

DEPARTMENT OF STATE

BOARD OF APPELLATE REVIEW

IN THE MATTER OF: F [REDACTED] A [REDACTED] R [REDACTED]

The Board of Appellate Review on February 18, 1986 reversed the Department of State's administrative determination, dated January 17, 1984, that appellant, R [REDACTED] A [REDACTED] R [REDACTED], expatriated herself on September 30, 1975 under the provisions of section 349(a) (1) of the Immigration and Nationality Act by obtaining naturalization in Canada upon her own application.


On March 21, 1986 the Department of State filed a motion for reconsideration of the Board's decision. 1/ Mrs. R [REDACTED] submitted a memorandum in opposition to the motion.


1/ Section 7.9 of Title 22, Code of Federal Regulations, 22 CFR 7.9, provides as follows:

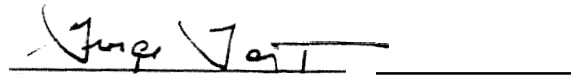
Sec. 7.9 Motion for Reconsideration.

The Board may entertain a motion for reconsideration of a Board's decision, if filed by either party. The motion shall state with particularity the grounds for the motion, including any facts or points of law which the filing party claims the **Board has overlooked or misapprehended**, and shall be filed within 30 days from the date of receipt of a copy of the decision of the Board by the party filing the motion. Oral argument on the motion shall not be permitted. However, the **party** in opposition to the motion will be given opportunity to file a memorandum in opposition to the motion within 30 days of the date the Board forwards a copy of the motion to the party in opposition. If the motion to reconsider is granted, the Board shall review the record, and upon such further reconsideration, shall affirm, modify, or reverse the original decision of the Board in the case.

Upon examination of the Department'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 February 18, 1986. Accordingly, the Department's motion for reconsideration is hereby denied.


Alan G. James, Chairman


Frederick Smith, Member


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