CITIZENSHIP

IN THE UNITED STATES

U.S. Citizenship and Immigration Services

Citizenship in the United States

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About this Edition

This document provides a general overview of a citizenship and naturalization. The purpose of this report is to provide information to citizens, potential citizens, and other interested individuals about the meaning of citizenship and the rights and responsibilities incurred with this important status. Basic information is provided on U.S. laws and policies related to citizenship, the rights and responsibilities of citizens, the naturalization process, historical trends in naturalization, and the loss of U.S. citizenship. Topics related to U.S. citizenship policy, such as dual citizenship, international migration, and transnationalism, are also briefly addressed.

U.S. citizenship is an important honor and responsibility, whether acquired at birth or through the naturalization process. Citizenship signifies inclusion and participation in the national community and carries with it both rights and obligations. This report intends to provide an overview of this important topic with the intention of enriching the experience for citizens and prospective citizens alike.

U.S. Citizenship and Immigration Services

CITIZENSHIP IN THE UNITED STATES

Research and Evaluation Division

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CITIZENSHIP IN THE UNITED STATES

Contents *Page*

Introduction…… iii

I. What is Citizenship?…… 1
Citizens and Citizenship…… 1
Ways of Becoming a Citizen……3
Citizenship and Nationality Laws Around the World……5

II. U.S. Citizenship…… 11
Rights and Obligations of U.S. Citizens…… 11
Rights and Obligations of U.S. Noncitizen Nationals…… 12
Honorary Citizenship……15
Paths to U.S. Citizenship…… 16

III. Historical Context of Citizenship and Naturalization in the United States…… 19
U.S. Laws Concerning Citizenship and Naturalization…… 19
Immigration……24
Emigration…… 29
Comparative Naturalization Statistics……32
Characteristics of Those Who Naturalize……34
Reasons for Naturalizing……36
Summary…… 37

IV. The Process of Becoming a U.S. Citizen…… 39
Requirements for Naturalization……39
The Naturalization Process……46

V. The Loss of Citizenship……51
Renunciation……51
Rescission……52
Other Ways of Losing Citizenship……52

VI. Dual Nationality: Citizenship in a Changing World……55
National and International Change……55
Legal Context of Dual Nationality……56
U.S. Policy……58
International Comparisons……58

Conclusion…… 61

Appendices
Appendix I: U.S. Citizenship and Naturalization Legislation……63
Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries……69

Contents (continued) *Page*

Endnotes……75

List of Tables

1. General Eligibility for Federal Welfare Programs……..23
2. U.S. Citizens Naturalizing in Other Countries, 2000……31
3. Acquisition of Citizenship by Former Nationality and New Country of Citizenship, 2000……....32
4. Percentage of Naturalizations by Region of Former Nationality and Country of New Citizenship, 2000……... 33
5. Percent of Persons Naturalizing, by Region of Birth and Decade, 1950-1990…….……. 35
6. General Naturalization Requirements……... 45
7. Where to Submit a Naturalization Application……46
8. Arguments Against and In Favor of Dual Nationality……....57

List of Figures

1. Immigration and Naturalization, 1911-2000……..24
2. Refugee Admissions, 1982-2000……27
3. Emigration from the United States, 1901-1990……29
4. Native Born U.S. Emigration, by Destination, 1980…….. 31
5. Top 5 Regions of Origin for Naturalized Countries, 2000……... 34

INTRODUCTION

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

United States Constitution

What does it mean to be an American?

A shared sense of identity and purpose is what binds the people of the United States of America together as a national community. As citizens, we share a common belief in and respect for the principles of the United States and the freedoms it represents.

But what does it really mean to be a citizen of the United States of America? Citizenship is both a right and an obligation. It is bestowed upon persons born in the United States, persons born to U.S. citizens, and persons who pledge allegiance to the United States through the process of naturalization. Citizenship provides the protection of the U.S. Government and the rights that are guaranteed to citizens by the Constitution. In addition, citizenship carries with it certain obligations to our country, such as our individual responsibilities for political participation and national security.

Citizenship is a precious right, actively sought after by some, taken for granted by others. The choice to become a citizen is an important demonstration of one's respect for the institutions and people of the United States of America. This backgrounder provides an overview – for both native-born and naturalized citizens, and for those considering U.S. citizenship – of the fundamentals of citizenship: what it is, what it means, how to obtain it, and how to lose it. However, it is not a "how-to" manual or a civics textbook. In contrast, it provides a summary of the many elements of citizenship policy, including the legal underpinnings of citizenship and the place of naturalization in the context of the United States as a nation of immigrants.
This document also describes the legal, international, and demographic changes that have had an impact on citizenship and naturalization throughout our nation's history. Section I answers the question, "What is Citizenship?" through a discussion of the meanings of the terms citizen, national, and citizenship, and a description of the ways of becoming a citizen, both in the United States and in other countries. Section II explains the rights and obligations of U.S. citizens and the paths to becoming a U.S. citizen. Section III explains the historical and legal context of citizenship and naturalization in the United States, and provides information on immigration and emigration, which are related to naturalization.

Section IV provides an overview of the mechanics of becoming a U.S. citizen, and Section V explains the ways in which citizenship can be lost. Finally, Section VI summarizes additional issues that may affect citizenship policy in the United States.

The purpose of this document is to inform all citizens and potential citizens of the issues concerning citizenship and United States policies related to citizenship. While the circumstances surrounding our nation and the world continually change, the basic concept of citizenship has remained unchanged – citizenship is an expression of our commitment to our country and our willingness to work together to protect and uphold the ideals it represents.

SECTION I

WHAT IS CITIZENSHIP?

Everyone has a right to a nationality. … No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

United Nations
Universal Declaration of Human Rights, 1948

Citizens and Citizenship

The concepts of citizen and citizenship have their origins in ancient Greece, where independent city-states were governed by the citizens themselves. The privilege of self-government was a precious right that was carefully guarded and protected. Citizenship was also important in ancient Rome, as its empire expanded and boundaries and the status of individuals within those boundaries needed to be defined.[1] Derived from the word city, which comes from the Latin, "*civitas*," the word citizen refers to people united in a community. In these early communities, citizens received benefits, such as freedom and the right to hold property, but also were expected to participate in the community and to fulfill certain responsibilities, including defense of the community.[2]

These basic principles of citizenship remain pertinent today. Citizenship provides not only governmental protection, but a sense of belonging that is important to all societies. Citizenship is a common bond that links together the people of a nation, regardless of their background or culture.

Citizens and Nationals

Citizens and nationals are members of a political community. According to the Immigration and Nationality Act (INA) of 1952, the term "national" means "a person owing permanent allegiance to a state."[3] The law states:

> The term "national of the United States" means: (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.[4]

Thus, citizens of the United States are individuals who are loyal to the United States and who are entitled to its protection. In general, persons born in the United States or to at least one U.S. citizen parent are, at birth, both citizens and nationals of the United States at birth.[5]

Other individuals are considered to be nationals, but not citizens, of the United States. A national also is entitled to the protection of the U.S. Government but does not enjoy all of the rights of citizenship. Persons born in outlying possessions of the United States are considered

nationals of the United States. For example, the people of the U.S. territory[6] of American Samoa are U.S. nationals, who, like U.S. citizens, owe allegiance to the United States. American Samoa is an unincorporated and unorganic territory of the United States, meaning that it has not been fully incorporated into the union as one of the States and that Congress has not provided an organic act for it (i.e., an act to organize its government tying it to the U.S. Federal government).[7] Therefore not all provisions of the U.S. Constitution apply to the territory. As a result, American Samoans do not enjoy all the rights of U.S. citizens.[8] (See Section II for a more detailed discussion of the rights and responsibilities of citizens and noncitizen nationals.)

The distinction between citizen and national was pertinent in the late 1800s and the first half of the 1900s when the United States obtained several territories, including American Samoa, Cuba, Guam, the Philippines, Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands.[9] Because these possessions were not fully incorporated into the United States, persons living there were not accorded the full rights of citizenship.[10] However, with the several political changes in the latter half of the 20th century, citizenship rights were granted to the inhabitants of Puerto Rico, Guam, the Northern Mariana Islands, and the Virgin Islands.[11] In addition, the Philippines was granted full independence in 1946. Cuba had achieved independence from U.S. administration in 1902. Thus, today there are relatively few noncitizen U.S. nationals – primarily in American Samoa – and, as such, the distinction between national and citizen is often blurred or overlooked.[12]

Citizenship

The concept of citizenship can mean different things to different people. The term "citizenship" refers to a legal status that connotes membership in and allegiance to a nation which carries with it specific rights and responsibilities. Various individuals and organizations have attempted to define the notion of citizenship:

- "Citizenship, is, by definition, a condition of allegiance to, and participation in, a governmental jurisdiction. It means, for a collective order, a pledge of loyalty, commitment to actively participate in civics and community, and willingness to serve when and where called upon. … Citizenship begins within the individual but is nurtured by the country." Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services

- "Citizenship prescribes the specific character of a member's rights and duties within the national polity." *Research Perspectives on Migration*, 1999

- Citizenship: "The status of being a citizen." Citizen: "A person owing loyalty to and entitled to by birth or naturalization to the protection of a particular state." *Webster's Dictionary*

- "Citizenship connotes membership in a political society and implies a duty of permanent allegiance to that society." David Weissbrodt, *Immigration Law and Procedure In a Nutshell*

- "[Citizenship is] a collective bond of uniform legal status and a shared source of common rights and duties…" "Introduction," *Citizenship Policies for an Age of Migration,* ed. T. Alexander Aleinikoff and Douglas Klusmeyer, Comparative Citizenship Project, Carnegie Endowment for International Peace

The terms citizenship and nationality are generally used interchangeably. However, at least one organization has noted a difference between these two concepts. In a recent report, the United Nations' Division for the Advancement of Women stated that "Nationality signifies the legal relationship between an individual and a State" while citizenship "has a wider meaning, and denotes a status bestowed on full members of the community."[13] Thus, citizenship is often predicated on nationality.[14]

Citizenship may be bestowed upon birth, derived from one's parent or spouse, or acquired through judicial and/or administrative means, such as the process of naturalization. The citizens of a nation are entitled to protection by that country and are afforded the rights of that country, such as freedom of entry to and movement within the United States, the right to vote, and the right to hold a U.S. passport.[15] In return, citizens have certain responsibilities toward their country of citizenship, including voting, serving on a jury, and registering for or serving in the Armed Forces.
Three ways of acquiring citizenship – through birth, derivation, and naturalization – are discussed below.

Ways of Becoming a Citizen

Citizenship by Birth

In general, citizenship is conferred upon a child automatically at birth. While there is no universal rule concerning citizenship and nationality, most nations follow the legal principles of *jus soli* or *jus sanguinis,* or a combination of the two. *Jus soli* is the right of birthplace, i.e., citizenship is conferred at birth when a child is born within the borders of the nation. This principle dictates that persons born in a country automatically become citizens of that country, regardless of their parents' citizenship or legal residence.

Jus sanguinis is the right of blood. In other words, citizenship is earned by inheriting the nationality of one's parents. Under this principle, a child born abroad may derive citizenship from his or her parents, thus becoming a citizen of the parents' country of citizenship. Alternatively, a child born in a country that follows the principle of *jus sanguinis* does not automatically become a citizen of that country unless the parents are citizens.

In practice, the citizenship laws of many countries follow a combination of both principles. For example, in the United States, in almost all cases, a child born within the borders of the country becomes a citizen, regardless of the parents' nationality (*jus soli*). In addition, a child born abroad of U.S. citizen parents is also a United States citizen, with certain exceptions (*jus sanguinis*). The United Kingdom, on the other hand, requires at least one parent to be a citizen or settled in the United Kingdom for a child born in the country to be a citizen.

