

## DEPARTMENT OF STATE

## BOARD OF APPELLATE REVIEW

IN THE MATTER OF: V [REDACTED] [REDACTED] M [REDACTED]

## On Motion for Reconsideration

In a decision rendered December 6, 1988, the Board of Appellate Review dismissed the citizenship appeal of V [REDACTED] R [REDACTED] M [REDACTED].

Mrs. M [REDACTED] made a formal declaration of allegiance to Mexico on December 10, 1974. Shortly afterwards, the United States Embassy at Mexico City executed a certificate of **loss** of nationality in her name, certifying that she acquired the nationality of both the United States and Mexico at birth; 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 January 20, 1975. Twelve years later Mrs. [REDACTED] entered an appeal. Since she presented no legally sufficient reason to explain such a long delay in seeking review of loss of her nationality, the Board held that the appeal was time-barred and that it lacked jurisdiction to entertain the appeal.

By letter dated December 26, 1988, Mrs. M [REDACTED] requested that the Board reconsider its decision. 1/

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1/ Section 7.10 of Title 22, Code of Federal Regulations (1988), 22 CFR 7.10, provides that:

Sec. 7.10 Motion for reconsideration.

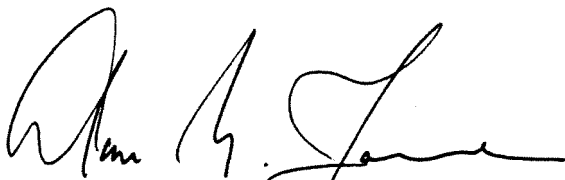
The Board may entertain a motion for reconsideration of a Board's decision, if filed by either party. The motion shall state with particularity the grounds for the motion, including any facts or points of law which the filing party claims the Board has overlooked or misapprehended, and shall be filed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

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Mrs. M [redacted] motion essentially reiterated arguments she had made previously in written submissions and during oral argument. The Department of State did not file a memorandum in opposition to the motion, "since," it informed the Board, "all relevant issues have been addressed previously in the Department's brief."

Having carefully examined appellant's motion for reconsideration, the Board is of the view that it 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 December 6, 1988.

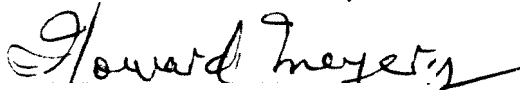
Accordingly, the motion for reconsideration is denied.



Alan G. James, Chairman



Warren E. Hewitt, Member



Howard Meyers, Member

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L/ Cont'd.

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.