

May 7, 1986

DEPARTMENT OF STATE

BOARD OF APPELLATE REVIEW

IN THE MATTER OF: J [REDACTED] E [REDACTED] M [REDACTED] - On Motion
for Reconsideration

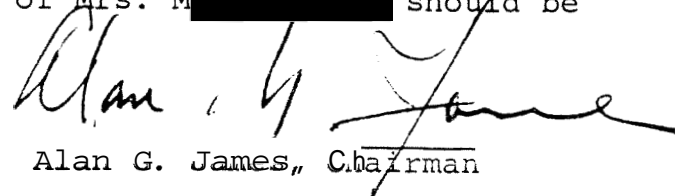
The Board of Appellate Review on November 7, 1985 granted the Department of State's motion for reconsideration of the Board's decision rendered June 21, 1985, on *the* appeal of J [REDACTED] E [REDACTED] M [REDACTED]. In that decision, the Board reversed the Department's determination that Mrs. M [REDACTED] expatriated herself under the provisions of section 349(a) (1) of the Immigration and Nationality Act by obtaining naturalization in Canada upon her own application.

The applicable regulations provide that if the Board grants a motion for reconsideration, it shall review the record and then affirm, modify or reverse its original decision. 22 CFR 7.9. Having carefully reviewed the record in this case, the Board has concluded that its original decision should be affirmed.

I

In all material respects, this case is the analog of Matter of J [REDACTED] A [REDACTED] M [REDACTED]. M [REDACTED], husband of J [REDACTED] E [REDACTED] M [REDACTED], obtained naturalization in Canada under circumstances that are virtually identical to those in the case of Mrs. M [REDACTED]. After the Board reversed the Department's holding of loss of Mr. M [REDACTED]'s citizenship, the Department moved for reconsideration of that decision. In a decision rendered today on the Department's motion for reconsideration of the Board's decision in Mr. M [REDACTED]'s case, the Board affirmed that decision.

For the reasons set forth in the Board's decision on the Department's motion for reconsideration of its decision on the appeal of Mr. M [REDACTED], it is our conclusion that the Board's original decision on the appeal of Mrs. M [REDACTED] should be and hereby is affirmed.


Alan G. James, Chairman


J. Peter A. Bernhardt, Member

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DISSENTING OPINION

For the reasons set forth in my dissent from the Board's opinion in the case of J [REDACTED] A [REDACTED] M [REDACTED], I also dissent in the case of J [REDACTED] E [REDACTED] M [REDACTED].

Warren E. Hewitt

Warren E. Hewitt, Member