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U.S. Naturalization: The Records, the Laws, and the Impact

- I. Could your relative naturalize? Were they eligible?
 - a. 1790 and after- free white persons were eligible
 - i. technically, women could; practically, why would they have
 - b. 1870 and after- African-Americans were eligible
 - c. 1922 and after- white or African-American women were eligible
 - d. 1952 and after- any race or sex were eligible
 - e. 1790-1952 various laws making non-whites ineligible
 - i. Chinese, Japanese, and many Eastern Europeans considered non-white
 - f. Those always not eligible for citizenship
 - i. anarchists, insane, some criminals, women married to men who aren't eligible
- II. Did your relative naturalize?
 - a. Check the US Federal Census 1900-1950
 - i. citizenship status (1900-1950)
 1. Abbreviations used in the column: AL=Alien; NA=Naturalized; NR=Not reported; PA=First papers filed (declaration of intention), AP=Born abroad of American parents (1950)
 - ii. year immigrated (1900-1930)
 - iii. number of years in America (1900)
 - iv. year naturalized (1920)
 - b. Some state censuses also asked about naturalization status:
 - i. New York for example
 1. 1845 – gives number of persons: entitled to vote; aliens, not naturalized
 2. 1855, 1865 & 1875 – names: native and naturalized voters; aliens
 3. 1892, 1905 & 1915 -- names: citizen or alien
 4. 1925 -- names: citizen or alien; if naturalized, when and where
 - c. Knowledge of state laws pertaining to aliens might help determine naturalization status:
 - i. NY -- Until 1825 an alien resident of New York could neither hold nor bequeath property, but by an Act of the State Legislature, April 21, 1825, he was permitted to hold real property provided he deposed that he was a resident of the U.S. and intended to become a naturalized citizen.
 - ii. Many jurisdictions required voters to prove their eligibility to vote. Many kept some sort of card file or ledger of those who had submitted proof of citizenship.
- III. Finding your relatives' naturalization records
 - a. Consult: Guide to naturalization records of the United States by Christina K. Schaefer found at: 323.623 S294 USA in Clayton Library
 - b. Then consult an index at:
 - i. the original court of creation

- ii. municipal, county, state or federal court
 - iii. county, state or municipal archives
 - iv. county or state historical societies
 - v. county or state libraries
 - vi. National Archives field branches
 - vii. the National Archives in DC
 - viii. U.S. Citizenship and Immigration Services (USCIS)
 - ix. Clayton Library
 - x. Family Search Library in Salt Lake City, Utah – FamilySearch.org
 - xi. Ancestry.com or Ancestry Library Edition
 - xii. Fold3
 - xiii. on the Internet
 - c. Then obtain the records from
 - i. i through xiii above
- IV. Records available through the USCIS (searchable by them for a fee)
- a. Naturalization Certificate Files (C-Files), September 27, 1906 to March 31, 1956
 - i. Naturalization Certificate Files (C-Files) are copies of records relating to all U.S. naturalizations in Federal, State, county, or municipal courts, overseas military naturalizations, replacement of old law naturalization certificates, and the issuance of Certificates of Citizenship in derivative, repatriation, and resumption cases. Standard C-Files generally contain at least one application form (Declaration of Intention and/or Petition for Naturalization, or other application) and a duplicate certificate of naturalization or certificate of citizenship. Many files contain additional documents, including correspondence, affidavits, or other records. Only C-Files dating from 1929 onward include photographs. The majority of C-Files exist only on microfilm.
 - b. Alien Registration Forms (Form AR-2), August 1940 to March 1944
 - i. Alien Registration Forms (Form AR-2) are copies of approximately 5.5 million Alien Registration Forms completed by all aliens age 14 and older, residing in or entering the United States between August 1, 1940 and March 31, 1944. The two-page form called for the following information: name; name at arrival; other names used; street address; post-office address; date of birth; place of birth; citizenship; sex; marital status; race; height; weight; hair and eye color; date, place, vessel, and class of admission of last arrival in United States; date of first arrival in United States; number of years in United States; usual occupation; present occupation; name, address, and business of present employer; membership in clubs, organizations, or societies; dates and nature of military or naval service; whether citizenship papers filed, and if so date, place, and court for declaration or petition; number of relatives living in the United States; arrest record, including date, place, and disposition of each arrest; whether or not affiliated with a foreign government; signature, and fingerprint. The AR-2 files exist only on microfilm. Important: Alien Registration Forms AR-2 are only available for A-numbers 1 million to 5 980 116, A6 100 000 to 6 132 126, A7 000 000 to 7 043 999, and A7 500 000 to 7 759 142.
 - c. Visa Files, July 1, 1924 to March 31, 1944
 - i. Visa Files are original arrival records of immigrants admitted for permanent residence under provisions of the Immigration Act of 1924. Visa forms contain all information

normally found on a ship passenger list of the period, as well as the immigrant's places of residence for 5 years prior to emigration, names of both the immigrant's parents, and other data. Attached to the visa in most cases are birth records or affidavits. Also attached may be marriage, military, or police records. The Visa Files exist only in hard copy (textual) format.

- d. Registry Files, March 1929 to March 31, 1944
 - i. Registry Files are records, which document the creation of immigrant arrival records for persons who entered the United States prior to July 1, 1924, and for whom no arrival record could later be found. Most files also include documents supporting the immigrant's claims regarding arrival and residence (i.e., proofs of residence, receipts, and employment records). The Registry Files exist only in hard copy (textual) format.
- e. Immigrant Files (A-Files), April 1, 1944 to May 1, 1951
 - i. Immigrant Files, (A-Files) are the individual alien case files, which became the official file for all immigration records created or consolidated since April 1, 1944. A-numbers ranging up to approximately 6 million were issued to aliens and immigrants within or entering the United States between 1940 and 1945. The 6 million and 7 million series of A-numbers were issued between circa 1944 and May 1, 1951. The Immigrant Files exist only in hard copy (textual) format. Only A-File documents dated to May 1, 1951, are releasable under the Genealogy Program.

