



Citizenship through Naturalization

There are six ways to become a U.S. citizen. We will review each, concentrating on the court option which produced a paper trail and can help with your family genealogical research. This presentation also covers ways in which citizenship was lost & perhaps regained at a later date.

The quality of information varies greatly for the three broad periods of naturalization record keeping – 1790-1850's, 1850's-1906, 1906 to present

Six methods of becoming a citizen of the United States:

1. By birth in the United States
2. By naturalization in a court exercising naturalization jurisdiction, through October 1, 1990
3. By derivation through the naturalization of one's parent(s) or from 1855-1922 by marriage to the petitioner
4. By acquisition at birth through citizen parent(s) if born abroad, as in military service
5. By legislation collectively naturalizing certain groups of persons
 - Texas - 1845 - Tyler–Texas treaty
 - Slaves – 1868 - 14th Amendment to the Constitution
 - American Indians – 1887 – Dawes Treaty; 1893 – 5 tribes of Mississippian culture; 1924 – if born in the United States
 - Hawaii – 1900 – The Hawaiian Organic Act
 - Puerto Rico – 1917 - The Jones–Shafroth Act
 - Virgin Islands – 1927 - An Act To confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto
6. By annexation of territory to the United States.
 - Louisiana – 1803
 - Florida – including Mississippi and Alabama – 1819
 - Alaska – 1867

Determining which of the six methods likely applies to your ancestor will help you to determine what paperwork was required and may be available for research. (Only option 2 is likely to have a paper trail and there are MANY exceptions to that generalization.)

Basic Process for Naturalization Through the Courts:

Step one – file a declaration of intention Step two – petition to become citizen Step three - take oath and be given citizenship
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Women

- 1804 – granted if applicant died before filing their final papers (oath & paperwork in different names)
- 1855 – alien female marrying citizen automatically naturalized (repealed 1922)
- 1860 - women lost citizenship if they married and left US to reside in foreign country
- 1907 – female marrying alien loses her citizenship (repealed 1922 & restored 1936)
- 1922 – over age 21 now entitled to citizenship independently (Married Women’s Act or Cable Act)
- 1936 – women widowed or divorced who lost citizenship between 1907 & 1922 can repatriate
- 1940 – all women who lost citizenship between 1907 & 1922 can repatriate

Children

- 1790 – if under 21, received via father
- 1824 – no need to declare if here more than 3 years
- Before 1907 – no residency requirement if under 21 years old
- 1929 – could apply to INS for Certificate of Derivative Citizenship
- 1934-1941 – need the approval of 1 parent if under 21
- 1941-1952 – need the approval of 1 parent if under 18

Exclusions from Naturalization: (all lifted in 1965)

- Africans – 14 July 1870
- Chinese – 1943
- Most Asians – 1952
- Colorblind – wait until 1952

Naturalization in US Courts:

- Locate any and all courts that naturalized within a county or state – what courts naturalized, when, and did such jurisdiction overlap
- Often it was a matter of the alien simply choosing to travel to the most conveniently located court.
- Boundaries and jurisdictions of courts have changed frequently over the years

Soundex:

Soundex is an indexing system created before computers. It was partially motivated by the many ways something could be spelled that generate a common sound. There are Soundex based indexes for several federal records based on work done after the Great Depression.

Code	1	2	3	4	5	6
Letters & Equivalent	B, P, F, V	C, S, K, G, J, Q, X, Z	D, T	L	M, N	R

Clues:

- 1870 Census – males 21 & over column
- 1900-1930 Census
- Naturalization Record Indexes
- WWI Draft cards
- Military Records
- Annotated Passenger List
- Certificate of Arrival (1907 forward)
- Alien Registration (1940 forward)

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Sources:

- Death related records
- Court, Land & Property records
- WWI Draft Cards
 - 3rd for dob's 1872-1900 asks if derivative citizen thru father
- Military Service
- Homestead Application
- Passport Application
- Employment Records

National and Regional Archives:

- Most federal naturalization records are found in the national archives regional archives serving the state in which the federal court is located.
- Items at regional archives are national resources in local settings
- Each regional archives in the system has historical records from federal courts and from regional offices of federal agencies in the geographic areas each serves

Expatriation:

- Act of 1907 – many impacted during WWI
 - Visit original country for longer than 2 years
 - Spend 5 years in another country
 - Naturalize in a foreign state
 - Serve in the military of a foreign state

Naturalization Documents:

Declaration of Intent

- Admits alien to citizenship step-by-step
- Granted certain privileges – file homestead, own real estate, vote in certain states
- Gov't could draft from Civil War through WWI
- Verified residency
- Made voluntary in 1952
- Expires after 7 years

Petition

- 1800's – offers the least information and is the hardest to find
- Become valuable for research after 1906
- Required 5 years continuous residence in the U.S.
- No less than 2 or more than 7 years after Declaration
- Hearing in open court 90 days or more after filing

Naturalization Certificate

- Not a separate court record until 1906
- Issued in duplicate after 27 Sept 1906
- Three parts – certificate (applicant); duplicate (federal government); stub (at court)

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Certificate of Arrival

- Required of aliens who arrived after 29 June 1906
- Part of the petition until 1 July 1929
- Part of the declaration after 1 July 1929

Certificate of Derivative Citizenship

- Available since 1 July 1929

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For much more on Naturalization:

- Alice Eichholz, editor, *Ancestry's Red Book: American State, County and Town Sources*, rev. ed., (Ancestry, 1992)
- Family Search Wiki. "United States Naturalization and Citizenship."
https://familysearch.org/wiki/en/United_States_Naturalization_and_Citizenship
- FamilySearch Wiki. "United States Naturalization and Citizenship."
https://familysearch.org/wiki/en/United_States_Naturalization_and_Citizenship
- Hoenig, John M. "The Immigration-Naturalization Circle." *Family Chronicle*. January/February 2004.
- John J. Newman, *American Naturalization Records 1790-1990 - What They Are and How to Use Them*, (Heritage Quest, 1998)
- Loretto Dennis Szucs, *The Became Americans - Finding Naturalization Records and Ethnic Origins*, (Ancestry Publishing, 1998)
- National Archives & Records Administration (NARA). "Naturalization Records."
<http://www.archives.gov/research/naturalization/naturalization.html>
- Schaefer, Christina. *Guide to Naturalization Records of the United States* (Baltimore: Genealogical Publishing Co., 1997)
- Smith, M.L. "Any woman who is now or may hereafter be married... ' Women and Naturalization, ca. 1802-1940." *Prologue Magazine*, Summer 1998, Vol. 30, No. 2.
<http://www.archives.gov/publications/prologue/1998/summer/women-and-naturalization-1.html>
- US Dept. of Labor. *A Directory of Courts Having Jurisdiction in Naturalization Proceedings*

Websites:

- **Jgsny.org** – New York State naturalizations
- **Italiangen.org** – New York State naturalizations
- **Ancestry.com**
- **Archives.org**
- **FamilySearch.org**
- **FindMyPast.com**

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