38) is ambiguous.

15. Article 32 (p. 44) is not clear, particularly as to what is intended by: "—— demand the voluntary appearance of any person other than the subject him or require him to conduct investigation or to furnish an expert opinion or to act as interpreter and translator."

16. Article 33 (p. 45) is, in my judgement, impracticable, unnecessary and purposeless. Here we begin to get the quasi judicial administrative procedures, which are civil (not criminal or punitive) in character, confused with judicial criminal procedures. It is very doubtful that a judicial judge only may authorize the detention of an alien under the constitution of Japan, whereas,

if it should be so held, the law should carefully define the authority and jurisdiction of the judicial courts and the administrative officers, i. e, the following questions must be answered: Must there be a trial as a condition precedent to the issuance of a detention order? Must the guard or other officer particularize as to the statutory grounds for deportation? To what extent must alienage be established? To what extent must the evidence support the charges - beyond a reasonable doubt or prima facie? Who is to train the judges in order that uniformity will prevail in the enforcement of such laws? Are the courts to be bound by administrative regulations which have the force of law? To what extent must the officers disclose prior to the hearing the evidence supporting their charges? Must they disclose their full case? Is this evidence available to the public? May an alien be represented by counsel before the court? May the court fix bond which must be respected by the Immigration Officer? If a judge refuses to issue a detention order and the alien is released may he be rearrested; if so, under what circumstances? May he be taken before another judge on the same evidence? How would the officers be trained as to what each judge required in the way of evidence to justify the issuance of a detention order? These and many other questions will no doubt arise. It is my conviction that mixed authority between judicial and administrative officers, while theoretically sound perhaps, will not work out in practice; that untold confusion and inefficiency will result if such provisions of law are adopted. I feel that the simple deportation procedures spelled out as an interim measure (Exhibit A) will prove much more efficient and fair if conscientiously followed by well-trained officials. These procedures make the necessary distinction between deportation proceedings and criminal proceedings. It has been difficult for Japanese officials to distinguish between the two - perhaps for the reason that up to now the Immigration Agency has not been concerned with applying laws relating to admissibility and those involving deportability mainly concerned aliens also guilty of criminal violations of the Alien Registration Order. Under the enclosed draft, many aliens will be excludable and deportable who will not be prosecutable criminally and therefore would not be taken into the courts.

17. Article 34 and 35, (p. 46, 47) are objectionable on the grounds above-stated. Additionally, it is pointed out that 60 days will often be found insufficient to complete deportation proceedings and secure a passport and arrange for sailing. There appears to be a conflict between Article 35 and Article 50 (p. 63) where an immigration guard is authorized to detain a person "until it becomes possible to deport him." That may take ten years or more! While the period of detention under the same article is limited to 6 months, the director may extend the time. In the meantime, what is the authority of the court on whose detention

order the alien is being held? Does the Director extend the time of the detention order issued by the court or issue his own?

18. Article 37 and 47 places the burden upon the field officers of the Immigration Agency to submit to both the courts and their Director evidence of alienage and deportability in cases where detentions are involved. Where no physical detention is involved under an outstanding order of detention initially secured to get custody of the alien, the alien having been released by the immigration authorities under bond or otherwise, is the court still interested? Must the court cancel its detention order when an alien is released or must the immigration officials keep the alien confined until instructed to the contrary by the court? I doubt that the officials who drafted this proposed order fully realize its implications in actual practice. This procedure would bring to six, the agencies of government which would have a "finger in the pie" of alien control.

19. Articles 44 & 45 (p. 57, 58) should provide for a verbatim record and the safeguards provided in "Exhibit A" - interim deportation procedures. The requirement that the provisions cited as contained in the Code of Civil Procedures be followed, should be eliminated as unnecessary and calculated to defeat the ends of justice. Formal rules of evidence should be required only to the extent that justice demands, otherwise, many aliens would be precluded from offering evidence in their behalf. Hearsay and other normally objectionable evidence should not be rejected under these proceedings, but its dangers and obvious limitations must be recognized in evaluating the probative value of the evidence.

20. Neither the Director or the Immigration Review Committee can act as intelligently on a report setting forth the information indicated in Article 46 (p. 59) as if they reviewed the entire verbatim record with the findings of fact and conclusions of law of the hearing examiner. Furthermore, the alien's attorney must have a copy of the record in order to prepare his brief, for which provision should be made. Also, many foreign governments will demand copies of proceedings as a condition precedent to the issuance of travel documents for prospective deportees.

21. Article 47 (p. 60) when a decision to deport is reached by the Director he should issue an order directing the deportation and immediately initiate steps to secure the necessary travel document. These functions can best be carried on in the Central Office. Under paragraph 4 of this Article I doubt the advisability

of informing an alien specifically of reasons for his release because even though evidence is not available to support deportation today it may be secured tomorrow and no alien should be informed that he is not deportable. Such information also may form the basis for future claims against the government in the case of an alien who has been detained and later released. As to the alien who is ordered deported, the deportation order itself is sufficiently informative of the action taken - the reasons the alien knows for they were explained to him during the course of his hearing when he was permitted to examine the evidence supporting the charges, and to rebut such evidence.

22. Article 48 (p. 61) The Director's office should issue the deportation order in all cases where the final decision was made on that level. If, following review of status, the alien does not desire a formal hearing, the field supervisor should be authorized to issue the deportation order. All correspondence with foreign embassies, legations, and consulates should be conducted from the Central Office or through the Minister of Foreign Affairs; not by field officers.

23. Article 49 (p. 62) should also provide that the deportation order should show the country to which the alien is to be deported and at whose cost. This article might also provide that in the discretion of the Director the deportation order may be revived and used again should the alien return after deportation as a member of any of the subversive groups. This provision will save a great deal of work and obviate the necessity of according the alien a new hearing.

24. Article 52, 2nd par. (p. 65) I doubt that Japan would assume the cost of deportations of say 100 Japanese from another country or, if she felt that her funds in the other country might be impounded under a law to cover such cost, would issue travel documents to such aliens. I feel this 2nd paragraph is definitely bad and not in line with international practice. It might be well, however, to insert authority to withhold visas to citizens of countries which refuse to issue passports to their nationals who are being deported by Japan. This provision might have a salutory effect in dealing with Iron Curtain Countries.

25. Article 47 (p. 60) and Article 53 (p. 66) provide for a very cumbersome procedure; one calculated to run up maintenance costs and cause considerable delay in ridding the country of

undesirable aliens, i.e., the final decision is made by the Director and the alien is then notified and asked if he wishes to appeal; that if he wishes to appeal he is allowed 10 days and must prepare same in a stipulated form only. It would appear that he should be informed by the hearing officer if found subject to exclusion or deportation and that the alien then and there should be asked if he wishes to appeal. He will be ready to depart upon the return of the decision if adverse to him and thus save considerable time and detention costs.

26. Article 54 (p. 67) I doubt the wisdom of imposing such restrictions on grounds for appeal. These are, or should be, informal proceedings to establish the truth and to be fair. How about an appeal to determine entitlement to administrative relief; a stay of execution until the baby arrives and the wife can travel; to close out a business, to harvest crops, etc. etc. etc. Whatever the grounds may be the alien should be permitted to appeal. Few are lawyers. Many cannot afford lawyers. The alien should be permitted to have the appeal decision stand on the written record or should have the privilege of submitting a brief, personally or through counsel, but he should not be limited as to what he may cover in the brief except that no new evidence submitted should be considered unless and until it has been introduced during the hearing and the Government or the alien has had ample opportunity to rebut it.

27. Article 56 (p. 69) I can think of no circumstances under which the Immigration Review Committee would have to inform the Director of an appeal, for all records of hearings should go through channels (field supervisor, Director to Committee) with their recommendations. The Immigration Review Committee should be strictly an appelate body. It rules on the basis of evidence submitted and if it cannot intelligently do so on the record, the case should be referred back to the Director with request that the defects be cured through further field action. It may permit oral arguments and consider briefs but accept no new evidence unless the case has been reopened to receive same and the field officers have an opportunity to rebut such evidence.

28. Article 57 (p. 70) Here again it is evident that it is obviously the intent to "try" deportation cases de novo before the Immigration Review Committee. The cost of such a procedure will be tremendous and result in prolonged detentions, high costs of transportation, salaries of guards and other officers. What

should be a fair yet simple procedure, unfettered by formal judicial rules and practices, will, I fear, become so involved that only lawyers can qualify and delays similar to those experienced in the courts will ensue.

