Requests for Specific Aid: Dzierlatka, Abraham

000343

NOV 25 1944

Dear Mr. Singer:

Thank you for your letter of November 21, 1944, and for letting me know the outcome of the Dzierlatka case.

Very truly yours,

Lawrence S. Lesser

Lawrence S. Lesser
Assistant Executive Director

Jacob J. Singer, Esq.
591 Summit Avenue
Jersey City 6, New Jersey

LSLesser:hh 11-25-44

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Jacob J. Singer
LAW OFFICES
591 SUMMIT AVENUE
JERSEY CITY, 6, N. J.

JOURNAL SQUARE 2-7050

November 21, 1944

Mr. Lesser
c/o Director of the War Refugee Board
Treasury Department
Washington, D. C.

Re: Abraham Dzierlatka

Dear Mr. Lesser:

I thought you would be interested in knowing the final determination in connection with the aforesaid case. I am enclosing herewith a copy of same.

I wish to take this opportunity in extending to you my personal appreciation for your interest in behalf of Mr. Dzierlatka.

Respectfully yours,

Jacob J. Singer

jjs/rb
Encl.

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U. S. DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

PHILADELPHIA (2)

November 14, 1944 56041/578
WU

Jacob J. Singer, Esquire
591 Summit Avenue
Jersey City, New Jersey

My dear Mr. Singer:

Reference is made to you interest in the immigration case of Abraham Dzierlatka.

You are advised that on November 7, 1944 the Board of Immigration Appeals directed that the order of deportation dated June 23, 1943, be withdrawn.

The Board further ordered that an order of deportation not be entered at this time, but that the subject be required to depart from the United States, without expense to the Government, to any country of his choice, within six months after notification of decision, on consent of surety.

The Board further ordered that pre-examination be authorized, conditioned upon approval by the Department of State of the subject's preliminary application for an immigration visa.

Sincerely yours,

Joseph Savoretti, Acting Commissioner

By

(Signed) T. B. Shoemaker

T. B. Shoemaker, Assistant Commissioner

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No answer req.
L.S.L.

Jacob J. Singer
LAW OFFICES
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JERSEY CITY, 6, N. J.

JOURNAL SQUARE 2-7050

May 3, 1944

Hon. John W. Pehle
Executive Director of the War Refugee Board
c/o United States Treasury Department
Washington, D. C.

Re: #56041/578
NAT:SMC
ABRAHAM DZIERLATKA

Dear Mr. Pehle:

This is to inform you that I appeared before the Board of Immigration Appeals yesterday in behalf of the aforesaid respondent at the Hutchins Building at D and 10th Streets, N. W., Washington, D. C., at 2:00 p.m. and at which time I presented oral argument in behalf of the person aforementioned.

I am now awaiting the decision which I trust, hope and pray will be favorable, as this case doesn't only involve Mr. Dzierlatka, but he has a wife and two children whom he hasn't seen for several years and who are now resident in Havana, Cuba.

I had forwarded you a letter some weeks ago setting forth the facts concerning the predicament of this man.

I wish to take this opportunity of thanking you for your interest. I hope my efforts in this man's behalf will be successful. The Board was extremely courteous to me. I wish to further thank you for your consideration.

Respectfully yours,

Jacob J. Singer

jjs/rb

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Jacob J. Singer
LAW OFFICES
591 SUMMIT AVENUE
JERSEY CITY, 6, N. J.
JOURNAL SQUARE 2-7050

W. R. B.
Filing Authority
To: Files
Ans.
No. Ins. Req. ✓
Initial LS
Date

Answered by telephone
referred to Cooley & Justice

March 29, 1944

Mr. John W. Pehle
Acting Executive Director of the War Refugee Board
Washington, D. C.

My dear Sir:

You will find herewith enclosed a copy of a petition in behalf of one Abraham Dzierlatka, requesting a rehearing in his behalf before the Board of Immigration Appeals and which is self-explanatory.

This man escaped tyranny and oppression and arrived here where freedom, equality and justice prevail, and in a country in which all persons regardless of race, color and creed may live in peace, honor and dignity.

The Board of Immigration Appeals at Philadelphia, Pennsylvania, on February 8, 1944 directed that a motion to re-open the deportation proceedings in matter of Abraham Dzierlatka be denied because no new facts were presented. He had made several applications prior to the one I made and in each instance he was ordered deported.

This man was threatened with extermination if he had not escaped as he did and was doomed for destruction.

By executive order of His Excellency, Franklin Delano Roosevelt, recently, a refugee board was created to take action for the rescue of as many people as possible of the persecuted minorities. I trust that your facilities can be employed to aid this man and his family in their present dilemma, as in my judgment, this case is a tragic one as ~~ix~~ many others are.

It has come to my attention that Mr. Abraham Dzierlatka was subject to call in the draft during the year 1940. He exerted his efforts to volunteer and called at the Grand Central Palace on Lexington Avenue, New York City, before Local Draft Board 93 at which time he reported for his physical examination.

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JOURNAL SQUARE 2-7050

March 29, 1944

On or about December 8, 1942, he received a card bearing #2154 that he was not to report for induction on December 11, 1942 as scheduled as he was now over the age limit.

This man's means of livelihood was that of a diamond cutter and not a seaman, and he could have been classified as exempt from the draft if he was a seaman by avocation, and, further, being an alien, I might mention, however, that the man now is ready and willing to serve in the armed forces in any capacity desired.