V. What can you learn from naturalization records?

- a. Information included on pre-1906 naturalization records varies widely from state to state since no federal standards existed at the time. Most states included at least the immigrant's name, country of origin, arrival date, and port of arrival.
- b. While information always varies from document to document, information that you might find in post-1906 naturalization records includes:
 - i. name
 - ii. current address
 - iii. occupation
 - iv. birthplace or nationality
 - v. birth date or age
 - vi. marital status
 - vii. name, age, and birthplace of spouse
 - viii. names, ages, and birthplaces of children
 - ix. date and port of emigration (departure)
 - x. date and port of immigration (arrival)
 - xi. name of ship or mode of entry
 - xii. town or court where the naturalization occurred
 - xiii. names, addresses, and occupations of witnesses
 - xiv. physical description and photo of immigrant
 - xv. immigrant's signature
 - xvi. additional documentation such as evidence of a name change

VI. What documents were/are created in the naturalization process?

- a. Declarations of Intention - First Papers

- i. Prior to 1952, filing this was the first step, but not always required. These "first papers" could be filed anytime after the immigrant arrived, residency varied. After 1952 no longer required for anyone, although some immigrants still file them.
- b. Petitions (Petitions and Oaths) or (Petitions and Records) - Second Papers
 - i. petition to the court for admission to citizenship, oath of allegiance, and affidavits of two witnesses attesting to the petitioner's good character and residency for the required time. The Petition may also include the order of the court admitting the applicant to citizenship.
- c. Naturalization Certificates - Third Papers
 - i. issued to newly naturalized citizens as evidence of their status. Before 1907, forms were not standardized and few copies retained by courts. After September 1906, the INS issued serially numbered, two-part certificates. One copy for the new citizen, the second to INS. The local Clerk of Circuit Court retained the Certificate Stub Books from which the certificates were separated.
- d. Ancillary Documents (may be in the record depending on date of records)
 - i. Certificate of Arrival
 - ii. Orders Granting and Denying Citizenship
 - iii. Interrogatories or Depositions of Witnesses from additional witnesses
 - iv. Application to Take Oath of Allegiance (also called Repatriation Record)
 - v. Transfers of Petitions [from other courts]
 - vi. Certificates of Loyalty
 - vii. Honorable Discharge record from the U.S. military
 - viii. Proof of marriage (i.e. Marriage Certificate)
 - ix. Proof of birth (i.e. Birth Certificate)

VII. Sources for additional information

- a. An immigrant nation: United States regulation of immigration, 1798-1991. [Washington, D.C.?]: U.S. Dept. of Justice, Immigration & Naturalization Service, 1991. 342.73082 I33 USA
- b. National Archives and Records Administration. Microfilm resources for research: a comprehensive catalog. Washington, D.C.: National Archives Trust Fund Board, National Archives and Records Administration, 2000. 016.31 N277 USA online at <http://www.archives.gov/research/naturalization/index.html> click "Microfilm Catalog"
- c. Neagles, James C. Locating your immigrant ancestor: a guide to naturalization records. Logan, Utah: Everton Publishers, 1986. 929.1072 N338 USA
- d. Newman, John J. American naturalization records, 1790-1990: what they are and how to use them. Bountiful, Utah: Heritage Quest, 1998. 323.623 N553 USA
- e. Schaefer, Christina K. Guide to naturalization records of the United States. Baltimore, MD: Genealogical Pub. Co., 1997. 323.623 S294 USA
- f. Smith, Marian 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
- g. Szucs, Loretto Dennis. They became Americans: finding naturalization records and ethnic origins. Salt Lake City, Utah: Ancestry, 1998. 929.1072073 S998 USA
- h. Udell, Gilman G. Naturalization laws. Washington: U.S. Govt. Print. Off., 1972. 342.083 U19 USA
- i. Websites
 - i. <http://www.uscis.gov> Search "Genealogy" in the website search
 - ii. <http://www.archives.gov/research/naturalization/index.html>

VIII. History of naturalization

“The Congress shall have power... To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States” Section 8, Article 1, US Constitution

1790 Naturalization Act of 1790 -- Act of March 26, 1790 (1 Stat 103-104) That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States.

1798 Naturalization Act of 1798 increases the residency requirements to 14 years (June 25, 1798)

1802 Naturalization Act revised to reduce residency requirement from 14 to 5 years and add initial step that the alien must declare his or her intention to become a citizen, making naturalization a three-part process

1804 Widow and Children of a deceased declarant shall be considered as citizens upon taking the oaths prescribed by law

1819 Congress passes an act requiring shipmasters to deliver a manifest enumerating all aliens transported for immigration.

1855 citizenship was automatically conferred on the wife of any male citizen

1862 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.

1870 African-Americans allowed the right to become naturalized citizens.

1866-1907 a native-born female marrying an immigrant lost her US citizenship, if she left the country to be with her new husband.

1906 Naturalization Law created the Bureau of Immigration and Naturalization to provide for a uniform rule for the naturalization of aliens throughout the US

1907-1922 a native-born female who married an immigrant automatically lost her US citizenship, even if she never the country.

1922 Married Woman's Act required women to be naturalized in their own right

1952 Immigration and Nationality Act (INA) eliminated race-based quotas, replacing them with purely nationality-based quotas created the Immigration and Naturalization Service (INS)

2002 Homeland Security Act separated the INS into three agencies within the Department of Homeland Security (DHS) -- U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP)