

Leaving Home and Becoming an American

Part Two: Naturalization

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Naturalization: The process by which a foreign-born resident becomes a citizen of another country.

Why did people naturalize?

1. To vote (in some states)
2. To file a homestead claim for public lands
3. To buy property
4. To participate in the military in the Civil War and WWI

Before 1790, there were no naturalization laws because there was no federal government.

- British colonists were already citizens.
- There were oaths of allegiance to affirm loyalty to the king in early Massachusetts.
- Only free white males could be citizens.
- German and Swiss settlers in Pennsylvania pledged allegiance to the king in the early 18th century as they left their ships.
- During the Revolution, colonists signed loyalty oaths to the colonies.

The First Naturalization Act: 26 March 1790

1. Free white people, 21+, who had lived in the U.S. at least two years were eligible for citizenship.
2. They could apply to ANY court of record in ANY state where they had lived for a year.
3. The applicant had to be of good character and take an oath supporting the Constitution.
4. No declaration of intention was required.

What was a court of record?

1. Any court that had a clerk, a seal, permanent records, and could generate proceedings.
2. This could include:

Supreme courts	Circuit courts	District courts
Courts of Common Pleas	Chancery courts	Probate courts
Superior courts	Equity courts	

And, although not authorized to do so:

Police courts	Criminal courts	Municipal courts
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The Next Naturalization Act: 29 January 1795

1. Naturalization was now a two-step process:
 - a. Declaration of Intention (first paper); had to be filed three years before admission
 - b. Petition for Admission (final or second paper)
 - c. Residency requirement went from two to five years, including a year in the state/territory in which the court was located.

18 June 1798

The law changed again. Now an alien needed fourteen years of residence in the U.S. and courts had to file copies of the Declaration as well as registry reports and all naturalizations proceedings to the U.S. Secretary of State. This law was repealed on 14 April 1802.

For the next one hundred years, with some variation, this was the law.

Each state had its own requirements, different ways to file the information, and a wide variety of forms used to gather information.

Derivative Citizenship

Wives, widows, and children under 21 derived citizenship from their husbands and/or fathers.

- In 1804, a widow and her children of someone who had filed a declaration but who died before completing the process could be naturalized in his stead.
- 2 March 1907: Women acquired their husband's nationality upon marriage, meaning that a female U.S. citizen married to an alien was no longer a citizen. This remained the law until 1922.
- Not until the Married Women's (Cable) Act, passed on 22 September 1922, could women naturalize on their own.

Military

Special admission procedures for those in the military changed over time.

- During the Civil War, massive numbers of men were needed to fight and naturalization was used as an inducement for enlistment.
- 17 July 1862: Any alien, age 21 and older, serving in the Army and receiving an honorable discharge, qualified for citizenship with just one year's residency and without a Declaration.
- That act continued to apply to subsequent conflicts and was extended on 26 July 1894 to include the Navy and Marines.
- During WWI, aliens in the military could be naturalized without a Declaration or proof of residency. Men were naturalized in military camps and not courts at this time.
- In 1940, the same arrangements for WWII went into place and more modern veterans have been allowed easier naturalizations as well.

The Turning Point in Naturalization Law: 27 September 1906

This law created the Bureau of Immigration and Naturalization.

- Immigrants now had to naturalize only in federal courts.
- All courts had to use standard forms.
- These forms required specific personal information, including date and place of birth, name of ship, date of arrival, etc.
- Wives and children, with their birth information, were included on men's forms.

The Records

Early Declarations of Intention contain little information unless a particular court was using forms requiring more. They almost always, however, contain signatures.

After September 1906, naturalizations consisted of three forms:

1. A Declaration of Intention
2. A Petition for Naturalization
3. A Certificate of Arrival (After 1924, aliens received visas and no longer needed to go through the same process for authenticating their arrival.)

New citizens were given certificates, and, beginning in 1929, those documents had photos on them. Although the courts did not keep copies of the documents, some courts kept the stubs from the books of certificates and there is some information on those stubs, if you can find them.

Finding the Records

The U.S. census, 1900–1930, asked questions about naturalization:

PA meant first papers filed.

NA meant naturalized.

AL meant alien.

The 1920 census asked for the year naturalized. Take this as a clue.

Passenger ship manifests may also yield clues to naturalization, as will World War I draft registration cards.

Remember to search for original and not Americanized names and all variations of spelling. Look for names of witnesses to yield clues; often they were friends or family members.

Some Recommended References/Websites

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U.S. Citizenship & Immigration Services, U. S. Dept. of Homeland Security, National Records Center, 150 Space Center Loop, Lee's Summit, MO 64064-2137.

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