

Naturalization Process of Foreign Born for USA Citizenship

The Naturalization Act of 1802

Established the three-part naturalization process which remains in effect today. Aliens must declare their intention to become a citizen, serve a required residing period, and then petition an authorized court for admission to citizenship. In character, this process is both judicial (occurring before and by order of a court, and administrative (being under the supervision of the U.S. Immigration and Naturalization Service of the Department of Labor.

Initially, the alien voluntarily files a **Declaration of Intention** with an authorized court, indicating his or her intention to become a citizen, to renounce all allegiance to any foreign state, and to renounce any foreign title or order of nobility. Then at least two years after making this declaration (but, after 1906, no more than seven years later), an alien who has been a resident of the United States for at least five years may petition the court for admission to citizenship (since 1941, the requirements to file a record shortened for the spouses of citizens). This Petition includes both the applicant's oath and the affidavits of two witnesses who attest to the residency and good character of the petitioner. Finally, if the petition is accepted, the court issues an order admitting the individual to citizenship.

Special consideration was given to veterans. An 1862 law allowed honorably discharged Army veterans of any war to petition for naturalization without previously having filed a declaration of intent after only one year of residence in the United States. If your ancestor filed for a Homestead claim under the Homestead Act of 1862, or applied for a passport, the application for either may give the name of the court where the naturalization took place. (1)*

The Basic Naturalization Act of 1906 (passed June 29 and effective October 1)

Established the Immigration and Naturalization Service, more precisely defined administrative procedures, and provided for federal supervision over the naturalization process. Prior to that time, naturalization could occur in any federal court or any state court of record operating only under the very general requirements of federal law. Since October 1906, uniform and considerably more detailed requirements for naturalization, including the form and contents of related records, have been specified by federal statute and proclaimed by the Immigration and Naturalization Service.

Under an act in 1918 aliens serving in the U.S. armed forces during World War 1 were allowed to file a petition for naturalization without making a declaration of intent on proving 5 years residence. More than 192,000 aliens were naturalized between May 9, 1918 and June 30 1919. Other laws later enacted continued various preferential treatment provisions for veterans (2)*

From 1790 to 1940 children under the age of 21 automatically became naturalized citizens upon the naturalization of their father. Unfortunately, however, names and

biographical information about wives and children are rarely included in declarations or petitions filed before September 1906. From 1824 to 1906, minor aliens who had lived in the United States five years before their 23rd birthday could file both their declarations and petitions at the same time. (3)*

Married Woman s Act of 1922

Researchers using naturalization records will find relatively few early entries for women. From 1855 until the passage of the Married Woman s Act of naturalization was automatically conferred on the wife of any male citizen. An alien woman who married a U.S. citizen automatically became a citizen. (Conversely, an American woman who married an alien lost her U.S. citizenship, even if she never left the United States)

After 1922 a woman was no longer naturalized through marriage and required to be naturalized in her own right.

On September 22, 1922, Congress enacted a law (42 Stat. 1021) that changed the naturalization procedure for married women. Before that date, women who were married to a U. S. citizen or naturalized citizen automatically became U. S. citizens by reason of the marriage. The new law required that any woman married after the date of enactment who desired to become a citizen must meet the requirements of the naturalization laws. No declaration of intention was needed, however, and the period or required residence was reduced from 5 years to 1 year.

If your ancestor was naturalized after 1929 then the naturalization file will also contain a photograph. What an added bonus

SUGGESTED FURTHER READING

Family History Library. Research Outline: Canada. The Church of Jesus Christ of Latter-day Saints: Salt Lake City, Utah, 1993.

Greenwood, Val D. *The Researcher's Guide to American Genealogy* (2nd edition). Baltimore, Maryland.: Genealogical Publishing Co., Inc., 1990.

Hall, Nick Vine. *Tracing Your Family History in Australia: A Guide to Sources.* Adelaide, Sydney, Melbourne, Brisbane, Perth, New York, London, Auckland: Rigby Publishers, 1985.

Herber, Mark D. *Ancestral Trails: The Complete Guide to British Genealogy and Family History.* Baltimore, Maryland: Genealogical Publishing Co., Inc., 1998.

Meade, Bishop William. *Old Churches, Ministers, and Families of Virginia* Reprinted with Digested Index and Genealogical Guide Compiled by Jennings Cropper Wise (two volumes). Originally published: Philadelphia, 1857. Reprinted: Baltimore, Maryland: Genealogical Publishing Co., Inc., 1966, 1978, 1995.

National Archives and Records Administration. *Guide to Genealogical Research in the National Archives.* Washington, D.C. (Revised 1985.) Available for purchase.

National Archives and Records Administration. *Microfilm Resources for Research: A Comprehensive Catalog of National Archives Microfilm Publications.* Washington, D.C., 1996. Available

Newman, John J., *American Naturalization Processes and Procedures, 1790-1985.* Indianapolis: Indiana Historical Society, 1985.

Potter, Dorothy Williams. *Passports of Southeastern Pioneers 1770-1823: Indian, Spanish, and other Land Passports for Tennessee, Kentucky, Georgia, Mississippi, Virginia, North and South Carolina.* Baltimore, Maryland: Genealogical Publishing Co., Inc., 1982. [Chapter I Spanish Passports in the Mississippi Valley, British and Spanish Passports in West Florida; Chapter II War (Indian Agencies) and State Department (Territorial Agencies) Passports; Chapter III State Passports.]

Schaefer, Christine, *Guide to Naturalization Records of the United States.* Baltimore, Maryland: Genealogical Publishing Co., Inc., 1997.

Scott, Kenneth and Kenn Stryker-Rodda. *Denizations, Naturalizations and Oaths of Allegiance in Colonial New*

York. Baltimore, Maryland: Genealogical Publishing Co., Inc., 1975.

[Introduction Denization and Naturalization; source references; alphabetical listing of Denizations and Licenses (75 pp.); Oaths of Allegiance; Index of Persons Incidentally

mentioned and in the Oaths of Allegiance]

Szucs, Loretto Dennis. They Became Americans: Finding Naturalization Records and Ethnic Origins. Salt Lake City, Utah. Ancestry, Inc., 1997.

Szucs, Loretto Luebking. The Archive, A Guide to the National Archives Field Branches. Salt Lake City, Dennis and Sandra Hargreaves Utah. Ancestry, Inc., 1988.

Online Resources for * (1) (2) and (3)

RootsWeb's Guide to Tracing Family Trees <http://rwguide.rootsweb.com/lesson16.htm>