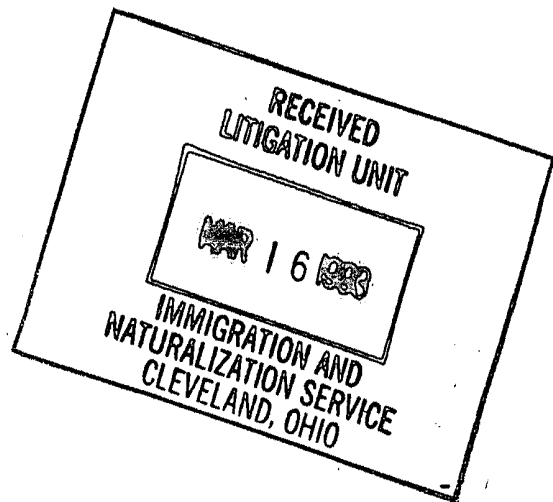


UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHICAGO, ILLINOIS

LLOYD RAMSEY
7530 LUCERNE SUITE 200
MIDDLEBURG HGTS OH 44130



Date: 03/05/93

File All-229-347

In the Matter of:
HAHNER, JOHANN

Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with this office on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

Enclosed is a copy of the oral decision.

Enclosed is a transcript of the testimony of record.

You are granted until _____ to submit a brief to this office in support of your appeal.

Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,


Immigration Court Clerk

UL

cc: BETTY ELLEN SHAVE, SENIOR TRIAL ATTORNEY
10TH & CONSTITUTION AVE. N.W.
WASHINGTON, DC 20530

PAM

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Office of the Immigration Judge
Chicago, Illinois

File: A11-229-347

In the Matter of

Johann HAHNER

)
)
) DEPORTATION PROCEEDINGS UNDER
) SECTION 242 OF THE IMMIGRATION
) AND NATIONALITY ACT
)
)

On Behalf of Respondent:

Lloyd J. Ramsey, Esq.
5638 Ridge Road
Parma, Ohio 44129

John J. Gill, Esq.
400 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

On Behalf of the United States:

Betty-Ellen Shave, Esq.
Robert Seasonwein, Esq.
Robin Kofsky Gold, Esq.
Robert Groner, Esq.
Office of Special Investigations
Criminal Division
1001 G. Street, N.W., Suite 1000
Washington, D.C. 20530


ORDER OF THE IMMIGRATION JUDGE

The Government has filed a Motion to Dismiss these proceedings in light of respondent's permanent departure from the United States pursuant to the written agreement of the parties. Accordingly, IT IS HEREBY ORDERED:

That the Motion to Dismiss be GRANTED pursuant to the terms and conditions set forth in the Agreement which is attached hereto and incorporated herein.

Date:

March 5, 1993


James R. Fujimoto
Immigration Judge



536 South Clark Street, Room 646
Chicago, Illinois 60605-1521

May 13, 1992

RECEIVED
MAY 19 1992

Lloyd Ramsey
ALLEN RAMSEY & ASSOCIATES
5638 Ridge Road
Parma, OH 44129

RE: HAHNER, Johann
All 229 347

Dear Mr. Ramsey:

Attached is a copy of the written decision of the Immigration Judge on Respondent's Motion for Discovery in the above case.

Sincerely,

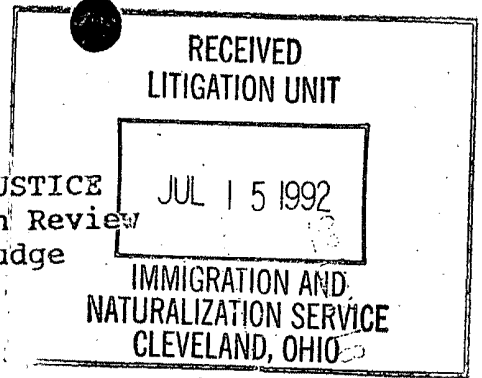
Patricia A. Martinez
Immigration Court Clerk

cc: John J. Gill, Esq.
400 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

Betty-Ellen Shave, Esq.
Office of Special Investigations
U.S. Department of Justice
Criminal Division
1620 L Street, N.W., Suite 1000
Washington, D.C. 20036

RECEIVED
LITIGATION UNIT
JUL 15 1992
IMMIGRATION AND
NATURALIZATION SERVICE
CLEVELAND, OHIO

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge
Chicago, Illinois



Date: May 13, 1992

File: A 11-229-347 - Cleveland

In the Matter of)
)
Johann HAHNER)
)
Respondent)
)

IN DEPORTATION PROCEEDINGS UNDER
SECTION 242 OF THE IMMIGRATION AND
NATIONALITY ACT

ON BEHALF OF THE RESPONDENT:

Lloyd J. Ramsey, Esq.
5638 Ridge Road
Parma, Ohio 44129

John J. Gill, Esq.
400 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

ON BEHALF OF THE SERVICE:

Betty-Ellen Shave, Esq.
Robert Seasonwein, Esq.
Robert Groner, Esq.
Trial Attorneys
Office of Special Investigations
U.S. Department of Justice
Criminal Division
1620 L Street, N.W., Suite 1000
Washington, D.C. 20036

Decision and Order of the Immigration Judge

On February 24, 1992, this Court received the Respondent's Demand For Discovery and Inspection. The Respondent moves for the entry of an order requiring the Government to provide for inspection and review any information in the Government's file which may be of benefit to the respondent in preparing for these proceedings. On March 20, 1992, I received the Government's written response and opposition to the Respondent's motion. Having fully considered the Respondent's motion described above, as well as the Government's written opposition thereto, and for the following reasons set forth, I order that the Respondent's motion be denied except as to the information which the government has agreed to provide in their written response to said motion.

A continuously present resident alien is entitled to a fair hearing when threatened with deportation and has a right to due process. The constitutional sufficiency of the procedures provided in any situation varies with the circumstances. [see Landon v. Plasencia, - U.S. - , 103 S.Ct. 321, 74 L.Ed.2d 21 (1982)].

Matthews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), holds that the dictates of due process require consideration of three distinct factors: the individual interest at stake, the risk of mistake inherent in the procedure, and the potential for correction by changed procedures balanced against the additional burden they would present. This test has been applied to constitutional issues arising out of the immigration laws of the United States. [see Ramirez-Osorio v. INS, 745 F.2d 937 (5th Cir. 1984); Marroquin-Manriquez v. INS, 699 F.2d 129 (3d Cir. 1983)].

An opportunity to examine the government's evidence at the time of the immigration hearing has generally been deemed satisfactory of due process. Da Silva Pereira v. Murf, 169 F.Supp. 81 (S.D.N.Y. 1958); Kulle v. Springer, 566 F.Supp. 279 (N.D.Ill 1983); Matter of Magana, 17 I & N Dec. 111 (BIA 1979).¹

Da Silva Pereira v. Murf, *supra*, held that the provision in Section 242(b)(3) of the Act that an alien shall have a reasonable opportunity to examine the evidence against him refers to the right to examine documentary and other evidence and to cross-examine witnesses at the hearing, and has never been employed to provide for pre-trial inspection of the administrative file.

It is well established that the scope and conduct of discovery are within the sound discretion of the trial court, Borden Co. v. Sylk, 410 F.2d 843 (3d Cir. 1969). However, the Board has stated that a respondent's request for a continuance to allow his Freedom of Information Act request to be processed by the Service was in essence a request for discovery. It noted that the Federal Rules of Civil Procedure are not applicable in deportation proceedings and there is no requirement that a request for discovery be honored. [Matter of Benitez, 19 I & N Dec. 173 (BIA 1984)]. Matter of Magana, 17 I & N Dec. 111 (BIA 1979), also holds that the Federal Rules of Civil Procedure do not apply in deportation proceedings and that there is no requirement that interrogatories propounded by an alien be answered by the INS.

The Board has indicated that where respondents wish to review information in their Service administrative file which pertains to them, the proper procedure is through the filing of a Freedom of Information Act request. Moreover, the Board, in Matter of Duran, Interim Decision 3101 (BIA 1989), held that the Immigration Judge

1/ Although Kulle, *supra*, has also been cited for the proposition that discovery is unavailable in deportation proceedings, such a statement misrepresents the Court's decision. The Court held that a federal district court did not have jurisdiction to review discovery orders in deportation proceedings and that such jurisdiction properly fell within the exclusive jurisdiction of the United States Court of Appeals. The case concerned a writ of mandamus filed in order to force an immigration judge to allow discovery. The decision never reached the merits of whether discovery was available in immigration proceedings.

need not issue a subpoena where the respondent failed to comply with the requirements of 8 C.F.R. 287.4(a)(2) (1984) by not specifically stating what he expected to prove by such documentary evidence and by not affirmatively showing a diligent effort to obtain the records. The Board found no such diligent effort where the respondent had failed to show compliance with 8 C.F.R. 103.21 (1984).

However, in Duran, supra, the Board also held that they had no difficulty concluding that, with the exception of the regulation exemptions, a person in immigration proceedings should be given access to the records maintained about himself by the Service and by the Executive Office for Immigration Review.

In their response to the respondent's request for discovery the Service has agreed to provide the respondent, at a time in advance of the hearing as directed by the Court, with a list of witnesses and copies of exhibits to be offered at the hearing. Furthermore, the Service has indicated that any written or recorded statements made by the respondent, which will be relied upon by the Service, are and will be available to the respondent. The Court finds that the production of these documents by the Service is sufficient to insure due process and a fair hearing under the Board's ruling in Matter of Duran, supra.

To the extent that the respondent's request seeks information beyond that which the Service has voluntarily agreed to provide, the Court determines that the discovery of such information is not required in proceedings under the Immigration and Nationality Act. [see Matter of Magana, 17 I & N Dec. 111 (BIA 1979); also, Matter of Benitez, 19 I & N Dec. 173 (BIA 1984)]. Furthermore, the Court notes that much of the information requested by the respondent would not be discoverable under the Federal Rules of Civil Procedure, if they applied in these proceedings, because it properly falls under the area of attorney-work product.

Therefore, I will sustain all of the Service's objections to the respondent's motion for discovery. However, given the extensive period during which the Service has had the opportunity to investigate the respondent and gather information, in the interest of fairness I will establish a specific timetable for the production of documents to be used in these proceedings. This timetable is intended not only to insure fairness to the respondent, but also to accommodate the Court by providing a sufficient period during which I can review the proposed evidence.

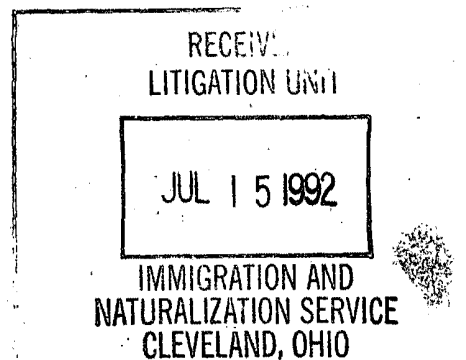
Accordingly, the following orders will be entered:

ORDERS:

(1) IT IS ORDERED that the Respondent's Demand for Discovery and Inspection be denied except as to the information which the government has agreed to provide in their written response to said motion.

- (2) IT IS FURTHER ORDERED that the Service submit to the Court all evidence to be utilized in these proceedings, including a witness list, on or before July 10, 1992.
- (3) IT IS FURTHER ORDERED that, pursuant to 8 C.F.R. Section 3.21, the respondent file any and all written objections to the Service's evidence by August 10, 1992.
- (4) IT IS FURTHER ORDERED that the respondent submit to the Court all evidence to be utilized in these proceedings, including a witness list, on or before September 11, 1992.
- (5) IT IS FURTHER ORDERED that all pre-hearing motions by either party must be filed on or before September 28, 1992.
- (6) IT IS FURTHER ORDERED that this matter shall be set for final hearing on October 26, 1992, at 1:00 p.m. in Cleveland, Ohio.


JAMES R. FUJINCO
IMMIGRATION JUDGE





U. S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

536 South Clark Street, Room 646
Chicago, Illinois 60605-1521

October 2, 1992

John J. Gill, Esq.
400 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

Lloyd J. Ramsey, Esq.
ALLEN, RAMSEY & ASSOCIATES
5638 Ridge Road
Parma, Ohio 44129

RE: JOHANN HAHNER
A11 229 347

Dear Sirs:

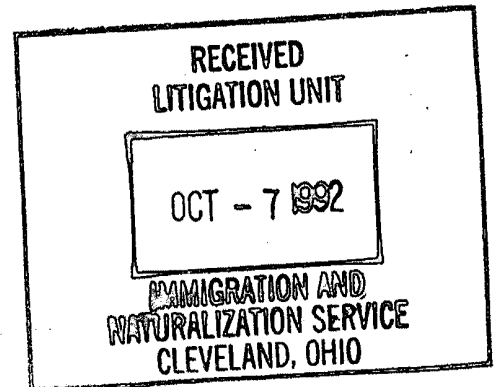
Attached please find a copy of the Order entered by Judge James R. Fujimoto on this date in response to Respondent's Motion for Continuance. Please note that the above captioned case has been scheduled for hearing on October 26, 1992 at 1:00 p.m., with pretrial conference set at 10:00 a.m. at the location reflected on attached hearing notice.

