

History of Naturalization Laws

The first naturalization law was created on March 26, 1790. This law provided that aliens to the United States could apply for citizenship provided that they were “free white persons” of “good moral character” and lived for two years in the United States plus one year in the state in which they were living. If they met those qualifications they could file for a Petition for Naturalization. He would take an oath of allegiance and become a citizen.

The Act of 1795 required that aliens had to live in the United States for five years and two in the state of residence. This act now required an extra step, the Declaration of Intention. The immigrants had to go to their local court and complete the declaration of intention or “first papers.” This had to be completed three years prior to the formal application for citizenship.

The Naturalization Act of 1798 required that aliens had to live in the United States for fourteen years and aliens from countries that were at war with the United States were prohibited from applying for naturalization. This law was repealed in 1802 and the residency laws of 1795 were reinstated. The Act of April 14, 1802 also provided that aliens had to present two witnesses that could verify their time of residence within the United States.

It is important to point out two deviations from the two step process. The Act of May 26, 1824 pertained to minor naturalizations. Immigrants, who came to the United States and were under the age of 18 at the time, could become citizens upon turning 21 years of age and after five years of residence. The Act of July 17, 1862 allowed veterans who served during wartime to become citizens. Neither of these acts did required the Declaration of Intention.

An Act in 1855 allowed alien women to acquire citizenship by marrying a United States citizen, or upon his naturalization. A woman’s citizenship was directly tied to that of her husband. Women and children automatically received naturalization upon the husband or father’s naturalization. In 1907 a law was passed that took citizenship away from women if they married alien men. In 1922 women’s citizenship was considered separate.

Until 1906, there were too many variations in the naturalization procedure. The Naturalization Act of June 29, 1906 declared standard fees and forms and created the Bureau of Immigration and Naturalization. This act also required proficiency of the English language. Jurisdiction over naturalization had changed hands numerous times. The Secretary of the Treasury oversaw it from 1882 to 1891 when the Superintendent of Immigration office was created within the Treasury Department. Jurisdiction was later moved to the Department of Labor. In 1940 it was transferred to the Department of Justice under the office of Immigration and Naturalization Service (INS). In 2003 the Immigration and Naturalization service moved to the Department of Homeland Security and became the United States Citizenship and Immigration Services.

Sources cited:<http://uscis.gov/graphics/aboutus/history/index.htm>*Prologue*, Vol. 30, No.2, Summer 1998