

Naturalization Records: New York and Beyond

SESSION OBJECTIVES

1. Understand the timeline of naturalization laws in the United States between 1780 and 1924.
2. Learn what naturalization records exist.
3. Learn how to locate and search naturalization records.

IMPORTANT EVENTS IN THE HISTORY OF NATURALIZATION IN THE UNITED STATES

- 1777 New York State’s Constitution delegates the power to naturalize individuals to the State Legislature. This was later superseded by the U.S. Constitution.
- 1787 The U.S. Constitution grants Congress the authorization to establish rules for naturalization. No immediate action is taken.
- 1790 The *Naturalization Act of 1790* provides a pathway to citizenship for any “free white person” who has resided in the United States for two years and their children (provided their children live in the United States and are under the age of 21). No precise procedures or record-keeping requirements are established.
- 1795 The *Naturalization Act of 1795* increases the length of residency to five years. A two-step process is established, beginning with a declaration of intention followed by an application for citizenship three years afterward.
- 1798 The *Naturalization Act* lengthens the term of residency in the United States to 14 years (it was repealed in 1802). Individuals should apply in a state in which they have resided for more than a year.

In addition, records should be kept consisting of certified abstracts of all declarations of intention, including name, age, nationality, residence, and occupation. These records were to be sent to the U.S. Secretary of State.

All white alien residences were to report to a court or customs collector for a certificate of registration within 6 months (or within 48 hours after their arrival in the United States). Records should include the gender, birthplace, age, nationality, allegiance, and an indication of actual or intended residency in the United States.

- 1802 The *Naturalization Act of 1802* retained the requirements for alien registrations but lessened the reporting requirements for naturalizations, formally declaring that any “common law court of record with a seal and a clerk” could process a naturalization.
- 1804 No declaration of intention was required for any alien currently living in the United States who had arrived between 1798 and 1802.

Naturalization Records: New York and Beyond

- 1813 The residency requirement to naturalize was changed to five continuous years.
- 1816 Aliens arriving after 18 June 1812 are not required to provide their registration certificate and declaration of intention before naturalizing (repealed in 1828).
- 1825 The New York State Legislature allows alien inhabitants of New York to buy, sell, mortgage, and bequeath land. In return, individuals are now subject to taxes and military service.
- 1828 Registration requirements from the 1802 and 1816 acts were repealed.
- 1906 The *Naturalization Act of 1906* standardizes the process across the United States. Those over the age of 18 are eligible, providing they meet requirements including: have five years of continuous residency in the United States; file a declaration of intention at least two years, but no more than seven years, after arrival; have knowledge of the English language; and be naturalized in a court within their district of residence. Further, a 90-day period was established between the final application and the final order. No naturalizations were to occur 30 days before a general election. Those desiring to formally change their name could also now do so as part of their naturalization process.

WOMEN, CHILDREN, AND OTHER INDIVIDUALS

Children

As of 1790, children were considered to be naturalized, regardless of where they were born. However, certain ambiguities exist around the children of naturalized citizens. From 1790 to 1802, children of naturalized citizens became naturalized if they were under 21 when their parent naturalized and were also living in the United States. By 1824, children of naturalized citizens who were under the age of 18 when they arrived in the United States could apply for citizenship after 5 years of residency, once they reached the age of majority (this was repealed in 1906). In 1907, minor children who were not residents when a parent naturalized became citizens when they resided permanently in the United States.

Women

Before 1855, marriage did not automatically invoke or revoke citizenship. Beginning in 1855, any woman lawfully married to a naturalized citizen was considered to be a citizen herself. However, some questions arose, which were determined by various judicial outcomes (for more details see *Buiter's Tracing Immigrants through the Port of New York...*).

Nonwhite Residents

In 1870, the right to naturalize was extended to “aliens of Native nativity and to persons of African descent,” though some questions occurred. The *Chinese Exclusion Act* in 1882 prevented Chinese residents from naturalizing. These restrictions were in place until 1952.

Naturalization Records: New York and Beyond

Military Service

Beginning in 1865, those who had served in the U.S. Army could petition for citizenship after one year of residency without first submitting a declaration of intention. In 1894, regardless of their length of residency, members of the U.S. Navy or U.S. Marines could apply for naturalization after five years of service. In 1914, those enlisted in the U.S. Navy or U.S. Army were eligible to become citizens after four years of service and were not required to file a declaration of intention or fulfill a residency requirement. By 1917, aliens who planned to file a declaration of intention who enrolled in the U.S. Navy Reserve were allowed to naturalize after just one year of service, with no residency requirement. In 1918, aliens serving in the military in World War I could become naturalized without a declaration or fulfilling a residency requirement. These account for 45% of all naturalizations between 1918 and 1920.