Sincerely,

Patricia A. Martinez
Patricia A. Martinez
Court Clerk
Office of the Immigration Judge

cc: Robert Seasonwein, Esq.
Betty Ellen Shave, Esq.
Robert Groner, Esq.
Trial Attorneys
Office of Special Investigations

cc: Victoria A. Christian, Esq.
Immigration & Naturalization Service
Cleveland, Ohio



NOTICE OF HEARING IN DEPORTATION PROCEEDINGS
Office of the Immigration Judge
536 S. CLARK ST. RM 646
CHICAGO, IL 60605

RE: HAHNER, JOHANN
FILE: A11-229-347

DATE: 10/02/92

TO: LLOYD J. RAMSEY
JOHN J. GILL
5638 RIDGE ROAD
PARMA, OH 44129

Please take notice that the above captioned case has been scheduled for a hearing before an Immigration Judge on Oct 26, 1992 at 1:00 P.M. at:

UNITED STATES COURTHOUSE
201 Superior Avenue - Courtroom 222
Cleveland, OH 44114

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is accredited to represent persons before an Immigration Judge. Your hearing date has not been scheduled earlier than 14 days from the date of service of the Order to Show Cause, in order to permit you the opportunity to obtain an attorney or representative. You can request an earlier hearing in writing. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1. You may be taken into custody by the Immigration and Naturalization Service and held for further action.
2. Your hearing may be held in your absence under section 242(b) of the Immigration and Nationality Act. An order of deportation will be entered against you if the Immigration and Naturalization Service establishes by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are deportable.

IF YOUR ADDRESS IS NOT LISTED ON THE ORDER TO SHOW CAUSE, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE OFFICE OF THE IMMIGRATION JUDGE CHICAGO, IL, WRITTEN NOTICE OF YOUR ADDRESS AND PHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. IF YOU CHANGE YOUR ADDRESS, YOU MUST PROVIDE TO THE OFFICE OF THE IMMIGRATION JUDGE WRITTEN NOTICE WITHIN FIVE DAYS OF ANY CHANGE OF ADDRESS, ON FORM EOIR 33. WRITTEN NOTICE TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU, AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of pro bono attorneys and representatives has been provided to you by the Immigration and Naturalization Service.

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PAM

UNITED STATES DEPARTMENT OF JUSTICE
 Executive Office for Immigration Review
 Office of the Immigration Judge
 Chicago, Illinois

Date: October 2, 1992
 File: A 11-229-347 - Cleveland

In the Matter of)
)
 Johann HAHNER) IN DEPORTATION PROCEEDINGS UNDER
) SECTION 242 OF THE IMMIGRATION AND
) NATIONALITY ACT
 Respondent)

ON BEHALF OF THE RESPONDENT:

Lloyd J. Ramsey, Esq.
 5638 Ridge Road
 Parma, Ohio 44129

John J. Gill, Esq.
 400 Standard Building
 1370 Ontario Street
 Cleveland, Ohio 44113

ON BEHALF OF THE SERVICE:


Betty-Ellen Shave, Esq.
 Robert Seasonwein, Esq.
 Robert Groner, Esq.
 Trial Attorneys
 Office of Special Investigations
 U.S. Department of Justice
 Criminal Division
 10th & Constitution Ave., N.W.
 Washington, D.C. 20530

ORDER

The Service has filed its Objection to Respondent's Witness List. The Respondent has filed a Motion for a Continuance of the October 26, 1992 hearing. These motions have been duly considered. Accordingly, the following Orders will be entered:

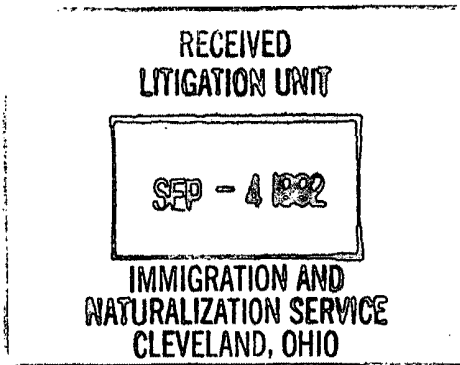
- 1) Ruling on the Service's Objection to Respondent's Witness List is RESERVED.
- 2) Respondent's Motion for a Continuance is DENIED pursuant to 8 CFR 3.29 for lack of good cause.
- 3) This matter shall commence on Monday, October 26, 1992, at 1:00 p.m. at the location set forth in the attached hearing notice. An interpreter in the German language will be provided. Requests for an interpreter in any other language must be submitted in writing on or before October 16, 1992.
- 4) Pretrial conference shall be conducted on October 26, 1992 at 10:00 a.m. (same ~~RECEIVED~~ on)

LITIGATION UNIT
 OCT - 7 1992
 IMMIGRATION AND
 NATURALIZATION SERVICE
 CLEVELAND, OHIO


 James R. Fujimoto
 Immigration Judge

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHICAGO, ILLINOIS

LLOYD RAMSEY
ALLEN RAMSEY & ASSOCIATES
5638 RIDGE ROAD
PARMA OH 44129



Date: 08/24/92

File All-229-347

In the Matter of:
HAHNER, JOHANN ***

Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with this office on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

Enclosed is a copy of ~~XXXXXXXXXXXXXXXXXX~~ Judge Fujimoto's decision of 8/18/92 on request for extension of time filed by respondent.

Enclosed is a transcript of the testimony of record.

You are granted until _____ to submit a brief to this office in support of your appeal.

Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,

Patricia A. Martinez
Immigration Court Clerk

UL

cc: BETTY ELLEN SHAVE, SENIOR TRIAL ATTORNEY
10TH & CONSTITUTION AVE. N.W.
WASHINGTON, DC 20530

PAM

Victoria A. Christian,
INS - Cleveland

U.S. Department of Justice
Executive Office for Immigration Review
Office of the Immigration Judge

File A 11 229 347

In the Matter of

JOHANN HAHNER,

Respondent

In Deportation Proceedings

Order of the
Immigration Judge

Upon consideration of Respondent's Motion for Extension of Time, as well as the Government's Response, the following orders shall hereby be entered:

IT IS ORDERED that Respondent shall be given until August 28, 1992, in which to file its written objections to the evidence submitted by the Government.

IT IS FURTHER ORDERED that all other deadlines set forth in the order of May 13, 1992 shall remain in full force and effect.

Date: August 18, 1992

Place: Chicago, Illinois


(Immigration Judge)

September 3, 1992

Lloyd Ramsey, Esq.
ALLEN, RAMSEY & ASSOCIATES
5638 Ridge Road
Parma, OH 44129

IN THE MATTER OF:
Johann Hahner

FILE A 11-229-347

Attached please find an information copy of the rulings of Judge James R. Fujimoto dated September 2, 1992 on Respondent's objections to Government's Witness List and Exhibit List.

Sincerely,



Patricia A. Martinez
Court Clerk
Office of the Immigration Judge

cc: Betty Ellen Shave, Senior Trial Attorney
Office of Special Investigations

cc: Victoria A. Christian, Trial Attorney
Immigration & Naturalization Service, Cleveland

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge
Chicago, Illinois

Date: September 2, 1992

File: A 11-229-347 - Cleveland

In the Matter of)
))
)) IN DEPORTATION PROCEEDINGS UNDER
)) SECTION 242 OF THE IMMIGRATION AND
)) NATIONALITY ACT
))
))
))
))
))
))
)) Respondent)

ON BEHALF OF THE RESPONDENT:

Lloyd J. Ramsey, Esq.
5638 Ridge Road
Parma, Ohio 44129

John J. Gill, Esq.
400 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

ON BEHALF OF THE SERVICE:

Betty-ellen Shave, Esq.
Robert Seasonwein, Esq.
Robert Groner, Esq.
Trial Attorneys
Office of Special Investigations
U.S. Department of Justice
Criminal Division
1620 L Street, N.W., Suite 1000
Washington, D.C. 20036

Decision and Order of the Immigration Judge

On August 31, 1992, I received the Respondent's Objections to the Witness List Provided by the Government. The respondent objects to the testimony of any of the Immigration and Naturalization Service's [hereinafter "the Service"] proposed witnesses absent the Service supplying him with the addresses and phone numbers of the witnesses so he can begin an immediate investigation.

I note that the Board of Immigration Appeals [hereinafter "the Board"] has indicated in Matter of Benitez, 19 I & N Dec. 173 (BIA 1984), that the Federal Rules of Civil Procedure are not applicable in deportation proceedings and that there is no requirement that a request for discovery be honored. [see also Matter of Magana, 17 I & N Dec. 111 (BIA 1979)]. Clearly, the Service is under no obligation to assist the respondent in the preparation of his case. Moreover, the Service has already provided the respondent with a list of the witnesses which it intends to have testify in these proceedings. I


have previously indicated that the information already provided by the Service is sufficient to insure due process and a fundamentally fair hearing under the Board's ruling in Matter of Duran, Interim Decision 3101 (BIA 1989). There has been no change in law in the interim.

Furthermore, the respondent received notice of the Service's intended witnesses prior to July 10, 1992, and the respondent's hearing is not scheduled until October 26, 1992. Therefore, the respondent will have been provided with over three months in which to conduct an investigation related to the Service's proposed witnesses. This significant period of investigation also serves to insure that the respondent receives a fair hearing.

Finally, the respondent will have the opportunity to cross-examine all Service witnesses who appear to testify at the time of the hearing. Thus, I am satisfied that the due process required under the immigration laws of the United States has been insured, and, as discovery is not applicable in deportation proceedings, I see no legal basis for ordering the Service to supply the respondent with the addresses and phone numbers of the individual's contained on the Government's witness list.

Accordingly, I will issue the following ruling:

ORDER: IT IS ORDERED that the respondent's objection to the form of the witness list provided by the Service and his request that no testimony from any of the Service witnesses be permitted unless he is immediately supplied with their addresses and phone number be OVERRULED.



JAMES R. FUJIMOTO
IMMIGRATION JUDGE

UNITED STATES DEPARTMENT OF JUSTICE
 Executive Office for Immigration Review
 Office of the Immigration Judge
 Chicago, Illinois

Date: September 2, 1992

File: A 11-229-347 - Cleveland

In the Matter of)
)
 Johann HAHNER)
)
 Respondent)

IN DEPORTATION PROCEEDINGS UNDER
 SECTION 242 OF THE IMMIGRATION AND
 NATIONALITY ACT

ON BEHALF OF THE RESPONDENT:

Lloyd J. Ramsey, Esq.
 5638 Ridge Road
 Parma, Ohio 44129

 John J. Gill, Esq.
 400 Standard Building
 1370 Ontario Street
 Cleveland, Ohio 44113

ON BEHALF OF THE SERVICE:

Betty-Ellen Shave, Esq.
 Robert Seasonwein, Esq.
 Robert Groner, Esq.
 Trial Attorneys
 Office of Special Investigations
 U.S. Department of Justice
 Criminal Division
 1620 L Street, N.W., Suite 1000
 Washington, D.C. 20036

Decision and Order of the Immigration Judge

On August 31, 1992, I received the Respondent's Objections to the Exhibits Set Forth in the Government's Exhibit List. The Respondent objects to the admission of virtually all of the Immigration and Naturalization Service's proposed exhibits. The Respondent has provided specific reasons for his objections to each individual document. The Respondent's objections may be categorized as follows: lack of opportunity to view the original of the proposed document; lack of authentication of foreign government documents or documents maintained in foreign repositories; questionable validity of document as the Respondent was not previously offered the opportunity to view the document; incomplete translation of the document; irrelevance of the document; and, hearsay.

Initially, I note that hearsay evidence is not inadmissible in immigration proceedings. 8 C.F.R. Section 242(c) provides that an Immigration Judge may receive in evidence any oral or written

statement which is material and relevant to any issue in the case previously made by the respondent or any other person during any investigation, examination, hearing, or trial. Consistent with this regulation, the Courts have regularly held that hearsay is admissible in deportation proceedings. [see U.S. ex rel. Vajtauer v. Commissioner of Immigration, 273 U.S. 103 (1927); U.S. ex rel. Bilokumsky v. Tod, 263 U.S. 149 (1923); Matter of Stapleton, 15 I & N Dec. 469 (BIA 1975); Matter of Ponco, 15 I & N Dec. 120 (BIA 1974)]. Accordingly, the respondent's objections to the hearsay nature of certain documents proposed by the Immigration and Naturalization Service [hereinafter "the Service"] will be overruled.