29. Article 57 (p. 70) also provides rules governing evidence as contained in the "Code of Penal Procedure." I note that the statute No. 29 of 1890 relates to "civil" not "penal" procedure. In any event, I would recommend against the adoption of such procedure for while some of the provisions might be followed closely under the quasi judicial administrative procedures, others might not apply. It will be much more efficient to adopt entirely new procedures without attempting to tie to an older law designed for entirely different purposes.

30. Article 58 (p. 71) would put the Immigration Review Committee in the business of conducting investigations which should be the function of the force serving under the Director.

31. Article 58 (p. 71) paragraph 4 should also provide that the Director shall proceed with deportation if the alien's appeal is denied.

32. Article 72 (p. 86) should also provide for the seizure of aircraft and vehicles under similar circumstances.

33. Provision should be made for the collection and disposition of fees of all kinds and for the disposition of seized articles and boats.

34. Provision should be made for the rental of concessions at detention stations to the most favorable bidder and such concessions should not be operated by the union of the employees as is presently done at the detention camp at Omura.

35. Definite safeguards should be written into the law to assure fair hearings and to spell out the authority of the courts on review.

* * * * * * * * * * *

/s/Nick D. Collner
Nick D. Collner
USI&N Service,RTD.,
Visiting Expert

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 014.33 (12 Jun 46)GC
(SCAPIN 1015)

APO 500
12 June 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Suppression of Illegal Entry into Japan.

1. Cholera has broken out in Korea and is rapidly reaching epidemic proportions. In view of the grave danger of the introduction of this disease into Japan by carriers transported from Korea to Japan on unauthorized shipping, positive steps must be taken to detect and apprehend ships illegally entering Japanese ports.

2. The Imperial Japanese Government will:

a. Place into effect measures to detect ships illegally entering Japanese ports.

b. Seize all such ships and sail them together with their crews, passengers and cargo to Senzaki, Sasebo or Maizuru, and deliver them to US military authorities at that port.

c. Insure that no crew member or passenger of such vessels is allowed ashore while in Japanese custody.

3. The Imperial Japanese Government will submit to General Headquarters not later than 20 June 1946 a report setting forth the steps taken to implement the provisions of this directive.

FOR THE SUPREME COMMANDER:

s/ J. W. Mann
for JOHN B. COOLEY,
Colonel, AGD,
Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APO 500
10 December 1946

AG 000.5 (10 Dec 46)GC
(SCAPIN 1391)

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH: Central Liaison Office, Tokyo

SUBJECT: Suppression of Illegal Entry into Japan

TAB III

1. Reference is made to :

a. Memorandum from the Supreme Commander for the Allied Powers, file AG 014.33 (12 Jun 46)GC, (SCAPIN 1015), dated 12 June 1946, subject as above.

b. Memorandum from the Supreme Commander for the Allied Powers, file AG 014.33 (9 Aug 46)GC, (SCAPIN 1116), dated 9 August 1946, subject: Suspension of Repatriation Through the Senzaki Reception Center.

2. The memorandums referred to above are rescinded and the following substituted therefor.

3. Since cholera is still prevalent in Korea, positive steps must be continued to detect and apprehend ships which are illegally transporting persons from Korea to Japan.

4. The Imperial Japanese Government will:

a. Continue in effect measures to detect ships illegally entering Japanese ports.

b. Seize all such ships and where possible sail them together with their crews, passengers and cargo to Sasebo or Maizuru and deliver them to United States military authorities at those ports.

c. Place all Korean illegal immigrants apprehended in Japan in cholera quarantine and otherwise medically process them according to existing memoranda covering entrance of persons into Japan. Upon clearance by quarantine officials, transport them to the Sasebo Reception Center by rail.

d. Outload Korean illegal immigrants from the Sasebo Receptick Center on shipping designated for this purpose.

e. Furnish Japanese police for guards aboard trains and repatriation ships transporting Korean illegal immigrants.

BASIC: Memo to IJC, file AG 000.5 (10 Dec 46)GC, (SCAPIN 1391)
subj: Suppression of Illegal Entry into Japan

5. Necessary Allied guards to lend the necessary support and prestige to Japanese police guards and coordinate their activities may be secured on request to the local Allied commander.

FOR THE SUPREME COMMANDER:

s/ R. C. Hersey for
JOHN B. COOLEY,
Colonel, AGD,
Adjutant General

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 091.1 (28 May 49)GA
SCAPIN 2019

22 June 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Establishment of Immigration Service

TAB IV

1. References:

a. Circular 19, General Headquarters, Supreme Commander for the Allied Powers, 23 June 1948, subject, "Control of Entry and Exit of Individuals, Aircraft and Surface Vessels into and from Japan."

b. Circular 1, General Headquarters, Supreme Commander for the Allied Powers, 1 January 1949, subject, "Private Commercial Entrants."

c. Memorandum for the Japanese Government, AG 321 (8 Apr 46) ESS/IE, SCAPIN 941-A, 8 April 1946, subject, "Japanese Customs Organization."

d. Memorandum for the Japanese Government, AG 095 (22 May 48) GA, SCAPIN 1971, 11 February 1949, subject, "Entry of Personnel into Japan to Visit Relatives."

2. a. Effective 1 November 1949 and subject to the supervision of the Commanding General, Eighth Army, the Japanese Government will be responsible for the immigration surveillance of all individuals authorized by the Supreme Commander for the Allied Powers to enter into or depart from Japan (except occupation force personnel traveling under official orders).

b. Currently the Supreme Commander for the Allied Powers authorizes entry into Japan for individuals in the following categories:

(1) Compassionate entries

(2) Correspondents

(3) Commercial entrants

(4) Cultural entrants

(5) Dependents of mission members

(6) Dependents of commercial entrants

(7) Foreign diplomatic officials not assigned to Japan

(8) Government officials or employees

(9) Intransit personnel

(10) Members of staff, Allied Council for Japan

(11) Members of foreign missions accredited to the Supreme Commander for the Allied Powers

(12) Military attaches of foreign missions in Japan

(13) Missionaries

(14) House guests

(15) Tourists

(16) Miscellaneous

3. The Japanese Government will immediately take the necessary action to:

a. Assign the necessary immigration officials to the Customs Detachment currently operating under the supervision of the Commanding General, Eighth Army, at each port of entry designated by Circular 19, General Headquarters, Supreme Commander for the Allied Powers, 1948, and amendments and supersedures thereto. The immigration officials will be under the direct supervision of the Commanding General, Eighth Army.

b. The Japanese Government will establish a central office of record for all clearances granted by the Supreme Commander for the Allied Powers to individuals entering or departing Japan, except occupation force personnel traveling under official orders. This office of record will be known as the "Central Locator Files" and will serve to inform the immigration officials of the Japanese Government working under the supervision of the Commanding General, Eighth Army, of all clearances granted by the Supreme Commander for the Allied Powers. The Central Locator Files will be maintained with sufficient English-speaking personnel on a twenty-four hour basis to receive information from the Supreme Commander for the Allied Powers concerning individuals authorized by him to enter or depart Japan. Upon receipt of such information, the Central Locator Files will notify the immigration officials of the Japanese Government of the clearances granted by the Supreme Commander for the Allied Powers.

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AG 091.2 (28 May 49)OA,
SCAPIN 2019

4. In order that the Central Locator Files may receive information of clearances granted by the Supreme Commander for the Allied Powers, it is desired that a messenger visit the General Headquarters, Supreme Commander for the Allied Powers, promptly at 1200 each Tuesday, Thursday and Saturday to receive a list of clearances.

5. Effective 1 November 1949, the Japanese Government will be responsible for the prevention of the illegal entry of any individual into Japan. It is desired that particular emphasis be placed on entry of individuals through those ports not recognized by the Supreme Commander for the Allied Powers as official ports of entry. Necessary action will be taken by the Japanese Government to deport individuals apprehended as illegal entrants, or individuals who are otherwise in Japan without authority.

