

Naturalization Rules & Records

Barbara E. Leak
kin2barb@att.net

Naturalization

- The process by which a foreign-born immigrant becomes a citizen of the United States.

Colonial Era: Immigrants from Great Britain

- Already British citizens

Colonial Era: Immigrants from Continental Europe

- Naturalization
 - Granted to individuals by act of the British Parliament
 - Some persons became citizens in England before immigrating
- Denizations
 - Limited form of citizenship that allowed for property rights
 - Granted by the colonies
- Naturalization Law of 1740, established the following requirements:
 - 7 years residency in colony
 - Sacraments in Church of England
 - Oath of Allegiance sworn before a local magistrate
- 1773
 - Further British colonial naturalizations were banned

Requirements of Early U.S. Naturalization Laws

- 1790
 - 2 years residency in the U.S.
 - 1 year residency in the state
 - Oath of Allegiance
 - Good moral character
 - Granted by any “court of record”
- 1795
 - 5 years residency in the U.S.
 - Declaration of Intent filed 3 years prior to application for naturalization
- 1798
 - 5 years residency to file Declaration of Intent
 - 14 years residency to file application
- 1802
 - 1798 rules repealed; residency requirements rolled back to 1795 law.
 - Last major act until 1906

Special Group Naturalizations

- During the Revolutionary War, residents who were loyal to the states were considered citizens.
- Residents of territories automatically became citizens by annexation or treaty when the territory was acquired by the U.S. Examples include,
 - Louisiana Purchase, 1803
 - Florida, 1819
 - Alaska, 1867
- Residents of certain “nations” automatically became U.S. citizens by Act of Congress. Examples include,
 - Republic of Texas, 1845
 - California Republic, 1848
 - Some Native Americans in the 1800s
 - All Native Americans, 1924
- Former slaves and free blacks became citizens by the 14th Amendment to the Constitution in 1868.

Citizenship Requirements for Aliens in the Military

- Army service, 1862
 - 1 year residency
 - No declaration of intent required
- Seamen, 1872
 - 3+ years service on U.S. merchant vessels
 - No residency requirement
- Navy & Marine Corps service, 1894
 - 1 year residency
 - No declaration of intent required
- U.S. forces during WWI, 1918
 - No residency requirement
 - Naturalization conferred by military posts

Minor Children

- Child’s citizenship is derived from his/her father’s citizenship

Women

- 1790-1922
 - Woman’s citizenship is derived from her husband’s citizenship
 - Women over 21 could apply for naturalization on their own, but few did
- 1907-1922
 - U.S. women who married aliens lost their U.S. citizenship
- Since 1922

- Women must apply for citizenship on their own account
- If married to a citizen, filing a Declaration of Intent is not required

1906

- Bureau of Immigration & Naturalization (BIN) is established
 - Later renamed the Immigration & Naturalization Service (INS)
 - Now called Citizenship & Immigration Services (CIS)
- Standardized forms are created
 - Information content increases
- Courts are required to file copies of naturalization records with the federal government
 - 1906-1956, files sent to BIN, Washington, DC
 - Since 1956, files sent to INS District Offices

Declaration of Intention, also known as “First Papers”

- 1790-1795: not required
- 1795–1906: no form required; formats vary
- 1906–present: standardized forms used

Petition for Citizenship, also known as an Application for Citizenship, “2nd Papers” or “Final Papers”

- 1790–1906
 - Some recorded in court minute books
 - Some recorded in special naturalization record books kept by the courts
 - Prior to 1906, the application may not exist as a separate document
 - Format varies
- 1906–present: standardized forms used

Naturalization Certificate

- 1790–1906
 - Some recorded in court minute books
 - Some recorded in special naturalization record books kept by the courts
 - Format varies
- 1906–present: standardized forms used

Repatriations

- Filed to reestablish U.S. citizenship
- After 1922, repatriations were filed by women who had lost their U.S. citizenship by marrying aliens

Which Courts to Search

- Pre-1906
 - Naturalization could occur in any “court of record”—federal, state, county, or municipal.
 - Begin by searching the court that was closest & easiest for your ancestor to travel to.
- Post-1906
 - Naturalization could still occur in any court, but the local courts eventually stopped handling them.
 - Increasingly, naturalization proceedings were handled by the federal courts
- The Declaration of Intent and Petition may be filed in different courts

Ordering Records from Citizenship and Immigration Services (records since 1906)

- For naturalization files from 1906-1956, use Form G-1041A: Genealogy Records Request. The C-File number is required.
 - To obtain the C-File number, use Form G-1041: Genealogy Index Search Request.
- For naturalizations filed since 1956, use Form G-639 Freedom of Information/Privacy Act Request.
 - Request records from the CIS Local Field Office where filed. Addresses for CIS offices are available on the U.S. Citizenship & Immigration Services Web Site at <www.uscis.gov>
- All forms may be downloaded from the U.S. Citizenship & Immigration Services Web Site under the “Forms” tab at <www.uscis.gov>

For Further Study

- Neagles, James C. and Neagles, Lila Lee. *Locating Your Immigrant Ancestor*. Revised edition. Logan Utah: Everton Publishers, Inc., 1986.
- Newman, John J. *American Naturalization Records, 1790-1990: What They Are and How to Use Them*. Bountiful, Utah: Heritage Quest, 1998.
- Schaefer, Christina K. *Guide to Naturalization Records of the United States*. Baltimore: Genealogical Publishing Company, 1997.
- Szucs, Loretto Dennis. *They Became Americans: Finding Naturalization Records and Ethnic Origins*. Salt Lake City: Ancestry.com, 1998.