Furthermore, the respondent's objections to the relevance of certain documents will also be overruled. I have examined the documents concerned and find that they are at least minimally relevant to issues involved in this matter. The documents have some probative value into the issues of time, place and circumstance. Therefore, the concerned documents are admissible and will be given appropriate evidentiary weight.

Similarly, the respondent's objections to the admissibility of the transcripts of his previous depositions on the ground that they are of questionable validity because he has not previously been offered an opportunity to view the documents will also be overruled. The respondent was represented by counsel at both depositions and his objections regarding the transcripts more properly concern the weight which they should be given rather than their admissibility. The documents are clearly admissible pursuant to 8 C.F.R. Section 242(c).


The Respondent's objections to several Service documents for want of authentication are of greater validity. 8 C.F.R. Section 287.6 clearly delineates the requirements for proof of official records, including foreign records or records maintained in foreign repositories. Therefore, ruling on this issue will be reserved until the time of hearing in order to allow the Service the opportunity to comply with the authentication requirements of 8 C.F.R. Section 287.6 where necessary. If the Service properly certifies and authenticates these documents as required, it need not provide the original document.

The respondent has also objected to the incomplete translation of several documents. The respondent also objects to all of these documents for want of authentication as discussed above. As a ruling on the admissibility of these documents has already been reserved, I will also reserve ruling as to this issue. However, I note that 8 C.F.R. Section 3.33 (as amended April 6, 1992) requires the translation of any foreign language document offered by a party in a proceeding and an accompanying certification signed by the translator indicating the translator's competence and the accuracy of the translation.

Finally, the respondent objects to the admission of his original A-file, his CIC file, and the Agent Report dated March 27, 1956, absent an opportunity to view the originals of those documents. The respondent has provided no basis for his request to view his A-file. However, I note that the copies provided are illegible in places. Furthermore, the Board of Immigration Appeals has indicated in Matter of Duran, Interim Decision 3101 (BIA 1989) that access should generally be given to a person in immigration proceedings concerning records maintained about himself. Accordingly, I will reserve ruling on this objection until the hearing and the Service should have the originals of these documents available at that time.

Based on the foregoing, I will make the following rulings:

<u>In House Document No.</u>	<u>Ruling</u>
1.1 - 1.3	Reserved
1.4 - 1.5	Overruled
1.6 - 1.13	Reserved
1.18 - 1.20	Overruled
2.1 - 3.1	Reserved
3.2 - 3.8	Overruled
3.9 - 6.2	Reserved


 JAMES R. FUJIMOTO
 IMMIGRATION JUDGE

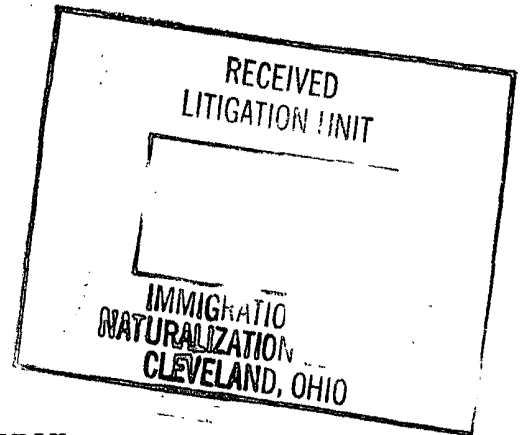
AUG 10 1992

Attorneys at Law
Allen, Ramsey & Associates Co., L. P. A.
5638 Ridge Road
Parma, Ohio 44129
Telephone (216) 884-5400

George P. Allen (1984)
Lloyd Jerry Ramsey

August 4, 1992

The Honorable Judge James R. Fujimoto
Executive Office for Immigration Review
Office of the Immigration Judge
536 South Clark Street, Room 646
Chicago, Illinois 60605-1521



IN RE: In the Matter of Johann Hahner
File No. All-229-347

Dear Judge Fujimoto:

I am enclosing herewith for filing an original and one copy of Respondent's Motion for an Extension of Time Within Which to Respond to the Government's Crawford Exhibits with respect to the aforementioned case. Please time-stamp the extra copy of the Motion and return it to the undersigned in the enclosed envelope.

Thank you for your attention to this matter.

Sincerely yours,

ALLEN, RAMSEY & ASSOCIATES CO., L.P.A.

Lloyd J. Ramsey^{cmc}
Lloyd J. Ramsey

LJR:cmc
Enclosures

cc: Betty-Ellen Shave, Esq.
Thomas D. Costello, Esq. ✓
John J. Gill, Esq.

COPY

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL INVESTIGATIONS AND
IMMIGRATION AND NATURALIZATION SERVICE

UNITED STATES OF AMERICA:) FILE All 229 347
)
IN THE MATTER OF) RESPONDENT
JOHANN HAHNER)
) DEPORTATION PROCEEDINGS UNDER
) SECTION 242 OF THE IMMIGRATION
) AND NATIONALITY ACT

RESPONDENT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH
TO RESPOND TO THE GOVERNMENT'S CRAWFORD EXHIBITS

Now comes the Respondent, JOHANN HAHNER, by and through counsel, and hereby moves this Honorable Court for an extension of time within which to respond to the Government's Crawford Exhibits. Respondent so moves for the reason that the number of Exhibits offered by the Government is quite large. Both counsel for Respondent have been engaged in numerous trials in their practice and they have been unable to complete their review of the Exhibits and to prepare their response to the Exhibits.

Both counsel for Respondent respectfully request an extension of thirty (30) days, up to and including September 9, 1992, within which to complete their review and submit their response to the Government's Exhibits.

Lloyd J. Ramsey ^{cmc}
LLOYD J. RAMSEY, Reg. No. 0007283
JOHN J. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT
5638 Ridge Road
Parma, Ohio 44129
(216) 884-5400

CERTIFICATE OF SERVICE

A copy of the foregoing Respondent's Motion for Extension of Time was served by regular U.S. mail upon Betty-Ellen Shave, Senior Trial Attorney, Office of Special Investigations, Criminal Division, 1620 L Street, N.W., Suite 1000, Washington, D.C. 20530; and by regular U.S. mail upon Thomas D. Costello, Assistant District Director, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199, this 4th day of August, 1992.

Lloyd J. Ramsey ^{cmc}

LLOYD J. RAMSEY, Reg. No. 0007283
JOHN J. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT

Thea L. Urban
Registered Professional Reporter
19 South La Salle Street
Chicago, Illinois 60603

(312) 782-3332

24 March 1992

Ms. Ronnie Edelman
Ms. Betty Shave
Mr. Robert Seasonwein
United States Dept. of Justice
Office of Special Investigations
1620 L Street, N.W., Suite 1000
Washington, D.C. 20036

Re: A# 11-229-347
In Re The Matter of Johann Hahner
Continued Deportation Hearing

Dear Counsel:

Enclosed please find the original and copy of the transcript of proceedings taken in Chicago, Illinois, in the above-entitled matter before Honorable James R. Fujimoto, Immigration Judge, on March 13, 1992.

I have also sent a copy to Judge Fujimoto for his file, as was done previously.

Also enclosed is an ASCII disk containing both the 21 February 1992 and the 13 March 1992 proceedings.

I will be in Judge Fujimoto's courtroom on April 3, 1992 at 2:00 p.m. for the continued hearing. Please advise me if there is any change in scheduling.

Thank you for calling me to assist you in this matter.

Sincerely,

Thea L. Urban

TLU
Enc.

cc Ms. Victoria Christian ✓
Mr. Lloyd J. Ramsey
Mr. John J. Gill
File



Thea L. Urban
Registered Professional Reporter
19 South La Salle Street
Chicago, Illinois 60603

(312) 782-3332

3 March 1992

Ms. Betty Shave
United States Dept. of Justice
Office of Special Investigations
1620 L Street, N.W.
Washington, D.C. 20036

Re: In The Matter of Johann Hahner
Alien No. 11-229-347
Transcript of Proceedings on February 21, 1992
Before Honorable James R. Fujimoto

Dear Betty:

Enclosed please find the transcript of the proceedings had at the deportation hearing with respect to the above-entitled cause on February 21, 1992, taken telephonically.

I have sent a copy to Judge Fujimoto for his file at no cost.

Also enclosed is the ASCII disk requested by you.

I will be at the hearing which is scheduled for March 13, 1992, 2:00 p.m. Chicago time, 3:00, Eastern time. If there is any change, please let me know.

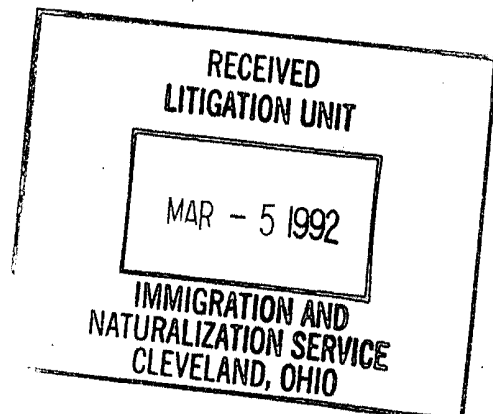
Thank you for calling me to assist you in this matter.

Sincerely,

Thea L. Urban

TLU
Enc.

cc Hon. James R. Fujimoto
Mr. Russell Ezolt ✓
Mr. Lloyd J. Ramsey
Mr. John J. Gill
File

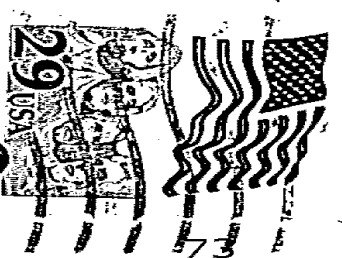


Attorneys at Law

Allen, Ramsey & Associates Co., L.P.C. d.

5638 Ridge Road

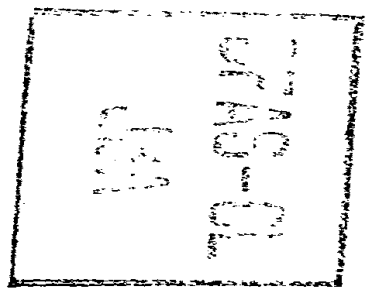
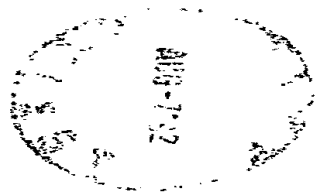
Parma, Ohio 44129



Thomas D. Costello, Esq.
Assistant District Director
Federal Office Building
1240 East Ninth Street
Cleveland, OH 44199

D6

10
125



CIMFTD IMMIGRATION AND NATURALIZATION SERVICE 04/15/93
COMMAND: CIS - FILE TRANSFER DISPLAY (FTD) 15:02:12

A#: 011229347 NAME: HAHNER JOHANN DOB: 101520

PREVIOUS FCO: CLE FCO CREATING SUB-FILE:
CURRENT FCO: COW SUB-FILE CREATION IND:
REQUEST FCO: COW

FILE LOCATED IND: C (FILE TRANSFER COMPLETE)

DATE FTR: 040886 (MMDDYY) ACCESSION NUMBER: 0000
DATE FTI: 041486 INS BOX NUMBER:
DATE FTC: 041886

PERSON/ACTION: OSI/TUR

YOU MAY REQUEST A DISPLAY OF ANOTHER A-FILE BY KEYING A DIFFERENT A-NUMBER.

CLEAR EXIT PF3 REFRESH PF4 FTS MENU PF5 HELP PF6 CIS MAIN MENU (b)(6)

Online to DISPLAY (02) | 4B#

| F4 DOS | F10 EXIT

(b)(6)

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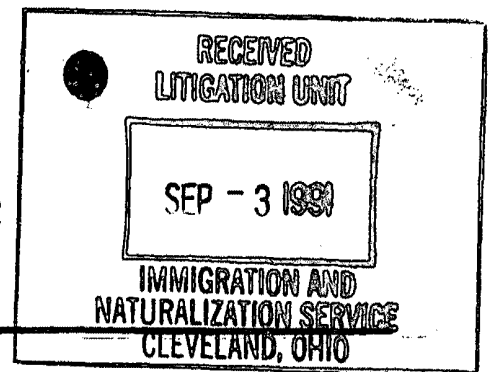
(b)(6)

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Department of Justice



FOR IMMEDIATE RELEASE
TUESDAY, AUGUST 27, 1991

CRM
202-514-2007
(TDD) 202-514-1888

OSI SEEKS DEPORTATION OF ALLEGED FORMER NAZI IN OHIO

WASHINGTON, D.C. - The Office of Special Investigations (OSI) of the Department of Justice announced today it has filed with the U.S. Immigration Court in Cleveland an Order to Show Cause seeking the deportation of a North Olmsted, Ohio man it alleges served the Nazis as an armed SS guard at the Auschwitz Concentration Camp during World War II.

