

December 8, 1989

DEPARTMENT OF STATE  
BOARD OF APPELLATE REVIEW

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

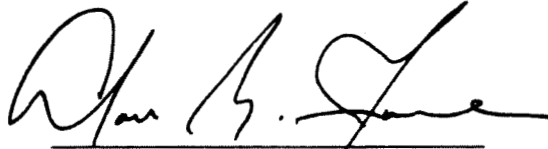
The Department of State determined on January 29, 1962 that Arthur Revell, who acquired United States citizenship by birth at [REDACTED] [REDACTED] expatriated himself on January 31, 1961 under the provisions of section 349(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(1), by obtaining naturalization in the United Kingdom upon his own application. The Reverend Revell entered an appeal from that decision on July 15, 1989.

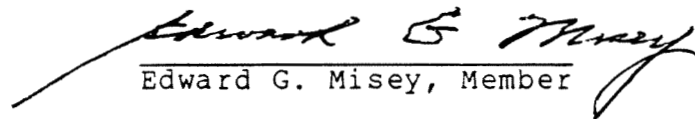
The threshold question is whether this appeal may be deemed to have been entered within the limitation prescribed by the applicable regulations. In cases such as this one, the Board customarily applies the limitation which was in effect prior to November 30, 1979, the effective date of the present limitations. The limitation on appeal prescribed by the previous regulations was "within a reasonable time" after the affected party received notice of the Department's adverse holding with respect to his nationality. 22 CFR 50.60 (1967-1979). In this case, appellant in March 1962 received notice of the right to take an appeal to the then Board of Review on the Loss of Nationality of the Passport Office of the Department of State, predecessor of the Board of Appellate Review. He took no action to challenge the decision on loss of his nationality until twenty-seven years had passed.

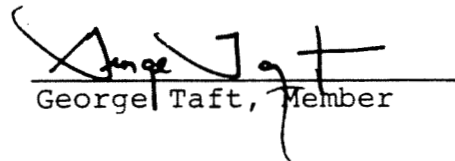
After carefully reviewing appellant's submissions and the case record of the Department of State, the Board has determined that it lacks jurisdiction to entertain the appeal. In the Board's judgment the appeal is barred by the passage of time, no persuasive reason having been presented by appellant for his failure to move much sooner. A delay of twenty-seven years in taking an appeal is manifestly unreasonable.

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Accordingly, the appeal is hereby dismissed for lack of jurisdiction. \*

  
Alan G. James, Chairman

  
Edward G. Misey, Member

  
George Taft, Member

\* The fact that the Board of Appellate Review has dismissed the appeal on the grounds that it lacks jurisdiction does not in itself bar the Department from taking such further administrative action as may seem appropriate in the premises. Opinion of the Legal Adviser of the Department of State, Davis R. Robinson, December 27, 1982. See American Journal of International Law, Vol. 77 No. 2, April 1983.