Derived Citizenship

Through the principle of *jus sanguinis* children can derive the citizenship of their parents, even if they were not born in the country in which the parents hold citizenship. Similarly, many countries, including the United States, permit minor children to derive citizenship when their parents naturalize. Countries have implemented laws concerning the derivation of citizenship in a variety of ways. Some nations have residency requirements, while others require registration of children before citizenship is granted. A country may require registration for citizenship or other documentation before acknowledging the child's citizenship. In some nations, a person must be registered as a citizen before reaching a certain age.

Citizenship through Naturalization

Naturalization is the process by which citizenship is conferred upon a foreign citizen or national after he or she fulfills the requirements set forth by the nation to which he or she is applying for citizenship. Generally, countries tend to require residence for a certain period of time, knowledge of the language of the country, and allegiance to the nation.

Citizenship and Nationality Laws Around the World

Determination of who may be citizens of a nation is found in a country's laws, and is recognized through treaties and other international agreements. For example, the European Convention on Nationality declares that, "Each State shall determine under its own law who are its nationals."[16] Both historical events and the changing circumstances of the 21st Century have had an impact on citizenship and nationality traditions around the world. As such, the citizenship and national requirements vary from country to country. (See Appendix II.)

Some authors have noted that traditionally immigrant-receiving countries (such as the United States, Canada, and Australia) tend to have citizenship and nationality laws that are more inclusive with regard to citizenship and are more open to multiculturalism. On the other hand, some nations are more ethnically focused (e.g., Israel and Japan), which is reflected in their nationality laws. Other countries are newly emerging (the Baltic states, the Russian

Federation, South Africa) and, as such, are facing the challenges of establishing new nationality laws. Finally, countries entering into newly formed supranational bodies (the members of the European Union or Mexico's entrance into the North American Free Trade Agreement) are experiencing changes in the way citizenship is viewed and are shaping policies that reflect the multinational nature of their relationships with other nations.[17]

Citizenship by Birth/Descent

Some countries' laws reflect a pure *jus soli* in regard to births within the country. The United States, Canada, and Venezuela, for example, require only that a person be born within the borders of the country to be a citizen.[18] Other nations follow the principle of *jus sanguinis* for persons born inside the country. Japan, China, the Bahamas, and many other countries require that at least one parent be a citizen in order for children born inside the country to be a citizen.[19] In Ghana and Uganda, children are citizens at birth if at least one parent or grandparent is a citizen.[20]

Requirements for children born outside of a country also usually require at least one parent to be a citizen. There are variations, however. For example, a child born outside Canada to at least one parent who is a Canadian citizen, is a citizen. However, if that parent also was born outside Canada to a Canadian parent, the child must register as a citizen with the Canadian government before age 28.[21]

In the United States, a child born outside the country is U.S. citizen if the child is born in wedlock and both parents are U.S. citizens and at least one parent lived in the United States at some point in his or her life, or if at least one parent is a U.S. citizen and that parent lived at least 5 years in the United States before the child was born – at least 2 of those years must have occurred after the parent's 14th birthday. Children born abroad out of wedlock to a U.S. citizen mother acquire citizenship at birth if the mother was a citizen at the time of the child's birth and if the mother had been in the United States for a continuous period of 1 year. Children born abroad out of wedlock when only the father is a citizen acquire U.S. citizenship only if the father was a U.S. citizen at the time of the child's birth; a blood relationship between the child and father is established; the father has agreed in writing to provide financial support for the child until the child reaches 18; and, while the child is under 18, he or she is legitimated, the father acknowledges paternity, or the paternity of the child is established by court.[22]

In Iceland, if a child is born abroad out of wedlock, and the father is an Icelandic citizen but the mother is not, the father must apply to the Ministry of Justice for the child to receive Icelandic citizenship. The application must be made before the child reaches the age of 18, and if the child is over the age of 12, the child must be consulted.[23] However, any Icelandic citizen who was born abroad and has never lived in Iceland loses his or her Icelandic citizenship upon reaching the age of 22, unless he or she would otherwise become stateless. Such citizens, however, may apply to the Minister of Justice to retain their Icelandic citizenship.[24]

In Chinese nationality law, citizenship is conferred to a child born abroad only if the parents have not settled abroad or acquired a foreign nationality.[25] Venezuela also places additional restrictions on persons born outside the country. A person born outside of Venezuela is a

citizen if: (a) both parents are Venezuelan citizens by birth; (b) at least one parent is a Venezuelan citizen by birth, provided the individual establishes residence in Venezuela or agrees to accept Venezuelan nationality; or (c) at least one parent is a naturalized citizen, provided the individual has reached 18 years of age, has established residence in Venezuela, and before reaching the age of 25 years agrees to accept Venezuelan nationality.[26]

Of course, citizenship laws are not static. Nations are free to change their rules concerning citizenship and do so regularly. For example, prior to 1987, India followed the principle of *jus soli*, allowing all persons born in India to be citizens. However, now any person born in India on or after July 1, 1987 is a citizen at birth only if at least one parent is an Indian citizen.[27] Canada's laws have changed in the opposite way. Prior to the Citizenship Act of 1977, a child could claim Canadian citizenship only if the father was Canadian, or if the child was born to an unwed Canadian mother. The 1977 law changed the rules of citizenship by declaring that all persons born in Canada after February 14, 1977 are Canadian citizens, regardless of their parents' nationality.[28]

Naturalization Requirements

Like the United States (discussed in more detail in Section III), the naturalization requirements of many countries include the following basic ingredients: a minimum age (often 18); permanent residence of a certain number of years, usually including a specified period of continuous residence; and ability to communicate in the native language. Some countries, such as the United States, Canada, and Venezuela, require the applicant for naturalization to demonstrate his or her knowledge of the country and its history and government. In Germany and Iceland, applicants must demonstrate their ability to support themselves and their family and/or their ability to work. Several countries require that the applicant be of "good character" and have no criminal history. Some countries require a formal renunciation of any other country's citizenship; others permit an individual to hold dual or multiple nationalities (see discussion of dual nationality in Section VI).

The naturalization requirements of many countries include the following basic ingredients: a minimum age, permanent residence of a certain number of years, and ability to communicate in the native language.

Among the western European nations, Austria and Switzerland are the most restrictive countries with respect to naturalization.[29] Switzerland has a residency requirement of 12 years, 3 of which must have occurred within the 5 years prior to the request for naturalization. In addition, the applicant must be integrated into the Swiss community and accustomed to the Swiss way of life and practice, and must comply with the Swiss legal system. Also, the applicant must in no way compromise the internal or external security of the nation. Authorization must be obtained from the canton and municipality of residence, which can require additional conditions to be met. Such conditions can vary greatly among the regions. The Swiss Citizenship Law does allow for simplified naturalization for certain individuals, including: foreign

spouses of Swiss citizens; women who lost Swiss citizenship through marriage; foreign children of women who acquired Swiss citizenship by descent, adoption, or naturalization; and children of women who are Swiss citizens by marriage.[30]

In Austria, applicants also must prove that they are successfully integrated into society. With such proof, they may naturalize after 15 years of permanent residence. Without such proof, they must have lived in Austria permanently for 30 years. After 10 years of residence, aliens may apply for citizenship, provided they have sufficient financial means, no criminal record, sufficient knowledge of the German language, and a "positive attitude towards the Republic of Austria."[31]

China's naturalization requirements are quite specific regarding ties to the country. Foreign nationals or stateless persons who are willing to abide by China's constitution may be naturalized, upon approval of their applications, if they meet the following conditions: (1) they are near relatives of Chinese nationals; (2) they have settled in China; or (3) they have other legitimate reasons to naturalize.[32]

Some countries relax certain requirements, such as residency, for nationals of countries with which they have a special relationship. Venezuela, for example, reduces the residency requirements from 10 years to 5 years for applicants from Spain, Portugal, Italy, other Latin American countries, and the Caribbean.[33] Iceland reduces its residency requirements from 7 years to 5 years for nationals of other Nordic countries.[34]

Dual Citizenship and the Loss of Citizenship

Many countries permit or even encourage the acquisition of another country's citizenship, while others allow dual (or multiple) citizenship only if the other citizenship is not acquired voluntarily. Still other countries do not permit dual citizenship and have provisions in their laws concerning the loss of citizenship when another nationality is acquired. In the United States, dual citizenship is not explicitly prohibited; the United States has no laws or policies addressing this issue. (Dual citizenship is discussed in more detail in Section VI.)

Recent Changes in Nationality Laws

Political changes, demographic shifts, and changing socioeconomic conditions may influence a nation's policies on immigration and citizenship. Most countries no longer require both parents to be citizens, or only the father to be a citizen for citizenship to bestowed upon a child. Laws are also changing concerning the ways in which citizenship may be acquired. Some countries that once followed the principle of *jus soli* have modified their laws so that at least one parent must be a citizen if the child is to obtain citizenship in that country. Other nations have amended laws based on *jus sanguinis* to permit children born in those countries of parents who are permanent residents to acquire citizenship.

For instance, in 1999 German nationality law was amended, modifying the principle of descent which had been the traditional basis of obtaining German citizenship. The new law makes it possible to become a citizen as the result of being born in Germany and facilitates the naturalization of foreign nationals who have lived in Germany for many years. As of January 1, 2000, a person can obtain German citizenship through birth, adoption as a minor, or naturalization.[35] According to the new law, a child born in Germany to foreign parents after December 31, 1999 obtains citizenship at birth if one of the parents has been a legal resident in Germany for a least 8 years and at least one parent has either an unlimited residence permit or a residence entitlement at the time of the child's birth. If the child obtained another citizenship by birth (e.g., the citizenship of his or her parents), he or she has to give up one citizenship at the time he or she is between the ages of 18 and 23. Persons born in Germany to non-German parents before February 2, 1990 have no claim to citizenship under this law.[36]

In addition, prior to the passage of the 1999 law, foreign nationals were required to live in Germany for 15 years before they could apply for naturalization. The new law changed the residency requirement to 8 years. In addition, emigrants of German origin from Eastern European countries are no longer required to go through the naturalization process. They are automatically naturalized upon issuance of an appurtenant certificate confirming their special status or presentation of a late repatriate certificate.[37]

In Ireland, the Irish Nationality and Citizenship Act of 2001 altered the ways in which a foreign national marrying an Irish citizen can obtain citizenship. Before November 30, 2005, the spouse of an Irish citizen may obtain Irish citizenship by making a declaration of acceptance of Irish citizenship at an Irish Embassy or Consulate. The declaration cannot be made until 3 years after the date of marriage. However, after November 30, 2005, individuals must apply for naturalization based on marriage and must meet certain additional requirements, including residence in Ireland.[38]

British immigration and nationality law was amended in 2002 with the Nationality, Immigration and Asylum Act of 2002. The law includes provisions for citizenship ceremonies, a modern citizenship pledge, and a requirement that those seeking to acquire British citizenship should have a knowledge of life in the United Kingdom. It also places more emphasis on applicants having a knowledge of English, Welsh, or Scottish Gaelic. In addition, the new law ends discrimination in nationality law against illegitimate children; enables British citizenship to be acquired by certain British nationals resident overseas who were living abroad during decolonization (British Overseas citizens, British protected persons and British subjects); and amends the law on deprivation of citizenship and other nationality matters, bringing it into line with the standards set out in the 1997 European Convention on Nationality.[39]

Several countries have made changes in their laws concerning loss of citizenship and dual nationality. In Australia, for example, a new law became effective on April 4, 2002 which permits Australian citizens to retain their citizenship after acquiring another citizenship. Persons who lost their Australian citizenship prior to April 4, 2002 as a result of acquiring another citizenship may resume Australian citizenship if they show they did not know they would lose their Australian citizenship, or would have suffered significant hardship if they had not acquired the other citizenship; if they have lived in Australia for at least 2 years during their

lifetime and indicate that they will continue to live in Australia; or if they have maintained a close and continuing association with Australia.[40] Other countries that have changed their laws recently to permit dual nationality include Malta, Mexico, Iceland, Spain, and the Philippines (see discussion of dual nationality in Section VI).

SECTION II

U.S. CITIZENSHIP

Since the days of Greece and Rome when the word 'citizen' was a title of honor, we have often seen more emphasis put on the rights of citizenship than on its responsibilities. And today, as never before in the free world, responsibility is the greatest right of citizenship and service is the greatest of freedom's privileges.[41]

Robert F. Kennedy, 1962

Rights and Obligations of U.S. Citizens[42]

A citizen of the United States is a native-born, foreign-born, or naturalized person who owes allegiance to the United States and who is entitled to its protection.

Being a citizen means being granted certain rights, but it also means shouldering the responsibility of maintaining those rights and the well-being of the country which allows for the freedom to exercise them. Rights and responsibilities, therefore, go hand in hand. To be good citizens, we must know our rights and use them responsibly, as well as remember our obligation to our community and country.

In the United States, the first and most important document that grants us our rights is the Bill of Rights, the first ten amendments to the Constitution. Here are some of the rights it grants:

- **Freedom of speech** – every person has the right to share his or her ideas and opinions, even if they criticize the government or its officials. However, the responsibility of the right of free speech means that we also have to avoid saying things that are untrue or that cause undue injury.
- **Freedom of religion** – the government must be separate from the church; we can belong to any religion we chose and worship in our own way.
- **Freedom of the press** – we have the right to print in newspapers, magazines, and books whatever we wish. This right also carries with it the responsibility of making sure that what we print is true and does not make false accusations or injure unjustly.
- **The right of assembly and petition –** we have the right to hold public meetings and talk about public questions. We can talk about the laws and petition the government to change them.

Other rights outlined in Constitutional amendments and elsewhere in law include:

- Protection against unlawful search and seizure,
- Right to a speedy and public trial by a jury of one's peers,
- Protection from cruel and unusual punishment,
- Right to know the reason for arrest,
- Nominating candidates to run for public office,
    - Voting for candidates who are nominated,
- Holding public office at the local, state or national level,
- Directing or organizing community affairs, and
- Holding government jobs, even those that require a security clearance.

Some of the major responsibilities of being a citizen include: voting and serving on a Federal jury.

A citizen of the United States is a native-born, foreign-born, or naturalized person who owes allegiance to the United States and who is entitled to its protection.

Rights and Obligations of U.S. Noncitizen Nationals

Noncitizen nationals of the United States do not enjoy all of the rights afforded to U.S. citizens. Noncitizen nationals include persons born in the U.S. territory of American Samoa, which currently has a population of 57,291 people. The determination of which rights do pertain to these noncitizen nationals, as well as to U.S. citizens residing in territorial possessions, has been debated in the Federal courts, including the Supreme Court, and remains somewhat unclear.

The Constitution does not refer to nationals of the United States, only to "people" (or "person") and "citizens." Therefore, it is unclear which rights are afforded to noncitizen nationals; however it is clear which rights are bestowed upon citizens of the United States. The 14th Amendment to the Constitution provides for the citizenship of all persons born or naturalized in the United States, stating that such persons "are citizens of the United States and of the state wherein they reside."[43] Territories are not referred to in the 14th amendment, but in Article IV ("the Territorial Clause"). This clause gives Congress jurisdiction over territories acquired by the United States, stating "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."[44] Thus, the relationship between the United States and its territories is administered through laws created by Congress rather than through the Constitution. As a result, the Constitution does not extend to the territories. Some have even argued that the citizenship

granted to Puerto Rican residents by a 1917 statute is fundamentally different from the "Constitutional" citizenship guaranteed to citizens in the States by the 14th Amendment to the Constitution.[45]

The Supreme Court has determined that only "fundamental" constitutional rights apply to territories; other constitutional rights apply only if they have been specifically extended to the territories by law.[46] In territories that have been incorporated (i.e., those that have become States), constitutional rights apply because the area has been incorporated into the United States by statute. However, in unincorporated territories only fundamental rights apply.[47]

This conclusion was determined by the Supreme Court in a series of decisions between 1901 and 1922 in what has become known as the "Insular Cases." Beginning in 1901, the Court heard several cases regarding the territories of the United States. According to the decision in the 1901 case, *Downes v. Bidwell*, general rights concerning liberty and property are fundamental rights that cannot be abridged. In his concurring opinion, Justice White stated that fundamental rights are "inherent, although unexpressed, principles which are the basis of all free government which cannot be with impunity transcended."[48] Three years later, in 1904, this opinion was reiterated in *Dorr v. United States*.[49]

How the U.S. Constitution applies to American Samoa and other territories remains unclear.[50] Because of this confusion, it is uncertain which rights apply to noncitizen nationals, although the Court in *Hawaii v. Mankichi* (1903) noted that "most, if not all, the privileges and immunities contained in the bill of rights of the Constitution were intended to apply [to the territories] from the moment of annexation."[51] The Insular Cases and subsequent Supreme Court cases have served as a guideline for the applicability of certain rights to "unincorporated territories." Nonetheless, the applicability of the Constitution in individual cases continues to be debated in the lower Federal courts.

In general, the following rights have been declared to be "fundamental" by the Supreme Court, and, as such, <u>may be generally applicable to unincorporated territories</u>:[52]

- The rights to one's own religious opinion
- The right to personal liberty and individual property
- Freedom of speech and of the press
- Free access to courts of justice
- Due process of law
- Equal protection of the laws
- Immunities from unreasonable searches and seizures
- Protection from cruel and unusual punishments
- The Fifth Amendment right protecting against self-incrimination

Most of these rights were referred to by the Supreme Court in its decision in *Downes v. Bidwell.* In its decision, the Court stated, in part:

> We suggest, without intending to decide, there may be a distinction between certain natural rights enforced by the Constitution by prohibitions against interference with them, and what may be termed artificial or remedial rights which are peculiar to our own system of jurisprudence. In the former class are the rights ton one's own religious opinions and to a public expression of them …; the right to personal liberty and personal property; to freedom of speech and of the press; to free access to courts of justice, to due process of the law, and to an equal protection of the laws; to immunities from unreasonable searches and seizures, as well as cruel and unusual punishments; and to such other immunities as are indispensable to a free government.[53]

These "natural rights" appear to correspond to "fundamental rights" or human rights.[54] However, the rights to due process and to equal protection were extended to Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands by Congress, and the Supreme Court has held that these rights are afforded to Puerto Rico through either the Fifth Amendment or the Fourteenth Amendment.[55] Further, the High Court of American Samoa has determined that due process and equal protection "are fundamental rights which do apply in the Territory of American Samoa."[56] This conferring of rights by statute or judicial decision appears to bring into question whether they indeed are fundamental human rights or rights to be granted by the Government.

If a right is declared to be "fundamental" in a court decision, it can be considered to apply to the territories as well. For example, in 1964 the Fifth Amendment right protecting against self-incrimination was declared a "fundamental right" by the Supreme Court in *Malloy v. Hogan*, a case that concerned an arrest in Connecticut.[57] Therefore, this fundamental right applies to American Samoa.

Rights that are not fundamental only apply to territories if the right is extended by statute. In many instances, if a right has not been granted by statute, its applicability has been debated in court. For example, the following rights have been deemed not to be fundamental in nature in other Supreme Court cases, and thus are <u>not applicable to the unincorporated territories</u> of the United States:

- The Fourth Amendment right against unreasonable search and seizure of property of a nonresident alien[58]
- The Fifth Amendment right to indictment by a grand jury[59]
- The Sixth Amendment right to a speedy and public trial by an impartial jury[60]

Other laws do not apply to the territories, or have been implemented in the territories in an uneven manner.[61] For example:

- The residents of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands do not pay Federal income tax, though similar taxes are required at the local level.[62]

- Lower minimum wages are permitted in American Samoa and the Northern Mariana Islands.[63]

- American Samoa and the Northern Mariana Islands have their own immigration laws.[64]

- Many social welfare programs, such as food stamps and Supplemental Security Income, provide lower benefits for residents of the U.S. territories.[65]

In addition, noncitizen nationals may not run for certain elected positions, such as President and Vice President, nor do the territories have voting representation in Congress.[66] Further, nationals and citizens residing in the insular areas cannot vote in presidential elections.[67] Noncitizen nationals also are not permitted to be the principal sponsor for a family- or employment-based immigrant, although they may be a joint sponsor. On the other hand, male noncitizen nationals over age 18 are not required to register for the Selective Service unless they are residing in one of the 50 States.[68]

However, noncitizen nationals are entitled to diplomatic protection abroad and may enter the United States under the same conditions as citizens.[69] In addition, noncitizen nationals who have become residents of any State and who are otherwise qualified for naturalization, are not required to be permanent residents before naturalizing as a U.S. citizen.[70]

A noncitizen national of the United States is a person born in an outlying territory of the United States. U.S. nationals owe allegiance to and are entitled to the protection of the U.S. government, but do not enjoy all the rights of citizenship.

Honorary Citizenship

On six occasions, the United States has conferred honorary citizenship upon non-citizens. According to Congress, honorary citizenship is "an extraordinary honor not lightly conferred nor frequently granted."[71] Because honorary citizenship is an expression of high regard for the recipient, it does not carry the technical and legal requirements of U.S. citizenship.[72] It is, nonetheless, a great honor that is considered seriously and conferred by the Congress and the President.

The six individuals who have been given honorary U.S. citizenship are:[73]

- Winston Churchill, British Prime Minister and United States ally, conferred by Public Law 88-6, signed by President Kennedy in 1963

- Raoul Wallenberg, rescuer of Hungarian Jews during World War II, conferred by Public Law 97-54, signed by President Reagan in 1981

- William and Hannah Callowhill Penn, founders of the Commonwealth of Pennsylvania, conferred by Public Law 98-516, signed by President Reagan in 1984

- Agnes Gonxha Bojaxhiu (Mother Teresa), founder of the Missionaries of Charity, conferred by Public Law 104-218, signed by President Clinton in 1996

- Marie Joseph Paul Yves Roche Gilbert de Motier, the Marquis de Lafayette, Revolutionary War General who fought for the freedom of Americans, conferred by Public Law 107-209, signed by President Bush in 2002

Paths to U.S. Citizenship

Birth in the United States

The 14th Amendment of the U.S. Constitution guarantees citizenship at birth to almost all individuals born in the United States according to the principle of *jus soli*. Certain individuals born in the United States, such as children of foreign heads of state or children of foreign diplomats, do not obtain U.S. citizenship under this principle.[74]

Birth Outside the United States to Citizen Parents

Certain individuals born outside of the United States are U.S. citizens because of their parents, according to the principle of *jus sanguinis* (which holds that the country of citizenship of a child is the same as that of his/her parents).[75] A child born in wedlock outside the United States is a United States citizen if,

- Both parents are U.S. citizens and at least one parent lived in the United States at some point in his or her life; or

- One parent is a U.S. citizen and that parent lived at least 5 years in the United States before the child was born, at least 2 of which were after the citizen parent's 14th birthday (for persons born before November 14, 1986, the citizen parent must have lived in the United States for at least 10 years, 5 of which must be after the parent's 14th birthday).[76]

Children born abroad out of wedlock to a U.S. citizen mother may acquire citizenship at birth if the mother was a U.S. citizen at the time of the child's birth and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of 1 year.[77] Children born abroad out of wedlock when only the father is a U.S. citizen may acquire U.S. citizenship if the following conditions are met:

1. a blood relationship between the child and the father is established by clear and convincing evidence;

2. the father was a U.S. citizen at the time of the birth;

3. the father (unless deceased) has agreed in writing to provide financial support for the child until he or she reaches the age of 18 years; and

4. while the child is under the age of 18, he or she is legitimated under the law of their residence or domicile, the father acknowledges paternity of the child in writing under oath, <u>or</u> the paternity of the child is established by adjudication court.[78]

<u>Naturalization</u>

Naturalization is the process that confers United States citizenship upon a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act.[79] The general requirements for naturalization include:[80]

- a period of continuous residence and physical presence in the United States;
- residence in a particular district of U.S. Citizenship and Immigration Services (USCIS) prior to filing;
- an ability to read, write, and speak English (this may be waived in certain circumstances);
- a knowledge and understanding of U.S. history and government (this may be waived in certain circumstances);
- good moral character;
- attachment to the principles of the U.S. Constitution; and,
- favorable disposition toward the United States.

The following persons are exempt from the English requirement: applicants who (1) on the date of filing, have been residing in the United States as permanent residents for 15 years or more and are over 55 years of age; (2) on the date of filing, have been residing in the United States as permanent residents for 20 years or more and are over 50 years of age; or (3) have a medically determinable physical or mental impairment, where the impairment affects the ability to learn English.

In addition, applicants who have a medically determinable physical or mental impairment, where the impairment affects the ability to learn United States history and government, are exempt from demonstrating their knowledge of such; special consideration is given to applicants who

have been permanent residents for at least 20 years and are over the age of 65. (More information on the process of naturalization is found in Section IV.)

Derived from Parents

Noncitizen children may derive U.S. citizenship through their parents under certain conditions (these are described in detail in Section III), if at least one parent is a citizen (by birth or naturalization). If all of the conditions are met, the child is automatically a citizen and needs no further documentation to prove such. If additional documentation is required, the parents may request a certificate of citizenship by filing Form N-600, "Application for Certificate of Citizenship."[81]

SECTION III

Historical Context of Citizenship and Naturalization in the United States

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution
14th Amendment, 1868

Naturalization is an important step in the immigration process. Acquiring citizenship signifies that the individual has become an active participant in American society. The number of persons who naturalize is affected not only by administrative and political processes, but also by population change. The characteristics of the naturalized population reflect the attributes of the immigrant population as well as the international and country-specific conditions that led to their migration. Of course, not all immigrants naturalize in their new country, but in many ways, immigration and emigration patterns can foretell trends in naturalization.

U.S. Laws Concerning Citizenship and Naturalization

Naturalization Legislation

Membership in a community is a natural human characteristic. Every nation has defined its members, the rights and responsibilities of those members, and methods of attaining membership. Indeed, the founding leaders of the United States provided for citizenship and naturalization in the Constitution by giving Congress the power "to establish a uniform rule of naturalization."[82] Congress first addressed this issue in the Act of March 26, 1790.[83] This law provided a mechanism for individuals to apply for citizenship if they had resided in the United States for 2 years, and in one of the States for at least 1 year, and provided proof that they were persons of "good character."[84]

The Naturalization Act of 1906 established procedural safeguards for the naturalization process, including fixed fees and uniform naturalization rules. This law also made knowledge of the English language a requirement for naturalization.[85] Over the years, the laws and processes governing naturalization have evolved to be more complex, but also more inclusive and uniform. For example, aliens of African birth or descent were made eligible for naturalization under the Act of July 14, 1870, and while

Chinese immigration was suspended and Chinese were barred from naturalization in 1882 with the passage of the Chinese Exclusion Act, that law was repealed in 1943, thus permitting persons of Chinese descent to naturalize.[86]

World War I provided additional changes to U.S. naturalization law and requirements. The Act of May 9, 1918 provided for the naturalization of alien soldiers at the various training and assembling points in the United States. It also made exceptions to the residency requirements of individuals who had been in the Armed Forces.[87] Similar laws enacted subsequent to the 1918 Act waived certain naturalization requirements for aliens in the U.S. Armed Forces, resulting in high numbers of military naturalizations following World Wars I and II and the Korean and Vietnam conflicts.[88]

Prior to 1922, U.S. nationality laws generally tied a woman's citizenship to that of her husband or father. The Act of March 2, 1907, for example, stated that women derived their citizenship from their husbands. Thus, an immigrant woman became a U.S. citizen upon marriage to a U.S. citizen, or upon the naturalization of her husband. However, a U.S.-born citizen woman would lose her U.S. citizenship upon marriage to an alien. This predicament was resolved by the Married Women's Act of 1922 which provided women with their own nationality separate from that of their husbands.[89]

In 1940, the Nationality Act codified and revised the naturalization, citizenship, and expatriation laws to strengthen the national defense.[90] Ten years later, the education requirements for naturalization were tightened under the Internal Security Act of 1950.[91]

All laws governing immigration and naturalization were brought together under one comprehensive statute with the passage of the Immigration and Nationality Act of 1952. In addition to making changes with respect to immigration, the law also provided for modifications to citizenship and naturalization rules. In particular, the law eliminated race as a bar to immigration by making all races eligible for naturalization. Further, the law reaffirmed the goals for the citizenship program, which included cooperation with public schools and other government agencies in providing citizenship information and education, raising public awareness of naturalization, and preparing and distributing educational materials.[92]

All laws governing immigration and naturalization were brought together under one comprehensive statute with the passage of the Immigration and Nationality Act of 1952.

Over the next few decades, additional modifications were made to the requirements for naturalization. These included provisions for the expeditious naturalization of certain noncitizen employees of nonprofit organizations;[93] the naturalization of the surviving spouses of U.S citizen service persons;[94] and the elimination of the requirement for continuous residence in the United States for 2 years prior to filing for naturalization.[95] Changes were also made concerning citizenship of children born abroad to U.S. citizen parents. One law extended

citizenship to children born on or after December 24, 1952 to civilian citizens serving abroad, by providing that time spent abroad by U.S. citizens in the employ of the U.S. Government or certain international organizations could be treated as physical presence in the United States for the purposes of transmitting U.S. citizenship to children born abroad.[96] In 1972, another law reduced the restrictions concerning residence requirements for retention of citizenship acquired by birth abroad through a U.S. citizen parent and an alien parent.[97]

The next major revision of immigration and nationality law occurred with the Immigration Act of 1990. Among other things, this law provided for administrative naturalization by transferring exclusive jurisdiction for naturalization from the Federal and State courts to the Attorney General. The law also amended the substantive requirements for naturalization. State residency requirements were reduced to 3 months and additional grounds for waiving the English language requirement were authorized. In addition, the 1990 law lifted the permanent bar to naturalization for aliens who applied to be relieved from U.S. military service on grounds of alienage if they previously served in the service of the country of their nationality.[98]

Citizenship for certain veterans was addressed in both the Immigration Act of 1990 and the Posthumous Citizenship for Active Duty Service Act of 1989. The 1990 Act provided for the naturalization of certain Filipino veterans of World War II to naturalize without meeting permanent residency requirements. The Posthumous Citizenship for Active Duty Service Act of 1989, as amended, provides for the awarding of posthumous citizenship for aliens who died while on active duty with the U.S. armed forces during certain periods of hostilities.[99]

In 1999 and 2000, additional changes to the law have facilitated the naturalization of certain groups of people, including Hmong veterans, children adopted abroad, and aliens having certain disabilities.[100] Finally, in 2002 the Homeland Security Act transferred the functions of the Immigration and Naturalization Service into the Department of Homeland Security and reaffirmed the need for training and instruction regarding citizenship and naturalization through the creation of a separate Office of Citizenship within the new U.S. Citizenship and Immigration Services bureau of the Department of Homeland Security.

The National Defense Authorization Act for Fiscal Year 2004, which was signed in to law on November 24, 2003, included several provisions regarding naturalization of members of the armed services and their families. The law reduced the period of service required of armed forces personnel to be eligible for naturalization from 3 years to 1 year, and waived all fees relating to naturalization for military applicants. The law also directs the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense to ensure that applications, interviews, oaths, and other proceedings relating to naturalization are made available to members of the armed forces through U.S. embassies, consulates, and overseas military installations.[101]

Laws Impacting Naturalization

Other laws have had an impact on naturalization in the United States. For example, the Immigration and Nationality Act Amendments of October 3, 1965 ended the national origin quota system and established a preference system for immigrants, thus altering the pool of

potential naturalization applicants. One consequence of this law was to increase the number of immigrants from Asia as well as Southern and Eastern European countries.[102]

The Immigration Reform and Control Act (IRCA) of 1986 legalized many aliens who had resided in the United States in an unlawful status since January 1, 1982,[103] thus creating a large pool of individuals who would eventually be eligible for naturalization. The law also included the Special Agricultural Worker program, which granted temporary, and later permanent, status to former illegal aliens who worked for certain periods of time between 1984 and 1986.[104] Under IRCA, 2.68 million illegal aliens were granted permanent residence status. By 1994, these individuals were starting to become eligible for naturalization.[105] The numbers of IRCA legalized aliens naturalizing peaked in 1999 and by the end of 2002, 35 percent of those who legalized under IRCA had naturalized.[106]

IRCA also included a provision requiring basic citizenship skills. The law required persons adjusting status to permanent residence under the legalization program to have a minimal understanding of English and of the history and government of the United States. To meet this requirement, applicants were to undertake a course of study approved by the attorney general.[107] By meeting this requirement, individuals who legalized under IRCA would have already met the English requirement for naturalization, should they choose to apply.

Prior to 1996, lawful permanent residents and other noncitizens who were in the United States legally, such as refugees, were generally eligible for Federal welfare benefits. However, that year, the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), though not specifically addressing citizenship and naturalization, effectively made citizenship a prerequisite for the receipt of most forms of means-tested Federal assistance by barring many recent legal immigrants from obtaining such assistance. The purpose of PRWORA was to reform the welfare system and, among other changes, when first enacted, the law barred legal immigrants from obtaining food stamps and Supplemental Security Income (SSI), and from participating in most federal means-tested programs for 5 years after entering the United States.[108] Thus, most immigrants admitted to the United States on or after August 22, 1996 (the date of enactment) were barred from receiving benefits for 5 years. In the food stamp and SSI programs, new immigrants were not allowed to receive benefits until they became citizens or had work credit for forty quarters (10 years).[109]

However, in the years following the passage of PRWORA, several amendments were made that changed immigrant eligibility for welfare programs (see Table 1). In 1997, the Balanced Budget Act restored benefits to certain elderly, disabled, and child immigrants who had resided in the United States when PROWRA was enacted.[110] "Not qualified" immigrants who were not already receiving the benefits, most "qualified" immigrants who entered the country after PRWORA was enacted, and immigrant seniors without disabilities who were in the United States before the date of enactment continued to be ineligible for benefits.[111]

Table 1. General Eligibility for Federal Welfare Programs

Immigrant Category	Food Stamps	Medicaid	SSI	TANF
Asylees and Refugees	Eligible for 7 years after arrival	Eligible for 7 years after arrival, then State option	Eligible for 7 years after arrival	Eligible for 5 years after arrival, then State option
LPRs				
• with substantial work history	Eligible	Eligible	Eligible	Eligible
• without substantial work history (unless meeting eligibility requirements shown below)	Ineligible until naturalized	Ineligible until naturalized, except for emergency services	Ineligible until naturalized	Ineligible until naturalized
• legally resident as of 8/22/96 • disabled, legally resident as of 8/22/96 • elderly, legally resident as of 8/22/96 • under 18, legally resident as of 8/22/96	Eligible	State option; required for SSI recipients	Eligible if received benefits as of 8/22/96	State option
• with military connection (active duty or honorably discharged, and immediate families)	Eligible	Eligible	Eligible	Eligible
• entering after 8/22/96	Barred for 5 years; then State option	Eligible only for emergency services	Ineligible	Barred for 5 years; then State option
Noncitizens with Military Connections	Eligible	Eligible	Eligible	Eligible
Nonimmigrants	Ineligible	Eligible only for emergency services	Ineligible	Ineligible
Unauthorized aliens	Ineligible	Eligible only for emergency services	Ineligible	Ineligible
United States Citizens (native-born and naturalized)	Eligible	Eligible	Eligible	Eligible

Sources: Compiled from National Center on Poverty Law, "Immigrants' Eligibility for Federal Benefits," by Tanya Broder and Dinah Wiley, pp. 152-165 in *Poverty Law Manual for the New Lawyer*, p. 155; Administration on Aging, "Balanced Budget Act of 1997 restoring eligibility of qualified alien in receipt of SSI on August 22, 1996," <http://www.aoa.gov/ prof/civil_rights/Non_citizens/wri/ update.asp.> U.S. Department of Agriculture, Food and Nutrition Service, "A Short History of the Food Stamp Program," <http://www.fns.usda.gov/fsp/rules/ Legislation/history.htm>.

Additional changes were made in 1998 in the Agriculture Research, Extension, and Education Reform Act of 1998. This law restored food stamp eligibility to immigrants with disabilities, children under 18, and immigrants who were at least 65, provided that they were already in the United States on August 22, 1996. Hmong and Laotian tribe members were among other groups that also regained eligibility for food stamps.[112] In addition, the period of eligibility for food stamps, SSI, and Medicare for refugees and asylees was extended from 5 to 7 years.

In 2002, the Food Security and Rural Investment Act reauthorized the Food Stamp Program and restored food stamp eligibility to qualified aliens who have been in the United States for at

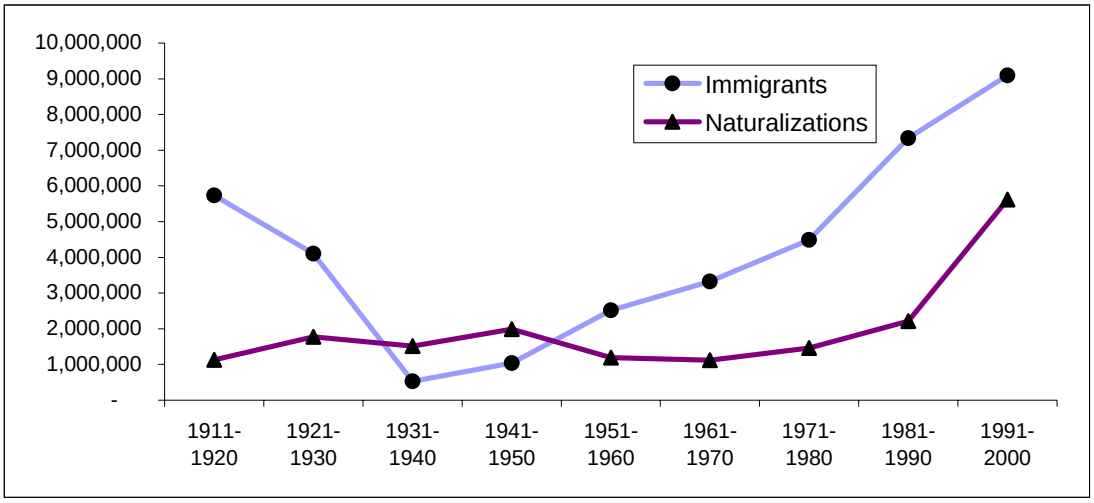
least 5 years and to immigrants receiving certain disability payments and for children, regardless of how long they have been in the country.[113]

A list of the citizenship and naturalization laws of the United States appears in Appendix I.

Immigration

Naturalization rates can be understood in relation to immigration rates. (See Figure 1.) However, there is a lag between the time a person immigrates and the date of naturalization. This is because immigrants generally do not become eligible for naturalization until after they have been permanent residents for 5 years. (Permanent resident status is dependent upon having obtained an immigrant visa or having adjusted status once in the United States.) In fact, the median number of years between the date of legal permanent residence and the date of naturalization is approximately 8 years.[114] Naturalization is also impacted by the application process, the review of petitions, and other administrative and legal circumstances affecting U.S. Citizenship and Immigration Services and its predecessor agencies.

Figure 1. Immigration and Naturalization, 1911-2000



Source: Derived from *2002 Yearbook of Immigration Statistics,* Oct. 2003, Tables 1 and 34.

The Naturalization Act of 1906 established fundamental procedural safeguards for naturalization and provided for uniform processing of naturalization applications. Data on naturalizations collected after this time reflect the motivations and circumstances of immigrants to the United States in preceding years. For instance, immigration was high during the first 2 decades of the 20th century and, as a result, the number of persons naturalizing remained at a consistent level between 1907 and 1940.

1901 to 1920

Immigration during the first 2 decades of the 20th century was a continuation of the high immigration experienced at the end of the 1800s. More than 14.5 million immigrants were admitted to the United States during this time. In 1907 alone, almost 1.3 million immigrants arrived. Unemployment, political unrest, and persecution were prime factors in the mass migration from Europe. New opportunities and religious freedom, as well as the development of cheaper transportation, spurred many immigrants to come to America. In addition, the many individuals who had immigrated to the United States in the late 1800s provided a conduit for further immigration in the early 1900s.[115] Thus, as seen in Figure 1, as these immigrants became eligible for naturalization, the number of persons naturalizing began to rise. Between 1911 and 1920, the number of naturalizations remained at a steady and slightly increasing level.

1921 to 1940

Wartime legislation providing for the naturalization of alien soldiers and of women married to U.S. citizens provided greater opportunities for people to become U.S. citizens in the 1920s.[116] However, anti-immigrant legislation during this time ultimately led to a decline in immigration and a subsequent decline in naturalization a few years later. For example, the Immigration Act of 1917 broadened the classes of deportable aliens and excluded illiterate aliens from entry. In addition, the law restricted immigration from Asia. Further, the Quota Law of 1921 imposed numerical restrictions on immigration.[117] Two years later, the Immigration Act of 1924 established the national origins quota system which was designed to reduce the overall level of immigration and to manage immigration by country of origin.[118]

As a result, immigration decreased significantly between 1921 and 1940. This decline was also influenced by a world-wide economic depression following World War I, and the beginning of World War II in Europe. By 1933, immigration reached its lowest point in a century – only 23,000 immigrants were admitted to the United States that year, a 90 percent decrease from 1930. After 1933, immigration increased slightly, but remained low. As World War II approached, the number of people fleeing persecution in Europe accounted for an increasing proportion of immigrants to the United States.[119]

Between 1921 and 1940, almost 3.3 million people were naturalized, continuing the upward trend of the previous decades. During this period, naturalizations maintained a slow and steady increase, but the effects of significantly decreased immigration during this time can be seen in the following decades.

1941 to 1960

During World War II, immigration to the United States remained low: between 1942 and 1944, fewer than 30,000 immigrants were admitted to the United States each year. However, by 1946, immigration began to increase and by the mid-1950s between 200,000 and 300,000 immigrants were arriving in the United States each year. In 1955, for example, 237,790 immigrants were admitted to the United States. The next year, over 321,000 immigrants were admitted.[120] Since then, the number of immigrants has continued to increase.

The overall level of immigration during this time also was affected by legislation. The Displaced Persons Act of 1948 provided for the entry of nearly 410,000 refugees through 1960. In addition, the Immigration and Nationality Act of 1952, while reaffirming the national origins quota system, relaxed the restrictions against immigration from Asia, resulting in an increase in immigration from that area.[121] In the following year, the Refugee Relief Act was passed, providing for the issuance of special nonquota visas, allowing 189,000 refugees to become permanent residents of the United States between 1953 and 1960.[122]

Despite a decline in immigration of the 1930s and 1940s, the number of naturalizations in the 1940s reached over 1.9 million – no doubt in reaction to heightened patriotism during World War II. Naturalizations increased to more than 400,000 in 1944, not reaching that level again until the 1990s.

There was also a large number of military naturalizations during the 1940s (149,799 compared to 19,891 the previous decade). By 1950, the fast rise in the number of naturalizations had. However, overall number of naturalizations between 1941 and 1960 was just under 3.2 million.[123]

1961 to 1980

Between 1961 and 1980, immigration increased by more than 50 percent in comparison to the previous two decades. One reason for this was the passage of the Immigration Act of 1965 which abolished the national origins quota system and allowed immigrants from high-demand countries to enter in larger numbers. As earlier, the law also permitted the entry of immediate relatives of U.S. citizens without numerical limitation, and added parents of adult U.S. citizens to the category, which had previously only included spouses and children of U.S. citizens. After 1965, immigration from many countries, including Korea, the Philippines, Jamaica, the Dominican Republic, Cuba, and Mexico, increased.[124]

Also during this time, there was an increased focus on accommodating emergency migration. As a result of the Vietnam conflict, more than 130,000 Vietnamese and Cambodians were evacuated to the United States in 1975. Cubans represented a large proportion of entries as well. Almost 125,000 Cubans entered the United States during the Mariel boatlift in 1980.[125]

Refugees are defined in law as persons who cannot return to their home country because of persecution or a well-founded fear of persecution on the basis of their race, religion, nationality, membership in a particular social group, or political opinion.