The Order to Show Cause requires Johann Hahner, a German citizen, to show why he should not be deported for making material misrepresentations on his U.S. visa application.

Neal M. Sher, Director of OSI, said today that the Order alleges that Hahner, age 70, willfully concealed his service as a concentration camp guard and his membership in the SS Totenkopfsturmbanne (SS Death's Head Battalions) when applying for immigration to the United States in 1956 and again when he actually immigrated to the United States in 1958.

"Abundant evidence exists concerning the atrocities committed against thousands of civilians at Auschwitz during the period of Hahner's SS service there. Jews and other prisoners were subjected to inhuman treatment during Hahner's service there

because of their race, religion, national origin, and political opinion. This maltreatment included gassing, grotesque pseudomedical experiments and "guinea pig" tests, forced labor, arbitrary beatings and killings, and inhumane conditions of confinement," Sher said.

The Government's Order to Show Cause states that Hahner must be deported because he illegally procured his visa by concealing and misrepresenting his wartime activities. Specifically, the Order alleges that Hahner's wartime activities at Auschwitz constituted assistance in the persecution of civilians on the basis of their race, religion, national origin, or political opinion, that he was therefore ineligible to immigrate to the United States, and that his deportation is therefore required. The Order also states that Hahner first admitted the fact of his Auschwitz service when questioned by an OSI attorney.

The Hahner proceeding is a result of OSI's continuing investigation of Nazi persecutors residing illegally in this country, Sher said. Thirty-five Nazi persecutors have been stripped of U.S. citizenship and 29 have been removed from the United States since OSI began operations in 1979. There are nearly 600 persons currently under investigation by OSI, according to Sher.

###

FCPM G-711
(7-1-77)

FILE COPY

Individual Fee Register Receipt

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

FEE PAID NUMBER **CLE 045501**

APPLICANT **HAIHNER Johann** DATE **7.17.85**

REMITTER - IF OTHER THAN APPLICANT

APPLICATION FORM NUMBER
(CIRCLE)

G-639	I-129 B	I-192	I-290 A	I-600	N-577
G-641	I-129 F	I-193	I-290 B	I-601	N-580
G-657	I-130	I-196	I-485	I-612	N-600
I-17	I-151	I-212	I-506	N-455	
I-90	I-140	I-246	I-539	N-470	
I-102	I-191	I-256A	I-570	N-565	

BANK TRANSIT NO. OTHER

TYPE OF REMITTANCE (CIRCLE) FC EC MO IMO **C**

ISSUING SECTION (CIRCLE) **INF** TC M & F OTHER (ASER)

REC'D BY (INITIALS) **MA** AMOUNT \$ **15⁰⁰**

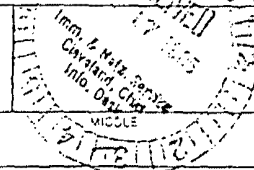
STAPLE TO TOP RIGHT EDGE OF APPLICATION

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No.

(SEE INSTRUCTIONS ON REVERSE)
APPLICATION BY A LAWFUL PERMANENT RESIDENT FOR
AN ALIEN REGISTRATION RECEIPT CARD, FORM I-551

(Type or print in block letters with a ballpoint pen. DO NOT write in areas which are shaded.)



FEE STAMP

6 LE
045501

1. FAMILY NAME (Last, first, middle) HÄHNER		FIRST NAME JOHANN		MIDDLE		ALIEN REGISTRATION NUMBER A 11 229 347	
2. NAME USED WHEN ADMITTED AS PERMANENT RESIDENT (If same as present write SAME)							
SAME							
5. DATE OF BIRTH (Month) Day Year 10 15 20		6. PLACE OF BIRTH (City, town or village) Province or State Country PODOLAC BARANJA YUGOSLAVIA		7. COUNTRY OF CITIZENSHIP FEDERAL REPUBLIC GER			
8. MOTHER'S FIRST NAME ELISABETH		9. FATHER'S FIRST NAME VALENTIN					
10. CITY OF RESIDENCE WHEN APPLYING FOR IMMIGRANT VISA OR ADJUSTMENT TO PERMANENT RESIDENCE STATUS ST GOTTHARDT				11. DESTINATION IN U.S. ATTITUDE OF ORIGINAL ADMISS. OFF. City and State CLEVELAND OHIO			
12. CONSULATE WHERE IMMIGRANT VISA WAS ISSUED OR INS OFFICE WHERE STATUS WAS ADJUSTED TO PERMANENT RESIDENCE MILNICH				13. PORT OF ADMISSION TO U.S. OR CITY AND STATE WHERE STATUS ADJUSTED NEW YORK NEW YORK			
14. DATE OF ADMISSION AS PERMANENT RESIDENT OR ADJUSTMENT OF STATUS TO PERMANENT RESIDENT (Month) Day Year 10 3 58		D. POE/POI CODE		E. CLASS		F. ADMIJ. DATE (MM,DD,YY)	
15. LIST THE DATES OF ALL ABSENCES FROM THE U.S. OF 1 YEAR OR LONGER, SINCE ADMISSION FOR PERMANENT RESIDENCE NONE							

16. I NEED A CARD BECAUSE:

a. My alien registration receipt card was lost, stolen, destroyed, or mutilated. (Attach remainder of card. FEE REQUIRED. See instruction 3; Explain how card was lost, stolen, destroyed, or mutilated.)

My name has been changed. (Attach the decree of the court or the marriage certificate and old card. FEE REQUIRED. See instruction 3.)

I am required to be registered and fingerprinted after my 14th birthday. (Attach old card. You MUST use the fingerprint card Form FD-358 which you can get from any U.S. Consular or Immigration and Naturalization Service office.)

I am an alien commuter taking up actual permanent residence in the United States. (Attach old card.)

I received an incorrect card. (Attach old card.)

I never received my card.

Other (Explain)

G. I-551 CARD TYPE (Mark (X) one)

Regular Commuter

H. TRANSACTION CODE (Mark (X) one)

1. Initial I-551 card

2. Replacement for lost/stolen I-551 card

3. Replacement for mutilated I-551 card

4. Replace of I-551 card for administrative reasons

7. Replacement for change in I-551 card data (Complete side 2 of I-89)

I. TRANSACTIONS 3, 4, AND 7 ONLY

Issue number Old card recovered

Yes No

J. AMC

K. OTHER FP DESIGNATOR



17. MAILING ADDRESS IN THE UNITED STATES (In care of, if applicable) number, street, apartment, number, City, State, ZIP Code

5398 BURNS RD.
N. OLMSTED, OHIO 44070

18. TELEPHONE NUMBER (Area code) Number
216 777-4551

19. SIGNATURE OF PERSON PREPARING THIS FORM (OTHER THAN APPLICANT) AND DATE
Harmonia Tabara Tourant

20. SIGNATURE OF APPLICANT AND DATE
Johann Hähner **7/15/85**

DO NOT WRITE BELOW THIS LINE

ACTION BLOCK (For use by Immigration or Consular officer) This applicant was interviewed by me under oath on _____ Date: _____ at _____ City: _____

REMARKS: **APPROVED BY**

GRANTED DENIED

DATE OF ACTION: **OCT 30 1985**

DD DISTRICT: *Small...*

M. LOCCODE

Fingerprint card forwarded to the FBI to comply with Section 262b

I-89 to Immigration Card Facility

Signature of Immigration Officer: *Small...*

FORM I-90 (REV. 6-83) **FRC JUL 18 1985**

INSTRUCTIONS

1. **WHERE TO SUBMIT THIS APPLICATION** — If you are in the United States, TAKE this application IN PERSON to the Immigration and Naturalization Service office having jurisdiction over your place of residence. If you are outside the United States, TAKE this application IN PERSON to the United States Consulate or Immigration and Naturalization Service office having jurisdiction over the place where you are now residing.

NOTE: YOU MUST COMPLETE ONLY THE PARTS OF THE APPLICATION THAT ARE NUMBERED AND WHICH ARE NOT SHADED. THE APPLICATION MAY BE MAILED TO THE IMMIGRATION OFFICE HAVING JURISDICTION OVER YOUR PLACE OF RESIDENCE ONLY IF YOU CHECKED BLOCK 16. a AND YOU ARE APPLYING FOR A DUPLICATE ALIEN REGISTRATION CARD THAT WAS ISSUED WITHIN THE PAST TWO YEARS.

2. **PHOTOGRAPHS** — Submit two color photographs of yourself taken within 30 days of the date of this application. These photos must have a white background, photos must be glossy, un-retouched, and not mounted; dimension of the facial image should be about 1 inch from chin to top of hair; subject should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print name (and Alien Registration Receipt Number, if known) on the back of each photograph. Failure to comply with the above instructions will delay the processing of your application.
3. **FEE** — If you checked (a) or (b) of item 16, a fee of fifteen dollars (\$15) must be paid for filing this application. Otherwise, no fee is required. THE FEE CANNOT BE REFUNDED REGARDLESS OF THE ACTION TAKEN ON THE APPLICATION. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." If the check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If the application is submitted outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.
4. **AUTHORITY** — 8 U.S.C. 1302 and 1304. Routine uses for disclosure under the Privacy Act of 1974 have been published in the Federal Register and are available on request. The information will be used by the Service to determine eligibility for an alien registration card. Failure to provide all the information requested will result in the denial of this application.
5. **PENALTIES** — SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT OR USING ANY FALSE DOCUMENT IN THE SUBMISSION OF THIS APPLICATION.

IMMIGRATION AND NATURALIZATION SERVICE
MASTER INDEX SYSTEM

AUTOMATED INQUIRY

IDN: A11229347

NAME:

ALI:

DOB: WMYI

THIS A-NUMBER IS NOT IN THE MASTER FILE
HIT ENTER FOR SEARCH
HIT PA2 FOR FRESH INQUIRY SCREEN

HIT PA1 FOR NEW TRANSACTION

A RE-ENTRY PERMIT DOES NOT PROTECT NATURALIZATION RESIDENCE. SEE INSTRUCTIONS ATTACHED FOR INFORMATION CONCERNING EFFECT OF ABSENCE ON ELIGIBILITY FOR NATURALIZATION. READ THIS FORM AND ATTACHED INSTRUCTIONS CAREFULLY BEFORE FILLING IN THIS APPLICATION.

\$10.00	FREE STAMP	No. 186-4
IMMIGRATION AND NATURALIZATION SERVICE CLEVELAND, OHIO		
DATE 3-26-69		VERIFIED BY Kim

APPLICATION FOR PERMIT TO RE-ENTER THE UNITED STATES as provided in section 223 of the Immigration and Nationality Act. (Fill in with typewriter or print in block letters in ink)

IMPORTANT: You must submit your Alien Registration Receipt Card with this application.

