

December 26, 1986

DEPARTMENT OF STATE

BOARD OF APPELLATE REVIEW

IN THE MATTER OF: P. [REDACTED] L. [REDACTED] L. [REDACTED] H. [REDACTED] - Motion for Reconsideration

In a decision rendered August 12, 1986, the Board of Appellate Review concluded that the citizenship appeal of P. [REDACTED] L. [REDACTED] L. [REDACTED] H. [REDACTED] was time-barred. Accordingly, the Board dismissed the appeal for lack of jurisdiction.

Mrs. H. [REDACTED] made a formal declaration of allegiance to Mexico on June 25, 1976. The United States Embassy at Mexico City executed a certificate of loss of nationality in appellant's name on July 7, 1978. The Embassy certified that she acquired the nationality of both the United States and Mexico 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 of State approved the certificate of loss of nationality on August 18, 1978. Almost six years later Mrs. H. [REDACTED] entered an appeal from the Department's determination that she expatriated herself.

Mrs. H. [REDACTED] gave notice on September 11, 1986 that she wished to move for reconsideration of the Board's decision dismissing her appeal.^{1/} On October 3, 1986 she addressed a letter to the Board which set forth reasons why she believed the Board erred in dismissing her appeal. Appellant's motion, while obviously sincerely presented, simply reiterates arguments she presented in written submissions and during oral argument.

The Department of State elected not to submit a memorandum in opposition.

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

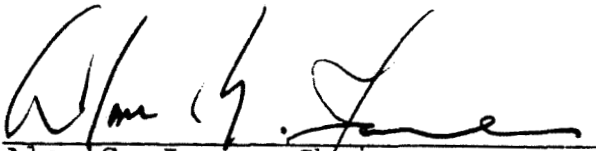
Sec. 7.9 Motion for reconsideration.

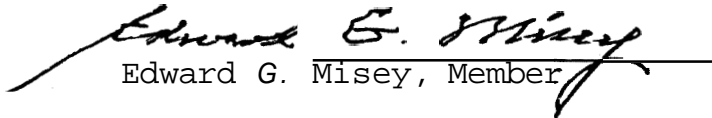
The Board may entertain a motion for reconsideration of a Board's decision, if filed by either party. The motion shall state with particularity the grounds for the motion, including any facts or points of law which the filing party claims the Board has overlooked or misapprehended, and shall be filed 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

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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 August 12, 1986.

Accordingly, the motion for reconsideration is denied.


Alan G. James, Chairman


Edward G. Misey, Member


J. Peter A. Bernhardt, Member

1/ Cont'd.

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.