The Refugee Act of 1980 established the definition of a refugee in U.S. law and set out refugee and asylum policy. Refugees are defined in law as persons who cannot return to their home country because of persecution or a well-founded fear or persecution on the basis of their race, religion, nationality, membership in a particular social group, or political opinion. Refugees apply for admission to the United States while overseas; the number of refugees admitted to

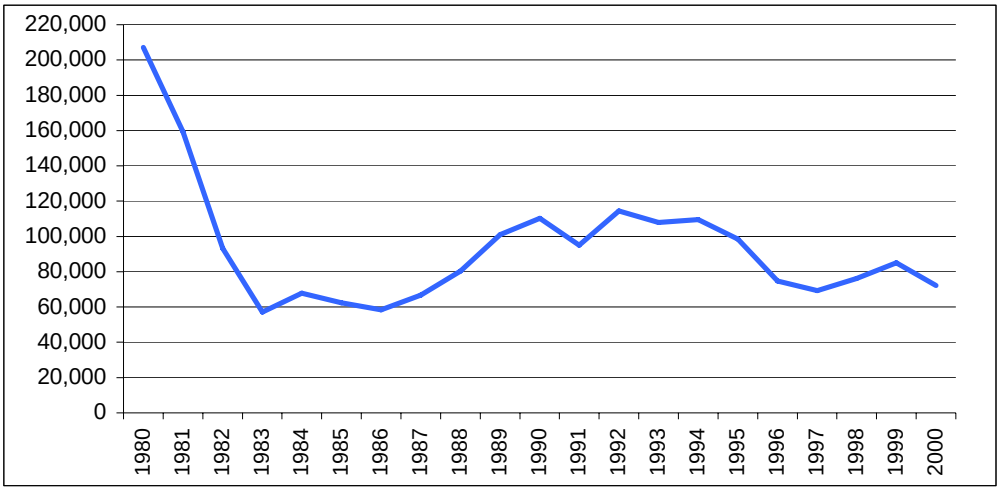
the United States is based on annual limits established by the President in consultation with Congress. Asylees are persons who meet the definition of refugee, but they apply for admission within the United States or at a port of entry. After one year in refugee or asylees status, an individual may apply for adjustment of status to permanent resident. However, while there are no limits to the number of refugees who may adjust status, asylee adjustments are limited to 10,000 per year.[126]

During the 1960s and 1970s, approximately 2.5 million people were naturalized, far below the levels of previous years. Between 1961 and 1969, the number of naturalizations declined from 132,450 to only 98,709. Beginning in 1970, naturalizations slowly began to increase in comparison to the 1960s. More than 170,000 persons naturalized in 1977, the most in any year during the 1970s.[127] This small increase in naturalizations was in response to the greater propensity of immigrants admitted under the 1965 Act to naturalize, so they could bring close family members to join them in the United States, as well as legislation passed in 1967 and 1968 aimed at facilitating naturalization for certain groups of people, including noncitizen employees of U.S. nonprofit organizations, noncitizens serving in the armed forces, and surviving spouses of U.S. citizens who had served in the armed forces.[128]

1981 to 2000

An unprecedented number of refugees arrived in the United States during the 1980s, including a large number of refugees from Vietnam, Laos, and Cambodia.[129] In 1989, over 101,000 refugees were admitted to the United States. Refugee admissions remained high in the first half of the 1990s, peaking at 114,498 in 1992. (See Figure 2.)

Figure 2. Refugee Admissions, 1982-2000



Sources: *1986 Statistical Yearbook of the Immigration and Naturalization Service,* p. 42; *1998 Statistical Yearbook of the Immigration and Naturalization Service,* p. 96; *2002 Yearbook of Immigration Statistics,* p. 62; U.S. Department of State, Bureau of Population, Refugees, and Migration, "Summary of Refugee Admissions." Data collected before 1996 may not be comparable to later years. Data from the State Department includes Amerasian Immigrants.

The number of immigrants admitted to the United States also increased during the 1980s and 1990s. During these 2 decades over 16 million immigrants arrived in the United States (see Figure 1). Legislation enacted during this period had a significant impact on the number of persons immigrating to the United States and becoming citizens.

In 1986, the Immigration Reform and Control Act (IRCA) provided for permanent resident status for undocumented aliens who had resided in the United States in an unlawful status since January 1, 1982, and for persons who qualified under the Special Agricultural Worker program (who were required to have worked for certain periods of time between 1984 and 1986).[130] In 1990, 70 percent of the immigrants admitted to the United States as permanent residents did so as adjustments under IRCA programs.[131] Over 2.6 million undocumented aliens were granted permanent resident status under this law between 1989 and 1992.[132]

Major revisions to U.S. immigration law were made with the passage of the Immigration Act of 1990. This law restructured the immigrant categories of admission and provided for increased immigration for certain categories, including family members and highly skilled workers. Changes made by the law were phased in over several years. By 1995, the annual limit for immigration was set at 675,000, although many immigrants are not subject to the annual cap, such as immediate relatives of U.S. citizens (which includes spouses, children, and parents). Further, the annual limit is adjusted based on visa usage in the previous year. Thus, the number of immigrants admitted may exceed the cap if unused visas are available from the previous year.[133]

The number of naturalizations continued the upward trend that began in the 1970s. Partially in response to the large numbers of refugees admitted since the 1970s, naturalizations neared or exceeded 200,000 for much of the 1980s. Approximately 2 million people were naturalized during that decade.

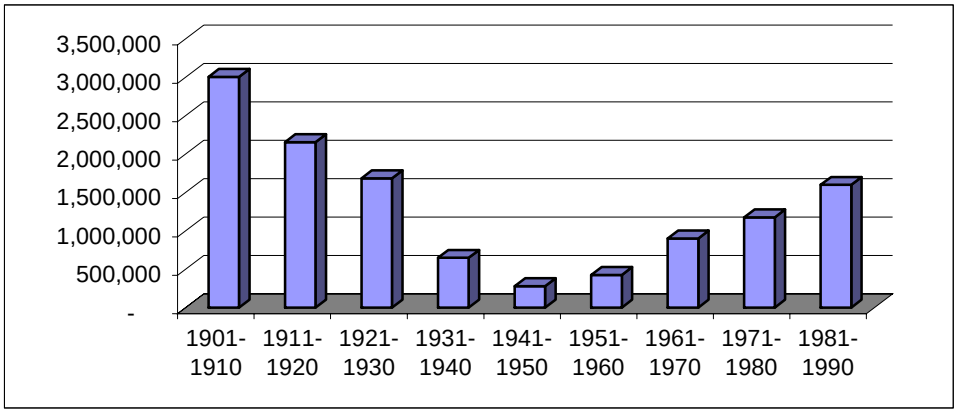
Increasing numbers of immigrants naturalized in the 1990s, perhaps due in part to the discussion and then passage of legislation restricting public benefits for non-citizens: the Personal Responsibility and Work Opportunity Act of 1996 and California's Proposition 187. Another factor affecting changes in naturalization rates in the 1990s was the mandatory green card replacement program under which the fees associated with green card replacement program prompted many immigrants to opt for naturalization rather than renew their green cards. Increased possibilities for dual citizenship and the eligibility of 2.6 million aliens who had legalized under IRCA (and the resulting ability to bring relatives legally into the United States) also spurred naturalizations.[134] During the 1990s, more than 5.6 million persons were naturalized. In 2000 alone, 888,788 people naturalized.[135]

Emigration

Emigration of persons from the United States is difficult to measure, yet it is a key component of population change in the United States. Further, an understanding of who emigrates and when is crucial to understanding the data on immigration and naturalization.

The official collection of statistics on emigration of aliens was discontinued in 1957, but estimates suggest that emigration is on the rise. It has been estimated that 1.6 million people emigrated from the United States during the 1980s.[136] (See Figure 3.)

Figure 3. Emigration from the United States, 1901-1990



Source: Immigration and Naturalization Service, *The Triennial Comprehensive Report on Immigration*, 2002, p. 33. Data for years after 1957 are estimates.

Researchers have provided a variety of estimates of emigration, which include the number of U.S. citizens living abroad,[137] foreign-born emigration from the United States, and native-born emigration from the United States. Estimates of net emigration and return migration (from the United States to the original sending country) are important for a clear understanding of the impact of immigration and naturalization on the United States and for policy development and program planning purposes. For example, in a study of return migration to Mexico, a researcher at the Public Policy Institute of California suggested:

> ... beyond using estimates of the net number of immigrants, the debate over immigration has virtually ignored the possibility that return migration may affect the costs of immigration, the composition of the immigrant population in the United States, or estimates of how well immigrants assimilate. The failure to consider return migration could have unforeseen results for policy: If return migration is large and selective (that is, those who return are different from those who stay), policymakers run the risk of making immigrant policy decisions based on inaccurate data or faulty assumptions.[138]

Similarly, a 1988 report from the General Accounting Office emphasized the importance of collecting data on emigration. According to the report:

> Better emigration data would be useful in several respects. The improvement in the ability to measure emigration would provide a more realistic indicator of the long-term

> effect of immigration to the United States; improve the ability to forecast trends in immigration; demonstrate the effect of immigration for the newly-required, periodic, immigration-impact report; be useful for estimating the rate, size, and distribution of U.S. population growth; and finally, improve the ability to estimate the changes in the number of illegal immigrants.[139]

Understanding emigration is important to understanding the immigration processes within the United States, such as citizenship and naturalization. For example, an understanding of which immigrants stay in the United States and which return to their home country or migrate elsewhere can have an impact on citizenship policy. Knowing whether those who emigrate are U.S.-born citizens, naturalized citizens, or permanent residents and when in the life cycle emigration occurs also can assist researchers and policymakers in having a better understanding of naturalization rates and the decision to naturalize.

Estimates of the Emigration of Foreign-Born Residents

For its 1995-1997 population estimates, the U.S. Census Bureau used an estimate of 220,000 foreign-born residents of the United States emigrating to other countries per year. Their projections suggest that by 2005 over 300,000 foreign-born U.S. residents will emigrate each year. Statistics on U.S. residents migrating to other countries published by the United Nations and the Economic Commission for Europe is likely to be well above 200,000 foreign-born persons annually.[140]

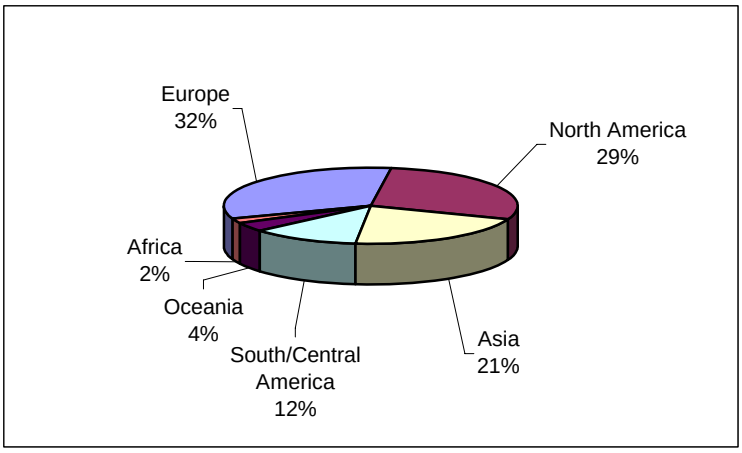
The top destinations for these individuals are Mexico, the United Kingdom, Germany, and Canada. These estimates are based on the size of the foreign born population and the composition of the foreign born population by age, sex, and country of birth.[141] However, the citizenship status of these emigrants is unknown.

Estimates of the Emigration of U.S.-Born Citizens

Few studies have been done of the emigration of U.S. citizens who were born in the United States. In 1995, a researcher at the Census Bureau estimated an annual rate of U.S.-born emigration using Census data and State Department information from the 1980s. His findings suggested that native-born U.S. citizens emigrate at a rate of approximately 48,000 per year. The study found that 8,299 of the estimated emigrants went to Mexico and another 5,825 emigrated to Canada. Saudi Arabia and Israel each were the destination for over 3,100 emigrants. Other countries welcoming comparatively large numbers U.S. emigrants were Great Britain (2,820), the Philippines (2,701), and Greece (2,015).[142]

When comparing emigration destinations by region, the Census Bureau study showed that 32 percent of native-born U.S. emigrants go to Europe and another 29 percent go to neighboring North American countries. Twenty-one percent of the U.S.-born emigrants go to Asian countries, including Middle Eastern countries such as Israel and Saudi Arabia. (See Figure 4).

Figure 4. Native Born U.S. Emigration, by Destination, 1980



Source: Edward W. Fernandez, "Estimation of the Annual Emigration of U.S. Born Persons by Using Foreign Censuses and Selected Administrative Data: Circa 1980," January 1995, <http://www.census.gov/population/ www/documentation/wps0010/ twps0010.html>. Note: South/Central America also includes Caribbean countries.