FOR THE SUPREME COMMANDER:

/s/ R. M. Levy
/t/ R. M. LEVY,
Colonel, AGD,
Adjutant General.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 000.5 (21 May 49)GB/CIS/PSD
SCAPIN 2055

3 November 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Suppression of Illegal Entry into Japan

TAB V

1. References:

a. Memorandum from the Supreme Commander for the Allied Powers, file AG 000.5 (10 Dec 46)GC, SCAPIN 1391, 10 December 1946, subject, "Suppression of Illegal Entry into Japan."

b. Memorandum from the Supreme Commander for the Allied Powers, file AG 000.5 (23 Dec 47)GC-O, SCAPIN 1391/1, 23 December 1947, subject, "Suppression of Illegal Entry into Japan."

c. Memorandum from the Supreme Commander for the Allied Powers, file AG 000.5 (8 Jul 47)GC-O, SCAPIN 1742, 8 July 1947, subject, "Suppression of Illegal Entry into Japan."

d. Memorandum from the Supreme Commander for the Allied Powers, file AG 560 (5Aug 47)GD, SCAPIN 1758, 5 August 1947, subject, "Exercise of Jurisdiction over Vessels."

e. Memorandum from the Supreme Commander for the Allied Powers, file AG 014.33 (6 Oct 48)GA, SCAPIN 1950, 23 December 1948, subject, "Termination of Repatriation for Ryukyuans."

f. Memorandum from the Supreme Commander for the Allied Powers, file AG 091.1 (28 May 49)GA, SCAPIN 2019, 22 June 1949, subject, "Establishment of Immigration Service."

g. Paragraphs 8 and 9, Section II, Annex III of Memorandum from the Supreme Commander for the Allied Powers, file AG 370.05 (7 May 46)GC-O, SCAPIN 927/17, 9 March 1949, subject, "Repatriation."

2. a. Memoranda referred to in paragraphs 1a, b and c above are rescinded.

b. Paragraph 3 of memorandum referred to in paragraph 1d above is amended to delete reference to Korea.

c. Paragraph 5 of memorandum referred to in paragraph 1e above is rescinded.

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AG 000.5 (21 May 49)GB/CIS/PSD
SCAPIN 2055

d. Paragraph 5 of memorandum referred to in paragraph 1f above is rescinded.

e. The provisions of the memorandum referred to in paragraph 1g above are considered to be in consonance with the provisions of this directive.

3. The Japanese Government is reminded of its responsibility for the prevention of illegal entry of individuals, vessels, crews thereof and cargo into Japan. All persons apprehended as illegal entrants or as individuals who are otherwise in Japan without authority and/or any vessels transporting persons or cargo for illegal discharge into Japan, including illegal cargo, shall be subject to laws, regulations and/or memoranda promulgated by the Supreme Commander for the Allied Powers and the Japanese Government currently in effect or which may be hereafter promulgated.

4. Direct communications between the Japanese Government agencies concerned and appropriate Occupation Force agencies are hereby authorized to implement this memorandum.

FOR THE SUPREME COMMANDER:

/s/ K. B. Bush
/t/ K. B. BUSH,
Brigadier General, AGD,
Adjutant General.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 091.331 (3 Feb 50)GA
SCAPIN 2082

20 February 1950

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Immigration Service

1. a. Rescission. Memorandum for the Japanese Government, AG 091.1 (28 May 49)GA, SCAPIN 2019, subject: Establishment of Immigration Service, 22 June 1949.

b. References:

(1) Circular 3, General Headquarters, Supreme Commander for the Allied Powers, subject: Control of Entry and Exit of Individuals, Cargo, Aircraft and Surface Vessels into and from Japan, 3 February 1950.

(2) Memorandum for the Japanese Government, AG 000.5 (21 May 49)GB, SCAPIN 2055, subject: Suppression of Illegal Entry into Japan, 3 November 1949.

(3) Memorandum for the Japanese Government, AG 720.4 (3 Feb 50) GA, SCAPIN 2083, subject: Customs, Immigration and Quarantine Operations, 20 February 1950.

2. The Japanese Government will immediately assign the necessary immigration officials to ports of entry designated by Circular 3, General Headquarters, Supreme Commander for the Allied Powers, 3 February 1950, to insure adequate immigration surveillance of all individuals authorized by the Supreme Commander for the Allied Powers to enter or depart from Japan (except occupation force personnel traveling on official orders).

3. The Japanese Government will establish a central office of record for all clearances granted by the Supreme Commander for the Allied Powers to individuals entering or departing Japan, except occupation force personnel traveling under official orders. This office of record will be known as the "Central Locator Files," and will serve to inform the immigration officials of the Japanese Government of all clearances granted by the Supreme Commander for the Allied Powers. The Central Locator Files will be

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AG 014.331 (3 Feb 50)GA
SCAPIN 2062
Subj: Immigration Service

maintained with sufficient English-speaking personnel on a twenty-four hour basis to receive information from the Supreme Commander for the Allied Powers concerning individuals authorized by him to enter into or depart from Japan. Upon receipt of such information, the Central Locator Files will notify the immigration officials of the Japanese Government of the clearances granted by the Supreme Commander for the Allied Powers.

4. Effective 25 February 1950, the Immigration Service of the Japanese Government at Tokyo, Yokohama and Kobe is directed to receive applications for exit from Japan and/or exit from and reentry into Japan for any individual in Japan, except occupation force personnel, submitted in accordance with the provisions of reference 1b(1) above.

5. The Immigration Service of the Japanese Government at Tokyo, Yokohama and Kobe is authorized to indorse the passports or other valid travel documents of persons from whom applications have been received in accordance with paragraph 4 above, indicating thereon that permission has been granted by the Supreme Commander for the Allied Powers to depart from Japan and/or depart from and reenter into Japan. Such individual passports may be so indorsed only after completion of the following procedures:

a. Nonoccupation personnel, as defined in paragraph 3b, reference 1b(1) above:

(1) The Japanese Government will indicate its approval or disapproval on one copy of each application received and forward that copy to the Supreme Commander for the Allied Powers daily except Sundays and holidays.

(2) Passports of nonoccupation personnel may be indorsed forty-eight hours after one copy of the individual application has been forwarded to and received by the Supreme Commander for the Allied Powers, PROVIDED that the Immigration Service of the Japanese Government has not been informed that the subject application has been denied or that action on the application has been delayed.

(3) After action has been completed by the Immigration Service of the Japanese Government, a second copy showing action taken will be forwarded to the Supreme Commander for the Allied Powers within twenty-four hours.

b. Residents of Japan as defined in paragraph 3c, reference 1b(1) above:

(1) The Japanese Government will forward three copies of such applications with its approval indicated thereon to the

COPY

AG 011.331 (3 Feb 50)GA
SCAPIN 2082
Subj: Immigration Service

Supreme Commander for the Allied Powers for consideration and decision. Approved applications will be returned to the Immigration Service of the Japanese Government for necessary action.

(2) Passports of residents of Japan may be indorsed only after receipt of approved applications from the Supreme Commander for the Allied Powers by the Immigration Service of the Japanese Government.

(3) After action has been completed by the Immigration Service of the Japanese Government, a copy of the application showing action taken will be forwarded to the Supreme Commander for the Allied Powers within twenty-four hours.

6. Necessary stamps in the form and size indicated in Inclosure 1 will be procured by the Japanese Government for use in indorsing passports of individuals for exit from and/or exit from and reentry into Japan.

7. The Japanese Government is authorized to collect the sum of ¥1000 for each indorsement placed on the passport of an individual in accordance with the provisions of this directive.

8. Direct communication between the Japanese Government agencies concerned and appropriate sections of General Headquarters, Supreme Commander for the Allied Powers, is hereby authorized to implement this directive.

FOR THE SUPREME COMMANDER:

/s/ K. B. Bush
/t/ K. B. BUSH,
Brigadier General, USA,
Adjutant General.

2 Incl
1. Form indicating type of stamps
2. SCAP Circular 3, 3 Feb 50 (for addressee only)

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 720.4 (3 Feb 50)GA
SCAPIN 2083

20 February 1950

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Customs, Immigration and Quarantine Operations.

1. References:

a. Circular 3, General Headquarters, Supreme Commander for the Allied Powers, subject: Control of Entry and Exit of Individuals, Cargo, Aircraft and Surface Vessels into and from Japan, 3 February 1950.

b. Memorandum for the Japanese Government, AG 130 (18 Jan 49) ESS/FIN, SCAPIN 1966, subject: Property Individuals are Authorized to Carry on Entering and Leaving Japan, 18 January 1949.

c. Memorandum for the Japanese Government, AG 386.7 (11 Dec 48) ESS/FIN, SCAPIN 1968, subject: Foreign Exchange Controls, 2 February 1949.

