

May 30, 1984

DEPARTMENT OF STATE
BOARD OF APPELLATE REVIEW

IN THE MATTER OF: [REDACTED]

In a decision rendered January 27, 1984, the Board of Appellate Review affirmed the Department of State's administrative determination of **loss** of appellant's nationality. 1/ In affirming the Department's holding, the Board concluded that appellant made a formal declaration of allegiance to Mexico voluntarily and with the intention of relinquishing his United States citizenship.

On February 14, 1984, appellant wrote to the Board to protest its decision, but did not apparently know what recourse he might have from the Board's decision. In the circumstances, the Board offered appellant the opportunity to file a motion for reconsideration of its decision within 30 days of his receipt of the Board's March 6 reply to appellant's letter of February 14, 1984. 2/ By letter to the Board dated March 30, 1984, appellant—formally moved for reconsideration of the Board's decision.

In accordance with section 7.9 of Title 22, Code of Federal Regulations, the Board gave the opposing party, the Department of State, 30 days to file a memorandum in opposition to the motion. The Department notified the Board informally that it would not submit a memorandum in opposition.

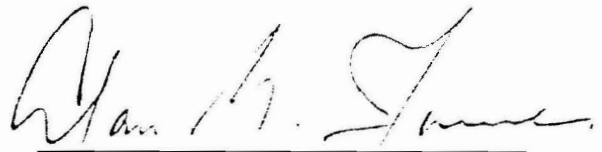
1/ The United States Consulate General at Monterrey, Mexico, on June 6, 1980, prepared a certificate of loss of nationality in the name of [REDACTED]. The Consulate General certified that [REDACTED] expatriated himself on November 11, 1966, under the provisions of section 349(a)(2) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(2), by making a formal declaration of allegiance to Mexico. The Department of State approved the certificate on May 11, 1981.

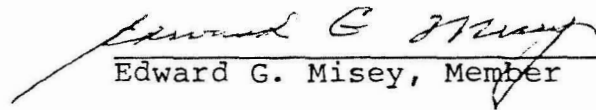
2/ Section 7.9 of Title 22, Code of Federal Regulations provides that the Board may, in accordance with specified criteria, entertain a motion for reconsideration of a Board's decision filed by either party within 30 days of receipt of a copy of the decision of the Board by a party filing the motion.

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Having examined carefully appellant's motion for reconsideration the Board is of the view that the motion fails to disclose any 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 January 27, 1984.

Accordingly, appellant's motion for reconsideration is denied.


Alan G. James, Chairman


Edward G. Misey, Member


George Taft, Member