In the records of the case of Mr. Dzierlatka, at the Offices of the Board of Immigration Appeals at Philadelphia, Pennsylvania in File #56041-578 WU, it will be noted that the War Shipping Board and the Polish Government were consulted about this man's status, and that the spokesman for the War Shipping Board stated that Mr. Dzierlatka, being a seaman, could be used in that capacity due to the shortage of manpower, and that the spokesman for the Polish Government had no objections to Mr. Dzierlatka remaining here. I believe I am accurate in transmitting this information to you.

This man has a wife and two children who are presently resident in Havana and have been for over a period of two years.

Mr. Dzierlatka arrived in this country on the SS Edit H during the month of July 1940 at Norfolk, Virginia.

He was born in Poland and thence went to Antwerp, Belgium where he resided for about fifteen years. When the Germans invaded Belgium, he succeeded in getting to France, and when the Germans invaded France he succeeded in obtaining employment for this one trip on the SS Edit H, which was chartered by the Polish Government. He served in the capacity of a coal passer and was classified as a seaman, although he has devoted most of the years of his life to diamond cutting and setting.

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Jacob J. Singer
LAW OFFICES
591 SUMMIT AVENUE
JERSEY CITY, 6, N. J.

JOURNAL SQUARE 2-7050

March 29, 1944

Mr. Dzierlatka has been in this country since July, 1940. He is physically fit, has a good educational background and able to earn his own livelihood and undoubtedly would make an excellent citizen if permitted to remain here.

In view of the formation of your new board to help individuals in difficulties of the nature described, I am confident that sympathetic consideration will be given to Mr. Dzierlatka. I trust and hope that something still can be done in his behalf.

I wish to call to your attention the fact that there were two men who arrived with Mr. Dzierlatka on the same ship and at the same time and served in the same capacity thereon. Their applications were disposed of and they were permitted to remain here, which I cannot seem to understand or reconcile.

The names of the parties were Mr. Israel Stumer and Mr. Johannes Mazor; one was a Polish subject and the other a Belgian subject.

I might note that Mr. Dzierlatka was born in Poland and, in my judgment, although there is a Polish Government in exile, would he be required to recognize an exiled Government? It appears to me that he is a man without a country, and it is a curious circumstance that Mr. Dzierlatka is prohibited from remaining here and the others who arrived with him are allowed to stay.

These facts can be obtained from the file bearing the number as indicated at the Philadelphia office of the Board of Immigration Appeals.

Appreciating the courtesy of an early reply, I remain

Respectfully yours,

Jacob J. Singer

jjs/rb

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Immigration and Naturalization Service
Philadelphia, Pennsylvania

File #56041-578

New York Office File #99666-327 Or #06-8973

Board of Immigration Appeals,
c/o Immigration and Naturalization Service,
Washington, D. C.

In re: Abraham Dzierlatka

Honorable Sirs:-

Application is hereby made on behalf of Abraham Dzierlatka, for a rehearing to be granted permission to remain in the United States of America, with a request that a stay of deportation be granted pending the final determination of this application.

The facts upon which this application is based are as follows:-

Abraham Dzierlatka was born in Poland in the year 1903 and is now 40 years of age. He is married and the father of two children.

He resided in Poland from the date of his birth up until the year 1926, at which time he left Poland and went to live in Antwerp, Belgium, where he remained until the year 1940.

In 1940 Germany invaded Belgium, as a result of which Abraham Dzierlatka took up his residence, first in Bordeaux, France and then in Marseilles, France.

When Germany invaded France said Abraham Dzierlatka sent his wife and two children to Havana, Cuba, where they are presently residing, and he became a member of the crew of the SS Edit H, and his duties were that of coal passing.

The SS Edit H arrived at the Port of Norfolk, Virginia on July 7th, 1940, and at said time said Abraham Dzierlatka remained in this country.

Abraham Dzierlatka is a diamond setter by profession and has been so engaged practically all his life. He had never been a seaman up to the time he became a member of the crew of the SS Edit H.

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It is therefore respectfully submitted that the case of Abraham Dzierlatka is not analagous to the Digman case, which latter case has been set down as a precedent in matters of this kind. In the Digman case, Digman was a seaman by profession, and when he left his ship to remain in this country, it was held that because Digman was a seaman, he could not be permitted to remain in this country, but had to be deported. In the instant case, while Abraham Dzierlatka was listed as a seaman, he was in reality a diamond cutter.

Grave doubt also exists as to whether said Abraham Dzierlatka is still a citizen of Poland, because of his long absence therefrom, and for the further reason that in fact Poland does not presently exist and the subject is actually a man without a country.

The sole purpose of Abraham Dzierlatka in pursuing the conduct above recited was to protect the life of himself and family and to find a haven of safety for himself and his family.

Abraham Dzierlatka is a man of sound health, is in a position to sustain himself and his family and there is no likelihood of their becoming a public charge.

If permission can be obtained, he is willing to join the armed or naval forces of this country, or the maritime services.

If this cannot be accomplished and it is found that he cannot be permitted to remain in this country, he respectfully petitions that he may be permitted to join his family in Havana, Cuba.

Your petitioner therefore respectfully requests that due consideration be given to the within application and that the relief sought by said Abraham Dzierlatka may be granted.

Respectfully submitted,

DATED;

ATTORNEY FOR ABRAHAM DZIERLATKA