TAB VII

d. Memorandum for the Japanese Government, AG 311.1 (28 May 48) CCS, SCAPIN 1900/9, subject: International Postal Service. 26 May 1949.

e. Memorandum for the Japanese Government, AG 095 (22 May 48)GA, SCAPIN 1971, subject: Entry of Personnel into Japan to Visit Relatives, 11 February 1949.

f. Memorandum for the Japanese Government, AG 321 (8 Apr 46)ESS/IE, SCAPIN 941-A, subject: Japanese Customs Organization, 8 April 1946.

g. Memorandum for the Japanese Government, AG 014.331 (3 Feb 50) GA, SCAPIN 2082, subject: Immigration Service, 20 February 1950.

h. Memorandum for the Japanese Government, AG 000.5 (21 May 49) G-2 CIS PSD, SCAPIN 2055, subject: Suppression of Illegal Entry into Japan, 3 November 1949.

i. Memorandum for the Japanese Government, AG 680.2 (25 Aug 48)GA, SCAPIN 2035, subject: Travel of Japanese Technicians Outside of Japan, 1 August 1949.

AG 720.4 (3 Feb 50)GA
SCAPIN 2063
Subj: Customs, Immigration and Quarantine Operations

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j. Memorandum for the Japanese Government, AG 710 (22 Sep 45)NR, SCAPIN 48, Subject: Public Health Measures, 22 September 1945.

k. Memorandum for the Japanese Government, AG 567 (1 Oct 47)PH, SCAPIN 1787, subject: Quarantine Installations and Procedures, 1 October 1947.

l. Memorandum for the Japanese Government, AG 720.4 (14 Oct 47) CTS-W, SCAPIN 1801, subject: Quarantine Installations and Procedures, 14 October 1947.

2. Effective this date and in accordance with directives promulgated by the Supreme Commander for the Allied Powers, the Japanese Government is responsible for customs, immigration and quarantine operations attendant to the entry into and exit from Japan of individuals, cargo, surface vessels and aircraft, except for occupation force personnel, cargo, surface vessels and aircraft entering or leaving Japan.

3. Designated agencies of the Supreme Commander for the Allied Powers will regulate, by surveillance over the operating agencies of the Japanese Government, the implementation of the provisions of paragraph 2 above.

4. The Japanese Government is directed to review existing procedures pertaining to customs, immigration and quarantine and to take such actions as may be necessary to establish effective customs, immigration and quarantine controls in agreement with generally accepted international practice. These actions will be coordinated with the appropriate agencies of the Supreme Commander for the Allied Powers.

5. Direct communication between the Japanese Government agencies concerned and appropriate agencies of the Supreme Commander for the Allied Powers is hereby authorized to further the implementation of this memorandum.

6. The provisions of all earlier memoranda for the Japanese Government pertaining to customs, immigration and quarantine operations in conflict with the instructions contained herein are superseded by this memorandum.

FOR THE SUPREME COMMANDER:

1 Incl (for addressee only)
SCAP Circular 3, 3 Feb 50

/s/ K. B. Bush
/t/ K. B. BUSH,
Brigadier General, USA,
Adjutant General.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 014.39 (15 Sep 50)GA
SCAPIN 2122

15 September 1950

MEMORANDUM FOR: Japanese Government

SUBJECT: Immigration

1. References:

a. Memorandum for the Japanese Government, AG 000.5 (21 May 49)GE/CIS/PSD, SCAPIN 2055, subject: Suppression of Illegal Entry into Japan, 3 November 1949.

b. Memorandum for the Japanese Government, AG 014.331 (3 Feb 50)GA, SCAPIN 2082, subject: Immigration Service, 20 February 1950.

c. Memorandum for the Japanese Government, AG 720.4 (3 Feb 50) GA, SCAPIN 2083, subject: Customs, Immigration and Quarantine Operations, 20 February 1950.

d. Letter from the Supreme Commander for the Allied Powers, to Prime Minister Yoshida, 8 July 1950. (Inclosure 1)

2. The Supreme Commander for the Allied Powers in letter referenced in paragraph 1d called attention to certain weaknesses in governmental structure with respect to the control of unlawful immigration activities and enumerated certain measures to be taken to correct these weaknesses. In addition to the measures specifically enumerated in referenced letter, the Japanese Government is hereby directed to:

a. Apprehend and detain individuals entering or remaining in Japan in violation of the regulations of the Supreme Commander for the Allied Powers and Japanese laws pertaining to entry of individuals into Japan.

b. Establish for retention of individuals apprehended for unlawful immigration necessary processing centers which are in no way a part of or affiliated with penal corrective institutions or national or local police organizations.

c. Establish procedures in these processing centers to:

(1) Insure compliance with customs and quarantine regulations of the Supreme Commander for the Allied Powers and the Japanese Government.

(2) Take into protective custody and deliver receipt for property in the possession of persons detained for unlawful immigration except that property

COPY

necessary for their personal use in processing centers. In this connection all arms, military materiel, military equipment, military supplies, aircraft and vessels will be immediately taken into custody and reported to the nearest military authority.

(3) Obtain complete information concerning the identity of the individual and the circumstances of his entry. This information will be forwarded immediately to the Supreme Commander for the Allied Powers.

d. Report to the Supreme Commander for the Allied Powers for appropriate negotiation with interested governments those illegal entrants who are to be deported. Upon receipt of information from the Supreme Commander for the Allied Powers that clearances to permit the travel of the deportee have been obtained, the Japanese Government will take the necessary measures including arrangements for transportation to effect immediately the deportation of such persons.

3. The Japanese Government is further directed to establish organizations to provide the policy and procedural direction to and effect positive coordination of immigration matters including those enumerated in references listed in paragraphs 1a, b, and c, as well as those enumerated herein.

4. Since expeditious implementation of this directive is mandatory, the Japanese Government will within 15 days after receipt of this SCAPIN submit to the Supreme Commander for the Allied Powers for concurrence drafts of plans and directives necessary to its implementation.

5. The draft plans and directives referred to in paragraph 4 above should, if necessary to the implementation of the plans, include recommendations for readjustment of personnel ceilings and reallocation of budgeted funds.

6. Direct communications between the Japanese Government agencies concerned and appropriate occupation force agencies are hereby authorized to implement this memorandum.

FOR THE SUPREME COMMANDER:

1 Incl
Cy Ltr to
PM Yoshida

/s/ K. B. Bush,
t/ K. B. BUSH,
Brigadier General, USA,
Adjutant General.

COPY

GENERAL HEADQUARTERS
FAR EAST COMMAND
Public Information Office

Immediate release:

1230
8 July 1950

The following letter from General MacArthur to Prime Minister Yoshida is hereby released to the press:

"Tokyo, Japan
8 July 1950

"Dear Mr. Prime Minister:

"In keeping with my established policy to re-invest autonomous authority in the Japanese Government as rapidly as the situation permits, I have visualized the progressive development of law enforcing agencies adequate to the maintenance of internal security and order and the safeguard of Japan's coastline against unlawful immigration and smuggling.

"By letter of September 16, 1947 I approved the recommendation of the Japanese Government for an increase in the overall strength of Japan's police force to 125,000 men, making provision for a new national rural police force of 30,000 men. It was then the view of the government, in which I fully concurred, that the strength recommended and authorized was not an arbitrary determination of future police requirements but designed to provide an adequate force around which might be built a modern and democratic policy system oriented to an effective decentralization of the police responsibility in harmony with the constitutional principle of local autonomy.

"Subsequent action in the recruitment, equipping and training of the police force then authorized has proceeded with commendable efficiency. The concept of autonomous responsibility has been faithfully observed, essential coordination has been carefully developed and the proper relationship between the police and private citizenry has been progressively forged. As a consequence, the Japanese people today may take justifiable pride in this agency for the enforcement of law at all levels of government. Indeed, it may be credited to both organizational police efficiency and the law-abiding character of the Japanese people that, despite a much lower police strength in relation to population here than is to be found in most of the other democratic states and the general post-war impoverishment and other adverse conditions usually conducive to lawlessness, Japan stands out with a calmness and serenity which lends emphasis to the violence, confusion and disorder which exist in other nearby lands.

"To insure that this favorable condition will continue unchallenged by lawless minorities, here as elsewhere committed to the subversion of the due processes of law and assaults of opportunity against the peace and public welfare, I believe that the police system has reached that degree of efficiency in organization and training which will permit its augmentation to a strength which will bring it within the limits experience has shown to be essential to the safeguard of the public welfare in a democratic society.

