DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND #76 0050

第一項 本邦國籍留保方ニ付テハ現時局下ヲ國籍法施行規則第一條第二項中ノ避クベカラザル事由ニ因ルモノト解シ選擇無之

第二項 我利益保護國代表ヲ經由スルコトニ付テハ戰爭下交通ノ關係上不可能又ハ大ナル支障有之モノト認メ異議無之

十七 小學校入學ノ爲ノミノ關係ナルニ於テハ國籍回復ヲ許可セザル方適當ナリ

○昭和八年四月五日文第一三七號

愛知縣知事宛 文書課長

國籍回復ニ關スル件

四月一日付庶第三〇五號ヲ以テ進達相成候米國人佐藤清子及同傳ニ關スル首記ノ件廟申書ニ記載ノ事由ニ於テハ却テ之ヲ許可セザル方適當ニ在ラズヤト被認候條更ニ熟考方御取計相成度

追而小學校入學ノ爲ノミノ關係ナルニ於テハ昭和七年七月十八日官普第一三〇號文部省普通學務局長ノ通牒ニ依リ處理スルモ差支無之儀ニ候條爲念

理由

願書ニ於テハ米國ニ於テ出生シ日本國籍ヲ留保スルノ意思表示ヲ爲サザリシ爲國籍喪失ニ付日本ニ現住スルニ依リ國籍回復致シ度シト云フニ在レドモ知事ノ副申ニヨレバ

(1) 實父ハ一度歸國後再ビ渡米シ現ニ事件本人等ハ叔父ノ許ニアリ

(2) 母ハ病氣療養ノ爲日本ニ在レドモ病氣全快ノ上ハ再ビ渡米スルモノナリ

(3) 事件本人等ハ差當リ小學校ヘノ入學ト將來同樣小學校ヘ入學ノ便宜ノ爲ヲ目的トス

以上ノ如ク之ヲ綜合スルニ進達文記載ノ如ク兩親ハ日本ニ永住スルノ意思ナシ從テ事件本人等モ再ビ渡米スルモノナルベシト推思セラル若シ再渡米スルニ於テハ國籍回復ノ上ハ之ガ實現困難ナルベク單ニ小學校ニ入學ノ目的ナルノミニ於テハ別紙ノ通文部省普通學務局長ヨリ通牒ノ次第モ有之ニ付之ヲ許可セザルヲ至當ト認メラル

○昭和七年七月十八日官普第一三〇號

廳府縣長官宛(除警視廳) 文部省普通學務局長

外國兒童ノ小學校入學取扱方

國籍法第二十條ノ二ノ規定ニ依リ日本國籍ヲ失ヒタル兒童ニシテ我國ノ小學校ニ入學ヲ志望スル者アル場合ニ就テハ之ガ取扱方ニ關シ別段ノ規定無之ニ付右ノ場合ハ可成便宜ノ取扱ノ上本邦人ト同樣ニ教授相成樣御取計相成度

○昭和十二年三月十七日媛書第一號

愛媛縣知事宛 文書課長

國籍回復ノ件

三月十二日付地第六六六號回答ニ依レバ申請人タル母ガ米國ニ現住スル趣ナルヲ以テ年齡五歲ニ達ギザル樂ハ日本ニ歸國シタリトスルモ其ノ住所即チ生活ノ本據ハ果シテ日本ニ在リヤニ關シ疑アルノミナラズ日本國籍ヲ回復スルトキハ米國ハ自然離脫ト可相成隨テ將來再渡米ノ際ニ支障ヲ來スヲ以テ單ニ日本ノ學校ニ入學ノ爲ナリトセバ暫ク日本國籍ノ回復ヲ見合セ熟考スルヲ適當ト認メ候條書類一應及返戻候

十八 日本ノ國籍回復ト同時ニ米國國籍ハ自然離脫トナルベキニ付移民法トノ關係上歸米ノ意思アル

KOKUSEKI KAIFUKU ni KAN suru SHIRYŌ - June 1944
(Enclosure to Despatch No. 95 Dec. 12, 1945 from Tokyo.)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Noted in the Passport Division
Subject File XX Japan
Date 5/2/46

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, December 12, 1945.

NO. 95

SUBJECT: Japanese Nationality Laws.

LEGAL ADVISER
DEPARTMENT OF STATE

DIVISION OF JAPANESE AFFAIRS
JAN 5 1946
DEPARTMENT OF STATE

The Honorable

The Secretary of State,

Washington.

Sir:

I have the honor to refer to this Mission's telegram No. 205, December 12, 1945, and to enclose a single copy of a booklet entitled "Data Relating to the Recovery of Japanese Nationality" published by the Japanese Ministry of Home Affairs in June, 1944. As stated in the reference telegram, the Appendix to this booklet sets forth all laws, ordinances and instructions issued by the Japanese Government regarding citizenship matters since the passage of the Nationality Act of 1899.

Respectfully yours,

George Atcheson, Jr.

Enclosure:

Booklet (in Japanese) Entitled "Data Relating to the Recovery of Japanese Nationality", published by the Japanese Home Ministry in June, 1944.

Original and duplicate, with reverse carbon, to the Department.

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RAFearey:anl

VISA DIVISION
MAY 6 - 1946
Department of State

FILED
MAY 13 1946

DOR - NE Unit
Final
Re
Cat
Dist

894.012/12-1245
CS/D 894.012/12-1245

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

DEC 19 1945

In reply refer to
Le 894.012/12-545

The Acting Secretary of State presents his compliments to the Honorable the Attorney General and refers to a telephone inquiry of December 4, 1945 from Mr. A. B. Dubois, Chief, Review Section, Alien Enemy Control, concerning a rumor that the Japanese Government had, since the issuance of Ordinance no. 26 of November 17, 1924, passed a law conferring Japanese nationality upon persons of Japanese ancestry born outside of Japan.

In this Department's telegram no. 181 of December 5, 1945 to the Supreme Commander for the Allied Powers, Tokyo, the latter was requested to report by telegraph the basis, if any, for this rumor.

894.012/12-1245

In telegram no. 205 of December 12, 1945 Mr. Atcheson, Acting Political Adviser to the Supreme Commander for the Allied Powers, reported as follows:

> "Numerous instructions interpretive of Nationality Act of 1899 amended 1916 and 1924 have been issued by the Home Ministry (ZA-10811) since 1924, especially during war to facilitate recovery or acquisition of Japanese nationality by persons of Japanese ancestry living in or returning to the Far East. However, check reveals no laws or ordinances on Japanese citizenship matters since 1924. Despatch follows enclosing booklet published by Home Ministry June 1944 entitled 'Data relating to the recovery of Japanese nationality' with appendix giving all laws, ordinances and instructions regarding citizenship matters from 1899."

DCR - NE Unit
Anal.
Rev.
Cat.
A true copy of the signed original.

CR
DEC 18 1945 P.M.

Le:RWFlournoy:VM
12/14/45

JA

894.012/12-1245 CS/HS

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

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DEPARTMENT OF STATE
1946 JAN 21 PM 2 27
DC/R
RECORDS BRANCH

January 16, 1946

Department of State
Washington, D.C.

Attention Mr. Hugh Borton

Dear Sir:

Before the war comes to its end, I wrote to the Department of State on March 10, 1945, Department of Justice on April 5, 1945, Immigration and Naturalization Service on April 17, 1945 and the President on September 1, 1945 concerning the possibility of changing my status from the Japanese subject to Chinese Formosan.

I did get answers from Mr. Stanton of the Department of State, Mr. Edward Ennis of the Department of Justice, Mr. Joseph Savoretti of Immigration and Naturalization Service, but they did not give me a satisfactory answer. I am still legally considered Japanese by your government even now.

XR 893.012

Accoding to the Cairo Declaration, the island of Formosa will restore back to China, and the war was over. Therefore I write you once more to ask you to consider my case so that I might be legally considered by your government as a Chinese during the period while I am waiting for the official answer from the Chinese government for securing my Chinese passport.

I will appreciate your kind consideration and help.

Sincerely yours,

Ai Chi Sai

Ai Chi Sai
1405 G Street S.E.
Washington 3, D.C.

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DIVISION OF JAPANESE AFFAIRS
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CASHIER'S OFFICE
PASSPORT DIVISION

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

25

JAN 28 1946

In reply refer to
JA

My dear Mr. Sai:

This is to acknowledge your letter of January 16, 1946 in which you state what action you have taken with regard to changing your status as a Japanese subject to a Chinese Formosan. I wish to assure you that the Department will do whatever is within its jurisdiction to further your case.

With best regards.

Sincerely yours,

Hugh Borton
Acting Assistant Chief
Division of Japanese Affairs

DGB NE Unit
Initial
Reg.
Cat.
Dist.

Mr. Ai Chi Sai,
1405 G Street SE.,
Washington 3, D.C.

JAN 28 1946 P.M.

JA:HKullgren:mp 1-24-46

894.012/1-1646
CS/D 894.012/1-1646

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Office of FAR EASTERN AFFAIRS APR 4 - 1946 DIRECTOR Department of State

No. 79

Yokohama Branch of the Office
of the U.S. Political Adviser
% Hdqrs. Eighth Army, APO 343
Yokohama, Japan
March 19, 1946

Unrestricted

Subject: Amendment of Japanese Nationality Act Enforcement Regulations

RECEIVED 3 DEPARTMENT OF STATE 1946 MAR 28 PM 1 34 DOCUMENT CONTROL RECORDS BRANCH

DIVISION OF JAPANESE AFFAIRS APR 2 - 1946 DEPARTMENT OF STATE

The Honorable
The Secretary of State
Washington

Sir:

I have the honor to transmit herewith a translation, made by Mr. Thomas L. Blakemore of the Office of the Acting U.S. Political Adviser at Tokyo, of Ordinance No 9 (1946) of the Japanese Ministry of Home Affairs which was promulgated on February 20th, 1946 (See Official Gazette of that date) which amends the Japanese Nationality Act Enforcement Regulations. Also transmitted are two copies of the original Japanese text, and copies and translations of various forms designated by the Ministry of Home Affairs as acceptable for reporting matters designated in this Ordinance.

Before the enactment of the above-mentioned amendment, Notifications of Renunciation of Japanese Nationality could be submitted to the Minister of Home Affairs only through diplomatic and consular channels. The present absence of official overseas representation therefore would make virtually impossible the renunciation of Japanese nationality in the manner heretofore prescribed by law. Now, by virtue of the February 20th Amendment, notifications of Renunciations may be submitted directly to the Minister of Foreign Affairs, without regard to method of transmittal.

Although the object of this amendment undoubtedly was to facilitate the presentation of Notifications by individuals living outside Japan, it probably will prove of value to Americans of Japanese descent, now living in Japan, who wish formally to divest themselves of Japanese Nationality.

It is suggested that the Department may desire to transmit a copy of this despatch and the enclosure to the Department of Justice.

Respectfully yours,

U. Alexis Johnson
American Foreign Service
Officer in charge

TLBlakemore/kah
801.2

Distribution
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One copy to Tokyo
One copy to Seoul
One copy to Shanghai

894.012/3-1946

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure no. 1 to Despatch no. 79, Yokohama, Japan, March 19, 1946

HOME AFFAIRS MINISTRY ORDINANCE NO 9

The Nationality Act Enforcement Regulations are hereby revised as follows:

February 20, 1946

MITSUCHI, Chuzo
Minister of Home Affairs

In Paragraph 1 of Article 3, the phrase "Through the Japanese Ambassador, Minister or Consul stationed in the country" is amended to read "through the Minister of Foreign Affairs."

After Item 2 of Paragraph 1 of Article 4, the phrase "3". A document attesting the fact that the applicant actually possesses the nationality of the foreign country concerned, is added, and item "3" is revised to read "4".

Supplemental Provisions

This Ordinance shall become effective on the date of promulgation.

(Translators Note:

As Amended by this ordinance, the first paragraph of Article 3 of the Nationality Act Enforcement Regulations reads:

"A person desiring to renounce his nationality in accordance with the provisions of Paragraph 2, of Part 2 of Article 20 of the Nationality Act, shall notify the Minister of Home Affairs through the Minister of Foreign Affairs."

Article 4 reads:

"The written notification mentioned in the preceding articles shall be accompanied by the following documents:

1. A certified copy of the Family Register
2. A birth certificate issued or authenticated by an official of the country of birth.
3. A document attesting the fact that the applicant actually possesses the nationality of the foreign country concerned.
4. Consent in writing, in those cases where this is required by paragraphs 2 and 3 of the preceeding article.")

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure no. 2 to despatch no. 79, March 19, 1946, Yokohama, Japan

(FORM FOR NOTIFICATION OF RENUNCIATION)

TO HIS EXCELLENCY THE MINISTER OF HOME AFFAIRS:
NOTIFICATION OF RENUNCIATION OF NATIONALITY

Place of Family Register:

Domicile:

Residence: (applicable in situations where the individual concerned resides outside the country of his birth)

Name and Address of Family Head, and Relationship of the Individual renouncing Nationality to such Family Head:

Name of Individual renouncing Nationality (in Japanese and in the language of the country of birth)

Date of Birth:

The above described individual, in accordance with the provisions of Paragraph 2 of Section 2 of Article 20 of the Nationality Act, attaching herewith a certified copy of his family register, a birth certificate, a certificate of nationality, and (when necessary) a written statement of consent, hereby gives notice of his Renunciation of Nationality.

Full Name of Individual Presenting Notification
(Either the individual concerned or his legal Representative)

Date: Seal or Signature

****

NOTE: (The comments are those of the Ministry of Home Affairs)

1. There is no objection to the submission, in lieu of a "nationality certificate" of such documents as prove adequately that the applicant actually possesses the nationality of the foreign country concerned.

2. When the individual concerned is over fifteen years of age, the notification must be presented by his legal representative.

3. When the individual concerned is over fifteen years of age, but under twenty years of age, the consent in writing of his legal representative must be attached to the notification.

4. Said notification (and the attached documents) shall be submitted to the Minister of Home Affairs, via the Minister of Foreign Affairs.