Estimates from International Data

Another potential indicator of the extent of emigration from the United States can be found in the naturalization data of other countries. The Migration Policy Institute (MPI) compiles data from various sources around the world, including government statistical agencies. Included in the data collected by MPI is information on persons from the United States who become citizens in other countries.[143] Data for 2002 are show in Table 2.

Table 2. U.S. Citizens Naturalizing in Other Countries, 2000

Country of New Citizenship	Number of U.S. Citizens Naturalizing	Percentage of all Naturalizations
Canada	3,180	1.48%
United Kingdom	1,615	1.97%
Australia	1,004	1.39%
The Netherlands	160	0.32%
Germany*	98	0.08%
Norway	54	0.57%
Austria	37	0.15%
Sweden	33	0.8%

* Data for Germany are for 1999. Source: Derived from Migration Policy Institute, Migration Information Source, <http://www.migrationinformation.org/ GlobalData/countrydata/data.cfm>.

In 2000, approximately 1,000 U.S. citizens naturalized in Australia, accounting for 1.4 percent of all naturalizations in that year. In Canada, over 3,000 U.S. citizens naturalized, representing 1.5 percent of the new Canadian citizens that year. The United Kingdom also welcomed a large

number of Americans as new citizens in 2002 – 1,615 U.S. citizens became British citizens, about 2 percent of all British naturalizations in 2000.

Comparative Naturalization Statistics

Table 3 presents the total number of naturalizations in 2000 for selected countries, by region of former nationality. By far, the United States had the highest number of naturalizations in that year. However, when naturalizations are considered as a percentage of the total population of the country, the United States is similar to other countries.

Table 3. Acquisition of Citizenship by Former Nationality and New Country of Citizenship, 2000

	Australia	Austria	Canada	Germany*	Netherlands	Norway	Sweden	United Kingdom	United States
Total Population	**19,153,000**	**8,102,000**	**30,769,000**	**82,282,000**	**5,898,000**	**4,473,000**	**8,856,000**	**58,689,000**	**285,003,000**
Total Number of Naturalizations	***72,070***	***24,645***	***214,568***	***241,972***	***49,968***	***9,517***	***43,474***	***81,830***	***888,788***
Naturalizations as a Percent of the Total Population	***0.4%***	***0.3%***	***0.7%***	***0.3%***	***0.3%***	***0.2%***	***0.5%***	***0.1%***	***0.3%***
Region of Former Nationality:									
Africa	**5,429**	**1,400**	**16,395**	**9,411**	**18,100**	**704**	**4,634**	**21,925**	**21,678**
Eastern	1,411	38	4,906	1,344	1,960	440	3,613	6,325	5,761
Middle	13	NR	991	177	624	11	116	465	440
Northern	798	882	6,546	7,049	14,342	166	505	3,955	5,019
Southern	3,003	20	1,346	65	102	2	20	1,675	1,736
Western	204	342	2,597	776	1,072	85	380	9,495	8,722
Americas	**2,757**	**357**	**21,531**	**1,110**	**3,593**	**469**	**1,893**	**6,965**	**378,192**
Caribbean	29	30	8,389	173	307	26	196	2,990	85,169
Central	175	35	3,721	173	135	44	204	190	225,641
Northern	1,620	49	3,239	124	211	69	36	2,375	13,692
South	933	157	6,182	640	2,940	330	1,457	1,410	53,690
Asia	**26,717**	**9,964**	**133,660**	**164,744**	**13,312**	**4,697**	**12,699**	**43,260**	**312,118**
Eastern	8,805	585	55,939	1,026	1,185	274	605	2,325	92,965
South-central	6,625	1,250	46,388	54,015	3,158	2,228	3,800	27,105	74,715
South-eastern	7,491	621	20,587	4,040	1,304	1,051	1,496	3,765	116,878
Western	3,796	7,491	10,702	105,663	7,665	1,144	6,768	10,065	27,560
Europe	**23,290**	**12,761**	**40,221**	**64,071**	**7,529**	**3,586**	**22,042**	**5,670**	**108,362**
Eastern	1,576	4,798	17,286	50,069	1,694	573	1,347	2,410	60,072
Northern	13,348	5	5,977	591	483	621	2,189	275	23,303
Southern	7,286	7,767	13,515	11,812	4,463	2,259	18,249	2,135	16,397
Western	1,081	191	3,443	1,599	889	133	257	850	8,590
Oceania	**12,711**	**11**	**1,067**	**18**	**34**	**12**	**6**	**1,670**	**2,586**
Stateless/ Unknown/Other	**1,166**	**152**	**1,694**	**2,618**	**7,400**	**49**	**2,230**	**2,285**	**65,852**

* German data are for 1999. NR=not reported. NA=not applicable. Source: Derived from Migration Policy Institute, Migration Information Source, http://www.migrationinformation.org/ lobalData/countrydata/data.cfm>. These data are collected from a wide variety of sources and are not necessarily comparable. MPI provided naturalization data by former nationality for only 9 countries.

In Austria, Germany, the Netherlands, and the United States, the newly naturalized citizens represented 0.3 percent of the national population. The United Kingdom and Norway naturalized smaller proportions of new citizens: 0.1 percent and 0.2 percent of the total population, respectively. In comparison, Australia and Sweden were slightly above average – the individuals naturalized in 2000 accounted for 0.4 percent and 0.5 percent of their respective populations that year. Canada, however, naturalized the most individuals per capita: persons naturalized in 2000 represented 0.7 of the Canadian population that year.

What is more telling is the former nationality of citizens. In six of the nine countries shown in Table 4, the majority of new citizens in 2000 were from Asia and Europe. However, in the Netherlands and the United Kingdom, newly naturalized citizens were most likely to be African or Asian in origin. In the United States, on the other hand, most naturalized citizens in 2000 were from the Americas or Asia. These patterns are reflective of geographical proximity, past immigration patterns, and the historical ties between sending and receiving countries (such as past colonial or guest worker relationships).

Table 4. Percentage of Naturalizations by Region of Former Nationality and Country of New Citizenship, 2000

	Australia	Austria	Canada	Germany*	Netherlands	Norway	Sweden	United Kingdom	United States
Total No. of Naturalizations	***72,070***	***24,645***	***214,568***	***241,972***	***49,968***	***9,517***	***43,474***	***81,830***	***888,788***
Region of Former Nationality:									
Africa	7.5	5.7	7.6	3.9	**36.2**	7.4	10.7	**26.8**	2.4
Americas	3.8	1.4	10.0	0.5	7.2	4.9	4.4	8.5	**42.6**
Asia	**37.1**	**40.4**	**62.3**	**68.1**	**26.6**	**49.4**	**29.2**	**52.9**	**35.1**
Europe	**32.3**	**51.8**	**18.7**	**26.5**	15.1	**37.7**	**50.7**	6.9	12.2
Oceania	17.6	0.0	0.5	0.0	0.1	0.1	0.0	2.0	0.3

* German data are for 1999. Source: Derived from Migration Policy Institute, Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>.

In Germany and the United Kingdom, nationals of countries in western and south-central Asia[144] rank high among naturalized persons. For example, in 1999, 101,393 individuals from Kazakhstan naturalized in Germany, a majority of them ethnic Germans. A large number of persons from Turkey (31, 578) also naturalized in Germany in 1999.[145] This corresponds to the large foreign-born population, which comprised 8.9 percent of the total population in 2000. Many of these individuals are originally from former guest worker countries, such as Turkey. In fact, since 1972, 425,000 Turks have been naturalized in Germany, and another 2 million Turkish citizens, of whom 750,000 were born in Germany, reside in Germany.[146]

South Americans, particularly individuals from Suriname, a former Dutch colony, naturalize in large numbers in the Netherlands. In 2000, just over 2,000 Suriname nationals naturalized in the Netherlands. Reflective of past guest worker relationships, the top sending region for the Netherlands is Northern Africa. In 2000, 13,471 individuals from Morocco alone became newly naturalized citizens.[147]

Geographical proximity also accounts for international variations in naturalization rates. Central America[148] was the region of origin for the majority of naturalized U.S. citizens in 2000. Similarly, persons from nearby New Zealand, for whom entry and visa requirements are relaxed, accounted for 15 percent of the newly naturalized Australian citizens in 2000.[149] (See Figure 5.)

Figure 5. Top 5 Regions of Origin for Naturalized Countries, 2000

United States
• Central America • South-eastern Asia • Eastern Asia • Caribbean • South-central Asia

Australia	Austria	Canada	Germany*
• Northern Europe • Oceania • Eastern Asia • South-eastern Asia • Southern Europe	• Southern Europe • Western Asia • Eastern Europe • South-central Asia • Northern Africa	• Eastern Asia • South-central Asia • South-eastern Asia • Eastern Europe • Southern Europe	• Western Asia • South-central Asia • Eastern Europe • Southern Europe • Northern Africa

Netherlands	Norway	Sweden	United Kingdom
• Northern Africa • Western Asia • Southern Europe • South-central Asia • South America	• Southern Europe • South-central Asia • Western Asia • South-eastern Asia • Northern Europe	• Southern Europe • Western Asia • South-central Asia • Eastern Africa • Northern Europe	• South-central Asia • Western Asia • Western Africa • Eastern Africa • Northern Africa

* German data are for 1999. Source: Derived from Migration Policy Institute, Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>.

Characteristics of Those who Naturalize

Research has shown that the persons most likely to naturalize are those who were young when they became legal permanent residents and those who entered as refugees. One study of immigrants admitted for legal permanent residence in 1977 and in 1982, found that the probability of naturalization was highest among refugees, Asian-born immigrants, younger immigrants, and those employed in professional or managerial occupations. A follow-up study of immigrants admitted in 1989 produced similar findings. Thus, it may be that immigrants with these characteristics have stronger ties to the United States compared to other immigrants, therefore providing a stronger motivation to naturalize.[150]

Before 1965, the majority of persons immigrating to, and therefore naturalizing in, the United States were born in Europe.[151] This was due to the immigration quotas in effect which strongly favored immigration from those countries. This group also included individuals displaced by the war and persons who had married members of the American armed forces during and after World War II.[152] Although the proportion of immigrants from European countries declined between 1900 and 1960, Europeans consistently represented more than half of all immigrants coming to the United States.[153] As a result, naturalization of individuals from European countries also was high. For example, in the 1950s, Europeans accounted for 72.3 percent of persons naturalizing that decade (see Table 5).[154]

Table 5. Percent of Persons Naturalizing, by Region of Birth and Decade, 1950-1990

	1951-1960	1961-1970	1971-1980	1981-1990
Europe	72.3	62.4	30.8	15.4
North America	17.9	20.9	28.1	26.2
Asia	7.8	12.9	33.5	48.8
South America	*	2.2	5.3	6.5
Other	2.0	1.5	2.3	3.1

Source: *1990 Statistical Yearbook of the Immigration and Naturalization Service*, p. 139.
* South America combined with "other" for 1951 to 1960.

However, with the phasing out of the quota system in 1965, immigration from Asia grew substantially while immigration from European countries began to decrease. These immigration trends are mirrored in the naturalization statistics. As seen in Table 1, between 1960 and 1990, as immigration from Europe declined and immigration from Asia increased, so too did the proportions of naturalizations of individuals from those regions.[155]
As the number of persons naturalizing rose in the 1990s, the regional impact shifted as well. In the 1990s, almost half of all naturalizations were of persons born in North American countries. Much of this increase has been attributed to the passage of IRCA, which legalized large numbers of unauthorized immigrants.[156]

Although Asia remains the leading region of origin for persons naturalizing (41 percent of persons naturalized in 2001 were from Asian countries), about one-third of all persons naturalizing are from North American countries. In 2002, Mexico was the leading country of birth of persons naturalizing, accounting for 13 percent of all new citizens.[157]

Expectedly, the median age at naturalization is higher than the median age at immigration, primarily due to the 7- to 10-year lag time between immigrating and naturalizing. Data from the Office of Immigration Statistics show that the largest proportion of persons who naturalize are between 30 and 44 years of age. In 2002, nearly 42 percent of persons naturalizing were in that age group.[158] The largest number of immigrants fall within the ages 25 and 34 years. For example, between 1988 and 2002, approximately 25-30 percent of the persons who immigrated each year were between 25 and 34,[159] which is about 10 years younger than the typical age of naturalization.