COPY

"Insofar as maritime safety in the harbors and coastal waters of Japan is concerned the Maritime Safety Board has achieved highly satisfactory results but events disclose that safeguard of the long Japanese coastal line against unlawful immigration and smuggling activity requires employment of a larger force under this agency than is presently provided for by law.

"Accordingly, I authorize your government to take the necessary measures to establish a national police reserve of 75,000 men and expand existing authorized strength of the personnel serving under the Maritime Safety Board by an additional 8000. The current year's operating cost of these increments to existing agencies may be made available from funds previously allocated in the General Account of the National Budget toward retirement of the public debt. The appropriate sections of this Headquarters will be available, as heretofore, to advise and assist in the technical aspects of these measures.

"Very sincerely,

(sgd)
"DOUGLAS MacARTHUR

"Mr. Shigeru Yoshida,
Prime Minister of Japan,
Tokyo."

AG 014.39 (15 Sep 50)GA SCAPIN 2122 (C.O 295) - Immigration ~~15 Sep 50~~

AG 720.4 (3 Feb 50)GA SCAPIN 2083 - Customs, Immigration and Quarantine Operations ~~20 Feb 50~~

C.O. 33 Promulgated. Has not been

AG 014.331 (3 Feb 50)GA SCAPIN 2082 - Immigration Service ~~20 Feb 50~~

C.O. 299 Rescind 20 Feb 50

AG 000.5 (21 May 49)GB/CIS/PSD, SCAPIN 2055 - Suppression of Illegal Entry into Japan ~~3 Nov 49~~

No C.O Rescinded

AG 091.1 (28 May 49)GA SCAPIN 2019 - Establishment of Immigration Service ~~22 Nov 49~~

No C.O But Implented C.O. 299

AG 000.5 (10 Dec 46)GC SCAPIN 1391 - Suppression of Illegal Entry into Japan ~~20 Dec 46~~

Implemented No C.O

AG 014.33 (12 Jun 46)GC SCAPIN 1015 - Suppression of Illegal Entry into Japan ~~12 Jun 46~~

No Cabinet Been Duplicated

33 not desirable.

1. No Central Agencies
2. Defendants Inadequate
3. No provision for Legal Entry

C.O. 295 (~~Sep 30~~ 50) The Immigration Agency Establishment Order
Promulgation Date: 1 Oct 50
SCAP 2122 / 2055, 2082 ~~2083~~

C.O. 313 (~~Oct 19~~ 50) Immigration GuardsClasses Order : 19 Oct 50
C.O 303

C.O. 33 (~~20 Jan~~ 51) Cabinet Order concerning Procedures to Deport Illegal Entrants, etc. : (1 Apr 51) — Extended by C.O 165 — indefinitely 2 years

C.O 227 (~~11 Jul~~ 50) Cab Order for Temporary Measures concerning the Restriction on Sailing of those Persons having Permanent Domiciles in Nanseishoto South of 30° North Latitude : (11 Jul 50)

C.O. 299 (~~Aug 10~~ 49) Cabinet Order concerning Immigration Surveillance: Aug 10 49

I.O. 207 (2 May 47) Ordinance gover 2019 ing Registration of Aliens: ~~same~~ 2 May 47
SCAPIN 1015, 1391

C.O 370 amend

2055
2082
2083
2122
1391
1015

Note
T. Blakemore

GOVERNMENT SECTION

15 May 1951

MEMORANDUM FOR: The Record

SUBJECT : Further Postponement of Enforcement of Cabinet Order No. 33 (Immigration Law)

Mr. Kimura, Liaison Chief for the Japanese Government, was this day informed that in response to the letter addressed to the Chief of Government Section from the Director-General of the Cabinet Secretariat, a further extension of thirty days until June 16, 1951 was acceptable to GHQ.

J.P.H.

Concurred with by /s/ S.A.Reese (Legal Section)

/s/ Lt.Col. R.C.Erlenbusch (G-1)

GS Files

37.

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GOVERNMENT SECTION

14 May 1951

MEMORANDUM FOR: Colonel Napier

SUBJECT : Immigration - Further Postponement of Full Enforcement of Cabinet Order #33

1. The effective date for initiation of new procedures set forth in Cabinet Order #33 was originally 28 February 1951. The Immigration Service at that time was unable to complete the necessary arrangements for trained personnel and obtained GHQ permission to postpone the effective date until 1 April 1951. In the interim Mr. Collaer, visiting immigration expert, had commenced conferences with the Japanese Immigration Service and looking toward a single comprehensive law to replace existing cabinet orders. In this connection, he drafted a set of procedures which were adopted on an informal basis by the Japanese Immigration Service and have been used since that time, a period of a second postponement until 16 May 1951.

2. Interested groups in the Japanese Government are presently studying a draft law prepared by Mr. Collaer and have stated that it is unlikely that this can be presented to the present special session of the Diet although it is hoped to achieve coordination by the summer when a draft law can go before the contemplated emergency session, which will be convened to study required amendments to Japanese regulations arising from the return of sovereignty. The Immigration Service, therefore, wishes a further extension of effective date for full enforcement of Cabinet Order #33. See attached letter to Mr. Rizzo from Mr. Okazaki of the Cabinet Secretariat.

3. Mr. Collaer is scheduled to return to the United States before the end of June and is anxious that the Immigration Service adopt some law under which he may assist in drafting of rules and necessary training of personnel. He, therefore, suggests if time permits that a new cabinet order be promulgated based upon the acceptable portions of his draft law and at a later date either in the summer or at the next regular session that the Diet take necessary action to pass an over-all immigration law. LS and G-1 have indicated approval of this procedure and agreement to a further postponement of the effective date of Cabinet Order #33. Attached is a rough draft reply to Mr. Okazaki's letter prepared by G-1.

/s/ NICKOLAS COTTRELL
NICKOLAS COTTRELL

NC:gb

2 Incls

COPY

TO: Mr. Frank Rizzo, Chief, Government Section, GHQ, SCAP.

FROM: K. OKAZAKI, Director-General of the Cabinet Secretariat.

SUBJECT: Further Postponement of Enforcement of Cabinet Order No. 33.

May 12, 1951

The Japanese Government agencies concerned have been endeavoring to formulate a bill concerning overall immigration matters, but they find it impossible to prepare a satisfactory one for presentation to the present session of the Diet.

Meanwhile, the Japanese Government has received "Study of Japanese Immigration Law", and already started initial studies of it.

Under the circumstances, it has become necessary to postpone further the enforcement of Cabinet Order No. 33, which is otherwise to come into effect as from May 16.

I will therefore be most grateful if you be good enough to get the consent of all the interested sections in General Headquarters in regard to the postponement of the said Cabinet Order until such date as a new immigration law may be enacted. In any event, the Japanese Government will do its best to present the bill at the next session of the Diet.

KATSUO OKAZAKI
Director-General of
the Cabinet Secretariat

COPY

Cabinet Order No. Promulgated , 1951.

Cabinet Order for the Partial Amendment to the Cabinet Order concerning Procedure to Deport Illegal Entrants, etc. (Draft)

In accordance with the Ordinance concerning the Orders to be Issued in Consequence of the Acceptance of the Potsdam Declaration (Imperial Ordinance No. 542 of 1945), the Cabinet establishes this Cabinet Order.

The Cabinet Order concerning Procedure to Deport Illegal Entrants, etc. (Cabinet Order No. 33 of 1951), shall be partially amended as follows:

In paragraph 1 of the Supplementary Provisions "May 16, 1951" shall be amended as "the date to be fixed by Cabinet Order".

Supplementary Provisions

This Cabinet Order shall come into force as from the day of its promulgation.

COPY

D R A F T

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT : Proposed Immigration Law

1. Reference is made to your memorandum of 12 May requesting a postponement of the enforcement of Cabinet Order 33 in favor of the promulgation of the new immigration law.

2. Interested sections of General Headquarters have been contacted as you requested, and it is the considered opinion of those sections that every conceivable effort should be made to present a proposed immigration law to the present session of the Diet or an emergency session if necessary. If, however, this becomes a physical impossibility, it is strongly urged that an immigration law be established as a Cabinet Order in order that Japan will have, at the earliest possible time, adequate law and trained organization to cope with the immigration problem which will attend the autonomous operation of your government.

3. Accordingly, this headquarters is agreeable to postponing the full implementation of Cabinet Order 33 for an additional 30 days until 16 June 1951.

4. Although reference Cabinet Order was to have been effective 1 March, this Headquarters, in the interest of effecting adequate legislation is agreeable to a postponement of full implementation (of the Cabinet Order) for 30 days, or until 16 June 1951.

TOKYO, JAPAN,
7 MAY 1951

Informal memorandum for Lieutenant Colonel Benzon

SUBJECT: Comment on the general provisions of the draft of an immigration law recently handed to you.

Certain it is that there is no type of legislation which is more involved than that which purports to regulate the travel and residence of human beings.

It is axiomatic that enforcement difficulties arise in precise ratio to the number and character of restrictions imposed. While normal trade and cultural relations between friendly nations of the world demands the greatest possible freedom of travel, realism demands that the prerogative of every soverign nation to prohibit the entry of undesirable aliens and to deport those who effect surreptitious entry, must be safeguarded.

Experience demonstrates that difficulties confronting immigration enforcement officers are due largely to the fact that a certain percentage of all applicants for admission into every country misrepresent their true purpose in coming; do not comply with the conditions of admission or otherwise fall within the classes of objectionable aliens. Many surreptitious entrants attempt to conceal their true identity and status by devious means. They assume the identity of others, procure documents calculated to establish rights which in truth do not exist, and in many other ways attempt to evade the provisions of law and/or regulations.

By and large those aliens who have entered a country illegally constitute a highly undesirable segment of the population for their

initial entry, having been in violation of law, makes of them fugitives who naturally gravitate to the parasitical occupations, endeavor to corrupt the police and who are deprived of the privilege of living free and honorable lives. Many enter for the sole purpose of engaging in activities designed in the ultimate to bring about changes in the government of the country involved in a manner contrary to law. Historic examples are available disclosing that the infiltration of such persons has been carried on in some countries to such an extent as to constitute a threat to the very existence of the country. In at least one recent case such infiltration contributed greatly to the conquest of a country by an enemy nation. Such being the case no democratic nation can afford to fail to provide its servants with sufficient authority and funds to carefully screen those who enter from foreign countries through or between its ports of entry.

It is no simple task in a democracy to draft legislation and regulations designed to effectuate such legislation which will provide for safeguarding human rights and still accomplish its intended purpose, i. e., while welcoming those aliens who are desirable, to exclude or deport those who are undesirable. Experience clearly shows that in so doing it is necessary to give considerable discretionary power to the administrative officers who enforce such laws. It goes without saying that only through the wise use of such discretion by honest well-trained officials can such laws be properly enforced.

The attached proposed immigration law is designed to provide the necessary authority to so regulate immigration as to meet the situation confronting Japan at the present time.

Among other things, it provides for placing the control of immigration under the Attorney General. This provision is based on the entirely reasonable assumption that the regulation of immigration into Japan is an internal problem the principal facet of which is the control of illegal immigration. Obviously, the office of the Attorney General is in much more advantageous position to handle such work efficiently than that of the Minister for Foreign Affairs whose responsibilities lie in an entirely separate and mostly unrelated field. The draft likewise establishes the Immigration Agency and states the authority of the Attorney General and that of his principal assistant, the Director of the Immigration Agency. All authority to regulate immigration pursuant to the provisions of this draft is vested in the Attorney General with wide powers to delegate such authority to his subordinates and to employees of other agencies with the consent of the heads of such agencies.

The provisions relating to the admission of aliens into Japan takes cognizance of the fact that only to the extent that the admission of an individual alien for permanent residence is mutually advantageous should he be admitted. No system of quotas is provided. Immigrants may only be admitted upon advance approval of the Attorney General. Every alien is an immigrant who does not fall within one of the nonimmigrant classes which are fully defined. The number of immigrants who may be admitted is unlimited. Nonimmigrants are admitted for such periods as may be prescribed by the Attorney General. The Minister for Foreign Affairs and the Attorney General have fields of joint responsibility.

Throughout the draft it will be noted that the operations details are left to regulations to be prescribed by the Attorney General. The purpose of this procedure lies in the necessity for flexibility in handling affairs involving the movements of human beings. In no law governing this subject is it possible to entitipate all of the exigencies which will arise and

therefore only general authority can be provided by law, leaving discretionary authority to the head of the activity to promulgate regulations to implement the law. Such regulations must, of course, be in consonance with the law. Although most of the inadmissible classes of aliens and deportable classes of aliens have been defined, wide lattitude is provided in the draft for the exclusion and deportation of other classes of undesirable aliens. The reasons for such discretionary authority is obvious when one considers present world conditions, the frequency with which unanticipated conditions arise and the extent to which subversive political movements and conspiracies militating against the security and welfare of democratic nations are set afoot.

Another feature of this draft lies in the provisions for the admission of certain classes of aliens on a basis of reciprocity. These provisions are necessitated by the reluctance of some countries to permit nationals of other countries to enter, while taking full advantage of the laws and good faith of other countries to send their nationals to such other countries - often for entirely improper purposes.

The same reasons support the provisions for the detention and surveillance of aliens held in deportation proceedings. Difficulties can be anticipated in procuring passports and other travel documents when nationals of certain countries are under deportation proceedings. The draft provides for the detention of a prospective deportee up to six months followed by a strict parole, violation of the conditions of which subjects the alien to criminal prosecution. The draft also provides that any country which arbitrarily refuses travel documents to its citizens, nationals, or resident aliens, may be penalized by refusal of visas to its nationals or residents. Such provisions of law did not always loom important in the past. Experience however has demonstrated that they are now necessary in view of world conditions and the definite tendancy of certain

countries to take advantage of those countries whose laws are based on democratic principles, good-faith and fairness.

It will be noted that the draft provides also for the registration of aliens at the time they appear before a Japanese consular officer as applicants for admission and also those attaining the age of 14 and those who are not registered by a consular officer who remain in Japan over 29 days. It also provides for the fingerprinting of all aliens admitted (with minor exceptions in the discretion of the Minister for Foreign Affairs) departed and/or registered. It goes without saying that the first step in determining the status of any alien under any procedure involving the control of immigration is to learn his true identity. Aliens seeking refuge from war-torn areas; those who are stateless; those who specialise in subversive activities; those who are admitted for temporary periods and remain longer than authorized; those engaged in black-market enterprises; those involved in the illicit traffic in narcotics, as well as other classes of of aliens who find it necessary or convenient to screen their movements or activities, often resort to the use of bogus documents to attain their ends. The use of fingerprints in connection with the enforcement of control of such aliens is, therefore, a MUST.

This proposed law provides for the adjustment of the status of any alien, in the discretion of the Attorney General. Here again flexibility is provided. For example, if a desirable alien who enters temporarily for business or for pleasure should wish to change his status to that of an immigrant or to that of another class of nonimmigrant it will be possible for him to do so upon application. The Attorney General is also authorized to weigh humanitarian considerations in relation to his decisions involving the admission and deportation of aliens. The basic human rights of fair hearings under the law are also protected.

Provision is made for the procurement by an alien wishing to depart from Japan for a short period of a reentry permit, thus facilitating his departure and reentry. Such procedure is calculated to assist such aliens and to expedite the work of immigration officers at the ports of entry.

One of the most difficult aspects of effective control is that involving alien crewmen of vessels and aircraft. The draft is designed to provide such effective control. Stowaways and alien crewmen are not entitled under this draft to the same treatment as are passengers and aliens who are deported from causes arising subsequent to admission. The procedure is much more summary for in most cases such aliens have few equities which must be safeguarded and furthermore it is highly desirable to return them to the country from whence they came on the same vessel or aircraft which brought them. If this is not done long periods of detention often become necessary and such delays encourage others to attempt to enter illegally via the crewman route.

It is felt that the provisions for fining carriers for bringing inadmissible aliens to Japan and for other reasons are fair and that the penal provisions provided are necessary and just. It will be necessary, however, to delay the effective date of such provisions until the carriers have had ample opportunity to familiarize their agents and employees with such provisions. It is therefore provided in the draft that the effective date will be at such time(s) and to such extent as Japan shall have jurisdiction or sovereignty but permitting a postponement for two months from date of passage of any of the provisions in the judgement of the Attorney General.

The matter of imposing a headtax upon aliens is not covered in the draft. Perhaps it may be deemed desirable to include such provision. However, it is felt that if such a tax is imposed it should only be imposed on aliens classified as immigrants at the time of admission or under change of status procedure.

The element of reciprocity might also be considered in this connection.

Another provision which was not incorporated is that relating to the constitutionality of the proposed provisions, known generally as a "saving clause." I assume that the Japanese have some standard legal phraseology to cover.