5. When the individual concerned is informed by the Minister of Foreign Affairs of a delivery of the Notification (of Renunciation of Nationality) to the Minister of Home Affairs the family head or his successor (of the family of the individual concerned) shall immediately present a Report of Loss of Nationality, via the Minister of Home Affairs, to the Mayor of the proper City, Ward, Town, or Village (Translator's Note: i.e., the Mayor having charge of the Register of the family concerned.)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure no. 3 to Despatch no. 79, Yokohama, Japan, March 19, 1946

(FORM OF REQUEST FOR PERMISSION OF RENUNCIATION OF NATIONALITY)

(Not translated, as not applicable to American Citizens)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure no. 4 to Despatch no. 79, Yokohama, Japan, March 19, 1946

(FORM OF CERTIFICATE OF CONSENT)

CERTIFICATE OF CONSENT

Place of Family Register:

Domicile:

Residence: (Applicable in situations where the individual concerned resides outside the country of his birth)

Names of Head of Family and Family Memeber:

Name of Individual Concerned:

Date of Birth:

I consent to the Renunciation of Nationality of the above mentioned individual.

Legal Representative
(Usually the Father of the Individual concerned)

Date:

Residence:

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure no. 5 to Despatch no. 79, Yokohama, Japan, March 19, 1946

(FORM OF REPORT OF LOSS OF NATIONALITY)

TO THE MAYOR OF A CITY, TOWN, OR VILLAGE:

REPORT OF LOSS OF NATIONALITY

Place of Family Register:

Domicile:

Residence: (Applicable in situations where the individual concerned resides outside the country of his birth)

Names of Head of Family and Family Members:

Occupation of Head of Family:

Name of Individual Losing Nationality:

Date of Birth:

Date of Loss of Nationality:

Reason for Loss of Nationality:

By reason of the possession of nationality in the country of birth, Japanese Nationality is renounced in accordance with the provisions of Paragraph 2 of Section 2 of Article 20 of the Nationality Act.

I wish to inform you of the loss of nationality of the above-mentioned individual.

Date:

Name of Person making Report (Head of a Family, or a Successor to Family Headship)

Signature and/or Seal

Place of Family Register:

Residence:

Date of Birth

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

右者日本國籍喪失ス候條 此段及御屆候也

昭和　年　月　日

本籍
住所

右屆出人　戸主ハ家督相續人）

姓　名印

生年　月　日

市、區、町、村長　殿

二才二頃ノ規定ニ依リ日本國籍ヲ離脱セリ
三才一頃

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

國籍喪失届

本籍
住所
居所（出生國以外ニ居所ヲ有スル二過キザルモノト認メラルル場合）

戸主 何某

職業

國籍喪失者 何 男 女 生年月日 姓 名

國籍喪失ノ時

國籍喪失ノ原因

年 月 日

國ニ於テ出生同國籍ヲ有スルヲ以テ國籍法第二十條ノ國籍法第二十條ノ

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

同意書

本籍
住所
居所

戸主 何某

（出生國以外ニ居所ヲ有スルニ過ギサルモノト認メラルル場合）

何男
何女

姓名

生年月日

右者ノ國籍離脱ニ同意ス

昭和　年　月　日

住所

右（父）法定代理人

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

注意

一、國籍證明書トハ志望者ガ現ニ当該外國ノ國籍ヲ保有セルコトヲ證スルニ足ル書類ニテ差支ナシ

二、本人ガ十五年未満ナルトキハ法定代理人申請人タル事

三、本人ガ満十五年以上、二十年未満ナルトキハ本人ヨリ申請シ法定代理人ノ同意書ヲ添附スル事、満二十年以上ナルトキハ同意書ヲ要セズ

四、本申請書(附属書類添附)ハ外務大臣ヲ經テ内務大臣ニ提出スル事

五、本申請書ガ内務大臣ニヨリ許可セラレタル旨ヲ外務省ヨリ通知ヲ受ケタルトキハ直チニ戸主又ハ家督相續人ヨリ國籍喪失届ヲ元所属ノ市、區、町、村長宛トシテ外務省ヘ提出スルコト

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

國籍離脱許可申請書

本籍

住所

居所（出生國以外ニ居所ヲ有スルニ過ギザルモノト認メラルル場合）

戸主名及戸主ト國籍離脱者トノ續柄

國籍離脱者氏名（邦語又出生國語）

生年月日

右者國籍法第二十條ノ三第一項ノ規定ニ依リ日本國籍離脱致度候條戸籍謄本、出生證明書、國籍證明書（又同意書）相添ヘ及申請候也

昭和　年　月　日

右申請人氏名（本人又ハ法定代理人）　印（署名）

内務大臣　殿

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

注意

一、國籍證明書トハ志望者ガ現ニ當該外國ノ國籍ヲ保有セルコトヲ證スル書類ニテ差支ナシ

二、本人ガ十五年未滿ナルトキハ法定代理人届ヲ法定代理人ノ

三、本人ガ滿十五年以上、二十年未滿ナルトキハ本人ヨリ届ヲ法定代理人ノ同意書ヲ添附スル事、滿二十年以上ナルトキハ同意書ヲ要セズ

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五、本届書ガ内務大臣ニヨリ受理セラレタル旨ヲ外務省ヨリ通知ヲ受ケタルトキハ直チニ戸主又ハ家督相続人ヨリ國籍喪失届ヲ元所属ノ市、区、町、村長宛トシテ外務省ヘ提出スルコト

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

國籍離脱届

本籍

住所

居所（出生國以外ニ居所ヲ有スルニ過ギサルモノト認メラルル場合）

戸主名及戸主ト國籍離脱者トノ續柄

國籍離脱者氏名（邦語及出生國語）

生年月日

右者國籍法第二十條ノ二第二項ノ規定ニ依リ日本國籍離脱候條戸籍謄本、出生證明書、國籍證明書（又同意書）相添ヘ及御届候也

昭和　年　月　日

右届出人氏名（本人又ハ法定代理人）　印（署名）

内務大臣　殿

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

内務省令第九號

國籍法施行規則中左ノ通改正ス

昭和二十一年二月二十日

内務大臣 三土忠造

第三條第一項中「其ノ國ニ駐在スル日本ノ大使公使又ハ領事ヲ經テ」トアルヲ「外務大臣ヲ經テ」ニ改ム

第四條第一項第二號ノ次ニ「三、志望者カ現ニ當該外國ノ國籍ヲ保有セルコトヲ證スルニ足ル書類」ヲ加ヘ第三號ヲ第四號ニ改ム

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

POLITICAL ADVISER
APR 23 1946
DEPARTMENT OF STATE

DIVISION OF JAPANESE AFFAIRS
APR 22 1946
DEPARTMENT OF STATE

Yokohama Branch of the Office
of the U.S. Political Adviser
% Hdqrs. Eighth Army, APO 343
Yokohama, Japan
April 11, 1946

Unrestricted

894.012/3-19

Subject: Correction in Despatch no. 79 of March 19, 1946 entitled Amendment of Japanese Nationality Enforcement Regulations.

The Foreign Service Officer in charge has the honor to request that note no. 2 of page 2 of the enclosure to his despatch no. 79 of March 19, 1946 entitled "Amendment of Japanese Nationality Enforcement Regulations" be corrected so as to read: "When the individual concerned is under fifteen years of age, the notification must be presented by his legal representative".

UAJohnson/kah
801.2

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One copy for files

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DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Yokohama Branch of the Office
of the U.S. Political Adviser
% Hdqrs. Eighth Army, APO 343
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MAY 24 1946

AMEMBASSY,

NANKING (CHINA).

193

In view of difficulty establishing citizenship status in individual cases SCAP proposes pending clarification of question to treat as Japanese nationals Formosans in Japan who continue voluntarily to reside there instead of accepting repatriation.

Please ascertain by discreet inquiry and report to Dept whether the Chinese authorities agree to such procedure.

Byrnes (SFD)

894.012/5-2446

CS/RH

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MAY 24 1946

OR MAY 24 1946 P.M.

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Nanking via Army

Dated June 17, 1946

Rec'd 2:52 a.m. 6-20-46

Repeated Tokyo to RDW to DCR 6-20 (EER)

DIVISION OF CHINESE AFFAIRS JUN 17 1946 DEPARTMENT OF STATE

CER

SECSTATE

894.012/6-1946

992, June 17, 10 a.m.

New measure shortly to be promulgated provided according to Foreign Office, that Chinese nationality shall be restored as of Oct 25, 1945 to Taiwanese. Taiwanese registering at Chinese agencies abroad shall be provided with certificate of nationality. Those not desiring to regain Chinese nationality may file declaration of intention not to regain same before Dec 31st, 1946. Chinese agencies shall approve such declarations and inform Government. (In Japan SCAP HQS) where declarant resides. (DEPTEL 193, May 24).

Foreign Office official states Chinese Government regards all Taiwanese as Chinese except those making above mentioned declaration of expatriation. Gen Chu, Chinese Liaison Officer at HQS SCAP is said by Foreign Office to have been apprised of details of matter.

SMYTH

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894.012/6-1746

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JUN 26 1946 OCD

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JUN 20 1946

SUPREME COMMANDER FOR THE ALLIED POWERS,

TOKYO.

367

INFO WAR DEPT CHIEF OF STAFF

FOR POLITICAL ADVISER.

Following from Nanking repeated for your info:

Restoration of Chinese nationality to Taiwanese

894.012/6-1746

(CODE ROOM: Please repeat Nanking's 992, June 17, 10 a.m. to Tokyo as Dept's no. _____)

894.012/6-1746

CS/RH

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CROSS-REFERENCE FILE

NOTE

894.012/6-1846

SUBJECT Transmission of legal opinion considering in detail the citizenship status under American nationality laws of persons of Japanese race born in the U.S. who, having previously lost Japanese,nationality, regained such nationality under Japanese law by a process known as "recovery" rather than that known as "naturalization".

emc

894.012

EMC

For the original paper from which reference is taken

See Desp. #136 (copy)
(Despatch, telegram, instruction, letter, etc.)

Dated June 18, 1946 **From** Yokohama(Johnson)

File No. 130 Japanese/269

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Tokyo

Dated October 4, 1946

Rec'd 9:08 p.m., 7th

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ESP		✓
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JK	✓	4

From: GHQ SCAP Tokyo Japan

To : War Department for WDSCA GO

Nr : Z 20446 4 October 1946

894.012/10-446

This is Atcheson's unnumbered October 4.

Reurad WCL 44436 and SCAP rad Z 19260, Japanese nationality status certain litigants of Japanese ancestry.

On 2 October partial report was received. From examination of this report and discussion with concerned Japanese officials, it has been determined that because of nature of Japanese records it will not be possible to obtain definite statement of nationality with regard to each person named unless persons or his fathers full legal domicile in Japan is known. The list received here indicates only the prefecture of what is presumed to be the fathers domicile.

Upon receipt of list giving full legal domicile (name of ward, town or village and prefecture) immediate steps will be taken to complete the desired report.

Note: Z 19260 is MC IN 58843 (25 Sept 46) CAD

ACTION: CAD

MC IN 51969 (5 Oct 46)

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DIVISION OF JAPANESE AND KOREAN ECONOMIC AFFAIRS
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Tokyo

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SPECIAL PROJECTS DIVISION NOV 27 1946 DEPARTMENT OF STATE

No. 233

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNRESTRICTED

Yokohama Branch of the Office
of the U.S. Political Adviser
c/o Hqs Eighth Army, APO 343
November 12, 1946

Noted in the Passport Division
Subject File XX Japan
Date 1-30-47

DEPARTMENT OF STATE NOV 22 1946 DIVISION OF FOREIGN REPORTING SERVICES

894.012/11-1246

Subject: Transmitting Memorandum on Japanese Nationality Laws

The Foreign Service Officer in charge has the honor to transmit herewith a memorandum prepared by Mr. Thomas L. Blakemore on the subject "Acquisition, Loss and Recovery of Japanese Nationality under Japanese Law". The information contained in this memorandum has been of great aid to this office in its citizenship work and should also prove of interest to the Department.

The memorandum was originally prepared by Mr. Blakemore on December 20, 1945, for the use of the Department of Justice in connection with the Nationality Hearings held in January, 1946, at Los Angeles, California. It has now been restudied by both Mr. Blakemore and Mr. Weatherby, of this office, in the light of new materials and information made available by the occupation of Japan and found to remain substantially correct. Such few comments and revisions as were found necessary have been added in footnotes.

For a brief statement of Mr. Blakemore's qualification in such matters reference is made to this office's despatch no. 136, June 18, 1946, which transmitted an opinion prepared by Mr. Blakemore, then assigned as Foreign Service Auxiliary Officer at Tokyo, on the subject "Recovery of Japanese Nationality as Cause for Loss of American Nationality".

Enclosure:
1. Memorandum by T. L. Blakemore entitled "Acquisition, Loss and Recovery of Japanese Nationality under Japanese Law"

130
MWeatherby/rvk

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Enclosure No. 1 to Despatch No. 235, dated November 12, 1946, from US POLAD at Yokohama on subject of "Transmitting Memorandum on Japanese Nationality Laws."

ACQUISITION, LOSS AND RECOVERY OF JAPANESE NATIONALITY UNDER JAPANESE LAW

by

Thomas L. Blakemore

(The following memorandum was originally prepared on December 20, 1945, for the use of the Department of Justice, and was revised and corrected on November 1, 1946.)

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I. Introduction

This memorandum is based on Japanese legal materials of mid 1941 and earlier. Relevant sources of a later date are not available in the United States at the present time, and therefore no more can be attempted here than a description of Japanese law as of 1941 and before.[a] Nor does this memorandum consider Japanese law prior to the enactment of the initial Nationality Act in 1899. While it appears that many of the provisions of earlier Japanese law were incorporated in the 1899 Act, detailed statements of these provisions are also lacking. It is unlikely that Japanese law before 1899 would be material to any determination of the present nationality of American-born children of Japanese descent.

Any analysis of the nationality of American-born children of Japanese parentage, generally and herein described as Nisei,[1] is complicated by several revisions in the Japanese Nationality Act (Kokusekiho) since its initial enactment. These make essential to certain determinations of nationality, not only such matters as the date of birth, the place of birth, the subsequent domicile and acts of the individual concerned, and the steps

taken

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[1] Strictly speaking, the term "Nisei", which in Japanese means "second generation", includes only offspring of Japanese emigrants. It does not include subsequent generations. However, the American usage of "nisei" has come to be that of "Americans of Japanese descent" regardless of generation. This is the connotation of "nisei" as the term is used in this memorandum. In the few situations wherein the legal positions of second and third generation Japanese-Americans differ, a numerical distinction is made specifically.

