

September 25, 1986

## DEPARTMENT OF STATE

## BOARD OF APPELLATE REVIEW

IN THE MATTER OF: C [REDACTED] I [REDACTED] E [REDACTED]

In a decision rendered November 25, 1985, the Board of Appellate Review affirmed the Department of State's administrative determination holding that appellant, C [REDACTED] I [REDACTED] E [REDACTED], expatriated herself. 1/ In affirming the Department's determination the Board concluded that Mrs. [REDACTED] made a formal declaration of allegiance to Mexico voluntarily and with the intention of relinquishing her United States nationality.

On July 3, 1986 Ms. [REDACTED] filed a motion for reconsideration of the Board's decision, pursuant to 22 CFR 7.9. 2/

1/ The United States Embassy at Mexico City executed a certificate of loss of nationality in appellant's name on February 4, 1984. [REDACTED] b [REDACTED] certifies that she acquired the nationality of both the [REDACTED] and [REDACTED] at birth; that she made a formal declaration of allegiance to Mexico; and thereby expatriated herself under the provisions of section 349(a)(2) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(2). The Department approved the certificate on April 3, 1984.

2/ 22 CFR 7.9 provides as follows:

See. 7.9 Motion for reconsideration.

The Board may entertain a motion for reconsideration of a Board 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.

The Board deemed the motion timely, since appellant did not receive a copy of the Board's decision until June 10, 1986, due to the Board's failure twice to send the decision to appellant's

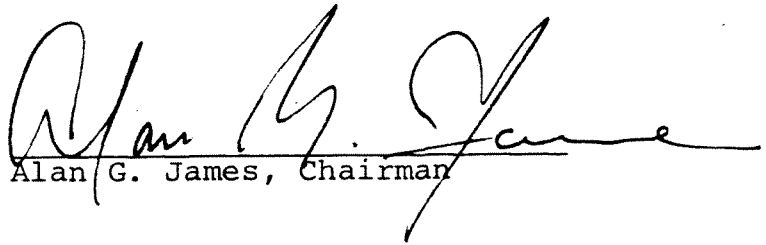
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Her motion, while detailed and closely reasoned, essentially reiterates arguments she presented in her written submissions and at oral argument to the effect that she performed the statutory expatriating act involuntarily because she was subjected to economic duress, and that she never intended to relinquish her United States citizenship.

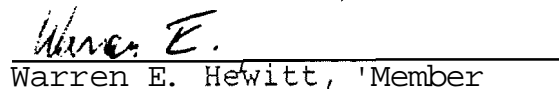
The Department opposed the motion stating merely that it did not believe the Board overlooked or misapprehended any evidence appellant submitted.

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 November 25, 1985.

Accordingly, appellant's motion for reconsideration is denied.

  
 Alan G. James, Chairman

  
 J. Peter A. Bernhardt, Member

  
 Warren E. Hewitt, Member

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2/ Cont'd.

correct address and because quite possibly there was a long delay in mail deliveries in Mexico City in the aftermath of the 1984 earthquake, as appellant alleged.