Immediately a sound immigration statute is enacted by the Diet, the following actions must be taken promptly if proper enforcement is to be secured and maintained:

1. Many regulations designed to supplement the statutory enactment must be painstakingly drafted and promulgated;

2. Detailed operations instructions covering all matters and procedures, designed to effectuate the law and regulations, must be prepared and published, and

3. The law, regulations and operational procedures must be incorporated in textual material and systematically taught in an established training center.

Additionally, copies of the law will of necessity have to be made available to carriers, travel agencies, libraries, foreign diplomatic and consular officers and the principal provisions governing the qualifications for admission into Japan of immigrants and nonimmigrants published in pamphlets with a view to keeping correspondence at a minimum. The same will hold true of the provisions relating to the responsibilities of carriers, alien registration, administrative fine procedures, the admission of treaty merchants (if and when such treaties are adopted); procedures relating to reentry permits and such matters.

It will doubtless also be necessary to recruit and train special groups of employees for the large ports, such as interpreters and stenographers.

It is quite probable that the interested officials of Japan may benefit in their deliberations involving the adoption of an adequate statute to control immigration by explanations based on the experience of the United States. I shall be glad to assist in offering such explanations or in any other manner.

mlc

M. D. Collaer

GOVERNMENT SECTION

4 April 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Immigration

Mr. Collaer will visit at Kogoshima, Omura and other locations between 7 and 17 April to check upon the working of the interim procedures which were adopted for April in place of those in Cabinet Order 33. He expects that by about 21 April to have his first draft of an over-all immigration law ready for joint study by G-1, LS and GS. He believes that nationality laws must be drafted later either separately or as additions to the immigration law.

NICKOLAS COTTRELL

NC:gb

GOVERNMENT SECTION

19 March 1951

MEMORANDUM FOR: Colonel Napier

SUBJECT : Status of Revision of Immigration Laws

1. The visiting expert on immigration attached to CAD (Mr. N. D. Collaer) is presently completely a series of draft procedures for administration of immigration matters which at the present writing are generally acceptable to G-1 and LS. He is, in addition, preparing a comprehensive draft of a single immigration law to replace present Potsdam Cabinet Orders. This will be in shape by the end of the week to be discussed by GS, LS and G-1. It will incorporate certain recent thinking in the bill presently before the U.S. Congress which is a move to clarification of certain grounds for deportation, such as subversive activities and further attempts to simplify procedures before administrative boards where immigration cases are handled.

2. The draft memorandum, 13 March 1951, for Colonel Napier from N. Cottrell, subj: "Laws Relating to Immigration and Aliens in Japan was generally acceptable to

a. Mr. Collaer suggested certain minor additions.

b. Colonel Benson, G-1, was in agreement.

c. LS was in agreement when assured it was not contemplated to abridge the constitutional guarantees of access to the courts. Dr. Oppler noted that the requirements would be fulfilled if an alien were permitted at the end of administrative procedures to petition review by the court which could after examination of the petition, refuse to consider the case. He also pointed out that there was some question as to whether Koreans, other than illegal entrants, could be deported. Those who entered Japan before the end of the war, at the time, had the status of Japanese nationals. Since the Occupation, this group may still be said to retain some portion of that status, i.e., to be at least "Japanese nationals second class." Language in an FEC Directive that such Koreans will be treated as Japanese nationals was followed insofar as giving jurisdiction over them to the Japanese courts earlier in the Occupation when United Nations nationals were tried in criminal cases in the provost courts.

3. Mr. Bassin, LS, is presently preparing draft recommendations for clarifying the status of Koreans under a procedure which would, possibly

after consultation with the Republic of Korea, permit Koreans to elect between Japanese citizenship or Korean citizenship. Mr. Bassin feels that deportation will be limited to illegal entrants unless position of possible deportees in the former Japanese national group is not changed to that of aliens as the result of some sound legal proceeding. GS position is to refrain from action on this question at the present and examine Mr. Bassin's plan when it is completed.

4. It would appear that prompt action to deport certain undesirable aliens would be possible in advance of the election which is contemplated in Par 3 above. As noted in draft memorandum of 13 March 1951 to Colonel Napier, the Japanese courts might rule that individuals whose actions have been proven to be inimical to the best interests of Japan and of a subversive nature would not be eligible to exercise the right of later electing Japanese citizenship. Declaration by the Republic of Korea and by a provisional North Korean government which might be established in any area north of the 38th parallel when and if United Nations Forces gain control of such territory, to the effect that the Korean group in Japan who were formerly Japanese nationals had acquired a dual Korean nationality with the liberation following the war. It might also be possible for a declaration to be made that such persons having such dual nationality would be considered to be Korean citizens if it could be shown that they would be because of their actions ineligible to acquire Japanese citizenship. The foregoing would result in certain members of the Korean group being in effect declared to be aliens under a revised immigration law. The latter revision would enlarge the present requirements for deportation from one which requires both violation of the Registration Ordinance and criminal activities to one permitting deportation for criminal or subversive activities alone. The foregoing will be discussed with LS.

NICKOLAS M. CUTRELL

NC:gb

15 Mch 51

Mr. Cottrell:

Mr. Porter and I have read your memo. and think it is fine - directly in line with our thinking. He raised the question that deportations for acts inimical to the Occupation must be carried out by Military Occupation Courts. You may wish to check into this.

I note that you stress the danger of Korean subversives. It is almost a certainty that highly trained communist agitators from many countries will enter Japan, legally or illegally, once the Occupation terminates. Doubtless, some are already here awaiting an oppqrtunity to start "mass action" when the time is propitious. While the Koreans will provide the bulk of forces, these highly trained and fully trusted communists from other countries will be the most dangerous. The deportation of such aliens under any form of "due process" procedures is difficult and requires a highly specialized force of investigators and hearing examiners. I understand that the Judiciary Committee of the House of Representatives, following an investigation of commie-inspired riots late last year in Kobe, Ostu, Nagoya, Osaka and Kyoto, recommended appropriate legislation to deport Koreans for subversive activities. The point I make is that such legislation should apply to ALL persons dedicated to the "revolutionary movement." Also, that the problem of providing legislation and developing a trained force should be given early attention.

I am informed that efforts are being put forth by the Immigration Agency to secure additional funds for personnel, offices, equipment and training of personnel but the prospect of success does not appear favorable. If such action can consistently be taken, it would doubtless prove helpful if the views of SCAP could be made known to the Minister of Finance.

As I informed you verbally, I have concentrated on the development of procedures designed to effectuate SCAP's directives to the Japanese and have not considered nationality laws. It appears from your memo. and other reading, that a sound nationality act and procedures governing naturalization is on a par in importance with a law and appropriate regulations to govern the admission, exclusion, deportation and registration of aliens. They ~~h~~ are closely related subjects for in all actions involving aliens or alleged aliens alienage must be established as a condition precedent to jurisdiction of the matter being assumed by the Immigration Agency. With the nationality laws in a state of confusion the problems of immigration enforcement, of course, become more difficult.

I note that the proposed U. S. Senate Bill "S. 17" provides for many actions designed to aid enforcement and to keep at a minimum unnecessary work while still providing for "due process." I shall prepare some additional material based on this proposed legislation.

Employees of the Immigration Agency are presently engaged in rewriting C. O. 33 of 28 Feb 1951. When completed it would be well to assemble representatives of interested SCAP groups to give it some study. I shall keep you informed in this connection for I shall be in daily contact with the Agency.

W. NDC

DRAFT

13 March 1951

MEMORANDUM FOR: Colonel Napier

SUBJECT : Laws Relating to Immigration and Control of Aliens in Japan

THE PROBLEM

1. The Japanese Government is faced with the problem of the moving from Japan by deportation in a legal manner and with due regard to principles of human rights a group of individual aliens who are now undermining the stability of the country by advocating the overthrow of the present constitutional democracy by force and disturbing the community both through participation in movements of this type and demonstrating a general disregard for the laws of the land.

FACTS:

2. There is in Japan a registered total of 601,490 aliens consisting of 467,897 North Koreans, 79,162 South Koreans, 22,820 Chinese, and 17,928 Formosans, and 13,683 other nationalities. These figures do not include the estimated several hundred thousand aliens who did not register. These include illegal entrants, legal entrants who failed to register and those who consider inaccurately that they have acquired Japanese citizenship.