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[a] The memorandum has now been restudied in the light of new materials and information made available by the occupation of Japan and found to remain substantially correct. Such few comments and revisions as are needed to cover the period 1941-46 are contained in these notes, designated by letters "a" through "k", inserted 1 November 1946.

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taken on his behalf by relatives or guardians, but also the individual's status under American law. For that reason, it is necessary to approach the problem of Nisei nationality with separate considerations of the principles of Japanese law which pertain to acquisition, loss, and recovery of nationality during various periods since 1899.

In general, Japanese law follows the principles of Jus Sanguinis, although with certain qualifications in cases where another nationality is acquired by birth in a country applying the Jus Soli or through marriage, adoption, or other changes in Family relationship. Some of the more important qualifications were added by amendments to the original Nationality Act (1899) in 1916 and 1924, and were intended to answer American objections to the dual nationality of Nisei.[1]

II.

---

[1] YAMADA, Saburo, Kokusai Shiho (Private International Law) 1932, Volume I, Pages 152-153.

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II. The Acquisition of Japanese Nationality

A. Acquisition of Japanese Nationality by Birth

1. Before 1 December 1924

Article 1, of the Nationality Act, states the fundamental principle of Japanese nationality law:[1]

> "A child is regarded as Japanese if its father is at the time of its birth a Japanese..."

Under the terms of this article, any child born in the United States before 1 December 1924, whose father was a Japanese, automatically acquired Japanese nationality.[2] Unless such an individual had in some manner lost or divested himself of Japanese nationality (as through marriage, adoption, acknowledgment, renunciation or naturalization), he remains a subject of Japan under Japanese law. The changes made in the 1924 revision of the Nationality Act[3] (discussed in the following paragraph), did not apply retroactively to persons born before 1 December 1924.[1]

---

[1] Statute (Horitsu) #66, enacted 15 March 1899, and in force from 1 April 1899. Amended by Statute #27 of 1916, and Statute #21 of 1924. To be found in Genko Horei Shuran (Laws and Ordinances currently in force), Pages 929-930, (annotated to 28 February 1940). For a translation see "Nationality Laws" by Flournoy and Hudson, Oxford Press 1929, Pages 382-386. A slightly changed translation has been prepared in connection with this memorandum.
The text of this article has been unchanged since enactment in 1899, although its effect has been modified by subsequent additions and revisions of other articles of the Nationality Act.

[2] The nationality of the mother immaterial. YAMADA, (supra) Page 159.

[3] Statute # 19, enacted on 22 July 1924, and made effective on 1 December 1924 by Imperial Ordinance (Chokurei) #261 of 1924. This revision is to be found on Pages 18-20 of the July 1924 issue of Nippon Horei Zensho (Complete Collection of Laws and Ordinances), and also in a special issue of Kampo (Official Gazette), of the same date.

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1924.[1]

2. Acquisition after 1 December 1924

Technically, the changes of the 1924 Amendment to the Nationality Act pertain to loss rather than acquisition of nationality. In legal theory, Japanese nationality still is bestowed by birth, in accordance with Article 1[2], but is made subject to a condition subsequent. Despite the phraseology of certain articles, the net effect of the 1924 amendment is to confer a lasting Japanese nationality

---

1 Paragraph 2 of Part 2 of Article 20 of the Nationality Act (added by the 1924 revision), through a description of the special procedure whereby a Nisei born before 1 December 1924 could renounce Japanese nationality, makes it clear that no retroactive loss of nationality for such an individual was intended. This obvious intention was admitted in an opinion of the Japanese Department of Justice (#739 Civil, dated 6th of September 1930, found in Hosokai Zasshi, Vol. 8, Part 10, Pages 157-158), which held that a Nisei born in the United States before 1 December 1924 remained a Japanese subject after that date, and that his name was to be recorded on his family's record upon his coming to Japan.

An examination of the comments of YAMADA, Saburo, in his article "Kokuseki no Ridatsu ni Kansuru Shinkitei ni tsuite" (Concerning the new provisions for the renunciation of nationality), found on Pages 629-642, Vol. 2, Part 7 of Kokusaiho Gaiko Zasshi (Magazine of International Law and Diplomacy) further supports this interpretation.

2 See YAMADA, supra, Page 207. A question of the proper method of conferring Japanese nationality on a person whose nationality had been lost through failure of notice as prescribed by Paragraph 1, Part 2 of Article 20 of the Nationality Act, and by Article 2 of the Nationality Act Enforcement Regulations, was presented to the Ministry of Justice in 1930, in connection with the registration of such a person under the Family Registration Act. (See footnote on Page 7). In the opinion of the Chief of the Civil Affairs Bureau, the proper method was a recovery of nationality, rather than a naturalization. This clearly implies an initial possession, but subsequent loss, of Japanese nationality by American-born Nisei. Opinion #739, dated 6th September 1930. Hosokai Zasshi, Volume 8, Part 10, Pages 157-158.[b]

---

b This opinion has apparently been followed consistently during the period 1941-46. Several scores of cases of acquisition of Japanese nationality during that period by persons of Japanese parentage born in the United States after 1 December 1924 have been examined at the office of the American Consular Service, Yokohama, and without exception all these acquisitions were by the process known as "kaifuku" (recovery of nationality) as distinguished from "kika" (naturalization).

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nationality only upon individuals on whose behalf certain measures are taken soon after birth. For that reason, the following portions of the 1924 amendment are presented here in connection with acquisition, instead of in the later section dealing with loss.

Paragraph 1 of Part 2 of Article 20 of the Nationality Act (in effect from 1 December 1924)[1], provides:

> "A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance, has acquired the nationality of that country, and who does not, as laid down by order, express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from birth."

Imperial Ordinance #262 of 1924 designates as countries to which Paragraph 1 of Part 2 of Article 20 is applicable, "the United States of America, Canada, Argentina, Brazil, Chile and Peru."

The Nationality Act Enforcement Regulations (Kokusekiho Shiko Kisoku)[3] which supplies the details for the operation of the Nationality Act provides:

> "Article 2. If a retention of nationality, in accordance with the provisions of Paragraph 1 of Part 2 of Article 20 of the Nationality Act, is desired, the person submitting a report of birth under the provisions of Paragraphs 1 or 2

of

---

1 Statute # 19, enacted on 22 July 1924 and made effective on 1st December 1924 by Imperial Ordinance (Chokurei) #261 of 1924. This revision is to be found on Pages 18-20 of the July 1924 issue of Nippon Horei Zensho (Complete Collection of Laws and Ordinances), and also in a special issue of Kampo (Official Gazette), of the same date. A translation has been prepared in connection with this memorandum.

2 Proclaimed 15 November 1924 and effective 1 December 1924. Found on Pages 201-202, Imperial Ordinance Section of the November 1924 issue of Nippon Horei Zensho; also in the 17 November 1924 issue of Kampo. A translation has been prepared in connection with this memorandum.

3 Issued on 17th November 1924 as Home Affairs Ministry Ordinance #26, effective on 1 December 1924, and to be found on Pages 29-30, Home Affairs Ministry Ordinance Section, of the November 1924 issue of Nippon Horei Zensho. A translation has been prepared in connection with this memorandum.

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of Article #72 of the Family Registration Act must accompany the report of birth with a notice to this effect within the period provided by Article #69 of the Family Registration Act."[1]

Therefore, by virtue of the above provisions, the Japanese nationality which is given to every child of Japanese paternity, is lost retroactively by children born in the United States after 1 December 1924, unless retained through a properly filed notice or statement of intention. This notice or statement of intention must be filed by a parent at a Japanese embassy or consulate within two weeks of the child's birth, and must be supported by the proper documentary proof of birth.

B. Acquisition of Japanese Nationality by Methods Other Than Birth

Article 5 of the Nationality Act governs the acquisition of Japanese nationality by methods other than birth. It provides:

"An alien acquires Japanese nationality in the following cases:

(1) by becoming the wife of a Japanese
(2) by becoming the nyufu[2] of a Japanese woman

(3)

---

1 Family Registration Act (Kosekiho), to be found on Page 932, of Volume 14 of the Genko Horei Shuran provides:

"Article 62. A report of birth must be made within 14 days..."

"Article 72. The birth of a legitimate child must be reported by the father. If the father is unable to report the birth, or if circumstances described in Paragraph 1, and the exception to Paragraph 2 of Article #734 of the Civil Code exist, the mother must make the report.

"The birth of an illegitimate child (of a concubine) (shoshi) must be reported by the father. The birth of a bastard (shiseiji) must be reported by the mother."

(Article #734 of the Civil Code provides:

"If a father, before the birth of a child, leaves a household through reason of divorce or dissolution of adoption, the provisions of Paragraph 1 of the previous article (which states that a child becomes a member of the household of his father), shall apply retroactively to the time of conception.

"The provisions of the previous paragraph shall not apply at times when both the father and mother leave the household, except on those occasions when the mother shall be reinstated in the household before the birth of the child.")

2 A man who marries the female head of a family and at the same time becomes a member thereof through adoption.

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(3) by acknowledgement of his or her father or mother who is a Japanese.
(4) by adoption by a Japanese
(5) by naturalization"

Articles 147-152 of the Family Registration Act[1] makes certain requirements concerning the recording of changes in nationality:

"Article 147. At times when an alien acquires Japanese nationality through adoption or marriage, the former nationality of the individual must be stated in the report of adoption or marriage."

"Article 148. At times when an alien acquires Japanese nationality through acknowledgment, the former nationality of the individual must be stated in the report of acknowledgment.

"If the person making the acknowledgment is the father, the nationality of the mother must be stated."

"Article 149. A report of naturalization must be made within ten days of the date of the permit. The report must include the following facts:

(1) The former nationality of the person naturalized.
(2) The names and nationalities of his or her father and mother.
(3) The date of the permit.
(4) When other persons acquire Japanese nationality along with the person naturalized, their names, dates of birth, and relationships to the person naturalized.

"When the wife and children of a naturalized person do not acquire Japanese nationality along with such naturalized person, the report must state the reason therefor."

"Article 150. A report of a loss of nationality must be made by the head of the family or the heir, within one month following the date when such fact became known. The report must include the following facts:

(1) The name and family register of the person who has lost his or her nationality.
(2) The reason and date for the loss of nationality."

"Article 151

---

[1] Japan has a highly developed system of family and personal registration. Vital facts concerning individuals, and their family relationships are recorded in Family Registers (Koseki) which are kept by all municipal offices. Entries may be made either orally or in writing. For convenience, overseas Japanese may file reports via the Ambassador, Minister, or Consuls in the country of residence.

The statute establishing this system (Kosekiho) is sometimes translated as the Family Census Registration Act, or the Census Domicile Act.

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"Article 151. A person losing his nationality, if a male over 17 years of age, must attach to his notice a written certificate of the completion of active service in the army or navy, or the lack of an obligation to serve. However, the above provision does not apply to a person who loses his nationality in accordance with the provisions of Parts 2 and 3 of Article 20 of the Nationality Act."

"Article 152. A report of recovery of nationality must be made within ten days of the date of the permit. The report must include the following facts:

(1) The reason for loss of Japanese nationality and the date.
(2) The nationality possessed before the recovery of Japanese nationality.
(3) The date of the permit.
(4) When other persons acquire or recover Japanese nationality along with the person recovering Japanese nationality, their names, dates of birth, and relationships to the person recovering Japanese nationality.

"Paragraph 3 of Article 149 shall apply mutatis mutandis to the report mentioned in the previous paragraph."

Although not specifically provided by the Nationality Act, or by the Family Registration Act, a recording of the act of naturalization or the change in family relationship, in accordance with the provisions of the Family Registration Act cited above, seems to be essential to the acquisition of Japanese nationality by such means. The only Japanese authority whose consideration of this point is now available,[1] makes this assertion in connection with a discussion of marriage as a method of acquisition of nationality. This interpretation is in accord with constructions of other provisions of the Family Registration Act, which require a proper recording of a change in family status, as a prerequisite of its legal

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[1] SANEGATA, Tadao, "The Nationality of a Married Woman", Page 1607, Part 9, Volume 49 of Hogaku Kyokai Zasshi.

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legal validity.[c]

1. Acquisition by Marriage.

Japanese authorities and official interpretations agree that the acquisition of Japanese nationality through marriage is automatic. It follows as a result of marriage, irrespective of the domicile of the couple or the desires of the wife.[1] However, a marriage such as could result in the acquisition of Japanese nationality requires (1) conformance with the marriage laws of the country in which the marriage occurs, and (2) a recording of the marriage upon the proper family register in Japan.[d]

Therefore

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[c] Further investigation of this point by Mr. Blakemore has shown it to be in error. See his "Recovery of Japanese Nationality as cause for Loss of American Nationality", dated 19 May 1946 and transmitted to Department of State under cover of despatch no. 136, 18 June 1946, from American Consular Service at Yokohama, wherein he states in part as follows (pp 22-25): "The Nationality Act and the Nationality Act Enforcement Regulations required no act of acceptance of a grant of 'recovery' on the part of the individual concerned or the person who applied on his behalf, nor do they require any official registration of the grant. The act of the government official, in granting permission, completes and consummates the 'recovery' as of the date of issuance of the grant...While it is true that the Family Registration Act provides for a report to a Family Register custodian of a grant of permission to 'recover' within a ten-day period after such grant, this recording requirement has not relationship to the creation or continuing validity of the 'recovery' obtained. Failure to perform the reporting duty merely exposes the neglectful party--presumably the applicant for the 'recovery'--to the fines and punishments provided in the Family Registration Act itself. Lack of a report, or an unseasonable report, of a 'recovery' to a Family Register custodian, therefore, is in no sense fatal or even material to the effect of the 'recovery'."

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[2] YAMADA, Saburo, Kokusai Shiho, Pages 164-165.

