

DECISIONS  
OF THE  
BOARD OF APPELLATE REVIEW  
VOLUME 9

July through December 1984



United States Department of State

Washington, D.C. 20520

THE BOARD OF APPELLATE REVIEW

1984

(July through December 1984)

Chairman:

Alan G. James

Members :

J. Peter A. Bernhardt  
G. Jonathan Greenwald  
Warren E. Hewitt  
Mary Elizabeth Hoinkes  
Howard Meyers  
Edward G. Misey  
Gerald A. Rosen  
James G. Sampas  
Frederick Smith', Jr.  
George Taft

## FOREWORD

The decisions of the Board of Appellate Review in Volume 9 cover the period July through December **1984**.

The decisions are arranged in sequence according to the date on which the decision was issued. There is **a** table containing an alphabetical listing **of** cases reported in this volume by name, and an index of cases by section of law and regulations. Appendices contain the relevant Federal Regulations. A cumulative alphabetical listing of decisions reported in Volumes **1** through 5 and a cumulative index of cases by law and regulations will be found in Volume 5 of the decisions **of** the Board of Appellate Review.

This compilation was prepared for the use of the Board of Appellate Review.

Alan G. James  
Chairman  
Board **of** Appellate Review  
Department of State

Washington, D.C.

January **30**, 1985

TABLE OF CASES REPORTED  
VOLUME 9  
Alphabetical Listing by Name

NAME _____	<u>PAGE</u>
A [REDACTED] E [REDACTED] J [REDACTED] . . . . .	189
A [REDACTED] -P [REDACTED] O, L [REDACTED] . . . . .	185
B [REDACTED]. [REDACTED] P [REDACTED] . . . . .	74
B [REDACTED], [REDACTED] . . . . .	274
C [REDACTED]. M [REDACTED] J [REDACTED] . . . . .	11, 225
G [REDACTED]. S [REDACTED] J [REDACTED] . . . . .	181
G [REDACTED] [REDACTED] . . . . .	25
H [REDACTED], W [REDACTED] H [REDACTED] . . . . .	125
H [REDACTED]. P [REDACTED] S [REDACTED] . . . . .	93
H [REDACTED], [REDACTED] J [REDACTED] . . . . .	201
K [REDACTED]. [REDACTED] S [REDACTED] . . . . .	227
L [REDACTED], [REDACTED] [REDACTED] . . . . .	1
L [REDACTED], B [REDACTED] T [REDACTED] . . . . .	53
L [REDACTED] V [REDACTED] J [REDACTED] . . . . .	173
M [REDACTED]. S [REDACTED] . . . . .	33, 237
M [REDACTED] S [REDACTED] H [REDACTED] [REDACTED] . . . . .	240
M [REDACTED]. E [REDACTED] G [REDACTED] . . . . .	103
M [REDACTED] J [REDACTED] [REDACTED] . . . . .	150
N [REDACTED]. H [REDACTED] J [REDACTED] . . . . .	153
N [REDACTED]. [REDACTED] ( [REDACTED] . . . . .	112
P [REDACTED]. P [REDACTED] W [REDACTED] . . . . .	248
S [REDACTED] [REDACTED] K [REDACTED] . . . . .	160
S [REDACTED]. S [REDACTED] L [REDACTED] . . . . .	140
T [REDACTED]. E [REDACTED] S [REDACTED] . . . . .	263
V [REDACTED]. S [REDACTED] N [REDACTED] . . . . .	42
W [REDACTED]. G [REDACTED] F [REDACTED] . . . . .	216