1. CHECK (a) <input checked="" type="checkbox"/> I am an alien lawfully admitted to the United States for permanent residence. ONE (b) <input type="checkbox"/> I am a treaty merchant, lawfully admitted to the United States between July 1, 1924, and July 5, 1932, both dates inclusive, pursuant to section 3(b) of the Immigration Act of 1924, to carry on trade pursuant to a treaty of commerce and navigation.					
2. NAME (First Name) Johann		(Middle Name) ---	(Family Name) HAHNER	ALIEN REGISTRATION NUMBER A-11 229 347	
ADDRESS (Number) (Street) 5398 Burns Road		(City/Town) North Olmsted	(State) Ohio	(Zip Code) 44070	
DATE OF BIRTH (Month, Day, Year) Oct. 15, 1920	COUNTRY OF BIRTH Yugoslavia	COUNTRY OF NATIONALITY Germany	COLOR OF EYES bluegrey	COLOR OF HAIR brown	
HEIGHT 5 FEET 7 INCHES	VISIBLE MARKS AND SCARS none				
3. FILL IN THE ITEMS IN THIS BLOCK ONLY IF YOU HAVE PREVIOUSLY OBTAINED A PERMIT TO RE-ENTER.					
ISSUANCE DATE OF LAST PERMIT ---	LOCATION OF IMMIGRATION AND NATURALIZATION OFFICE ISSUING LAST PERMIT (City and State)			MY LAST PERMIT <input type="checkbox"/> IS ATTACHED <input type="checkbox"/> IS NOT ATTACHED	
IF THE PERMIT IS NOT ATTACHED, STATE REASON:					

4. FILL IN THE ITEMS IN THIS BLOCK AS TO first ARRIVAL IN UNITED STATES FOR PERMANENT RESIDENCE OR AS A TREATY MERCHANT					
NAME UNDER WHICH ADMITTED Hahner		PORT OF ARRIVAL New York City		DATE OF ARRIVAL 10/3/1958	
MOTHER'S MAIDEN NAME Elisabeth Lindemann		NAME OF TRANSPORTATION COMPANY Transport, M Refugee Charter Plane			
CHECK AS TO last ARRIVAL IN UNITED STATES. (Exclude any re-entry after an absence of less than six months in Canada)					
NAME OF TRANSPORTATION COMPANY Airlines		PORT OF ARRIVAL		DATE OF ARRIVAL	
NAME OF TRANSPORTATION COMPANY Airlines		IF ARRIVAL WAS BY VESSEL, GIVE NAME OF VESSEL			
FROM UNITED STATES	DATE OF Proposed DEPARTURE June 30, 1969	LENGTH OF INTENDED ABSENCE ABROAD 7 weeks			
COMPANY Airlines		IF DEPARTURE IS TO BE BY VESSEL, GIVE NAME OF VESSEL			



MAILING ADDRESS ABROAD (Number and Street) c/o Valentin Hahner	(City/Town) Goepfingen-Manzen Weilerbach	(State/Province/District) Baden-Wuerttemberg	COUNTRY GERMANY
COUNTRIES TO BE VISITED (List each country) West Germany, Austria, Yugoslavia, Rumania			

REASONS FOR GOING ABROAD (Be concise and complete):

Visit relatives

7.1 <input type="checkbox"/> DID <input checked="" type="checkbox"/> DID NOT REGISTER FOR SELECTIVE SERVICE	8. PRESENT OCCUPATION Truck Driver and worker			SOCIAL SECURITY ACCOUNT NUMBER 268-38-5258
NAME OF EMPLOYER Mueller Quality Construction		ADDRESS OF EMPLOYER 1635 Cohasset, Lakewood, Ohio		

For Statistics (Form G-22, 2-51)
 Received 1969
 Tr. In
 Bstd-Tr. Out
 823
 83001
 170

9. If you checked 1(b), fill in the items in this block.

- (a) have continuously maintained the status of a treaty merchant since the date of my admission to the United States.
 have not
- (b) Briefly describe and show period of each business activity since date of admission:
-
-
-

- (c) Upon my return from abroad I intend to—
 resume my present business activities
 engage in a different business, as follows: _____

10. CHECK My Alien Registration Receipt Card is attached.
 ONE: Application Form I-90 for issuance of Alien Registration Receipt Card is attached.

11. The Permit to Re-enter, if issued, should be forwarded with my Alien Registration Receipt Card to:

- My address as shown in block # 2 on reverse.
 U.S. Embassy or Consulate at _____
 U.S. Immigration and Naturalization Office at _____
 Other (Specify) _____

I do swear (affirm) that I know the contents of this application signed by me and that the statements herein are true and correct. (If application completed by other than applicant, that person must execute item 13.)

NOTE.—This application may be sworn before an officer of the Immigration and Naturalization Service without payment of notarial fee.

Johann Habner
 (Signature of applicant)

Subscribed and sworn to (affirmed) before me this 3rd day of March, A.D. 1969
 at Cleveland, Ohio

(SEAL) My commission expires _____

[Signature]
 (Signature of officer administering oath)

(Title)

13. SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

[Signature]
 (Signature)

759 E. 185th Str. Cleveland, Ohio
 (Address)

3/5/1969
 (Date)

APPLICANT—DO NOT WRITE BELOW THIS LINE

Action with regard to Alien Registration Receipt Card

- I-151 submitted by Alien returned *INT*
 AR-103 or AR-3 submitted by Alien returned
 New I-151 issued on basis of I-90

VISA IN FILE

Application for Permit to Re-enter:

Granted

Permit valid to APRIL 19, 1970

Single entry Multiple entries

Restriction on travel in following countries waived:

YUGOSLAVIA

ROMANIA

[Signature]

Denied. Reason _____

SIGNATURE OF IMMIGRATION OFFICER

DATE OF ACTION

U.S. APPROVED INS

APR 19 1969

DENIED

OFFICE

DATE

DD or OIC

[Signature]
 CLEVELAND, OHIO

OFFICE

fc

DELIVERY OF PERMIT <input checked="" type="checkbox"/> BY MAIL <input type="checkbox"/> TO APPLICANT PERSONALLY	INITIALS OF EMPLOYEE EFFECTING DELIVERY <i>INT</i>	OFFICE <i>Cleveland</i>	DATE <i>April 25, 1969</i>
---	---	----------------------------	-------------------------------

Handwritten initials

**UNITED STATES
DEPARTMENT OF JUSTICE**



**Immigration and
Naturalization Service**



**PERMIT TO REENTER
THE UNITED STATES**



THIS PERMIT DOES NOT
PROTECT YOUR RESIDENCE FOR
NATURALIZATION PURPOSES.

SEE IMPORTANT INFORMATION
AND INSTRUCTIONS
BEGINNING ON PAGE 19

IF THIS DOCUMENT IS FOUND, PLEASE
RETURN IT TO:
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE
119 D STREET, N. E.
WASHINGTON, D. C. 20536


1967 Edition

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE

Immigration and Naturalization Service



PERMIT TO REENTER
THE UNITED STATES



Pursuant to the provisions of Section
223 of the Immigration and Nationality
Act, this permit is issued to the person
named herein, an alien previously law-
fully admitted to the United States for
permanent residence, to reenter the
United States as a special immigrant
if otherwise admissible.




THIS IS NOT A UNITED STATES PASSPORT

1

2

0166429

NAME Johann HAHNER		REGISTRATION NUMBER All 229 347
ADDRESS IN U.S. 5398 Burns Rd. N. Olmsted, Ohio 44070		
DATE OF BIRTH October 15, 1920	COUNTRY OF BIRTH Yugoslavia	COUNTRY OF NATIONALITY Germany
EYES Blue-grey	HAIR Brown	HEIGHT 5 FEET 7 INCHES
VISIBLE SCARS AND MARKS None		
VALIDITY OF PERMIT		
PERMIT EXPIRES April 18, 1970	VALIDITY EXTENDED TO	VALIDITY EXTENDED TO
DATE AND LOCATION OF ISSUING OFFICE April 19, 1969 Cleveland, Ohio	DATE AND LOCATION OF OFFICE	DATE AND LOCATION OF OFFICE
SIGNATURE ISSUING OFFICER <i>Donald W. Caldwell</i>	SIGNATURE REVALIDATING OFFICER	SIGNATURE REVALIDATING OFFICER

<p style="text-align: center;">PHOTOGRAPH</p>  <p style="writing-mode: vertical-rl; transform: rotate(180deg); position: absolute; right: 0; top: 50%; font-size: small;">NOT REPRODUCIBLE FOR PUBLICATION</p>	<p style="text-align: center;">RESTRICTIONS</p> <p>VALID FOR <input checked="" type="checkbox"/> ONE ENTRY ONLY <input type="checkbox"/> MULTIPLE ENTRIES</p> <p>This document is not valid for return to the United States after a temporary absence which involves travel to, in or through any of the following countries unless this restriction is specifically waived with regard to any such country or countries by indorsement hereon:</p> <table style="width: 100%; font-size: x-small;"> <tr> <td>Albania</td> <td>Czechoslovakia</td> <td>Rumania</td> </tr> <tr> <td>Bulgaria</td> <td>Estonia</td> <td>Soviet Zone of Germany ("German Democratic Republic")</td> </tr> <tr> <td>Communist portions of:</td> <td>Hungary</td> <td>Union of Soviet Socialist Republics</td> </tr> <tr> <td>China</td> <td>Latvia</td> <td>Yugoslavia</td> </tr> <tr> <td>Korea</td> <td>Lithuania</td> <td></td> </tr> <tr> <td>Viet-Nam</td> <td>Outer Mongolia</td> <td></td> </tr> <tr> <td>Cuba</td> <td>Poland</td> <td></td> </tr> </table> <p>The above restriction is waived as to the following: YUGOSLAVIA & RUMANIA ONLY</p>	Albania	Czechoslovakia	Rumania	Bulgaria	Estonia	Soviet Zone of Germany ("German Democratic Republic")	Communist portions of:	Hungary	Union of Soviet Socialist Republics	China	Latvia	Yugoslavia	Korea	Lithuania		Viet-Nam	Outer Mongolia		Cuba	Poland	
Albania	Czechoslovakia	Rumania																				
Bulgaria	Estonia	Soviet Zone of Germany ("German Democratic Republic")																				
Communist portions of:	Hungary	Union of Soviet Socialist Republics																				
China	Latvia	Yugoslavia																				
Korea	Lithuania																					
Viet-Nam	Outer Mongolia																					
Cuba	Poland																					

3

THIS PAGE IS FOR USE BY UNITED STATES

IMMIGRATION OFFICER

ADMISSION STAMPS

Visas



U. S. IMMIGRATION NEW YORK, N. Y. 804 AUG 20 1969 ADMITTED UNTIL	

4

5



Wiss

6

0166429



Wiss

0166429

7



8



PLISS

6

PLISS



(6)

Miss

Miss

(6)

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Vignis



Vignis



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Visas

Visas



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Visas

Visas



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Visas

IMPORTANT INFORMATION

GENERAL: A permit to reenter has no effect under the immigration laws except to show that the person to whom issued is returning from a temporary visit abroad and relieve him of the necessity of securing a visa from an American Consul before returning to the United States. It does not relieve him from meeting the other requirements of the immigration laws. Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude either before or after entering the United States, other criminal, immoral, insane, mentally or physically defective aliens, those afflicted with loathsome or contagious diseases, and others found to be inadmissible under the immigration laws are subject to exclusion if attempting to reenter, notwithstanding they may be in possession of permits to reenter.

EFFECT OF ABSENCE FROM UNITED STATES UPON NATURALIZATION ELIGIBILITY: A permit to reenter does not relieve the person to whom issued from meeting the requirements of the naturalization laws. Notwithstanding the possession of a reentry permit, absence from the United States by an applicant for naturalization for a continuous period of one year or more during the period for which continuous residence in the United States is required for admission to citizenship will break the continuity of such residence, except where, prior thereto, the Attorney General has approved an absence in the employment of, or under contract with, the United States Government or an American institution of research recognized as such by the Attorney General, or in the employment of an American firm or corporation engaged in whole or part in the development of foreign trade and commerce of the United States or a subsidiary thereof, more than 50 percent of whose stock is owned by an American firm or corporation, or in the employment of a public international organization of which the United States

is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence. In order to qualify for such approval the applicant must have been physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year. The granting of such approval does not exempt the applicant from the requirement that he be physically present in the United States for at least one-half of the period of residence required for naturalization except in the case of those persons who are employed by, or under contract with, the Government of the United States; those persons who are authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, and those persons who are engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister. Such approval should be applied for on Form N-470, "Application to Preserve Residence for Naturalization Purposes (under section 316 (b) or 317, Immigration and Nationality Act)" available at any office of the Immigration and Naturalization Service.

Aliens who are absent in connection with or for the purpose of performing the ministerial or priestly functions of a religious denomination having a bona fide organization in the United States, or who are engaged by such a denomination or an interdenominational mission organization having a bona fide organization within the United States, as a missionary, brother, nun, or sister, are also eligible to make such application. Such aliens may acquire the required one year of uninterrupted physical presence after the absence.

EXTENSIONS: The validity of a permit may, on good cause shown, be extended for a period or periods not exceeding one year from the original expiration date.

Application for extension must be made prior to the expiration date shown on this permit. It should be submitted 30 to 60 days prior to the expiration date.

The application must contain (a) the name of the applicant, and his address in the United States; (b) when, where, and by what means he departed from the United States; (c) port of landing and date of arrival abroad; (d) countries visited in the order visited; (e) reason for requesting extension and period for which desired; and (f) applicant's address abroad; and must be accompanied by the permit.

The application must be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the place in which the applicant is temporarily sojourning abroad or to the issuing office shown on page 2, and must be accompanied by a fee of \$10. Remittances by persons outside the United States should be by international money order, drawn on Washington, D. C., or foreign exchange on a bank in the United States. All remittances should be made payable to the Immigration and Naturalization Service, Department of Justice. If extension is refused, the fee will be refunded. The permit, if extended will be returned to the address given in the application.