NATURALIZATION RECORDS, 1780–1924

Record Contents and Availability

Records pertaining to an individual's naturalization can contain valuable information, though there is no guarantee of the type of data that can be found. As the process evolved over time, so did the details included within the records. **Not every immigrant became a U.S. citizen.** When searching for naturalization records, follow these steps:

1. Determine which family members might have naturalized (where and when).
2. Research naturalization details in the likely time period and location.
3. Locate repositories and online collections that hold relevant records.
4. Access and search available records.

Use information from the U.S. federal and state census returns to learn of an ancestor's naturalization status. Specifically, the 1920 U.S. federal census and 1925 New York State census request the year of naturalization.

Naturalization Records, 1780–1906

Because an individual could naturalize at **any court with a clerk and a seal**, records could be stored in more than one location. Begin with courts that existed near an ancestor's residence, keeping in mind that the process was twofold and steps might not have taken place in the same court. Likely courts for residents in New York City include:

- Supreme Court (county court)
- Superior Court
- Court of Common Pleas (previously Mayor's Court)
- Marine Court of the City of New York

The Works Projects Administration (WPA) created index cards of naturalization records from multiple federal courts and other jurisdictions. These indexes are often organized by soundex and are held by the National Archives and Records Administration (NARA). Cards for New York City provide an ancestor's name, date of naturalization, and the court in which the naturalization occurred. Cards

Naturalization Records: New York and Beyond

might also include the address, port of arrival, birth date or age, occupation, date of arrival, and the name(s) of witnesses. The index for New York City is accessible at:

Ancestry (ancestry.com/search/collections/7733), searchable by name, birthdate, residence, and year of arrival.

FamilySearch (familysearch.org/search/collection/2043782), searchable by name, place, and year.

Original court records are often available at *FamilySearch*, *Ancestry*, *Fold3*, and elsewhere. For further details, see Buiter's *Tracing Immigrations through the Port of New York...* pages 114–115.

Naturalization Records, 1906–1924

The establishment of the Bureau of Naturalization and Immigration led to the beginning of a centralized record-keeping process on 27 September 1906. From that point forward, records often include both the declaration of intention and certificate of naturalization together. Declaration of intentions now included the following:

- Name
- Age
- Occupation
- Physical description
- Birth date and place
- Immigration details (vessel and date)
- Last foreign residence
- Wife's name
- Former allegiance

Certificates of naturalization were also expanded and now contained:

- Name
- Age
- Occupation
- Address
- Birth date and place
- Immigration details (vessel and date)
- Children's name(s)
- Former allegiance
- Declaration of Intention filing details

Records for New York State have been grouped together on *Ancestry* in New York, U.S., Naturalization Records, 1882–1944 (ancestry.com/search/collections/2499). For further details, see Buiter's *Tracing Immigrations through the Port of New York...* pages 114–115. Access to materials from other states available at *FamilySearch*, *Ancestry*, *Fold3*, and elsewhere.

C-Files

Citizenship files (C-Files) were created through 1956, though the original documents were destroyed. Microfilm copies of some items exist from 1906 to 1944; however, the materials often duplicate the documents found in court records. These materials are held by (and available from) the U.S. Citizenship and Immigration Services (USCIS).

Naturalization Records: New York and Beyond

Naturalization Records Outside of New York

Indexes by the WPA exist for many states and regions of the United States. Several of these indexes have been digitized and are available at *FamilySearch*, *Ancestry*, *Fold3*, and elsewhere.

When attempting to identify naturalization records from other states, use Schaefer's *Guide to Naturalization Records of the United States*, which is organized by state and includes multiple jurisdictions and courts (federal, state, county, and others)

FOR FURTHER REFERENCE

1. Buitter, Anne. *Tracing Immigrants through the Port of New York: Early National Period to 1924*. New York: New York Genealogical and Biographical Society, 2020.
2. Colletta, John P. *They Came in Ships: A Guide to Finding Your Immigrant Ancestor's Arrival Record*. Salt Lake City, UT: Ancestry.com, 2002.
3. New York Genealogical and Biographical Society. *New York Family History Research Guide and Gazetteer—revised edition*. New York: New York Genealogical and Biographical Society, 2017.
4. Schaefer, Christina K. *Guide to Naturalization Records of the United States* (Baltimore, MD: Genealogical Publishing Company, 1997).
5. Scott, Kenneth. *Early New York Naturalizations: Abstracts of Naturalization Records from Federal, State and Local Courts, 1792–1840*. Baltimore, MD: Genealogical Publishing Company, 1999.
6. Scott, Kenneth. *Naturalizations in the Marine Court, New York City, 1827–1840*. 2 vols. New York: New York Genealogical and Biographical Society, 1990 and 1991.
7. Scott, Kenneth. "Resident Aliens Enabled to Hold Land in New York State 1790–1825." *National Genealogical Society Quarterly* 67 (1979), no. 1: 42–57.
8. Scott, Kenneth and Rosanne Conway. *New York Alien Residents, 1825–1848*. Baltimore, MD: Genealogical Publishing Company, 1978.