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[d] The point is in error and the entire sentence is revised by Mr. Blakemore to read: "A marriage which results in the acquisition of Japanese nationality must conform with the marriage laws of the country in which the marriage occurs. Since a marriage in Japan is valid only upon the entry of the fact in a Family Register, such registration is an absolute prerequisite to the acquisition of Japanese nationality through marriages occuring in Japan. However, Japanese nationality may be conferred through a marriage which takes place in another country, if the marriage meets all of the requirements of the laws of that country. The provisions in the Family Registration Law which require a report of such overseas marriage do not make such a report a prerequisite to the acquisition of Japanese nationality through such means. (See SANEGATA, supra, p 1611)".

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Therefore, a wife whose husband possesses Japanese nationality, acquires such nationality through marriage. Her premarital nationality status under Japanese law if she too, were a Nisei, is immaterial. As long as the marriage continues in force, she is, by Japanese law, a subject of Japan.[1]

2. Acquisition by Acknowledgment

The acknowledgment by a Japanese father or mother of an illegitimate child who has another nationality, confers Japanese nationality on the child under Paragraph 3 of Article 5, quoted above. Certain limitations are imposed by Article 6.

> "For an alien to acquire Japanese nationality by acknowledgment the following conditions must be fulfilled:
>
> (1) He or she must be a minor by the law of his or her country.
> (2) She must not be the wife of an alien.
> (3) The parent, whether father or mother, who has first made acknowledgment, must be a Japanese.
> (4) If the father and mother have made acknowledgment simultaneously, the father must be a Japanese."

The provisions of Articles 5 and 6 could conflict with the clear intention of Paragraph 1 of Part 2 of Article 20 to restrict the acquisition of Japanese nationality by nisei. Under a strict construction of the provisions of Articles 5 and 6, an illegitimate nisei, born in the United States and subsequently acknowledged, would acquire Japanese nationality automatically, and subject to no limitations, whereas a legitimate American-born nisei (born after 1 December 1924) would acquire only a conditional nationality, whose preservation would require a subsequent filing of notice in the manner specified by law. While no comments of Japanese authorities concerning such a situation are to be found, it

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[1] SANEGATA, Tadao (supra), Page 49.

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it is unlikely that Japanese courts and officials would follow a construction of the Nationality Act which favored illegitimates in the acquisition of Japanese nationality. Therefore, in my opinion a notice of intention to reserve nationality, such as is required for legitimate American-born nisei under Part 1 of Article 20, would be needed by illegitimate nisei born in the United States.

It is difficult to predict the official solution of such a problem, but there are at least two possibilities. The period within which such notice must be given could be either (1) that prescribed for legitimates (which would limit acquisitions of Japanese nationality by American-born illegitimate nisei to those acknowledged within two weeks after birth) (2) or a similar two weeks' period following acknowledgment.[e]

Illegitimate nisei, born in the United States before 1 December 1924, are not affected by the provisions of Paragraph 1 of Part 2 of Article 20 of the Nationality Act. They would acquire Japanese nationality, upon acknowledgment, whether this acknowledgment came before or after 1 December 1924.

3. Acquisition through Adoption and Adoption-Marriage (Nyufu Konin)

Adoption and the combination of adoption and marriage of males (a legal procedure peculiar to Japan), are both mentioned under Article 5, as methods of acquiring Japanese nationality. Both are also regulated by a 1898 statute entitled "Concerning the Marriage-adoption and Adoption of Foreigners".[1]

This

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e Dr. Egawa, Professor of Private International Law at Tokyo Imperial University, favors the second of the two alternatives.

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1 Statute #21, enacted 11 July 1898, amending decree (fukoku) #103 of 1873. To be found at Pages 250-251 of Volume 14 of the Genko Horei Shuran.

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This statute provides:

"Article 1. Japanese who adopt or marry-adopt foreigners must secure the permission offthe Minister of Home Affairs.

"The permission referred to in the previous article cannot be granted unless the foreigners fulfill the following conditions:

(1) having had continuous residence or domicile for a year or more in Japan.
(2) being of good character."

The procedure for securing permission was determined in an ordinance entitled "Concerning the Procedure for Submitting Applications for the Marriage-adoption of Foreigners".[1]

"Persons seeking to adopt or marry-adopt foreigners in accordance with the provisions of Statute #21 of 1898, must submit applications to the Minister of Home Affairs via the Governor of the prefecture in which the Family Register record is kept or in which the person resides."

The above Statute and Ordinance make residence in Japan essential to a valid adoption or marriage-adoption of a foreigner. Likewise, an adoption or marriage-adoption must be recorded on the Family Register in Japan.[2] In my opinion a de facto adoption in the United States, which, although adequate under American law, fell short of the above-mentioned requirements of Japanese law, would not extend Japanese nationality to an adopted child.[f]

4. Acquisition by Naturalization

As is indicated in Part III of this memorandum, a nisei who has lost Japanese nationality regains it, not through Naturalization, but through a restoration proceedings. Japanese law relating to naturalization seems to be applicable only to aliens who never in their lives have had Japanese nationality. Certain third-generation Japanese-Americans might be of this description. Under the

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1 Home Affairs Ministry Ordinance #51, enacted 14 September 1899 and amended by Home Affairs Ministry Ordinance #27 of 1924. To be found at Page 251 of Volume 14 of Genko Horei Shuran.

2 Family Registration Act #147. To be found at Page 932 of Volume 14 of Genko Horei Shuran.

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f The correctness of this assertion may be questioned for the same reasons stated in notes c and d.

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the provisions of Article 1 of the Nationality Act, Japanese nationality is conferred by birth only when the father is, at time of birth, a Japanese. A child, born in America to a nisei father who had lost his Japanese nationality (as was possible from 1 August 1916), would have no Japanese nationality whatsoever.

However, the provisions of the Nationality Act suggest that a naturalization proceedings, on behalf of such a child, is a possibility under Japanese law.

Naturalization is governed by the following provisions of the Nationality Act:

> "Article 7. An alien may become naturalized with the permission of the Minister of Home Affairs.
>
> "The Minister of Home Affairs cannot permit naturalization, except in the case of persons fulfilling the following conditions:
>
> (1) Having had a domicile in Japan for five or more years consecutively.
> (2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.
> (3) Being of good character
> (4) Having sufficient property, or ability, to secure an independent livelihood.
> (5) Having no nationality, or when he or she would lose his or her nationality in consequence of the acquisition of Japanese nationality."
>
> "Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband."
>
> "Article 9. The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition number 1 of Paragraph 2 of Article 7:
>
> (1) Those whose fathers or mothers were Japanese.
> (2) Those whose wives were Japanese.
> (3) Those born in Japan.
> (4) Those who have had places of residence in Japan for ten years or more, consecutively.
>
> "The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized

unless

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unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply."

"Article 10. In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of Paragraph 2 of Article 7."

The method of naturalization is specified in Article 1 of the Nationality Act Enforcement Regulations.

Article 1. A child is regarded as a Japanese if its father is at the time of its birth a Japanese. The same applies if the father who died before the child's birth was at the time of his death a Japanese."

Article 10 states the exception which appears to permit a greatly simplified naturalization of a third-generation Japanese-American child. In my opinion, this article makes possible the naturalization of such a child, while still a minor and without a long residence in Japan, providing the father or mother have regained Japanese nationality after the child's birth.

Within ten days of issuance of a certificate of naturalization, such naturalization must be entered on the Family Register.[1] In my opinion the effect of this provision is similar to the requirement for registration of marriage--i.e. failure to place this fact on record would result in a failure of acquisition of nationality. (See the previous parts 1, 2 and 3 of this section).[g]

III

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[1] Article §149 Family Registration Act.

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[g] The correctness of this assertion may be questioned for the same reasons stated in notes c and d.

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III. Loss of Japanese Nationality

A. Loss of Nationality through Renunciation

1. From 1 April 1899 until 1 August 1916

During the period 1st April 1899 until 1 August 1916, although the loss of nationality through naturalization was possible under the Nationality Act, a loss through renunciation was not.

The Nationality Act (in effect from 1899), provides:

> "Article 20. A person who voluntarily acquires foreign nationality loses Japanese nationality".
>
> "Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality."

Until 1916 no provision existed for the loss of Japanese nationality as a result of an involuntary acquisition of foreign nationality. The tenor of later amendments and the remarks of authorities[1] made it clear that the term "voluntary acquisition", as used in Article 20, means "naturalization". A person born in the United States acquires American citizenship by reason of birth and cannot become a naturalized American. Therefore, during the period from 1 April 1899 until 1 August 1916, an American-born Nisei could divest himself of Japanese nationality only by naturalization and this was possible only in some country other than the United States.

2. From 1 August 1916 to 1 December 1924

Statute #27 of 1916[2] amended the Nationality Act of 1899 by adding

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[1] YAMADA, supra, Page 203.

[2] Enacted 15 March 1916, and found on Pages 52 and 53 of Statutes Section of the March, 1916 issue of Nippon Horei Zensho; also in the 16 March 1916 issue of Kampo. A photostat and translation are attached. This article was put into effect on 1st August 1916 by Imperial Ordinance #181 of 8 July 1916, found at Pages 213-214 of Imperial Ordinance Section of the July, 1916 issue of Nippon Horei Zensho, and also in the 10 July 1916 issue of Kampo. A translation has been prepared in connection with this memorandum.

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adding Part 2 of Article 20 which permitted a renunciation under certain conditions:

Part 2 of Article 20 (as of that period) provided:

> "A Japanese who through birth in a foreign country has acquired the nationality of the country, may, if domiciled in that country, renounce Japanese nationality by securing the permission of the Minister of Home Affairs.
>
> "The application for permission referred to in the previous paragraph shall be presented by the legal representative if the person who is renouncing Japanese nationality is less than fifteen years of age; if the person is a minor over fifteen years of age, or is an incompetent, the consent of his legal representative is required.
>
> "If the application or the consent referred to in the previous paragraphs is to be given by the stepfather, stepmother, legitimate wife, or guardian, the consent of the family council is required.
>
> "A person who renounces his or her nationality shall lose Japanese nationality."

The method of application for permission to renounce nationality was defined in Home Affairs Ministry Ordinance #8, 10th July 1916 [1] as follows:

> "Article 1. A person desiring to renounce nationality in accordance with the provisions of Part 2 of Article 20 of the Nationality Act, must submit to the Minister of Home Affairs, through a Japanese Ambassador, Minister or Consul resident in the country (of the person's domicile) a request which is accompanied by the following items:
>
> (1) A copy of his family register.
> (2) A certificate of his birth issued or authenticated by an official of the country of birth.
> (3) His address and length of residence on all occasions when he has been in Japan.
> (4) The year in which his father and mother acquired a domicile in the country of his birth.
> (5) The names and relationships of family members who are domiciled with him.
> (6) If he is minor over fifteen years of age, or an incompetent, the written consent of his legal representative.

(7)

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[1] In effect from 1 August 1916. To be found on Pages 201-202 of the Ministerial Ordinance Section of the July 1916 issue of Nippon Horei Zensho; probably found as well in the 10th July 1916 issue of Kampo.

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(7) The written consent of his family council, in cases when such consent is required for a request or a consent to a request.
(8) If he is a male over 17 years of age, documentary proof of the completion of active service in the army or navy, or the lack of an obligation to serve."

This amendment was designed to answer American objections to the dual nationality of nisei. The procedure provided proved inadequate, and the requirement of completion of military service as a prerequisite to renunciation was strongly criticized. Nevertheless, from 1 August 1916 until 1 December 1924, a nisei, born in the United States, (either before or after 1899), could have divested himself of Japanese nationality by complying with the above-mentioned provisions of Part 2 of Article 20 of the Nationality Act and Home Affairs Ministry Ordinance #8 of 1916.

3. From 1 December 1924[h]

The last amendment of the Nationality Act (as determined from available sources), was Statute #19 of July 1924.[1] This amendment

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[h] The procedure as set forth in this section was modified by Ordinance No. 9 (1946) of the Japanese Ministry of Home Affairs, promulgated on 20 February 1946 (see Official Gazette of that date), amending the Japanese Nationality Act Enforcement Regulations. See despatch no. 79, 19 March 1946, "Amendment of Japanese Nationality Act Enforcement Regulations", sent to Department of State by American Consular Service at Yokohama, which transmitted a translation of the Ordinance and stated in part: "Before the enactment of the above-mentioned amendment, Notifications of Renunciation of Japanese Nationality could be submitted to the Minister of Home Affairs only through diplomatic and consular channels. The present absence of official and overseas representation therefore would make virtually impossible the renunciation of Japanese nationality in the manner heretofore prescribed by law. Now, by virtue of the February 20th Amendment, notification of renunciations may be submitted directly to the Minister of Foreign Affairs, without regard to method of transmittal."

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[1] See Footnote 3, Page 5.

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ment cancelled Part 2 of Article 20, which has been enacted in 1915, and substituted the following method of renunciation of nationality:

"Part 2 of Article 20. A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance, has acquired the nationality of that country, and who does not as laid down by order express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from his birth.

"Persons who have retained Japanese nationality in accordance with the provisions of the preceding paragraph, or Japanese subjects who, by reason of having been born in a designated foreign country before its designation in accordance with the provisions of the preceding paragraph, have acquired the nationality of that country, may, when they are in possession of the nationality concerned and in possession of a domicile in that country, renounce Japanese nationality if they desire to do so.

"Persons who shall have renounced their nationality in accordance with the provisions of the preceding paragraph lose Japanese nationality."

The Nationality Act Enforcement Regulations, in specifying the mode of renunciation, contained the following provisions:

"Article 3. A person desiring to renounce his nationality in accordance with the provisions of Paragraph 2, of Part 2 of Article 20, of the Nationality Law, shall notify the Minister of Home Affairs through a Japanese ambassador, minister or consul in the country of domicile. The notification referred to in the preceding paragraph shall be made by the legal representative of a person less than fifteen years of age or an incompetent, the consent of the legal representative is required.

"If the notice or consent referred to in previous paragraphs is to be given by a stepfather, stepmother, legitimate wife, or guardian, the consent of the family council is required."

"Article 4. The written notification mentioned in the preceding articles shall be accompanied by the following documents:

a. A copy of the Family Register
b. A birth certificate issued or authenticated by an official of the country of birth
c. Consent in writing, in those cases where this is required by Paragraphs 2 and 3 of the preceding article."

