

August 16, 1983

DEPARTMENT OF STATE

BOARD OF APPELLATE REVIEW

IN THE MATTER OF: R [REDACTED] [REDACTED] E [REDACTED]

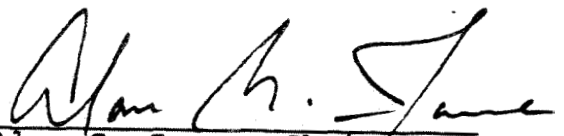
In a decision rendered on March 3, 1983, the Board of Appellate Review affirmed the Department of State's March 30, 1981, administrative determination [REDACTED] of the United States nationality of appellant, R [REDACTED] [REDACTED] E [REDACTED]. 1/ In affirming the Department's determination, the Board concluded that appellant had obtained naturalization in Canada voluntarily and with the intention of relinquishing her United States citizenship.

More than a month after receipt of a copy of the Board's decision appellant informed the Board that she wished to move for reconsideration of the Board's decision. Although the Department's regulations (22 CFR 7.9) provide that a motion for reconsideration shall be filed within thirty days of receipt of a copy of the decision by the party moving for reconsideration, appellant showed good cause for not filing a motion for reconsideration within the prescribed time-limit. Accordingly, the Board exercised its discretionary authority and enlarged the time for appellant to file her motion: By letter dated June 3, 1983, appellant moved for reconsideration of the Board's decision. 2/

1/ The American Consulate General at Montreal, Canada, on July 29, 1980, prepared a certificate of loss of nationality in appellant's name. The Consulate General certified that R [REDACTED] K. E [REDACTED] expatriated herself on November 17, 1980, under the provisions of section 349(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1481, by obtaining naturalization in Canada upon her own application. The Department of State approved the certificate of loss of nationality on March 30, 1981.

2/ In accordance with section 7.9 of 22 CFR, the Board gave the opposing party, to wit, the Department of State, thirty days to file a memorandum in opposition to the motion, or until August 1, 1983. Although the Department had indicated to the Board that it intended to file such a memorandum, it did not do so by August 1.

Upon examination of appellant's motion for reconsideration the Board is of the view that the motion fails to disclose facts or points of law that the Board may have overlooked or misapprehended in reaching its decision, or any new matters that would warrant reconsideration of its decision of March 1983. Accordingly, appellant's motion for reconsideration is denied.


Alan G. James, Chairman


Mary E. Hoinkes, Member


George Taft, Member

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