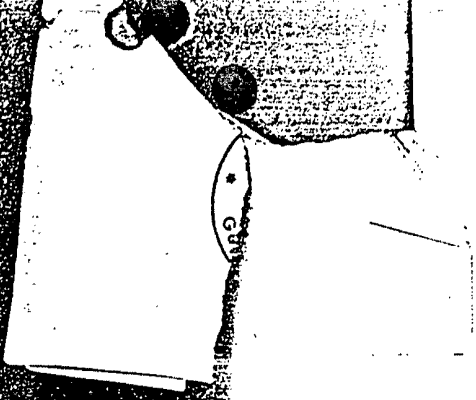
If the validity of the permit or extension thereof has expired the alien must obtain an immigrant visa from an American Consul before embarking for the United States.

Support Evidence

To be opened only by a
United States Immigration Officer

Bürgerschaft

Nur von einem Beamten der amerikanischen
Einwanderungsbehörden zu öffnen



(b)(6)

INFORMATION FOR TAXPAYERS

Please examine your bill to see that all lot numbers agree with your deed.

If you wish this receipt returned, enclose a self-addressed stamped envelope.

When tax is paid, this bill must be received with official stamp of Treasurer or Deputy.

When checks received for taxes are not paid on presentation to the bank, the taxes will be required to be supplied without further notice and penalty will be added.

It is the obligation of each taxpayer to secure the proper tax bill or bills. U. C. Sec. 2631-1.

In all communications regarding this bill, refer to PERMANENT NUMBER on face of bill.

Payments received for taxes must be submitted not later than midnight of the closing date of the market period.

Do not detach a part of this bill in making payment. Proper credit can be given only when entire bill is returned with your payment.

The change of mailing address form provided is for use only when the mailing address shown on the envelope is incorrect, or has been changed since last billing.

If this property has been transferred and a new owner should pay this bill, please return this bill to this office at once.

If there is an amount shown in column reading "DELINQUENCY OF FORMER YEARS", a separate bill must be obtained which shall include statutory interest or deductions allowed by law, to actual date of payment, before payment can be accepted.

(b)(6)

NOTICE TO EMPLOYEE:

1. **Income Tax Wages.**—This statement is important. It must be filed with your U. S. Income Tax Return for 1957. If your account number, name, or address is stated incorrectly, correct the information on copy B and notify your employer.
2. **Social Security Wages.**—If your wages were subject to Social Security taxes, but are not shown, your Social Security wages are the same as wages shown under "INCOME TAX INFORMATION," but not more than \$4,200.
3. **Credit For F.I.C.A. Tax.**—If more than \$94.50 of F.I.C.A. (Social Security) employee tax was withheld during 1957 because you received wages from more than one employer, the excess should be claimed as a credit against income tax. See instructions with your income tax return.

(b)(6)

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(b)(6)

THE SEPPER CORPORATION
GENERAL CONTRACTORS

21565 LORAIN ROAD

FAIRVIEW PARK 26. OHIO

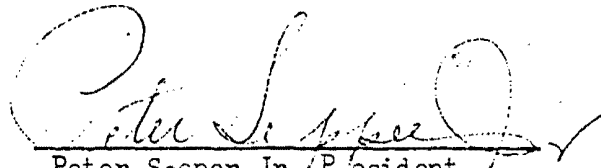
EDISON 1-6262

Feb. 3, 1958.

TO WHOM IT MAY CONCERN:

RE: Johann Hahner,
(14A) St. Gotthardt N. 12
b. Goppingen Wurttemberg,
Germany

This is your assurance that we will guarantee employment for the above mentioned Johann Hahner with The Sepper Corporation and that same will be guaranteed indefinitely.


Peter Sepper Jr., President
The Sepper Corporation.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Zur Beachtung!

Führungszeugnisse werden lediglich Strafen und Entscheidungen, und auch diese nur in einem durch Gesetz und Verwaltungsvorschriften festgelegten Umfang und soweit Unterlagen in der Bundesrepublik und im Land Berlin vorliegen, vermerkt. Polizeiliche Führungszeugnisse geben kein Urteil über den Lebens- und Charakterverhalt des Inhabers ab. Polizeiliche Führungszeugnisse werden nach dem vom Innenministerium durch Erlass vom 19. März 1955 (GABl. S. 105) vorgeschriebenen Einheitsformular ausgestellt.

Polizeiliches Führungszeugnis

(Bitte Rückseite beachten)

~~geboren am~~ / ~~geboren am~~

Johann E a h n e r, Hilfsarbeiter

Vor- und Familienname, bei Frauen auch Geburtsname

gebildet in Göppingen-St.Gotthardt, Haus Nr. 12

Wohnort, Kreis, Straße und Hausnummer

geboren am 15.10.20 in Popovac (Jugosl.) Kreis Batina

ausgestellt zum Zwecke der Vorlage bei Auswanderungsbehörde

Anmerkung: Hält sich der Inhaber außerhalb Deutschlands auf, dann ist vor der Zeile „geboren am“ einzufügen: zuletzt im Inland bis zum
wohnhaltig gewesen in

606

Formularverlag Gegenhart, Reutlingen

beibehält
keine Strafen:
Die Führungslisten enthalten ~~XXXXXXXXXXXX~~

Die Auskunft gilt nur für die Zeit nach dem 14. 2. 1949
Göppingen-Holzheim, den 10. Juni 1958

Bürgermeisteramt Göppingen
Bezirksstelle Holzheim



Stadtammann /H

Gebührenmark
Stadt Göppingen



Gel. DM
Ver: 11.50 DM

(Dienststempel)

St. Datum, Bescheid, Unterschrift

Indespol:

Z. 143

Dem(r)

am

Staat

wor

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b

(b)(6)

(b)(6)

Abschrift

I.

Entlassungsschein

Persönliche Angaben

Familienname des Inhabers: H a h n e r
Vorname: Johann
geboren am: 15. 10. 1920
Geburtsort: Popovaz/Jugoslavien
Zivilberuf: Landarbeiter
Familienstand: ledig
Zahl der minderjährigen Kinder: keine
Heimatanschrift: D P Camp Saalfelden Sb

Ich bestätige hiermit, naß nach meinem besten Wissen und Glauben die oben gemachten Angaben wahrheitsgemäß sind. Ich bestätige fernerhin, daß ich die "Instruktionen für entlassene Wehrmächts-angehörige" (Control Form D 1) gelesen und verstanden habe.

(gez.) Johann Hahner
Eigenhändige Unterschrift des Inhabers.

II.

Ärztliche Bescheinigung

Besondere Kennzeichen: Tätowierte Blutgruppe "A" im li Oberarm
li Ringfinger

Gebrechen oder Dienst-
unfähigkeit, mit Be-
schreibung: keine

Ärztliche Klassifi-
zierung: Arbeitsfähig

Ich bescheinige hiermit, daß nach meinem besten Wissen und Glauben die oben gemachten Angaben über den Inhaber wahrheitsgemäß sind und daß derselbe ungezieferfrei ist und von keiner ansteckenden oder Infektionskrankheit behaftet ist.

(gez.) Dr. med. Adolf Wicke
Unterschrift des Truppenarztes

III.

Die oben beschriebene Person wurde entlassen am 1.4.46 aus dem

.....
Begläubigt! (Siegel)

(gez.) Melvin Bloom
2nd Lt 242 Inf.
42nd Div. Disc. Cent Hallein

(Rechter Daumenabdruck)

NO WEHRSOLD OF DISCHARGE PAY RECEIVED FROM AUSTRIAN GEVERNEMENT 1. 6
(Stempel: Oesterr. Nationalbank Linz a. d. R.)

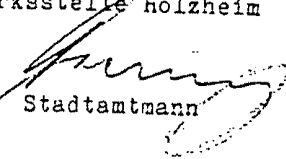
Arbeitsamt Ried i/Innkreis, 23.5.46 /Unterschrift.

Die Übereinstimmung vorstehender Abschrift
mit der Urschrift beglaubigt!

Göppingen-Holzheim, den 9. Juni 1958

Bürgermeisteramt Göppingen
Bezirksstelle Holzheim

I.V.


Stadtamtmann



/R

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

APPLICATION FOR IMMIGRANT VISA
AND ALIEN REGISTRATION

I- 1531406

1. **Lin** 6. **6**

I, the undersigned, being duly sworn, state the following facts regarding myself and hereby make application for an Immigrant Visa and Alien Registration under the Immigration and Nationality Act to the American Consul General

Munich, Germany

Name: Johann Initial: J Place and date of birth: Oct 15, 1920, Popovac, Yugoslavia Age: 37

(b)(6)

3. Other: which I have been known to as whom desired, if any
Last permanent residence: Goettingen-St. Gotthard, Wue., Gy. Postfachstr. 11a, 12

7. Name and address of nearest relative in home country: XXX
8. Travel documents presented: German Passport

9. Hair: brown	10. Eyes: grey	11. Height: 5 ft. 5 in.	12. Weight: 140 lbs.	13. Nationality: German	14. Race: German	15. Marital status: M <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/>
16. Occupation: worker	17. Languages spoken, read, or written: German, Serbian	18. Complexion: fair	19. Distinguishing marks: mole on nose	20. Education: F	21. Purpose of going to the United States: to reside	22. Intended United States port of entry: New York

23. Places of previous residence: Popovac, Yugoslavia - 1942; Military Service and POW - 1945; Weihenstephan, Linz all Austria - 1954; Str. Gotthard, Wue., Gy - today

24. Name and address of father: Valentin Hammer, 47 Monroeville, Wue., Gy.
25. Name and address of mother: XXX
26. Name and address of nearest relative in home country: XXX
27. Available documents required by the Immigration and Nationality Act are listed herewith and made a part hereof, as follows (Sec. 202 (b)):
Birth Certificate
Marriage Certificate
Police Record

(b)(6)

28. I have never been arrested, convicted, in prison, in an ambulance, treated in an institution, hospital, or other place, for insanity or other mental disease, or the beneficiary of a pardon or amnesty, except as hereinafter stated:
XXX

29. I have never been asked to any American consular officer, either formally or informally, for a visa or other documentation as an immigrant or non-immigrant, except as hereinafter stated:
1951 applied for Immigrant Visa through IHO at Linz, Austria
formal application taken Nov 7, 1956 at MUNICH, Munich, Gy. (SEE-17007-)

30. I have never been expelled, deported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

31. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

32. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

33. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

34. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

35. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

36. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

37. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

38. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

39. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

40. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

41. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

42. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

43. I have never been excluded, reported, or removed from the United States as Government expense, except as hereinafter stated:
XXX

35. I intend to remain in the United States for the following period of time: **permanently**

36. I have previously been in the United States during the following periods: **XXX**

37. I have had the following excludable classes explained to me and state that I am not, except as hereinafter noted, a member of any one of the following classes of individuals excluded from the United States under the Immigration and Nationality Act: (1) persons who have had one or more attacks of insanity; (2) persons who are narcotic drug addicts or chronic alcoholics; (3) persons who are afflicted with tuberculosis in any form, leprous, or any dangerous contagious disease; (4) persons afflicted with any other disease, physical defect or disability which is of such a nature as may affect such person's ability to earn a living unless they first establish that they will not have to earn a living; (5) paupers, professional beggars or vagrants; (6) persons convicted of, or who have admitted committing a crime involving moral turpitude, or committing acts constituting the essential elements of such a crime, with the exceptions noted in the Act; (7) persons convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were 5 years or more; (8) polygamists, practitioners or advocates of polygamy; (9) prostitutes, persons who have engaged in prostitution, persons coming to the United States solely, principally or incidentally to engage in prostitution, procurers and persons attempting to procure, or persons who have procured or attempted to procure or import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose, or persons who are or have been supported by or receive or have received the proceeds of prostitution, or persons coming to the United States to engage in any other unlawful noncommercial vice; (10) persons coming to the United States to engage in any immoral activity; (11) persons coming to the United States to perform skilled or unskilled labor who do not meet the requirements of the Act; (12) persons likely to become a public charge; (13) persons excluded from admission and deported, or persons arrested and deported, or persons taken into custody and removed, or persons removed as enemy aliens, or persons removed at Government expense, who do not have the Attorney General's permission to reapply for admission; (14) stowaways; persons proceeding, or who have sought to procure, visas or other documentation, or who seek to enter the United States by fraud or willful misrepresentation of a material fact; (15) immigrants not possessing valid unexpired immigrant visas, reentry permits, border crossing identification cards or other documentation required by the Act, and a valid unexpired passport or other suitable travel document or document of identity and nationality; (16) quota immigrants whose visas were not issued in compliance with the quota provisions of the Act; (17) persons ineligible to citizenship of the United States, or persons who have departed from or have remained outside the United States to evade or avoid military training or service in time of war or national emergency; (18) persons convicted of a violation of any law or regulation relating to the illicit narcotic drug traffic or of any law or regulation governing the manufacture or manufacture of narcotic drugs as provided in the Act; (19) persons who seek admission from foreign contiguous territory or adjacent islands after service therein by nonstatutory or nonconstitutional means; (20) persons arriving to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or otherwise the welfare, safety, or security of the United States; (21) persons who are, or at any time have been, anarchists, Communists, or other political subversives as specified in Sec. 112 (a) (2) of the Act; (22) persons who after entering the United States probably would engage in activities prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in any other security subversive to the national security, or engage in any activity a purpose of which is opposition to, control or overthrow of, the United States Government by force, violence or other unconstitutional means, or join, affiliate with, or participate in the activities of any organization required or required to be registered under Sec. 7 of the Subversive Activities Control Act of 1950; (23) persons accompanying other persons ordered excluded, deported, and excluded to be delinquent from service or mental or physical disability or infirm pursuant to Sec. 237 (e) of the Act, whose protection or guardianship is required by the persons excluded and deported; (24) persons who at any time, knowingly and for gain, recruited, and recruited, assisted, abetted, or aided any other alien to enter or try to enter the United States in violation of law.