"Supplemental

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"Supplemental provisions (unnumbered additions to the regulations). Requests for the permission of a renunciation of nationality made in accordance with the provision of Home Affairs Ministry Ordinance #8 of 1916 before the effective date of this ordinance, shall, in the case of Japanese who have acquired foreign nationality by reason of birth in a foreign country designated in Imperial Ordinance #262 of 1924, be regarded as notification of renunciation of nationality made on the effective date of this ordinance."

By virtue of the above provisions, a nisei born in the United States before 1 December 1924, or a nisei born after this date and on whose behalf Japanese nationality has been reserved (as described above in Part B of II) may give "notice" of a renunciation of Japanese nationality. This "notice" is a unilateral act, which requires no permission or consent of any individual or unit in the Japanese government. In this respect, it is quite different from the "application for permission" to renounce nationality which was required from 1 August 1916 until 1 December 1924. The essentials for a valid "notice" of renunciation by a nisei born in the United States are:

(1) Domicile in the United States
(2) The possession of American Citizenship
(3) Notification of the type described by the Nationality Act Enforecement Regulations.

Some misunderstanding has existed concerning the effect of Article 24 of the Nationality Act which states:

"Notwithstanding the provisions of Article 19, Article 20 and the preceding three articles, a male of seventeen years of age or over does not lose Japanese nationality unless he has completed active service in the army or navy, or unless he is under no obligation to serve."

It is clear from the text of this article that the reference to "Article 20" designates only the initial part of the article, and not Parts 2 and 3 which were introduced by a subsequent amendment providing for renunciations. This limiting interpretation

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tion is reinforced (1) bu the absence of any requirement for proof of completion of military service in the Nationality Act Enforcement Regulations, (2) by the exception in Paragraph 1 of Article #151 of the Family Registration Act,[1] and (3) by the comments of Japanese authorities.[2] A discharge or exemption from military service is not a prerequisite for the renunciation of Japanese nationality under the terms of Parts 2 and 3 of Article 20.

B. Loss of Nationality through Failure of Notice of Intention to Retain

(See Part A, 2, of Section II of this memorandum)

C. Loss of Japanese Nationality through a Change in Family Relationship

Certain changes in family relationship could have resulted in loss of Japanese nationality at any time since 1899. The following article of the Nationality Act makes provision for such loss of nationality.

> "Article 18. A Japanese, who on becoming the wife of an alien has acquired her husband's nationality, loses Japanese nationality."
>
> "Article 19. A person who has acquired Japanese nationality by marriage or by adoption, loses Japanese nationality by divorce or the dissolution of adoption only when he or she thereby recovers his or her foreign nationality."
>
> "Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality."

"Article

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[1] See Page 8 for a translation of Article 151 of the Family Registration Act.

[2] YAMADA, Supra, Page 210.

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"Article 22. The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place or in which the child leaves the family together with the father, do not come under this rule."

"Article 23. If a child who is a Japanese acquires foreign nationality by acknowledgment, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the nyufu, or the adopted child of a Japanese."

"Article 24. Notwithstanding the provisions of Article 19, Article 20, and the preceding three articles, a male of seventeen years of age or upwards does not lose Japanese nationality unless he has completed active service in the army or navy, or unless he is under no obligation to serve."

Thus, Japanese nationality may be lost by a woman who marries a non-Japanese and thereby gains her husband's nationality, or by an illegitimate child who is acknowledged by a non-Japanese parent. These losses of nationality are subject to the exceptions of Articles 23 and 24, given above.

If under American law, the acquisition of American citizenship by orientals is not possible through marriage or a subsequent naturalization proceedings, the loss of Japanese nationality does not result from a marriage of a Japanese women to an American.

Although a proper recording is essential to the acquisition of Japanese nationality by means of acknowledgment, in my opinion this is not the case when an acknowledgment would result in a loss of Japanese nationality. Article 150 of the Family Registration Act[1] provides for a report of such act of acknowledgment by the head of the Japanese family to which the child belonged, but in my opinion a failure of registration of such a report would not prove fatal

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[1] See Page 9.

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fatal to the loss of nationality, if the acknowledgment were adequate in other respects.

IV.

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IV. Recovery of Nationality

A nisei born in the United States, who has lost Japanese nationality through the provisions of Part 1 of Article 20, or by marriage or by renunciation, is permitted to reacquire Japanese nationality under certain circumstances and upon the fulfillment of certain conditions.[i] The following provisions of the Nationality Act and the Nationality Act Enforcement Regulations are self-explanatory of the periods in which they apply:

A. 1 April 1899 to 1 August 1916

Article 25 of the Nationality Act of 1899 provided:

> "A person who has lost Japanese nationality by marriage and who is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of Home Affairs, recover Japanese nationality."

Article 26 of the same act provided:

> "If a person who has lost Japanese nationality in accordance with the provisions of Article 20 and Article 21 is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality..."

B. 1 August 1916 to 1 December 1924

Statute #27 of 1916, in effect from 1 August 1916, while retaining Article 25, amended Article 26 to make possible recovery following a renunciation. The new text reads:

> "If a person who has lost Japanese nationality in accordance with the provisions of Article 20, Part 2 of Article 20, and Article 21, is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs

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[i] For a full discussion of the effect of such a reacquisition of Japanese nationality upon one's American citizenship, see Blakemore's "Recovery of Japanese Nationality as Cause for Loss of American Nationality" (see note c above for full reference).

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Affairs, recover Japanese nationality.

"When the person who has lost his Japanese nationality in accordance with the provisions of Part 2 of Article 20 is under 15 years of age, the request (for a restoration of nationality) specified in the previous paragraph must be presented by the father of the house to which he belongs; if the father is unable to make the request, it must be presented by the mother; if the mother is unable, by the grandfather, if the grandfather is unable, by the grandmother."[j]

C. From 1 December 1924

Statute #21 of 1924, in effect from 1 December 1924, also retained Article 25, and further enlarged the scope of Article 26 by permitting a recovery of Japanese nationality after other forms of loss.

"Article 26. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 16 have lost Japanese nationality."

In addition, Article 8 of the Nationality Act Enforcement Regulations, effective 1 December 1924 made recovery proceedings similar to those for naturalization by providing:

"A person desiring the recovery of his nationality in accordance with the provisions of Article 25 or 26 of the Nationality Act, shall request the permission of the Minister of Home Affairs in accordance with the provisions of Article 1.[l]

"When a person under fifteen years of age has lost his nationality, in accordance with the provisions of Parts 2 and 3 of Article 20 of the Nationality Act, the request (for a recovery) must be presented by his father; if his

father

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[j] An opinion of the Ministry of Home Affairs holds that no recovery is possible for a child under 15 years of age who possesses no relatives of the degree described in the statute.

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[l] According to a Federal Communication Commission Monitoring Report of a Japanese broadcast of 19 June 1944, prefectural governors now may grant permissions for a recovery in nationality[k].

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[k] The report has been confirmed. See page 8, paragraph 2, of Blakemore's "Recovery of Japanese Nationality as Cause for Loss of American Nationality".

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father is unable to make the request, by his mother; if his mother is unable to make the presentation, by his grandfather; if his grandfather is unable to make the presentation, by his grandmother."

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FORM DS-516
3-19-47

DEPARTMENT OF STATE
CHARGE SLIP

FILE NO.
894. 0

ENCLOSURE	CHARGE TO —	DATE	CLERK'S INITIALS	REMARKS
12-3-46	PD - Browning	10-8-47	L.A.	Desp. 255 fr Libya

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

DEPARTMENT OF STATE
CHARGE SLIP

FILE NO. 894.012

	CHARGE TO —	DATE	CLERK'S INITIALS	REMARKS
6	PD - Browning	10-8-47	L.A.	Desp. 255 from Lobeya

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

No. 488

CONFIDENTIAL

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Yokohama Branch,
Office of the U. S. Political Adviser,
Yokohama, Japan, December 26, 1947.

Subject: Protection of Renounce in Japan Possessing Japanese and British Nationalities.

DIVISION OF PROTECTIVE SERVICES
JAN 13 1948
DEPARTMENT OF STATE
RECEIVED DEPARTMENT OF STATE 1948 JAN 9 PM 1 11
RECEIVED DEPARTMENT OF STATE 1948 JAN 8 AM 8 57
DC/L DC/MAISON LIAISON
DC/M FACILITIES BRANCH
File 388-BD 2/3/48

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

SIR:

As of possible interest to the Department in connection with the protection in Japan of American citizens also possessing Japanese nationality, I have the honor to enclose a copy of a memorandum of November 17, 1947, from the Japanese Government to General Headquarters, Supreme Commander for the Allied Powers, concerning petitions presented by persons possessing Japanese and British nationalities for renunciation of Japanese nationality, which was transmitted to the United Kingdom Liaison Mission in Japan, and a copy of the Mission's reply of December 10, 1947, the pertinent portions of which were transmitted to the Japanese Government.

The regulations concerning the renunciation of Japanese nationality, mentioned in numbered paragraph three of the memorandum from the Japanese Government, were reported to the Department by our Despatch no. 79 of March 19, 1946, entitled "Amendment of Japanese Nationality Act Enforcement Regulations".

Under those regulations Japanese nationals, even though residing in Japan, may renounce Japanese nationality if they can present satisfactory evidence that they also have another nationality. Many American citizens have, upon the establishment of such citizenship, renounced their Japanese nationality, presenting as evidence of their American citizenship Cards of Identity and Registration, or letters addressed to them by American consular officers in Japan concerning their citizenship status. However, we have done nothing either to encourage or discourage such renunciations of Japanese nationality.

It will be noted that the British authorities have adopted a policy that effectively prevents any British subject also possessing Japanese nationality from renouncing such nationality while in Japan. It will also be noted that the British authorities have adopted a policy of denying protection to all British "dual-nationals" in Japan, in contrast to the present policy of the

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of the Department and American consular officers in Japan of considering each case on its individual merits within certain general principles.

While it is recognized that the British position has some merit, and is, of course, solely a matter for decision by the British authorities, it is felt that the present American policy is sound in so far as American citizens in Japan are concerned, and no basic changes therein are recommended.

Respectfully yours,

U. Alexis Johnson

U. Alexis Johnson
American Consul General

Enclosures:

Copy of memorandum from the Japanese Government dated November 17, 1947;
Copy of memorandum from the United Kingdom Liaison Mission dated December 10, 1947.

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OFFICE OF THE CHIEF
JAN 22 1948
PASSPORT DIVISION

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Copy to Tokyo, copy to Kobe.

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Enclosure No. 1 to Despatch No. 488 of December 26 from Yokohama.

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT: Petitions Presented by Persons Possessing Japanese and British Nationalities for Renunciation of Japanese Nationality.

C.L.O. No. 8938(GG) 17 November 1947

1. Six sons and one daughter (listed in Annex A), all born in British territory as children of Mihara Harukazu, 1 (7) Sowa-cho, Nada-ku, Kobe City, presented to the Japanese authorities concerned petitions for the renunciation of Japanese nationality. The same authorities examined the petitions, but as the petitions were not accompanied by papers issued by British authorities, certifying that the petitioners actually possessed the British nationality, they were told to submit such papers.

2. The petitioners applied to the Kobe Division of the British Liaison Mission for the grant of the papers above referred to, but they were told that the issue of such papers was impossible. Meanwhile, the Director of the Kobe Liaison Office was instructed to approach the British Mission and explain to them that the papers in question are necessary under existing Japanese regulations, so that the said documents may still be granted. In answer to the instruction, the Director of the Kobe Liaison Office reported that Penson Esq., of the British Liaison Mission, had told him that the British authorities could orally certify that the Mihara children, petitioners, actually possessed the British nationality, holding that their births were registered in due form. However, the Kobe Division of the British Mission, the official said, cannot issue written certificates of the kind, as there were instructions not to do so from the British Mission in Tokyo.

3. The existing Japanese regulations (Annex B: Revelant clauses, in translation, of Regulations for the Enforcement of the Nationality Law) require that in the case of persons intending to renounce Japanese nationality, papers certifying that such persons still continue, after the war, to possess the Nationalities of the countries of their birth be submitted, in order that they may not become persons with no nationality. Several petitions similar to the present case have also been filed.

4. In view of these circumstances, it is requested that the General Headquarters take steps towards the British Liaison Mission, so that the necessary certificates

may be

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

may be granted to the petitioners. It is further requested that the General Headquarters be good enough to give an indication to the Japanese authorities concerned, as to the steps to be taken on their part for the disposal of the present case.

5. For the sake of reference, copies of the reports and petitions renouncing the Japanese nationality and certificates for the actual possession of the nationalities of the foreign countries under consideration, as necessary documents accompanying the reports and petitions, which the Japanese authorities have so far received, are hereto annexed (Annex C).

FOR THE PRESIDENT:

(s) K. Asakai

(K. Asakai)
Director of General Affairs,
Central Liaison Office.

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure No. 2 to Despatch No. 488 of December 26 from Yokohama.

Consular Section,
United Kingdom Liaison Mission
in Japan,
British Consulate-General,
Yokohama.

CONFIDENTIAL

1646/Co.8

10th December, 1947.

To: General Headquarters,
Supreme Commander for the Allied Powers,
(for attention of Diplomatic Section).

Subject: Petitions presented by persons possessing Japanese and British Nationality for renunciation of Japanese nationality.

Receipt is acknowledged of Diplomatic Section's memorandum of November 26, 1947 enclosing a copy of a memorandum from the Japanese Government C.L.O. No. 8939 (GG) of November 17, 1947.

2. It would be appreciated if a reply could be made to the Central Liaison Office on the following lines:

First, the form of certificate which is enclosed as annexe C to the Japanese Government memorandum was an emergency form, the discontinuance of which has been ordered by the Foreign Office. Secondly, under Foreign Office regulations, British subjects resident in Foreign countries are expected to register at British Consulates; and the only form of certificate of registration whose issue is authorised is an endorsement on the passport of the holder. Passports may not, however, be issued for purposes of residence to dual nationals residing in the country of their second nationality. This ruling is in conformity with the general principle that dual nationals are not entitled to British protection in the country of their second nationality. It follows that no form of document can be issued to Anglo-Japanese dual nationals resident in Japan to show that their British nationality is recognized by His Majesty's Government. As a consequence, it is regretted that it is impossible to comply with the request of the Japanese Government.

