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Upon receipt of appellant's appeal, the Board requested Passport Services of the Department of State to submit a brief setting forth the Department's position on the appeal and the record on which the Department's determination of loss of nationality was based. On April 14, 1981, Passport Services submitted the Department's record on appellant's case and an appeal memorandum, in which it requested the Board to remand the case for the purpose of vacating the certificate of loss of nationality. The appeal memorandum discussed with particularity points of law and facts in support of remand. Passport Services concluded that the Department could not sustain its burden of proving by a preponderance of evidence that appellant had the intent to relinquish her United States citizenship when she obtained naturalization as a French citizen upon her own application. <sup>2/</sup> Passport Services, accordingly, requested the Board to remand the case "for cancellation of the Certificate of Loss of Nationality and such other procedures as may be necessary."

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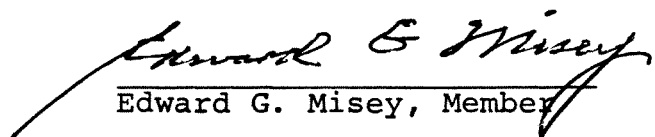
<sup>2/</sup> Section 349(c) of the Immigration and Nationality Act, 8 U.S.C. 1481(c), reads:

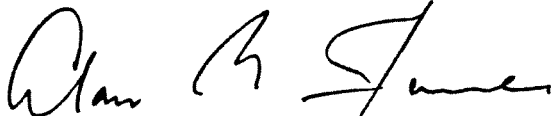
(c) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after the enactment of this subsection under, or by virtue of, the provisions of this or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Except as otherwise provided in subsection (b), any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

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Upon review of the entire record before the Board and in light of Afroyim v. Rusk, 387 U.S. 253 (1967), the Attorney General's Statement of Interpretation of Afroyim, 42 Op. Att'y. Gen. 397 (1969), and Vance v. Terrazas, 444 U.S. 252 (1980), we are agreeable to the request for remand to vacate the certificate of loss of nationality, and hereby remand the case to Passport Services for further proceedings. 3/

  
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Julia W. Willis, Chairman

  
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Edward G. Misey, Member

  
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Alan G. James, Member

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3/ Section 7.2, Title 22, Code of Federal Regulations, 22 CFR 7.2, provides in part:

. . . The Board shall take any action it considers appropriate and necessary to the disposition of the cases appealed to it.