38. I have had the exceptions to the foregoing excludable classes explained to me and claim to be exempt from exclusion on account of membership in the class or classes noted above because:

Johann Hehner
 Johann Hehner (Print name in applicant's handwriting)

Subscribed and sworn to before me this 20th day of July, 1955

12211
 20
 Fee No. 21
J. J. ...
 Vice Consul of the United States of America

UNITED STATES OF AMERICA
IMMIGRANT VISA AND ALIEN REGISTRATION

PORT OF NY
 I certify that the immigrant named herein arrived in the United States at this port on the 29th day of July, 1955, and was inspected by me and examined for further inquiry by special inquiry officer under Section K-8 of the Immigration and Nationality Act.

IMMIGRANT CLASSIFICATION:
 Nonquota E-3 Quota Germany

American Consulate General
 at Frankfurt, Germany

IMMIGRANT VISA NO. 490
 Issued on 30 JULY 1955

The validity of this visa expires midnight, E. S. T., at the end of 29 NOVEMBER 1958

Nationality of states, no state, and give previous nationality:
German

ACTION OF SPECIAL INQUIRY OFFICER
 The immigrant named herein was admitted, excluded, (add to special taken) under Section K-8 of the Immigration and Nationality Act.
 Date 30 July 1955

ACTION ON APPEAL
 Excluded _____ Date _____

STATISTICS
 Johann Hehner
 151 MAILED

Johann Hehner
 12211
 Vice Consul of the United States of America

Fee No. 21
 Fee: \$20.00
 Passport No. 111
 Issued HEHNER, Johann
 To Stadt, Joeszinger, Gy.
 By May 3, 1955
 Expires May 2, 1960

CLASS B MEDICAL CERTIFICATE

STATION N.Y. INT'L AIRPORT DATE 10-3-58

NAME Mahmer, Johann

AGE 37 SEX M DATE OF ARRIVAL 10-3-58

PORT OF ARRIVAL N.Y. INT'L AIRPORT

CARRIER (Identifying marks) ONA 630

CLASS _____ MANIFEST _____ NO. _____ LINE _____

The above-described person has this day been examined and found to be afflicted with (diagnosis, including statutory classification when applicable):

Resphosis
Partial deafness
25% disability

Type of disease or defect, or organ affected (when appropriate):

TA 256

Substantiating data:

1. Laboratory reports:

2. Other medical data, including results of special diagnostic procedures:

V. Munich

EXAMINERS: <i>C. P. Patterson</i>	
NAME	TITLE
	<i>SEAL INSP.</i>
LEO W. TUCKER	MED. DIRECTOR

Attorneys at Law
Allen, Ramsey & Associates Co., L. P. A.

5638 Ridge Road

Parma, Ohio 44129

Telephone (216) 884-5400

George P. Allen (1984)

Lloyd J. Ramsey

February 20, 1992

The Honorable Judge James R. Fujimoto
Office of the Immigration Judge
U.S. Department of Justice
536 South Clark Street, Room 646
Chicago, Illinois 60605-1521

IN RE: In the Matter of Johann Hahner
File All 229 347

Dear Judge Fujimoto:

I am enclosing herewith the following documents for filing:

1. An original and one copy of Respondent's Answer to the Order to Show Cause Dated August 30, 1991; and
2. An original and one copy of Respondent's Demand for Discovery and Inspection.

Please time-stamp the extra copies of each document and return them to the undersigned in the enclosed envelope.

Thank you for your attention to this matter.

Sincerely yours,

ALLEN, RAMSEY & ASSOCIATES CO., L.P.A.


Lloyd J. Ramsey

LJR:cmc

Enclosures

cc: Betty-Ellen Shave, Esq. ✓
Thomas D. Costello, Esq.

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL INVESTIGATIONS AND
IMMIGRATION AND NATURALIZATION SERVICE

UNITED STATES OF AMERICA:	)	FILE All 229 347
)	
IN THE MATTER OF	)	RESPONDENT
JOHANN HAHNER)	
	)	DEPORTATION PROCEEDINGS UNDER
	)	SECTION 242 OF THE IMMIGRATION
	)	AND NATIONALITY ACT

RESPONDENT'S ANSWER TO THE ORDER TO SHOW CAUSE
DATED AUGUST 30, 1991

Now comes the Respondent, JOHANN HAHNER, by and through counsel, and for his Answer to the Order to Show Cause filed by the Office of Special Investigations states as follows:

1. Respondent admits the allegations contained in paragraph 1 of the Order to Show Cause.
2. Respondent admits the allegations contained in paragraph 2 of the Order to Show Cause.
3. Respondent admits the allegations contained in paragraph 3 of the Order to Show Cause.
4. Respondent admits the allegations contained in paragraph 4 of the Order to Show Cause.
5. With respect to paragraph 5 of the Order to Show Cause, Respondent states that he was involuntarily drafted into the German Army Waffen-SS on or about April 28, 1942 and that he remained in the Army as a soldier and was placed with the Viking Regiment after training until July, 1945 when he surrendered to American Troops. Respondent denies the remaining allegations set forth therein.

6. With respect to paragraph 6 of the Order to Show Cause, Respondent denies the allegations contained therein, but states that he was a soldier in training near Auschwitz.

7. Respondent denies the allegations contained in paragraph 7 of the Order to Show Cause.

8. Respondent denies the allegations contained in paragraph 8 of the Order to Show Cause.

9. With respect to paragraph 9 of the Order to Show Cause, Respondent does not know the contents of the document referred to therein and can neither admit or deny the truth of the allegations contained therein. However, Respondent specifically denies that he personally participated or assisted in any way in any of the activities alleged in paragraph 9.

10. Respondent denies the allegations contained in paragraph 10 of the Order to Show Cause.

11. With respect to paragraph 11 of the Order to Show Cause, Respondent admits having made an Application for admission to the United States, but denies for want of information sufficient to form a belief as to the truth thereof, the allegations contained in paragraphs 11(a) and 11(b).

12. With respect to paragraph 12 of the Order to Show Cause, Respondent admits having given information to a person or persons who filled out Agent Report, Form AE-9134c on or about March 27, 1956, but denies that said statement was a sworn statement and further denies that he made any material misrepresentations in

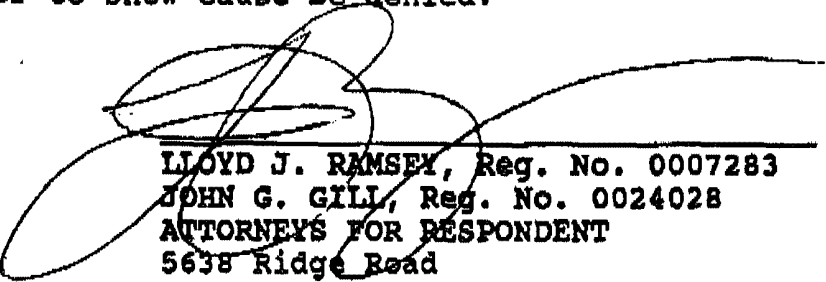
said statement. Respondent further specifically denies the allegations contained in paragraphs 12(a), (b), (c), (d), (e) and (f).

13. With respect to paragraph 13 of the Order to Show Cause, Respondent denies having made any willful misrepresentations in his Application for Immigrant Visa and Alien Registration No. I-1831406 on or about July 30, 1958, and further denies the remaining allegations set forth therein.

With respect to the charges set forth in the Order to Show Cause, Respondent states as follows:

1. Respondent denies that he violated any of the laws that are set forth in paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Order to Show Cause.

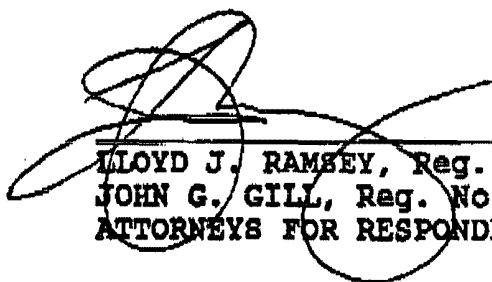
WHEREFORE, having fully answered the allegations and charges set forth in the Order to Show Cause, Respondent respectfully requests that the Order to Show Cause be denied.



LLOYD J. RAMSEY, Reg. No. 0007283
JOHN G. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT
5638 Ridge Road
Parma, Ohio 44129
(216) 884-5400

CERTIFICATE OF SERVICE

A copy of the foregoing Respondent's Answer to the Order to Show Cause was served by Federal Express mail upon Betty-Ellen Shave, Senior Trial Attorney, Office of Special Investigations, Criminal Division, 1620 L Street, N.W., Suite 1000, Washington, D.C. 20530; and by regular U.S. mail upon Thomas D. Costello, Assistant District Director, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199, this 20th day of February, 1992.



LLOYD J. RAMSEY, Reg. No. 0007283
JOHN G. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT

COPY

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL INVESTIGATIONS AND
IMMIGRATION AND NATURALIZATION SERVICE

UNITED STATES OF AMERICA:	)	FILE All 229 347
)	
IN THE MATTER OF	)	RESPONDENT
JOHANN HAHNER)	
	)	DEPORTATION PROCEEDINGS UNDER
	)	SECTION 242 OF THE IMMIGRATION
	)	AND NATIONALITY ACT

RESPONDENT'S DEMAND FOR DISCOVERY AND INSPECTION

PLEASE TAKE NOTICE that the Respondent, JOHANN HAHNER, demands to inspect, review, photograph, listen to, or receive answers to or copies of each of the following:

1. All relevant written or recorded statements or written summaries of oral statements made by Respondent.

2. All books, papers, documents, photographs, sound or video recordings, tangible objects, buildings, or places which are intended for use by the government as evidence at the trial, or were obtained from or belong to Respondent.

3. A written list of the names and addresses of all persons whom the attorney for the government expects to call as witnesses at the trial in support of its direct case.

4. A written list of the names and addresses of all persons interviewed during the course of investigations concerning Respondent and copies of any reports prepared from these interviews. This list shall include all people interviewed regardless of whether the government intends to call these witnesses to testify at trial.

5. All relevant written or recorded verbatim statements, both signed and unsigned, of any witnesses known to the government. If the government has no such written or recorded statements, then Respondent requests a summary of the testimony each witness is expected to give at the trial.

6. All material now known to the government, or which may become known, or which through due diligence may be learned from the investigating officers or the witnesses in the case, which is exculpatory in nature or favorable to Respondent or which may lead to exculpatory material. This request includes the reports of any investigations of suspects other than Respondent carried out by the Office of Special Investigations, the U.S. Immigration and Naturalization Service, or any other governmental agency.

7. Copies of any writings executed or audio or video tapes recorded by any governmental official or other interested party dealing with the incident under which Respondent stands charged, including but not limited to:

- (a) Photographs;
- (b) Witness statements; and
- (c) Notes made by governmental officials to be used at trial.

8. Names and addresses of any witnesses who may have information regarding the guilt or innocence of Respondent arising out of the incident under which Respondent stands charged.

9. Any other evidence obtained by observation of the government or witnesses intended to be used against Respondent at

trial that is not part of a written report furnished to Respondent's counsel.

10. The names and addresses of the person or persons who prepared the Application for Immigrant Visa and Alien Registration, Refugee Relief Act of 1953 dated July 30, 1958. (Exhibit "A").