3. For the confidential information of Diplomatic Section, but not for communication to the Japanese Government, it may be mentioned that some time ago, this Mission referred to the Foreign Office the anomalous situation created by the present practice of the Japanese authorities whereby any Japanese national who produces evidence of possessing a second nationality is apparently allowed to renounce his Japanese nationality at will. The anomaly is increased by the fact that such persons, if of Japanese origin, can subsequently, very easily re-acquire Japanese nationality by the process of "Kaifuku". Thus, Japanese nationality becomes something after the fashion of a cloak which

can be

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

can be taken off and put on again at will by any Japanese who happens to have acquired foreign nationality by the geographical accident of birth; and the effect of such renunciation, if successful, would be that persons having no moral claim would technically become entitled to British protection in Japan, and be a possible source of expense to the British tax-payer. The Foreign Office took the view that it was undesirable to do anything to facilitate such renunciations, which in most cases seemed to spring from a desire for material advantages rather than from any sense of loyalty to the Crown. In order, however, that Anglo-Japanese dual nationals, working for the Occupation Forces, should not suffer avoidable discrimination as compared with Japanese who possessed some second nationality other than British, in respect of the terms of their employment, etc., this Mission has been authorised, in suitable cases, to inform General Headquarters, Supreme Commander for the Allied Powers, confidentially that such-and-such a person is regarded as a British subject, but that since he also appears to possess dual Japanese nationality, it is requested that no written acknowledgmentof the fact may be made, either to the party in question, or to any Japanese authority.

(s) C. H. Archer

Head of Consular Section
(for Head of Mission)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

DATE: 5/27/48

TO : CR - Mrs. Kent

FROM : FC - Miss Smith

SUBJECT: Possible Japanese citizenship of IKEDA, Ryotaro Leo

This action would apparently serve simply to make assurance doubly sure, since Vice Consul Overton has already ascertained that IKEDA's name had not been entered in his Family Registry, which would have been the case if he had ever had dual nationality.

There is a considerable file in the Japanese Unit on this man and his family. His father Naoichi was requested for repatriation by the Japanese Government, but refused to go to Japan. The father's activities and associations before the war were considered questionable by our security agencies. His younger brother George, PFC, ASN 19256497, as of 6/29/47 was at the Military Intelligence Service Language School at the Presidio of Monterey, California.

Ryotaro Leo returned to the U.S. 5/2/47 after having been cleared by the Passport Division here and the consular representatives in Japan. I shall be very much interested in Tokyo's response, and shall want the entire file for inclusion in the Japanese records upon completion of the case.

Elizabeth B. Smith
Chief, Japanese Unit

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

IN REPLY, PLEASE REFER TO FILE NUMBER

JS:HRS:mw

Claim No. 8542

OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

File
ack. & Inst. to
Tokyo
L/S-Keegan

MAY 13 1948

894.0012/5-1348

Mr. Richard W. Flournoy
Assistant Legal Adviser
State Department
Washington 25, D. C.

Re: Leo Ryotaro Ikeda - father Naoichi - Sfo.

Dear Sir:

In a recent telephone conversation Mr. Schell of this Office was advised by Mr. Keegan of your staff that your Office has available in Japan an advisor or authority on questions involving Japanese law.

This Office has now pending a claim filed by Leo Ryotaro Ikeda for the return of certain vested property pursuant to section 32 of the Trading with the Enemy Act. In accordance with the suggestion of Mr. Keegan, the following information concerning the claimant, taken from the records of the Passport Division of your Department, is furnished.

> The claimant was born on January 24, 1926 in New York City, New York of Japanese born parents. His father came to the United States in 1904 and his mother came to the United States in 1920. The claimant sailed from San Francisco on July 5, 1941 to visit his uncle in Japan. He claims that he does not posses Japanese nationality and states that his name was never entered in the family register in Japan. His permit to stay in Japan was issued by the Kanagawa-Ken Takatsu Police Station on July 20, 1944 and was renewed July 20, 1945 valid to July 19, 1946. His certificate of residence was issued by the Home Ministry on August 11, 1944 valid to August 10, 1945. He did not enter or serve in the Armed Forces of Japan. He further states that he held a permit to stay in Japan issued only to foreigners valid to July 19, 1946 and

CSN

894.0012/5-1348

FILED
JUN 23 1948

A-63

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

a certificate of residence issued only to foreigners valid to August 10, 1945 and also holds a certificate of residence and no military service issued by the Director of Mizuho Gakuen.

He resided in Japan as follows:

July 1941 - September 1941	- 33 Obancho Yotsuyaku Tokyo, Japan
September 1941 - July 1945	- 4255 Ikuta-Masugata-Yoma Kawasaki-Shi, Japan
August 1945 - September 1945	- Keio University Dormitory Yokohama, Japan
October 1945 - August 1946	- Foreign Nationals Dormitory Imabashi 5-Chome Higashi-Ku Osaka, Japan

Since November 1945 he has served the American Army as an interpreter. Douglas W. Overton, Vice-Consul, states in his opinion attached to the claimant's application for a passport, that the identity of the applicant has been established and that his claim to United States citizenship, never before established, is based on his birth certificate. The Vice-Consul further states: "The applicant states that he does not have Japanese nationality. His statement is borne out by the copy of his Family Register here and by his presenting an Alien Residence Permit which was valid at the time the war ended."

From the above facts the possibility exists that the claimant may have been possessed of both American and Japanese nationality, particularly during the period of his residence in Japan following the declaration of war.

Would you kindly request an opinion from your advisor in Japan as to whether the claimant, Leo Ryotaro Ikeda, ever

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

possessed Japanese nationality and if so, was such nationality lost and the effective date of the loss. When received, please forward the opinion to this Office for consideration in connection with this claim.

Your cooperation in this matter will be appreciated.

Sincerely yours,

David L. Bazelon

David L. Bazelon
Assistant Attorney General
Director, Office of Alien Property

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

May 29, 1948

In reply refer to
L/S

My dear Mr. Bazelon:

The receipt is acknowledged of your letter of May 13, 1948 (File: JS:HRS:mw Claim No. 8542) in which you request the Department's assistance in obtaining an opinion as to whether Leo Ryotaro Ikeda ever possessed Japanese nationality and, if so, whether such nationality was ever lost and the effective date of such loss.

A copy of your letter is being sent to the Office of United States Political Adviser to Supreme Commander for Allied Powers, Tokyo, with the request that he obtain from the appropriate sources in Japan an opinion concerning the citizenship status under Japanese law of Mr. Ikeda. As soon as a report is received from the Political Adviser a further communication will be addressed to you.

Sincerely yours,

R. W. Flournoy
Assistant Legal Adviser

The Honorable
David L. Bazelon,
Assistant Attorney General,
Director, Office of Alien Property,
Department of Justice.

L/S:JMKeegan:fje
5/24/48

Ch

MAY 25 1948 P.M. to FC

MAY 28 1948

NA

FC

894.012/5-1348

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DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

MAY 29 1948

UNCLASSIFIED

894.012/5-1348

No. 87

To the

Office of United States Political Adviser to
Supreme Commander for Allied Powers,
Tokyo.

The Secretary of State encloses a copy of a letter dated May 13, 1948 from the Director, Office of Alien Property in which it is requested that an opinion be obtained as to whether Leo Ryotaro Ikeda ever possessed Japanese nationality and, if so, whether such nationality was ever lost and the effective date of such loss.

The Political Adviser is requested to obtain from the appropriate sources in Japan an opinion concerning the question raised by the Director, Office of Alien Property, and to submit a report to the Department for transmittal to the Director, Office of Alien Property.

CS/N

Enclosure:
Copy of letter dated May 13, 1948 from the Director, Office of Alien Property.

L/S:JMKeegan:fje
5/24/48

MAY 25 1948
MAY 28 1948

NA

894.012/5-1348

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

OF FOREIGN ACTIVITY CORRELATION
AUG 23 1948
DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER
FOR JAPAN

No. 355

Tokyo, June 14, 1948.

UNCLASSIFIED

Subject: Nationality of Leo Ryotaro Ikeda.

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to the Department's instruction No. 87 of May 29, 1948 and to submit the following opinion concerning the nationality of Leo Ryotaro IKEDA.

Under Japanese law, Leo Ryotaro Ikeda lost Japanese nationality retroactively from birth as a result of the failure of his father to make a report of birth to the appropriate Japanese Consul within the prescribed period of two weeks following his birth. On the basis that records of the Japanese Ministry of Home Affairs and of the local police, as well as the subject's family register, indicate that he has never recovered the Japanese nationality which he lost by such failure to report his birth, it is the opinion of this Mission that the subject has always been considered under Japanese law to be an alien. It is noted that under American law the subject is an American citizen, having been born within the limits and jurisdiction of the United States and having overcome the presumption of expatriation which arose against him as a result of his residence in Japan.

Respectfully yours,

W. J. Sebald

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UNCLASSIFIED

RECEIVED DEPARTMENT OF STATE 1948 JUN 18 PM 2 33 DC/M FACILITIES BRANCH
APPLICATION CLEARED Date 8-1-46
894.012/6-1448
LEO RYOTARO
CSA
EO-DW
894.012/6-1448

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

STANDARD FORM NO. 64

AUG 3 1948

Office Memorandum • UNITED STATES GOVERNMENT

TO : L/S - Mr. Keegan

DATE: July 30, 1948

FROM : PD

SUBJECT: Case of Leo Ryotaro Ikeda

LEGAL ADVISER
855
AUG - 2 1948
DEPARTMENT OF STATE

There is attached File 894.012/5-1348 in the case of Leo Ryotaro Ikeda, together with despatch No. 355 dated June 14, 1948 from the Office of the United States Political Adviser for Japan at Tokyo, in reply to the Department's instruction No. 87, dated May 29, 1948.

The Passport Division files contain the record of the issuance to Mr. Ikeda of service passport No. 266 on March 18, 1947, upon an application executed by him on August 1, 1946 at Yokohama. The Passport Division files contain no evidence that Mr. Ikeda has lost American nationality.

RUTH SHIPLEY

PD:TFWaterman:mcw

DGR - NE Unit
Dist.

FW 894.012/6-1448

CS/A FW 894.012/6-1448

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND[redacted]# 760050

AUG 7 1948

In reply refer to
L/M 894.012/6-1448

not with file. 9/21/48-838

My dear Mr. Bazelon:

Reference is made to your letter of May 13, 1948 (File: JS:HRS:mw Claim No. 8542) and the Department's reply thereto of May 29, 1948 concerning the citizenship status of Leo Ryotaro Ikeda.

Pursuant to the Department's request there has now been received from the Acting United States Political Adviser for Japan despatch No. 355 of June 14, 1948 in which the following opinion is expressed concerning the nationality of Mr. Ikeda:

> "Under Japanese law, Leo Ryotaro Ikeda lost Japanese nationality retroactively from birth as a result of the failure of his father to make a report of birth to the appropriate Japanese Consul within the prescribed period of two weeks following his birth. On the basis that records of the Japanese Ministry of Home Affairs and of the local police, as well as the subject's family register, indicate that he has never recovered the Japanese nationality which he lost by such failure to report his birth, it is the opinion of this Mission that the subject has always been considered under Japanese law to be an alien."

Sincerely yours,

Raymund T. Yingling
Assistant Legal Adviser

The Honorable
David L. Bazelon,
Assistant Attorney General,
Director, Office of Alien Property,
Department of Justice.

AUG 8 1948 P.M.

L/M:JMKeegan:fje
8/2/48

894.012/6-1448

CS/A

894.012/6-1448

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

DCR PD

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Buenos Aires, Argentina, June 15, 1948.

ACTION
is assigned to

No. 413

Subject: Application made by Japanese subjects Mito ARAKAKI, née Yagi and Hime HIGA née Okuhama for certificates of nationality.

7/27/48 DIVISION OF PROTECTIVE SERVICES
JUL 2 1948
DEPARTMENT OF STATE

Instr to Mapolad, Tokyo

UNCLASSIFIED

The Ambassador has the honor to report that the following Japanese subjects have applied at this office for certificates of nationality:-

Mito ARAKAKI née Yagi, born at Okinawa-ken, on October 20, 1919, bearer of Japanese passport No. 350659 issued by Ministry of External Affairs, Hyogo-ken, Japan on July 10, 1939.

Hime HIGA née Okuhama, born at Nakagusuku, Okinawa on December 10, 1903, bearer of Japanese passport No. 317455 issued by Ministry of External Affairs, Hyogo-ken, Japan on July 22, 1936.

It is requested that the Department refer this matter to the proper Occupation authorities for their disposition.

DEPARTMENT OF STATE
OFFICE OF
AMERICAN REPUBLIC AFFAIRS
SEP 23 1948

RECEIVED DEPARTMENT OF STATE 1948 JUN 28 AM 9 45 VISA DIVISION

File No. 704
DKBallentine:crr

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REMARKS
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894.012/6-1548
ARAKAKI, MITO Y.
CS/V

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

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DC/R

UNCLASSIFIED

JUL 30 1948

No. 128

To the

Acting United States Political Adviser for Japan,

Tokyo.

The Secretary of State transmits for the attention of the Acting United States Political Adviser for Japan at Tokyo two copies of despatch No. 413 of June 15, 1948 from the Embassy at Buenos Aires concerning the interest of two Japanese in Argentina in obtaining certificates of nationality. It will be noted that both of the applicants were born in Okinawa.

Several points in connection with these applications need clarification. First, whether, in the opinion of the Supreme Commander for the Allied Powers, efforts should be made through the American Foreign Service to take care of such matters for Japanese resident in countries where there is no protecting Power for Japanese interests, or whether the Japanese concerned should be referred to the government of the country of their residence. Second, whether, if such matters are to be taken care of by American consulates and missions, they should be handled on an ad hoc and informal basis under the sole guidance of the Supreme Commander for the Allied Powers, or whether some more or less formal agreement should be made with the Japanese Government looking toward its participation in such matters. Third, whether natives of Okinawa should, if such cases are to be handled at all, be accorded treatment different from Japanese born in Japan.

