

Tracing Women in Your Family Tree

Class 4: Women and Naturalization

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When researching immigrant women, genealogists may discover that records commonly created for men were not created for women. Naturalization is one example: because women were not always required to file their own naturalization papers, researchers may spend time searching for records that never existed.

Naturalization in the 19th Century

The earliest naturalization laws enacted after the ratification of the Constitution—the Naturalization Acts of 1790 and 1795 and the Act of 1802—limited eligibility to “free white persons.” Women were largely overlooked because they could not hold property or vote and were not treated as independent “persons” under the law.

The first naturalization law to address women and children was enacted on March 26, 1804. Section 2 stated: “*And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first second of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he actually naturalized, the widow and the children of such alien shall be considered citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.”

In practical terms, if a husband completed his declaration of intention before his death, his wife and children needed only to take the oaths of allegiance and renunciation. A researcher may therefore find a record of a woman taking the oaths but no other naturalization papers in her name.

Perhaps the most influential nineteenth-century naturalization law affecting immigrant women was the act of February 10, 1855. Under the act, an immigrant woman who married a U.S. citizen—whether he was a citizen by birth or naturalization—automatically acquired citizenship. Consequently, her citizenship may have produced no separate paper trail. Women whose husbands were racially ineligible for naturalization did not qualify under the act.

Note: If a woman married a U.S. citizen abroad, or if her husband immigrated and naturalized before sending for her, passenger lists may identify her as a “U.S. Citizen” until 1922.

An 1860 modification of the 1855 Act created confusion about the citizenship of native-born and naturalized women. It provided that a woman who left the United States to live abroad with a husband who had not naturalized lost her U.S. citizenship, whether the foreign residence was as near as Canada or as distant as Russia. Some courts interpreted the provision more broadly, applying it to any woman

married to an alien husband, even when the couple remained in the United States. As a result, some women—especially widows—may have pursued naturalization even when it was not legally required.

Marital Status and Citizenship

By tying a woman's citizenship to her husband's status, the 1855 Act shaped court practices across the country. Its influence was especially significant before the Immigration and Naturalization Service was established and naturalization rules were standardized.

Many courts assumed that an immigrant wife could not apply for naturalization independently if her husband had not naturalized. Conversely, she became a citizen as soon as a judge approved her husband's naturalization. Before 1906, however, the husband's papers were unlikely to name his wife or even indicate whether he was married.

The Expatriation Act of *March 2, 1907*, resolved much of the uncertainty that had surrounded the citizenship of women married to noncitizens since 1866. It declared that “any American woman who marries a foreigner shall take the nationality of her husband.” Thus, even a woman descended from generations of Americans—and perhaps eligible for membership in the Daughters of the American Revolution—lost her U.S. citizenship when she married a foreign national. She regained citizenship if her husband naturalized, or she could complete the naturalization process independently. If her husband was ineligible for naturalization, however, she was also denied citizenship.

Repeal of the Expatriation Act

Congress passed the Cable Act, named for Ohio Representative John L. Cable, on *September 22, 1922*. Also known as the Married Women's Citizenship Act or the Married Women's Independent Nationality Act, it made a woman's citizenship independent of her husband's. After that date, an immigrant woman did not automatically become a citizen by marrying a U.S. citizen. Nor did she acquire citizenship when her immigrant husband naturalized. Instead, she had to apply under the naturalization laws then in effect.

The Nineteenth Amendment's recognition of women's right to vote may have helped build support for the Cable Act. Some judges had denied men citizenship because their wives could not meet eligibility requirements, including the requirement to speak English, and therefore could not vote. Whatever the immediate impetus, the act allowed most women to marry without automatically losing their citizenship and created a paper trail documenting immigrant women's birthplaces and arrivals. That paper trail could still be limited: if a woman's husband was already a citizen when she began the process, she needed to file only a petition for naturalization and could omit the declaration of intention.

Although the Cable Act was a major step forward, a woman could naturalize only if her husband was eligible to do so. In the 1920s, Asian immigrants were still classified as racially ineligible for U.S.

citizenship. An American woman who married an Asian immigrant after the Cable Act therefore still lost her citizenship, and any woman married to an Asian immigrant could be barred from naturalization.

The Cable Act did not restore citizenship to women who had lost it between 1907 and 1922. These women remained noncitizens and had to complete the same naturalization process as recent immigrants. Those living abroad who tried to return to the United States could also be denied entry under the Immigration Act of 1924.

In 1931, Congress removed the two remaining restrictions on women's naturalization: a husband's ineligibility to naturalize and the couple's residence abroad.

Repatriation

Repatriation was not limited to women. Native-born men could also lose their U.S. citizenship, often by serving in another country's military. This affected Americans who joined foreign forces during World War I before the United States entered the conflict. A male citizen who lost his citizenship by serving in the Canadian military, for example, needed only to take an oath of allegiance to regain it. In contrast, women who lost their citizenship under the 1907 Expatriation Act had to satisfy every naturalization requirement.

After the Cable Act passed, Commissioner of Naturalization Raymond Crist proposed in his 1923 annual report that women seeking repatriation be given an option similar to the one available to men. Congress did not authorize repatriation in place of full naturalization until the act of *June 25, 1936*, and even then only for an American-born woman whose noncitizen husband had died or whom she had divorced. The Act of *July 2, 1940*, removed the requirement that the marriage first end.

Although women's repatriation files generally do not include the supporting documents themselves, they can identify exact dates and places of birth, marriage, divorce, and a spouse's death. Applicants presented those documents during the repatriation process, and the naturalization clerk recorded that they had been reviewed. These citations can direct researchers to the jurisdictions and record sets most likely to contain the original documents.

Women's repatriation records are often recorded on Form N-415, *Application to Take Oath of Allegiance to the United States*, and filed in separate court volumes. Volume titles vary, but they generally include the word *repatriation*. At the National Archives and its branches, these records are cataloged in Record Group 21.

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