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### **"Any woman who is now or may hereafter be married . . ." Women and Naturalization, ca. 1802-1940, Part 2**

While it appears foreign-born women did not complain about any remaining link between a woman's naturalization and her husband's, some Naturalization Bureau officials thought any remaining connection was unfair.(14) Clear dissatisfaction was expressed by U.S.-born women who, in many cases, belatedly discovered they had lost their citizenship by marriage prior to September 1922 and now must petition for naturalization if they wished to regain it. After considering that other Americans who expatriated themselves by swearing allegiance to another nation during World War I needed only to take the oath of allegiance in court to restore their U.S. citizenship, U.S. Commissioner of Naturalization Raymond Crist suggested that Congress might create some similar provision for U.S.-born women:

Some women feel that a certain stigma attaches to the need of "naturalization" in the same manner as any lowly immigrant. Women of perhaps *Mayflower* ancestry, whose forbears fought through the Revolution, and whose family names bear honored and conspicuous places in our history, who are thoroughly American at heart, and who perhaps have never left these shores, but whose act in choosing alien husbands has caused forfeiture of American citizenship, bemoan the stipulation that such as they must sue for naturalization by the ordinary means.(15)

Not until 1936 did Congress comply with Crist's request, and then only for those women who lost U.S. citizenship by marriage between 1907 and 1922 and whose marriage had terminated through death or divorce. If she met this criteria she could file an application with her local naturalization court and resume her citizenship upon taking the oath of allegiance. The application was typically made on Form N-415, Application to Take Oath of Allegiance to the United States, which should be filed in separate volumes from each court's other naturalization records. Some courts, however, interfiled these documents with other petitions. In 1940 Congress allowed all women who lost citizenship by marriage between 1907 and 1922 to repatriate, or resume their citizenship, regardless of their marital status. Since then, any woman who lost U.S. citizenship in those years by marriage to any alien, even if they remained happily married, could resume her citizenship by applying and taking the oath of allegiance.



**In this 1921 photograph, only one woman is taking the naturalization class for citizenship. It was not until the following year that women would finally get a nationality of their own and more women would seek to be naturalized. (U.S. Department of Justice, Immigration and Naturalization Service)**

The subject of women and naturalization was often as confusing to people in the past as it is to researchers today. Not all courts upheld or strictly enforced naturalization requirements. Other misunderstandings arose when naturalization records did not change as rapidly as did naturalization law. For example, after implementation of the Cable Act in 1922, naturalization certificates continued to call for the name of the new citizen's spouse until at least 1929. This was a remnant of the days when women derived nationality from their husbands, and the name inserted on the certificate after 1922 was usually that of the wife. There were subsequently instances where unnaturalized spouses used such certificates as proof of citizenship, even using them to obtain U.S. passports from the Department of State.(16)

Still other misunderstandings arise today because some are unable to fathom that immigrant women may have gained U.S. citizenship by any means other than naturalization. There is a surprising number of elderly women alive today who gained U.S. citizenship by marriage to U.S. citizens prior to 1922. Too often they and their children are sent scrambling to obtain some proof of the woman's citizenship so that she might retain some benefit to which she is entitled. It was not until 1929 that women who gained citizenship through their husband's naturalization after marriage could obtain a "Certificate of Derivative Citizenship" from the U.S. Immigration and Naturalization Service (INS). And it was not until 1940 that INS could issue certificates to women who gained citizenship by marriage to a man already a citizen.(17) While not in themselves proof of citizenship for legal purposes, proof of marriage to a U.S. citizen occurring prior to September 22, 1922, and proof of the husband's U.S. citizenship, remain as the foundation for legally documenting a foreign-born woman's citizenship.(18)

#### [Women and Naturalization, Part 1](#)

#### **Notes**

1. For information on the location of federal, state, and local court naturalization records and their availability on microfilm, see Christine Shaefer, *Guide to Naturalization Records of the United States* (1997). For information about various aspects of naturalization laws and procedures, see John J. Newman, *American Naturalization Processes and Procedures, 1790-1985* (1985).
2. Act of March 26, 1804--Widow and Children of Declarant (§ 2168) "shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law." Repealed by Basic Naturalization Act of June 29, 1906, but continued in section 4(6) of that act. Repealed 1934, but citizenship of those who previously gained citizenship under this provision remained secure. An act of February 24, 1911, allowed the wives of insane declarants to naturalize following the same procedure.
3. Act of Feb. 10, 1855 (§ 1994, rev. § 2172); see *In re Rionda*, 164 F 368 (1908); *United States v. Cohen*, 179 F 834 (1910).
4. Sidney Kansas, *Citizenship of the United States of America* (1936), p. 67.
5. Frederick A. Cleveland, *American Citizenship as Distinguished from Alien Status* (1927) pp. 65-66.
6. *Ibid.*; see also Rule 24(k) of the *Naturalization Laws and Regulations*, Feb. 15, 1917 (1917), p. 33.
7. Report of Robert A. Coleman, Chief Naturalization Examiner, St. Paul, MN, to Richard K. Campbell, Commissioner of Naturalization, Washington, DC, July 1, 1910, p. 3, entry 26, box

1698, file 457177, pt. I, Records of the Immigration and Naturalization Service, National Archives and Records Administration, Washington, DC (hereinafter RG 85, NARA).

8. Robert A. Coleman, Chief Naturalization Examiner, St. Paul, MN, to Commissioner of Naturalization, Washington, DC, Feb. 2, 1924, entry 26, box 399, file 20/2, RG 85, NARA. See also "Must be Naturalized under Married Surname of Husband," in Kansas, *Citizenship of the United States of America*, pp. 70-71.

9. INS C-File 154992 (including naturalization records of Hilma Esala, District Court of St. Louis County, at Virginia, MN, Nov. 19, 1910, and court decree of the U.S. Circuit Court, District of Minnesota, Fifth Division, July 25, 1911, and other correspondence).

10. Sundry correspondence relative to courts requiring wife of petitioners to attend court at final hearing, 1919-1922, entry 26, box 1475, file 3929, RG 85, NARA.

11. Until 1931, women still expatriated themselves by marriage to an alien racially ineligible to naturalize.

12. Luella Gettys, *The Law of Citizenship in the United States* (1936) p. 50.

13. Case of Karen Marie Hosford, entry 26, file 23/3444, RG 85, NARA.

14. Paul Armstrong, Chief Naturalization Examiner, Denver, CO, to Commissioner of Naturalization Raymond Crist, Washington, DC, June 30, 1923, entry 26, box 399, file 20/2, RG 85, NARA.

15. *Annual Report of the Commission of Naturalization*, 1923, p. 13.

16. Thomas Griffing, District Director of Naturalization, St. Louis, MO, to Commissioner of Naturalization, Apr. 3, 1929, entry 26, box 399, file 20/2, RG 85, NARA.

17. Nora H. Reardon, "Derivative Citizenship of the United States--the Law, Procedure, and Practice in its Determination, and in the Issuance of Documentary Evidence of Such Status." (lecture, INS Course of Study for Members of the Service) Jan. 7, 1943, pp. 14-15.

18. *Naturalization Examiner's Guide*, Applications for Certificates of Citizenship, Documentary and Other Evidence (INS, Nov. 1, 1964), pp. 8-20 to 8-25 (TM 8-1-70).

**Certificates of Derivative Citizenship are issued only by INS, not by the courts. To apply for a certification of citizenship, submit INS Form N-600 to your local district office of the Immigration and Naturalization Service.**

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