11. The names and addresses of the individuals depicted in the copies of photographs attached hereto as the government's Exhibit 10. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

12. The name and address of the officer or non-commissioned officer to whom Johann Hahner would have reported at any time during his alleged service at Auschwitz. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

13. The names and addresses of all guards who were stationed at Auschwitz from June, 1942 to November, 1942. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

14. The names and addresses of any and all prisoners who claim to have seen Johann Hahner at the Auschwitz concentration camp between June, 1942 and November, 1942. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

15. The names and addresses of any prisoners who claim to have been persecuted by Johann Hahner at Auschwitz between June, 1942 and November, 1942. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

16. The names and addresses of all persons listed on the government's Exhibit "3" attached hereto which have been previously blacked out. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

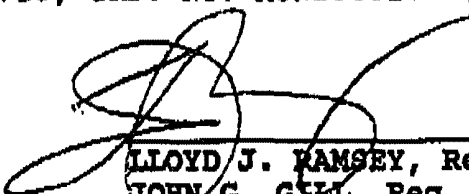
17. A complete copy of the list of names attached hereto as the government's Exhibit "3", including all numbered individuals from No. 51 to No. 151. Include any statements taken from these individuals and reduced to writing or any reports prepared from interviews with these individuals.

18. Attached hereto as Exhibits "B" and "C" are documents submitted to Johann Hahner by the government on July 29, 1987. With respect to these documents, provide the following:

- (a) An English translation;
- (b) The states from which these documents were obtained;
and
- (c) The name of the person who obtained these documents.

19. Provide copies of all documents submitted to Johann Hahner on July 29, 1987 and March 23, 1987 during his interview by the government's Attorney Phillip Sunshine. Also, please provide the states from which these documents were obtained and the name of the person who obtained them.

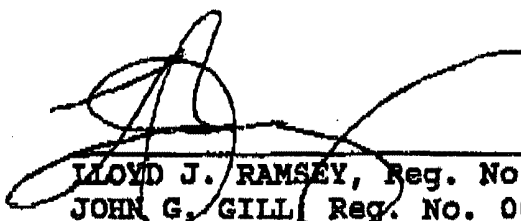
20. The names and addresses of the person or persons who prepared the Agent Report, Refugee Relief Act of 1953 dated March 27, 1956, File No. 1D617718, TRP. No. MUN20601. (Exhibit "D").



LLOYD J. RAMSEY, Reg. No. 0007283
JOHN G. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

A copy of the foregoing Respondent's Demand for Discovery and Inspection was served by Federal Express mail upon Betty-Ellen Shave, Senior Trial Attorney, Office of Special Investigations, Criminal Division, 1620 L Street, N.W., Suite 1000, Washington, D.C. 20530; and by regular U.S. mail upon Thomas D. Costello, Assistant District Director, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199, this 20th day of February, 1992.



LLOYD J. RAMSEY, Reg. No. 0007283
JOHN G. GILL, Reg. No. 0024028
ATTORNEYS FOR RESPONDENT

(b)(7)(c)

(b)(7)(c)

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

APPLICATION FOR IMMIGRANT VISA
AND ALIEN REGISTRATION

I- 1831

EXHIBIT
A

the undersigned, being duly sworn, state the following facts regarding myself and hereby make application for an IMMIGRANT VISA and ALIEN REGISTRATION under the Immigration and Nationality Act to the American Consulate General
Munich, Germany

1. Family name HAINNER		Given name Johann		Initial	2. Place and date of birth Oct 15, 1920, Popvac, Yugoslavia		Age 37
3. Other names by which I have been known XXX (b)(6)				4. Last permanent residence Goepfingen-St. Gotthardt, Wue., Gy. Eschenbacher Str. 12			
5. Address in the United States [Redacted]				Address of person to whom destined, if any see # 5			
6. Name and address of nearest relative in home country XXX				8. Travel documents presented German Passport			
9. Hair brown	10. Eyes grey	11. Height 5 ft. 5 in.	12. Weight 140 lbs.	13. Nationality German	15. Race German	17. Sex M <input checked="" type="checkbox"/> F <input type="checkbox"/>	18. Marital status Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>
14. Complexion fair		16. Ethnic Classification German		21. Languages spoken, read, or written German, Serbian			
19. Occupation worker		20. Distinguishing marks mole on nose		24. I have (a) (no) through ticket to destination		25. Purpose of going to the United States to reside	
22. Intended United States port of entry New York		23. Final destination see # 5		26. Places of previous residence Popovac, Yugoslavia - 1942; Military Service and POW - 1946; Voitschhofen, Linz all Austria - 1954; Str. Gotthard, Wue, Gy - today			
27. Names and places of residence of spouse and other children [Redacted] (b)(6)							
28. Name and address of father Valentin HAINNER, # 63 Lanzten, Wue, Gy.				29. Name and address of mother Elisabeta nee HINDENBERG. see # 28			

PM * DOJ / CRM / O / I / S / O S. N I. S O

following facts:

K-8, nonquota

I am an eligible expellee as provided in
Sec. 15 (a)(1) of THE ACT of Sep 11, 1957

Birth Certificate

Marriage Certificate

Police Record

2. I have never been: Arrested; convicted; in prison; in an almshouse; treated in an institution, hospital, or other place, for insanity or other mental disease; the beneficiary of a pardon or amnesty, except as hereinafter stated:

XXX

33. I have never applied to any American consular officer, either formally or informally, for a visa or other documentation as an immigrant or nonimmigrant, except as hereinafter stated:

1951 applied for Immigrant Vis through IRO at Linz, Austria

formal application taken Nov 7, 1956 at AMCONGEN, Munich, Gy. (RRA-Progr.)

34. I have never been excluded, deported, or removed from the United States at Government expense, except as hereinafter stated:

XXX

16-57416-3

(Application continued on reverse side)

35. I intend to remain in the United States for the following period of time:

permanently

36. I have previously been in the United States during the following periods:

XXX

37. I have had the following excludable clauses explained to me and state that I am not, except as hereinafter noted, a member of any one of the following of individuals excluded from the United States under the Immigration and Nationality Act: (1) persons who have had one or more attacks of insanity; (2) persons who are narcotic drug addicts or chronic alcoholics; (3) persons who are afflicted with tuberculosis in any form, leprosy, or any dangerous contagious disease; (4) persons afflicted with any other disease, physical defect or disability which is of such a nature as may affect such persons' ability to earn a living unless affirmatively established that they will not have to earn a living; (5) paupers, professional beggars or vagrants; (6) persons convicted of, or who have admitted committing a crime involving moral turpitude, or committing acts constituting the essential elements of such a crime, with the exceptions noted in the Act; (7) persons convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were 5 years or more; (8) polygamists, practitioners or advocates of polygamy; (9) prostitutes, persons who have engaged in prostitution, persons coming to the United States solely, principally or incidentally to engage in prostitution, procurers and persons attempting to procure, or persons who have procured or attempted to procure or import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose, or persons who are or have been supported by or receive or have received the proceeds of prostitution, or persons coming to the United States to engage in any other unlawful commercialized vice; (10) persons coming to the United States to engage in any immoral sex changes; (11) persons coming to the United States to perform skilled or unskilled labor who do not meet the requirements of the Act; (12) persons likely to become enemy aliens, or persons removed at Government expense, who do not have the Attorney General's permission to reapply for admission; (14) stowaways; persons procuring, or who have sought to procure, visas or other documentation, or who seek to enter the United States by fraud or willful misrepresentation of a material fact; (15) immigrants not possessing valid unexpired immigrant visas, reentry permits, border crossing identification cards or other documentation required by the Act, and a valid unexpired passport or other suitable travel document or document of identity and nationality; (16) quota immigrants possessing visas not issued in compliance with the quota provisions of the Act; (17) persons ineligible to citizenship of the United States, or persons who have departed from or have remained outside the United States to evade or avoid military training or service in time of war or national emergency; (18) persons convicted of a violation of any law or regulation relating to the illicit narcotic drug traffic or of any law or regulation governing commerce or manufacture of narcotic drugs as provided in the Act; (19) persons who seek admission from foreign contiguous territory or adjacent islands after arriving therein by nonsignatory or noncomplying transportation lines; (20) persons seeking to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; (21) persons who are, or at any time have been, anarchists, Communists, or other political subversives, as specified in Sec. 213 (a) (28) of the Act; (22) persons who after entering the United States probably would engage in activities prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in any other activity subversive to the national security, or engage in any activity a purpose of which is opposition to, control or overthrow of, the United States Government by force, violence or other unconstitutional means, or join, affiliate with, or participate in the activities of any organization registered or required to be registered under Sec. 7 of the Subversive Activities Control Act of 1950; (23) persons accompanying other persons ordered excluded, deported, and certified to be helpless from sickness or mental or physical disability or infancy pursuant to Sec. 237 (c) of the Act, whose protection or guardianship is required by the persons excluded and deported; (24) persons who at any time, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter the United States in violation of law.

XXX

38. I have had the exceptions to the foregoing excludable classes explained to me and claim to be exempt from exclusion on account of membership in the class or classes noted above because:

NOT RECORDED
XXX

Johann Hehner
Johann: (Signature of applicant)

[321] Subscribed and sworn to before me this 30th day of July, 1950

12211

18100

Fee No. 20

J. J. [Signature] [Signature]
Vice Consul of the United States of America

Fee: \$5. DE 27, -

* DO I / C R M
P M
O I : 4
O I : 2
O I : 1
O I : 0

UNITED STATES OF AMERICA
IMMIGRANT VISA AND ALIEN REGISTRATION

(24)

PORT OF
 I certify that the immigrant named herein arrived in the United States at this port on the _____
 on _____ (Day, month, year)
 and was inspected by me and _____ (admitted/detained for further inquiry by special inquiry officer)
 under Section K-8 of the Immigration and Nationality Act.
 _____ (Immigration officer)

IMMIGRANT CLASSIFICATION:
 Nonquota K-8 Quota _____ (Symbol) _____ (Symbol)
 American Consulate General
 at Munich, Germany

IMMIGRANT VISA NO. 490
30 JULY 1955 (Date)
 Issued on _____ (Day, month, year)

ACTION OF SPECIAL INQUIRY OFFICER

The immigrant named herein was (admitted) (excluded) (not no appeal taken) and appeal taken _____
 under Section _____ of the Immigration and Nationality Act.
 Date _____
 _____ (Special Inquiry officer)

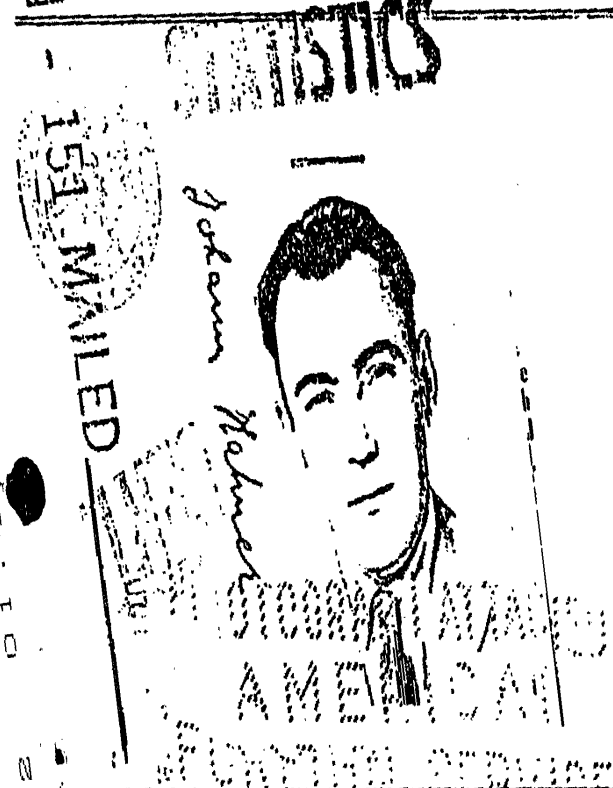
The validity of this visa expires midnight, E. S. T., at the end of _____
29 SEPTEMBER 1955
 (Day, month, year)

Nationality (if stateless, so state, and give previous nationality) _____
German

This visa is issued under Section 221 of the Immigration and Nationality Act and upon the basis of the facts stated in the application. This visa does not entitle the bearer to enter the United States if, upon arrival at a port of entry of the United States, he is found to be inadmissible under the law.

ACTION ON APPEAL

Admitted _____ Excluded _____ Date _____



(Serial) 9449-1016
1272 Munich of the United States of America. **EAL**

Fee No. 21
 Fee: \$20. DI 84,-
German
 Passport No. 10 111 or other travel document (describe)

Issued-- HAMBURG, Johann
 To _____
 By Stadt Goepfingen, Gy.
 On May 3, 1955
 Expires May 2, 1960

* DO NOT WRITE IN THESE SPACES

(b)(5)

(b)(5)