The comments and suggestions of the Acting Political Adviser or of the Supreme Commander for the Allied Powers on the above points would be appreciated.

Enclosure:

Despatch No. 413 from Buenos Aires, dated June 15, 1948, in duplicate.

894.012/6-1548

CS/V

A true copy of the signed original.

894.012/6-1548

AUG 28 1948

894.012/6-1548

DS:EWilliams III:erk

NA

7/27/48

W.J.C.

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

ACTION
is assigned to
"HOMU"

JOHN Y. MAENO
JOHN F. AISO

MAENO AND AISO
ATTORNEYS AT LAW
112 NORTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
MICHIGAN 9847

RECEIVED JUN 25 1948 DEPT. OF STATE D C/R

June 22, 1948

File 7/12/48
ans. L/M-Keegan

LEGAL ADVISER
JUN 30 1948
DEPARTMENT OF STATE

821-A

Legal Division,
Department of State,
Washington 25, D. C.

Dear Sirs:

I have been asked for an opinion upon the following facts, but am unable to find pertinent authority. Could you kindly let me know the State Department ruling, if any, upon the facts set forth below.

A person of Japanese ancestry was born in the United States prior to 1924. Hence, he was a dual national of the United States and Japan at birth. Later, his parents expatriated him from Japanese nationality. Subsequent to this expatriation, subject went to Japan. During the years of World War II, prior to reaching his 21st birthday, he applied for "kaifuku" (revival) of his Japanese nationality. That application was not granted by the Japanese authorities until 6 days after subject reached 21 years of age. Subject now seeks to disaffirm that act upon grounds of minority at the time the application was submitted, although his application was not approved until after his 21st birthday.

Would the date of application or the date that revival of Japanese citizenship took place be controlling?

Respectfully yours,

John F. Aiso

John F. Aiso

JFA:yy

Airmail

FILED
JUL 20 1948

894.012/6-2248

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

JUL 15 1948

In reply refer to
L/M 894.012/6-2248

894.012/6-2248

My dear Mr. Aiso:

The Department has received your letter of June 22, 1948 in which you inquire concerning the citizenship status of a person of Japanese ancestry born in the United States with both Japanese and American citizenship but who later lost his Japanese citizenship and subsequently reacquired it. You state that the application for revival of Japanese citizenship was made prior to the individual's twenty-first birthday but was not granted until afterwards.

Article 26 of the Japanese Nationality Law, as amended by the Act which became effective December 1, 1924, provides as follows:

> "If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21, inclusive, is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality . . . ".

In view of this provision, it would seem that a person could not be regarded as having reacquired Japanese nationality until the application of the individual in question had been granted by the Minister of Home Affairs.

Under Section 401(a) of the American Nationality Act of 1940, a person who is a national of the United States loses his nationality by being naturalized in a foreign state upon his own application. The Department now holds that no person under the age of twenty-one can expatriate himself under this Section. However, in determining whether or not the person was of age for purposes of expatriation under this Section, the date on which the

individual

CS/V

894.012/6-2248

Mr. John F. Aiso,
Attorney at Law,
112 North San Pedro Street,
Los Angeles 12, California.

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

individual acquired or reacquired the nationality of the foreign state, rather than the date on which application was made therefor, would be considered as controlling.

You will realize, of course, that since your inquiry does not appear to relate to any case now pending before the Department, the statements made herein are not to be regarded as a ruling by the Department on the particular case in question, nor as being in any way binding on the court if the case in question should be pending before a court.

Sincerely yours,

For the Secretary of State:

Raymund T. Yingling
Assistant Legal Adviser

RECEIVED
OFFICE OF THE CHIEF
JUL 13 1948
PASSPORT DIVISION

JUL 15 1948 P.M.

L/M:JMKeegan:fje
7/12/48

PD

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

DEPARTMENT OF STATE

THE LEGAL ADVISER

DCR

Young

LEGAL ADVISER

JUL 21 1948

DEPARTMENT OF STATE

Mr. Keegan

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

ACTION
is assigned to
L

JOHN Y. MAENO
JOHN F. AISO

MAENO AND AISO
ATTORNEYS AT LAW
112 NORTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
MICHIGAN 9847

CABLE ADDRESS
"HOMU"

RECEIVED
JUL 21 1948
DEPT. OF STATE
DC/R

July 19, 1948

LEGAL ADVISER
JUL 23 1948
DEPARTMENT OF STATE

105-b

File

DC/R

894.012/7-1948

AIRMAIL

Secretary of State,
Washington 25, D. C.

Attention: Mr. Raymond T. Yingling,
Assistant Legal Adviser. FAK

Re: L/M 894.012/6-2248

Dear Sir:

This is to thank you for your communication of July 15, 1948.

While as stated in the last paragraph of your said letter it is not binding in any particular case in question, it will be of great value as indicating the general policy of your Department.

Appreciating your kind attention and kindness in sending me such a complete letter,

Respectfully yours,

John F. Aiso

John F. Aiso

JFA:yy

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DCR - CLEARANCE UNIT
FAK
JB
FILED
JUL 27 1948

894.012/7-1948

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

ACTION
is assigned to

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

HGM:PJG

146-54-4998

August 26, 1948

LEGAL ADVISER
SEP 1 - 1948
DEPARTMENT OF STATE

894.012/8-26-48

Department of State,
Washington 25, D. C.

Attention: James E. Keegan, Legal Division.

Re: Tetsuo Frank Kawakami and Isao James Kuromi v. George C. Marshall, as Secretary of State. No. 8238-W.
(Your Reference: F-120 Kawakami, Tetsuo Frank)

Dear Sir:

In response to the letter of this Department dated June 10, 1948, the Department of State on July 9, 1948, forwarded pertinent records for use in the defense in the above entitled action. One of the inclosures to your letter of July 9th was a copy of a statement made by the American Consul General in which he states that Isao James Kuromi recovered Japanese nationality by grant of the Ministry of Home Affairs on October 21, 1946, and that his name was subsequently reentered in the Japanese Family Register. As a result of the receipt of such information, an answer to the complaint was prepared by this office which, in pertinent part, alleged that Kuromi was a naturalized citizen of Japan by virtue of his recovery of Japanese nationality. It will be necessary in order to utilize such defense to obtain the evidence in an admissible form.

In view of this fact, it is requested that you obtain certified photostatic copies under certificate and seal as to source and authenticity, of the petition of Kuromi to recover Japanese nationality, the granting of the same by the Ministry of Home Affairs and the reentry of his name in the Japanese Family Register. In addition to the above, it will be appreciated if you will forward certified photostats of Kuromi's application to renounce Japanese nationality on January 30, 1931, and the entry removing his name from the Family Register on June 13, 1931.

It will also be appreciated if your office will forward to this office, in affidavit form, a statement by a qualified person setting forth the particular provisions of Japanese law which authorize persons to petition for recovery of Japanese citizenship, the granting of the same by the Ministry of Home Affairs and the effect of its reentry in the Japanese Family Register.

FILED
JAN 4 1949

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894.012/8-26-48

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

The United States Attorney for the Southern District of California has advised this office that the above entitled action has been set for a pre-trial conference on September 20, 1948, at which time all documents which the parties intend to offer in evidence must be exhibited to the Court. In view of this fact, it will be appreciated if you will take the necessary action to obtain the requested information on or before September 13, 1948.

Sincerely yours,

For the Attorney General,

H. G. Morison

H. G. MORISON
Assistant Attorney General

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

DIVISION OF
PROTECTIVE SERVICES
AUG 30 1948
DEPARTMENT OF STATE

ACTION
is assigned to
DS

Apartment 308
4901 Lake Park Ave.
Chicago 15, Illinois

August 26, 1948

Refer: DS PD

RECEIVED
AUG 31 1948
DEPT. OF STATE
DC/R

DIVISION OF
PROTECTIVE SERVICES
SEP 1 1948
DEPARTMENT OF STATE

Mr. Walter F. Chappell
Assistant Chief
Division of Protective Services
Department of State
Washington 25, D.C.

My dear Mr. Chappell:

This is to acknowledge receipt of your letter dated August 24, 1948 in which you inform me that you have transmitted to the Officer in Charge of the Yokohama Branch, Office of the United States Political Adviser, the information regarding proof of the renunciation of Japanese citizenship by my brother, Takashige Iida. I had just written you yesterday to ask whether this was done and your letter came this morning.

I appreciate the promptness with which you handled this matter and am deeply grateful.

Sincerely,

Hideko Iida

Hideko Iida

894.012/8-2648 CSA

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

4901 Lake Park Avenue
Chicago 15, Illinois

22 CHICAGO AUG 26 1 PM 1948 ILL.

UNITED STATES POSTAGE 3 CENTS 3

HIRE TH[illegible]PPED
IT'S G[illegible]SS.

Mr. Walter F. Chappell
Assistant Chief
Division of Protective Services
Department of State
Washington 25, D.C.

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Apartment 308
4901 Lake Park Avenue
Chicago 15, Illinois

Mr. Walter F. Chappell, Chief
Division of Protective Services
Department of State
21st and Virginia Avenue
Washington 25, D. C.

DIVISION OF PROTECTIVE SERVICES
AUG 26 1948
DEPARTMENT OF STATE

No action needed
Dispatch sent to Yokohama and letter to Miss Tida dated 8/24/48
file

File
CSC
See 894.012/8-2648

Dear Mr. Chappell:

On August 12 and 13, I was in Washington with regard to finding renunciation of Japanese citizenship papers and documents for my brother who is now in Japan and whom I am very anxious to have return to this country. Through your courtesy, I was able to receive from Mr. Okami at the Japanese Embassy, to whom you referred me by phone, a paper stating that my brother's renunciation papers were on hand at the Embassy and this note he had written "To Whom It May Concern" under your name and I was to get your signature. I proceeded immediately after leaving Mr. Okami to your office for your signature on the letter and to convey to you my deepest gratitude. Upon arriving at your office I was informed by your Assistant, that you had to leave the office on a personal emergency.

As I explained to your Assistant, my reason for wanting to see you, he looked at the letter from Mr. Okami which needed your signature and thought that the letter was not accurate enough as it was written to "Whom It May Concern" and also other minor details and said that since you were not expected in the office that Friday, he suggested that I leave this letter which I had just gotten from Mr. Okami and he would discuss it with you. He suggested that it would be more official for you or for him to write directly to the American Political Adviser in Japan to which I quite agreed. I left your office with the understanding that your assistant would talk to you about this and inform me as to the action taken as I had to return to Chicago. To date, I have had no word from you or your assistant and I was wondering if I could prevail upon you to let me know the outcome. The carbon copy of the letter I left with you (I left the original with you which was written on State Department Stationery) is on its way to my brother now in Japan. It was this exact information which the Political Adviser in Japan requested my brother to get before his case could be acted upon as he was drafted into the service in Japan which automatically revoked his American citizenship which he gained by right of birth. The Political Adviser told my brother that if he could show proof of his intention to come back to this country after finishing his college work there that they might be able to clear his case, a proof that he intended to come back to America before the war. Since this renunciation paper was documented before the war, it is very essential in his case.

Have about letter to do

CS/A

I hope, therefore that I can prevail upon you to let me know as soon as is possible for you to do so, whether the letter has gone to the Political Adviser in Japan from your office. My brother lives at 582 Horikawa, Nishihadanomura, Nakagun, KanagawaKen, Japan. I assume that the Political Adviser in Yokohama is handling his case because my previous correspondence with the State Department on how to go about bringing my brother here informed me that they were writing to the Political Adviser in Yokohama, Japan (my brother lives near Yokohama) to invite my brother to document his citizenship as the first step in this process.

894.012/8-2648

894.012/8-2648
(Rec'd)

SEP 10 1948

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

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DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

I wish to convey again how grateful and thankful I am for your permission for me to go to the Japanese Embassy while I was in Washington. Mr. Okami informed me that had you not given me the permission, I would not have been able to get the necessary information. If I seem overbearing on your time, it is only because of my anxiety in my brother's case and to have it come to a successful conclusion as soon as possible. At any rate, whatever your office can do, I shall appreciate very much.

Please do not hesitate to write me for further information if the above paragraphs are not sufficient.

Sincerely,

Heda Hideko Iida

Heda Hideko Iida

P.S. I wrote this because your Assistant thought that this letter could go out from your office about August 18th and he said as soon as it went out, your office would inform me and I left him my address.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER
FOR JAPAN

ACTION is assigned to

No. 576

UNCLASSIFIED

Tokyo, September 3, 1948.

9/20/48 File
DIVISION OF PROTECTIVE SERVICES
Instr to Buenos Aires
SEP 15 1948
DEPARTMENT OF STATE

Subject: Issuance of Passports or Certificates of Nationality to Japanese Nationals.

RECEIVED DEPARTMENT OF STATE 1948 SEP 10 AM 9 14
DC/M FACILITIES BRANCH
DEPARTMENT OF STATE OFFICE OF AMERICAN REPUBLIC AFFAIRS SEP 23 1948
RECEIVED DEPARTMENT OF STATE 1948 SEP 13 PM 12 15

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to the Department's instruction no. 128 of July 20, 1948 concerning the interest of two Japanese in Argentina in obtaining certificates of nationality, and to enclose five copies of a directive issued by General Headquarters, Supreme Commander for the Allied Powers, to the Japanese Government (SCAPIN 1609/1, August 25, 1948) defining the power of the latter to issue passports and certificates of nationality.

SCAPIN 1609/1 states that Japanese nationals will be issued passports only upon specific directive from this Headquarters in the case of Japanese nationals traveling outside of Japan in connection with the current programs for Japanese travel abroad. The Japanese Government will be directed to issue certificates of nationality in cases of hardship where application is made to the Supreme Commander by the country acting as protecting Power for Japanese interests in the country concerned or by the country of residence. In cases where a country is willing to issue to a Japanese national in Japan an entry visa for the purpose of establishing permanent residence in that country, it is the policy of this Headquarters that the country issuing the entry visa also issue a certificate of identity or similar travel document which will serve in lieu of a passport; Japanese passports will not be issued for this type of travel.

The chiefs of the foreign missions accredited to the Supreme Commander have been informed of this procedure by memorandum dated August 25, 1948. A copy of this memorandum is enclosed.