# INDEX OF CASES REPORTED

Volume 9

Listing by Section of Law

	<u>PAGE</u>
Revised Statutes of the United States	
Section 1993	
E. [REDACTED], .C. [REDACTED] F. [REDACTED]	74
H. [REDACTED], W. [REDACTED] H. [REDACTED]	125
Nationality Act of 1940 (54 Stat, 1137)	
Section 201(g), 8 U.S.C. 801	
W. [REDACTED], G. [REDACTED] F. [REDACTED]	216
Immigration and Nationality Act of 1952 (66 Stat. 163)	
Section 101(a)(23), 8 U.S.C. 1101	
E. [REDACTED], F. [REDACTED] S. [REDACTED]	93
H. [REDACTED], A. [REDACTED] J. [REDACTED]	201
Section 104(a)(3), 8 U.S.C. 1104	
G. [REDACTED], S. [REDACTED] J. [REDACTED]	181
Section 301(a), 8 U.S.C. 1401	
N. [REDACTED], E. [REDACTED] (P. [REDACTED])	112
Section 349(a)(1), 8 U.S.C. 1481	
[REDACTED]	189
[REDACTED]	74
[REDACTED]	274
[REDACTED]	11, 225
[REDACTED]	181
[REDACTED]	125
[REDACTED]	93
[REDACTED]	201
[REDACTED]	1
[REDACTED]	53
[REDACTED]	173
[REDACTED]	33, 237
[REDACTED]	150
[REDACTED]	153
[REDACTED]	248
[REDACTED]	160
[REDACTED]	140
[REDACTED]	263

	<u>PAGE</u>
Section 349 (a) (2), 8 U.S.C. 1481	
A [REDACTED], L [REDACTED]	185
G [REDACTED], E [REDACTED]	25
V [REDACTED], S [REDACTED], N [REDACTED]	42
Section 349 (a) (3), 8 U.S.C. 1481	
W [REDACTED], G [REDACTED], F [REDACTED]	216
Section 349 (a) (4) (A), 8 U.S.C. 1481	
H [REDACTED], W [REDACTED], H [REDACTED]	125
Section 349 (a) (6), 8 U.S.C. 1481 1/	
[REDACTED] S [REDACTED] H [REDACTED], [REDACTED]	240
M [REDACTED], E [REDACTED], G [REDACTED]	103
N [REDACTED], E [REDACTED] (P [REDACTED])	112
Section 352 (a) (2), 8 U.S.C. 1484 2/	
S [REDACTED], S [REDACTED], L [REDACTED]	140
Section 354 (5), 8 U.S.C. 1486 2/	
S [REDACTED], S [REDACTED], L [REDACTED]	140
Title 22, Code of Federal Regulations	
Section 7.2 (a)	
A [REDACTED], L [REDACTED]	185
G [REDACTED], S [REDACTED]	181
N [REDACTED], H [REDACTED], J [REDACTED]	153

---

1/ Paragraph 6 of section 349 (a) (8 U.S.C. 1481) **was** renumbered paragraph 5 by section 4 of Public Law 95-432 (October 10, 1978, 92 Stat. 1046).

2/ Sections 352 and 354 were repealed by section 2 of **Public** Law 95-432 (October 10, 1978, 92 Stat. 1046).

PAGE

Section 7.5 (a)

L [REDACTED], V [REDACTED] J [REDACTED] 173  
N [REDACTED], E [REDACTED] (E [REDACTED]) 112  
S [REDACTED], S [REDACTED] L [REDACTED] 140

Section 7.5 (b)

H [REDACTED], P [REDACTED] S [REDACTED] 93  
L [REDACTED] V [REDACTED] Je [REDACTED] 173  
[REDACTED] S [REDACTED] 33, 237  
M [REDACTED], E [REDACTED] G [REDACTED] 103  
N [REDACTED], Hu [REDACTED] J [REDACTED] 153  
N [REDACTED], E [REDACTED] (P [REDACTED]) 112  
S [REDACTED], S [REDACTED] L [REDACTED] 140

Section 7.9

C [REDACTED] M [REDACTED] J [REDACTED] 11, 225  
[REDACTED] S [REDACTED] 33, 237  
M [REDACTED], J [REDACTED] C [REDACTED] 150

Section 7.10

M [REDACTED] J [REDACTED] C [REDACTED] 150

Section 50.60 3/

[REDACTED] 93  
[REDACTED] 173  
[REDACTED] 33, 237  
[REDACTED] 240  
[REDACTED] 103  
[REDACTED] 150  
[REDACTED] 153  
[REDACTED] 112  
[REDACTED] 140  
[REDACTED] 216

---

3/ In effect prior to November 30, 1979.

Section 50.80

M [REDACTED] E [REDACTED]  
N [REDACTED], E [REDACTED] (P [REDACTED])

10:  
11:

Passport Cases

Listing by Section of Regulations

Title 22, Code of Federal Regulations

51.89 Sections 7.3, 51.70, 51.71, 51.81, 51.82, 51.84, and

K [REDACTED], R [REDACTED] S [REDACTED]

22'