3. Present control of aliens is embodied in a number of Cabinet Orders promulgated to implement the following SCAPINS (some of which have been revoked by subsequent SCAPINS):

SCAPIN 1015
" 1391
" 2019
" 2055

SCAPIN 2082
" 2083
" 2122

C.0795

Basic Cabinet Orders are as follows:

a. Imperial Ordinance as amended ~~C.O.~~ 207, 1947 — Registration of Aliens, covers ~~investigation~~ confiscation of vessels carrying illegal entrants and deportation of aliens.

b. C.O. 227, 1950 — Restrictions of Sailings of Nanseishotojin forbids leaving Japan of persons permanently domiciled south of 30° north lattitude (with exceptions), seizure of vessels and deportation.

c. C.O. 299, 1949 — Immigration surveyance; provides establishment of Immigration Service Division in Ministry of Foreign Affairs and Immigration Surveyance Liaison Council as auxiliary organ. Further assigns immigration officers to customs houses and establishes central registration system. General purpose to provide surveyance of entrance and departure from Japan, excepting Occupation personnel.

d. C.O. 295, 1950 — Establishment of Immigration Agency, external organ of Ministry of Foreign Affairs.

e. C.O. 313, 1950 — Classification of immigration guards provided in C.O. 295 (in d above).

CO-155 15 May 51 / 24 May Lapse Notice

f. C.O. 38, 1951 — Procedure for Deportation of Illegal Entrants defined in a and b above, establishes deportation hearings before local review committees, central review committees and the director of the immigration agency as well as suits in the district courts to annul orders.

16 June

4. At present aliens may be deported who

a. are in excludable categories.

Where: Delegation of SCAP authority to FG?

b. commit acts inimical to the Occupation.

c. have failed to register.

d. have entered the country illegally.

The legal provisions whereby aliens who have committed illegal acts after entry such as have engaged in subversive activities inimical to the Japanese Government or others of a more general criminal nature against the community are not adequately covered under present law.

5. The subject closely related to immigration, that of nationality and status is covered in the Nationality Law, 147, 4 May 1950. This generally follows the code principle of nationality by blood rather than by place of birth. It does not confer Japanese citizenship upon children of aliens born within Japan. Provision is made for acquisition of citizenship through naturalization upon conditions which include standards that will tend to bar undesirable individuals, for example, the Attorney General will not permit naturalization unless it can be shown that the applicant is "a person who, since the enforcement of the Constitution of Japan has never plotted or advocated, or formed or belonged to a political party or other organizaton which has plotted or advocated the overthrow of the Constitution of Japan or the government existing thereunder."

DISCUSSION

6. The Japanese Government has during the past five years been plagued by the problem of an increasing number of illegal entrants who remain outside the ordinary legal controls mf over aliens and in many instances have joined the ranks of subversive and criminal groups. The existence of the state of war between North Korean and the United Nations forces at a short distance from her shores on the mainland of Asia and the nature of the plans of subversive groups within Japan makes it imperative to use all legal means to expel the undesirable members of the alien group.

7. Koreans are the largest in number and the most troublesome. Although

the Republic of Korea has indicated that they will receive all Koreans deported from Japan irrespective of whether they claim North or South Korean nationality. the number deported has been relatively small and confined principally to illegal entrants who have been caught near the point of entrance. It is presently proposed to increase the efficiency of apprehension through additional personnel and to establish legal procedures through which those guilty of subversive activities or lawbreaking may be deported.

8. In the course of negotiations between SCAP and the Japanese Government, it has been noted that the latter is in favor of having available what is tantamount to summary deportation proceedings, to be principally applicable in cases where an illegal entrant is caught in flagrante dilictu. SCAP on the other hand has been concerned with establishment of procedures which remain ~~not~~ within constitutional guarantees and more generally the preservation of human rights. In order that the deportation program can be administered with fairness and equity. Recently promulgated Cabinet Order 33 does provide that an order of deportation entered by the immigration officer will go into effect unless appeal to a district review board is not requested by the alien. This is somewhat analogous to the U.S. practice of permitting voluntary departure where appeal is not taken. With certain modifications indicated below the present procedure appears adequate but cumbersome. Mr. N. D. Collaer of the U.S. Immigration Service presently attached to CAD as a visiting consultant is working with the Immigration Agency of the Foreign Office with the view of drafting suitable changes in these procedures.

9. Another area where definitive policy will assist the efficient

administration of a deportation program relates to the status of Koreans who either entered Japan prior to the end of the war or the relatively smaller number who have entered legally, i.e., with SCAP approval, since the beginning of the Occupation. It is recognized that Koreans who entered Japan while that country was a part of the Emprie through the acts of force of the Japanese Government may have certain equitable rights greater than an alien who ordinarily enters a foreign country. The circumscribing limitations of such rights and the rules for the exercise thereof have ~~properly not~~ not finally been decided by SCAP. It has been felt that the peace treaty or a separate agreement thereafter between the Japanese Government and the Government of Korea would establish policy on this point. The final determination of status of the present alien group ~~would undoubtedly~~ may result in a certain portion the stable, long-resident and law-abiding portion of the Korean community being accorded some avenue to acquire Japanese citizenship and remain in the country; and the definition of the remainder as aliens whose residence would be placed on a temporary and provisional basis. However, details in this ~~status~~ field of status questions are highly conjectural in nature.

10. The fact that a segment of the alien Korean population may in the future acquire Japanese citizenship does not prevent the group as a whole from now being subject to the well-established law of nations that foreign residents within their boundaries can be expelled for acts inimicable to ~~mix~~ the interests of the country or their unsuitability as residents as demonstrated by lawless conduct. It may be noted that occasions where minority groups have, following a war, been granted the option of acquiring new citizenship usually relate to ~~citizens where a new~~ situations where the inhabitants under the sovereignty is established over the territory ~~where they reside~~. have choice of acquiring new citizenship The principle would

therefore in the present case be more nearly analogous to the granting of the right to elect Korean citizenship which might be accorded had a sizable Japanese community remained in Korea under the new governments established there after the war. Should such a right of election be offered in the future in Japan, it would undoubtedly be in the form of an offer conditional in its nature to the approval by the Japanese Government to those who desired to acquire her citizenship. At that time persons who had actively opposed the democratic government of Japan or who had violated her criminal laws could not conceivably be forced upon Japan as new citizens. It is clear that deportation of individuals in these two classes at the present time will not abridge rights which they have by their own actions rendered themselves ineligible to exercise in the future. It would therefore appear that Koreans of subversive and criminal groups may now properly be punished for violations of law either by imprisonment in Japan, or by deportation or by a sentence of imprisonment followed by deportation.

11. The lack of centralization of a single agency of all matters relating to aliens has been in part responsible for delay in carrying forward a vigorous program to meet present problems. Responsibility for examining aliens at open ports of entry has been delegated to the customs service. The National Rural Police are largely responsible for searching out deportable aliens and also handling the registration program. Naturalization of aliens is a matter under the Office of the Attorney General. Custody after apprehension by the police and deportation of aliens for illegal entry and other reasons is in the Immigration Agency which is under the Office of Foreign Affairs. Although the latter ministry has, of necessity, handled the rather routine problem of issuance of visas to

alien travelers who wish to enter Japan as tourists or businessmen, it is not well equipped to cope with the larger problem of surveyance of alien residents and the legal questions which arise in connection with exclusion, and deportation. In the U.S. the Immigration Service, originally under the Treasury and later under the Department of Commerce and Labor, was combined with a bureau handling naturalization matters and was finally place under the Attorney General's Office. The service is administered by a commissioner who remains under the general supervision of the Attorney General. This office has ready access to the services of the Department of Justice, including the central identification files of the Federal Bureau of Investigation. Administration of law in Japan lends itself naturally to combining immigration and naturalization matters in the same way under the Office of the Attorney General. Such an arrangement would not close the door to the use of other organs of the Japanese Government, such as the National Rural Police or the customs service.

In the U.S. the special program of registration is carried on with the cooperation of the Post Office Department while administrative problems arising under the quota act become a joint responsibility of the Department of Justice and the Department of State.

12. The solution of Japan's present alien problem depends in part upon clear enunciation of legal principles in two fields, that of nationality and of immigration. The other field covers establishment of workable administrative procedures which will be ~~released~~ realized through unification of responsibility in the manner indicated in the preceding paragraph and through providing clear cut channels for handling cases involving violation of immigration laws. In considering legal safeguards to be incorporated in, for example, deportation proceedings, it is not perforce