In answer to the first question raised by the Department's instruction no. 128, it is the policy of the Supreme Commander, as indicated above, that Japanese residents abroad should be referred to the protecting Power for Japanese interests in the country concerned or to the government of the country of their residence for assistance in matters concerning passports and certificates of nationality. The second question does not therefore require an answer.

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UNCLASSIFIED

In regard

894.012/9-348
CS/A

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In regard to natives of Okinawa, the procedure contemplated is the same as that described in the enclosed SCAPIN, with the additional step that the United States Military Government authorities in the Ryukyus will be directed by this Headquarters, after the application for a passport or certificate of nationality has been approved, to issue the appropriate documents. Natives of Okinawa abroad who request documentation in regard to their nationality should be advised that their request should be forwarded to this Headquarters through the protecting Power or through the country of their residence, and that after approval of the request this Headquarters will direct Military Government authorities in the Ryukyus to issue the document required.

It is suggested that the Embassy at Buenos Aires, in reference to its despatch no. 413, June 15, 1948, copy of which was enclosed with the Department's instruction no. 128, be informed of the substance of the above and be requested to advise the natives of Okinawa who applied to the Embassy for certificates of nationality of the proper procedure for submitting such applications.

Respectfully yours,

W. J. Sebald

Enclosures:

1. Five copies of SCAPIN 1609/1, August 25, 1948.

2. Copy of memorandum dated August 25, 1948 to chiefs of missions accredited to SCAP.

811.11

RBFinn:cgf

Original and ozalid to the Department

cc: USPOLAD, Berlin
American Embassy, Nanking
U.S. Representative, Seoul

UNCLASSIFIED

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure No. 1 to Despatch No. 576 dated September 3, 1948 from Tokyo.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 014.331 (14 Apr 47)GA
SCAPIN 1609/1

25 August 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Issuance of Passports or Certificates of Identity or Nationality to Japanese Nationals

1. Reference is made to:

a. Memorandum from the Japanese Government, C.L.C.O. No. 2866(1G), dated 14 August 1948, subject as above.

b. Supreme Commander for the Allied Powers memorandum, file AG 000.74 (14 Apr 47)GA, SCAPIN 1609 , dated 14 April 1947, subject, "Travel Documents for Japanese Nationals Traveling Abroad."

2. It is considered neither desirable nor necessary that Japanese nationals be issued passports except upon specific directive from the Supreme Commander for the Allied Powers on a case by case basis. Issuance of such passports will be directed only in connection with the current programs for travel of Japanese nationals outside of Japan. These passports will as in the past be valid only for a specific purpose and for travel to specific countries, and will have a specific period of validity.

3. In order to avoid undue hardship in cases similar to that cited in paragraph 2a of reference 1a above, the Supreme Commander for the Allied Powers will consider directing the Japanese Government to issue a certificate of nationality. Applications for issuance of such certificates should be directed to the Supreme Commander for the Allied Powers by the country acting as protecting power for Japanese interests in the country concerned, or by the country of residence. If such requests are approved, the Japanese Government will be directed to accomplish the necessary certificate and forward it to the Supreme Commander for the Allied Powers for transmission to the individual requesting it, utilizing the same diplomatic channels through which the request came to the Supreme Commander for the Allied Powers' attention.

4. In cases such as are cited in paragraph 2b of reference 1a above, it is the Supreme Commander for the Allied Powers' policy that when Japanese nationals are granted clearance to travel to a foreign country for the purpose of residing permanently in that country, it is the responsibility of the country which issues the entry visa to also issue to the Japanese national a certificate of identity or similar travel document which will

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AG 014.331 (14 Apr 47)GA, SCAPIN 1609/1
Subj: Issuance of Passports or Certificates of Identity or Nationality to Japanese Nationals

serve in lieu of a passport. If in any case this policy is not acceptable to the country of ultimate destination, clearance will not be granted for the individual in question to depart Japan.

5. The cases of individuals cited in paragraph 2c of reference 1a above will be handled in exactly the same manner as set forth in paragraph 3 above.

FOR THE SUPREME COMMANDER:

A J Rehe
for R. M. LEVY,
Colonel, AGD,
Adjutant General.

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure No. 2 to Despatch No. 576, dated September 3, 1948 from the Office of the United States Political Adviser at Tokyo, on the subject: "Issuance of of Passports or Certificates of Nationality to Japanese Nationals."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 014.331 (14 Apr 47)GA

25 August 1948

MEMORANDUM FOR: The Head of the Australian Mission in Japan
The Belgian Diplomatic Representative
The Head of the Canadian Liaison Mission in Japan
The Chief of the Chinese Mission in Japan
The Danish Diplomatic Representative
The Chief of the French Mission in Japan
The Hongkong Trade Representative
The Head of the Indian Liaison Mission in Japan
The Italian Diplomatic Representative
The Lebanese Trade Representative
The Head of the Netherlands Military Mission in Japan
The New Zealand Trade Representative
The Norwegian Diplomatic Representative
The Chairman of the Philippine Reparations and Restitution Delegation
The Portuguese Diplomatic Agent
The Acting Soviet Member, Allied Council for Japan
The Spanish Diplomatic Representative
The Swedish Diplomatic Representative
The Swiss Diplomatic Representative
The Head of the United Kingdom Liaison Mission in Japan
The Personal Representative of the Prime Minister of the United Kingdom to the Supreme Commander for the Allied Powers

SUBJECT: Issuance of Passports or Certificates of Nationality to Japanese Nationals.

1. The Japanese Government has raised the question of reissuance of Japanese passports to Japanese nationals who have permanent residence outside of Japan when original passports may have been lost; or if this is not permitted, the Japanese Government desires to issue to such individuals certificates of nationality.

2. The Supreme Commander for the Allied Powers deems it inadvisable to direct the Japanese Government in any case to issue such documents direct to Japanese living permanently abroad, and in no case will Japanese passports be issued to them. If it becomes necessary, in order to avoid hardship, to issue such an individual a certificate of nationality, it is requested that the application for the certificate of nationality be forwarded to the Supreme Commander for the Allied Powers by the country acting as protecting power for Japanese interests in the country concerned, or by the country of residence. If such request is approved, the Supreme Commander for the Allied Powers will direct the Japanese Government to accomplish

the

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

the certificate and forward it to the Supreme Commander for the Allied Powers for transmission to the individual concerned, utilizing the same diplomatic channels as the incoming request.

3. In the cases where any country is willing to issue to a Japanese national in Japan an entry visa for permanent residence in that country, it is the policy of the Supreme Commander for the Allied Powers that the necessary travel document in lieu of passport, i.e., certificate of identity or similar document, be issued by the country of destination through its diplomatic mission in Japan or the diplomatic mission of its protecting power. In cases where this procedure may not be acceptable to the country of destination for technical reasons, clearance will not be granted for the Japanese national concerned to depart Japan.

FOR THE SUPREME COMMANDER:

/s/ A. J. Rehe
for
R. M. LEVY
Colonel, AGD
Adjutant General

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

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Dc/R

OCT 11948

UNCLASSIFIED

No. 243

To the

Officer in Charge of the American Mission,

Buenos Aires.

The Acting Secretary of State refers to the Embassy's despatch No. 413 of June 15, 1948 concerning the application at the Embassy of Mito ARAKAKI née Yagi and Hime HIGA née Okuhama for certificates of nationality. Both were bearers of Japanese passports issued before the war.

A copy of the Department's instruction No. 128 of July 30, 1948 bringing this matter to the attention of the Acting United States Political Adviser for Japan is transmitted herewith. Also transmitted herewith is a copy of the Acting Political Adviser's reply, despatch No. 576 of September 3, 1948 from Tokyo, with copies of its enclosures.

Despatch No. 576 is self-explanatory and suggests the course of action to be followed in dealing with the ARAKAKI and HIGA cases or others of a similar nature.

Enclosures:

1. Instruction No. 128 to Tokyo, dated July 30, 1948.

2. Despatch No. 576 from Tokyo, dated September 3, 1948, with its enclosures.

894.012/9-348

SEP 30 1948 P.M.

A true copy of the signed original.

894.012/9-348
CSA
W.D.C.

CON:DS:EWilliams III:erk NA RPA 9/20/48

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

Enclosure No. 1 to Despatch No. 576 dated September 3, 1948 from Tokyo.

DC/R

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 014.331 (14 Apr 47)GA
SCAPIN 1609/1

25 August 1948

DIVISION OF NORTHEAST ASIAN AFFAIRS
OCT 1 1948
DEPARTMENT OF STATE

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Issuance of Passports or Certificates of Identity or Nationality to Japanese Nationals

1. Reference is made to:

a. Memorandum from the Japanese Government, C.L.C.O. No. 2866(1G), dated 14 August 1948, subject as above.

b. Supreme Commander for the Allied Powers memorandum, file AG 000.74 (14 Apr 47)GA, SCAPIN 1609 , dated 14 April 1947, subject, "Travel Documents for Japanese Nationals Traveling Abroad."

2. It is considered neither desirable nor necessary that Japanese nationals be issued passports except upon specific directive from the Supreme Commander for the Allied Powers on a case by case basis. Issuance of such passports will be directed only in connection with the current programs for travel of Japanese nationals outside of Japan. These passports will as in the past be valid only for a specific purpose and for travel to specific countries, and will have a specific period of validity.

3. In order to avoid undue hardship in cases similar to that cited in paragraph 2a of reference 1a above, the Supreme Commander for the Allied Powers will consider directing the Japanese Government to issue a certificate of nationality. Applications for issuance of such certificates should be directed to the Supreme Commander for the Allied Powers by the country acting as protecting power for Japanese interests in the country concerned, or by the country of residence. If such requests are approved, the Japanese Government will be directed to accomplish the necessary certificate and forward it to the Supreme Commander for the Allied Powers for transmission to the individual requesting it, utilizing the same diplomatic channels through which the request came to the Supreme Commander for the Allied Powers' attention.

4. In cases such as are cited in paragraph 2b of reference 1a above, it is the Supreme Commander for the Allied Powers' policy that when Japanese nationals are granted clearance to travel to a foreign country for the purpose of residing permanently in that country, it is the responsibility of the country which issues the entry visa to also issue to the Japanese national a certificate of identity or similar travel document which will

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serve in lieu of a passport. If in any case this policy is not acceptable to the country of ultimate destination, clearance will not be granted for the individual in question to depart Japan.

5. The cases of individuals cited in paragraph 2c of reference 1a above will be handled in exactly the same manner as set forth in paragraph 3 above.

FOR THE SUPREME COMMANDER:

A J Rehe
for H. M. LEVY,
Colonel, AGD,
Adjutant General.

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CONFIDENTIAL

DEPARTMENT OF THE ARMY
SPECIAL STAFF, UNITED STATES ARMY
WASHINGTON 25, D. C.

1948 AUG 9 AM 11 1
DEPARTMENT OF STATE

To file
No action required
11/18/48

9 September 1948

Honorable Charles E. Saltzman
Assistant Secretary of State
Department of State

Dear Mr. Saltzman:

With reference to your letter dated 5 August 1948 concerning the introduction of a policy paper in the FEC on employment of Japanese nationals outside of Japan, the views of SCAP, heretofore requested, are contained in CM-IN C-63292 dated 25 August 1948, a copy of which has been furnished the Department of State.

The Department of the Army concurs in the views expressed by SCAP in the above-mentioned cable and would suggest no action be initiated in the FEC either directly by the U.S. member or by informal suggestion to some other FEC member country on this subject at this time.

It is my understanding that the disposition that I have indicated is acceptable to the Department of State.

Sincerely yours,

G. L. Eberle

G. L. EBERLE
Brigadier General, USA
Acting Chief
Civil Affairs Division

894.012/9-948

CONFIDENTIAL

1845

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

No. 200.

UNCLASSIFIED

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION is assigned to

Yokohama Branch,
Office of the U. S. Political Adviser,
Yokohama, Japan, November 26, 1948.

Subject: Procedure for Renouncing Japanese Nationality.

894.012

The Consul General has the honor to refer to his despatch no. 79, March 19, 1946, "Amendment of Japanese Nationality Act Enforcement Regulations", and to transmit herewith for the Department's information the following items which clarify the procedures being followed in connection with the amended regulations: translation of a statement entitled "Outline of Procedure Relative to Renunciation of Japanese Nationality" prepared and translated by the Japanese Ministry of Foreign Affairs, together with translations of the enclosures referred to in the statement. Although the statement bears no date, it was transmitted to this office under cover of a communication from G-2 Section of GHQ SCAP dated September 27, 1948, and hence is presumed to have been prepared and sent to G-2 by the Ministry of Foreign Affairs shortly prior to that date.

It will be noted that a person is permitted to renounce Japanese nationality only in case he has the nationality of another country and has his domicile in such country. Prior to the outbreak of war, the Japanese Government placed a very strict interpretation upon the word "domicile" and would not approve a renunciation in case the applicant for renunciation was known to be in Japan. Recently, however, little or no consideration seems to have been given to the question of domicile, apparently on the theory that anyone who has a foreign nationality is presumed to have a domicile in the foreign country even though he may be temporarily present in Japan. This office knows of numerous cases in which the Japanese Government has approved without question the renunciations of persons who, though born in the United States, have been long resident in Japan and have no apparent ties with the United States.

At the present time there is apparently no way whereby a person resident outside Japan can effect a renunciation of Japanese nationality. Although the Ministry of Foreign Affairs would be willing to receive the necessary papers either directly by mail from the person desiring to renounce or from relatives or friends of such person who are in Japan, present postal regulations prohibit the transmission by international mail of matters concerning official business with the Japanese Government. The Ministry of Foreign Affairs has discussed the problem with the appropriate Occupation authorities at Tokyo, and a study is being made of the possibility of establishing a procedure whereby renunciation of Japanese nationality by persons resident

outside

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No. 200, Yokohama,
November 26, 1948.

outside Japan could be effected. The Department will be kept informed concerning developments in this regard.

att.

Enclosures: (all in translation)

Outline of Procedure Relative to Renunciation of Japanese Nationality;
Form A;
Form B;
Form C;
Form D;
Form E.

801.2
M. Weatherby:sf
Original and hectograph to the Department
Copy to Tokyo
Copy to Kobe

UNCLASSIFIED

J.B.C.