The majority of persons who naturalize live in the locations with the highest concentrations of immigrants. The states with the highest numbers of persons naturalizing in 2002 were California and New York, with 149,554 and 94,276 persons naturalizing, respectively. Those two States along with Florida, Texas, Illinois, and New Jersey accounted for 68 percent of newly naturalized citizens in both 2001 and 2002.[160] These six States have been the primary destination of legal immigrants admitted every years since 1971.[161]

Persons in white-collar occupations (executive, managerial, professional, technical, sales, and administrative positions) appear to be slightly more likely to naturalize than persons in other occupations. In 2002, 26 percent of the persons naturalized that year where in white-collar occupations, while 21 percent were in blue-collar occupations (operator, fabricator, laborer, precision production craft and repair, and service positions).[162] This is similar to earlier cohorts of naturalized persons. One study showed that for the 1977 and 1982 cohorts of immigrants who later naturalized, 20-25 percent held white-collar jobs.[163] Thus, it may be that white-collar jobs and jobs that provide more income and stability may lead to naturalization.

Reasons for Naturalizing

A traditional view of migration and citizenship is that individuals settle in a new country and take on the "political identity" of that country, becoming firmly attached to the values and culture of their new home.[164] However, reasons for migrating and the decision of whether to become a citizen, are varied. As one author states:

> Immigrants have always come to the United States for a mixture of economic, ideological, and personal reasons. Some become citizens as quickly as they can, others soon return home, whereas still others regard permanent adjustment to American life with ambivalence. … For many immigrants, becoming a citizen is a painful psychological and spiritual process.[165]

One summary of the existing literature on naturalization notes several factors that may influence the decision to naturalize, including: governmental policies that encourage naturalization, legislative changes, and the existence of ethnic communities in the new country. However, the authors suggest that age, gender, work status, family, social relations, and return migration all influence naturalization decisions.[166] The authors also state that on one hand, individuals may be reluctant to naturalize because they see it as a "betrayal of their allegiance to their home country" and they may plan to return to that country one day. On the other hand, others may find that becoming a U.S. citizenship may provide important benefits – including the right of re-entry which would their facilitate movement between the United States and their countries of origin.[167]

Some authors have noted that recent changes in laws concerning access to public benefits have served as an incentive to naturalize. For example, researchers at the Urban Institute state that "The importance of naturalization – and citizenship – has risen since the mid-1990s, when welfare and illegal immigration reform based access to public benefits and selected rights

increasingly on citizenship."[168] Nonetheless, there is little definitive information concerning the reasons people become U.S. citizens.

Summary

As this section has shown, the path to naturalization closely follows the immigration experience. Naturalization rates and the characteristics of naturalized citizens reflect the circumstances of immigration: the majority of persons who immigrate, and later naturalize, are younger persons, between the ages of 25 and 34. The largest concentrations of persons naturalizing are found in the areas where the most immigrants tend to settle – California, New York, Florida, Texas, Illinois, and New Jersey.

Further, naturalization may be expected when immigration is the result of political reasons (such as persons fleeing persecution or other conditions in a country), or when immigration is the result of family reunification policies which permit U.S. citizens to bring family members to the United States. Other political reasons, such as fear of deportation or loss of benefits, such as with the 1996 welfare reform, may have an impact on the decision to naturalize.

SECTION IV

THE PROCESS OF BECOMING A U.S. CITIZEN

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer …

U.S. Commission on Immigration Reform, 1997

Requirements for Naturalization

The requirements for naturalization vary depending on the provisions of various laws. In general, however, a person must be at least 18 years of age, must be a permanent resident, and must have resided in the United States continuously for at least 5 years. Immigrants naturalizing under the general provisions account for approximately 90 percent of all naturalizations.[169] Table 6 below summarizes the various requirements for naturalization in the United States.

General Requirements[170]

To apply for naturalization, applicants –

- ✓ must be at least be 18 years old;
- ✓ must have been lawfully admitted to the United States for permanent residence**;**
- ✓ must have **resided continuously** as a lawful permanent resident in the United States for **at least 5 years** prior to filing for naturalization (with no single absence from the United States for more than 1 year);
- ✓ must have been **physically present** in the United States **for at least 30 months out of the previous 5 years;**
- ✓ must show that he or she has been a person of **good moral character** for the statutory period, though USCIS is not limited to the statutory period in determining whether an applicant has established good moral character (see box below);
- ✓ must demonstrate that he or she **believes in and is** committed **to the principles of the Constitution** of the United States;

- ✓ must be **able to read, write, speak, and understand words in ordinary usage in the English language**

  Exemptions to this requirement:

  (1) applicants who, on the date of filing, have been residing in the United States as permanent residents for 15 years or more and are over age 55;
  (2) applicants who, on the date of filing, have been residing in the United States as permanent residents for 20 years or more and are over age 50;
  (3) applicants who have a medically determinable physical or mental impairment, where the impairment affects the ability to learn English.

- ✓ must demonstrate a **knowledge and understanding of the fundamentals of the history and of the principles and form of government of the United States**

  Exemptions:

  Applicants who have a medically determinable physical or mental impairment, where the impairment affects the ability to learn U.S. history and government are exempt from this requirement. Special consideration is given to applicants who have been permanent residents for at least 20 years and are over the age of 65.

Good Moral Character

The followings are examples of things that might show a **lack of** good moral character:

- any crime against a person with intent to harm
- any crime against property or the Government that involves fraud or evil intent
- two or more crimes for which the aggregate sentence was 5 years or more
- violating any controlled substance law of any State or country
- habitual drunkenness or drunk driving
- illegal gambling
- prostitution or commercialized vice
- polygamy
- lying to gain immigration benefits
- confinement in prison, jail, or similar institution for which the total confinement was 180 days or more during the last 5 years
- failing to complete any probation, parole, or suspended sentence before applying for naturalization
- recently having been ordered deported or removed
- terrorist acts
- involvement in smuggling illegal aliens into the United States
- willful failure to support dependents;
- persecution of anyone because of their race, religion, national origin, political opinion, or social group

Note: An applicant's failure to report his or her entire criminal history, regardless of whether such activity disqualifies the applicant (as identified above), could have a negative impact the adjudication of the application.

Spouses of U.S. Citizens[171]

Generally, certain lawful permanent residents married to U.S. citizens may file for naturalization after residing continuously in the United States for 3 years immediately preceding the filing of the application if:

- the applicant has been married to and living in a valid marital union with the same U.S. citizen spouse for all 3 years;
- the U.S. spouse has been a citizen for all 3 years and meets all physical presence and residence requirements; and
- the applicant meets all other naturalization requirements.

There are also exceptions for lawful permanent residents married to U.S. citizens stationed or employed abroad. Lawful permanent residents may not have to comply with the residence or physical presence requirements when the U.S. citizen spouse is employed by one of the following:

- the U.S. Government (including the U.S. Armed Forces);
- recognized U.S. religious organizations;
- U.S. research institutions;
- an American firm engaged in the development of foreign trade and commerce of the United States; or
- certain public international organizations involving the United States.

Military Personnel

Certain applicants who have served in the U.S. Armed Forces are eligible to file for naturalization based on current or prior U.S. military service. Such applicants file the N-400 Military Naturalization Packet.

Lawful Permanent Residents with 3 Years U.S. Military Service[172]

An applicant who has served for 1 year in the U.S. military and who is a lawful permanent resident is excused from any specific period of required residence, period of residence in any specific place, or physical presence within the United States if an application for naturalization is filed while the applicant is still serving or within 6 months of an honorable discharge.

To be eligible for these exemptions, an applicant must:

- have served honorably or separated under honorable conditions;
- completed 1 year or more of military service;

- be a legal permanent resident at the time of the applicant's interview with USCIS; or
- establish good moral character if service was discontinuous or not honorable.

Applicants who file for naturalization more than 6 months after termination of 1 year of service in the U.S. military may count any periods of honorable service as residence and physical presence in the United States.

Naturalization Applicants Who Have Served Honorably in Any Specified Period of Armed Conflict with Hostile Foreign Forces[173]

This is the only section of the Immigration and Naturalization Act that allows persons who have not been lawfully admitted for permanent residence to file their own application for naturalization. Any person who has served honorably during a designated period may file an application at any time in his or her life if, at the time of enlistment, reenlistment, extension of enlistment or induction, such person was in the United States, the Canal Zone, American Samoa, or Swains Island, or on board a public vessel owned or operated by the United States for noncommercial service, whether or not he or she was lawfully admitted to the United States for permanent residence.

An applicant who has served honorably during any of the following periods of conflict is entitled to certain considerations:

- World War I,
- World War II,
- Korean Conflict,
- Vietnam Conflict,
- Operation Desert Shield/Desert Storm,
- Operation Enduring Freedom, and
- any other period which the President, by Executive Order, has designated as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with hostile foreign forces.

Applicants who have served honorably during any of these conflicts may apply for naturalization based on military service; no period of residence or specified period of physical presence within the United States or any State is required.

Anyone who has served honorably in the Armed Forces during a designated period of time may file an application for naturalization at any time if, at the time of enlistment, he or she was in the United States or other designated location, whether or not he or she was lawfully admitted to the United States for permanent residence.

Filipinos with Active Duty Service During World War II[174]

The Immigration Act of 1990 exempted certain Filipino World War II veterans from the lawful permanent residence requirement for naturalization. Filipinos with active duty service during World War II (between September 1, 1939 and December 31, 1946) in the Philippine Scouts, Commonwealth Army of the Philippines, or a recognized guerilla unit may be naturalized without having been admitted for lawful permanent residence or having enlisted or reenlisted in the United States. However, such persons were required to have filed for naturalization under this exemption by February 2, 1995.

Posthumous Citizenship[175]

The Posthumous Citizenship for Active Duty Service Act of 1989, as amended, provides a procedure for applying for U.S. citizenship for an alien who died while on active duty with the U.S. armed forces during certain periods of hostilities. Posthumous citizenship is an honorary status commemorating the bravery and sacrifices of the veteran, and it conveys no immigration benefits to the relatives of the decedent.

Applications for posthumous citizenship must be filed no later than November 2, 2004, or 2 years after the date of the veteran's death, whichever is later. The decedent's spouse, parent, child, sibling, or other designated representative (executor of the estate; guardian, conservator, or committee of next-of kin; or a service organization recognized by the Department of Veterans Affairs) may submit the application for posthumous citizenship (CIS form N-644).

Noncitizen Nationals

A noncitizen national may apply for citizenship if he or she has become a resident of any State and is otherwise qualified for naturalization (i.e., at least 18 and qualifies under other categories, such as military service, marriage to a U.S. citizen, etc.). Noncitizen nationals are not required to become legal permanent residents, and the time spent residing in American Samoa or Swains Island counts as time spent residing within a State of the United States for calculating continuous residence and physical presence. The other requirements are the same as for other naturalization applicants.

Foreign-Born Children

Residing in the United States

Under the Child Citizenship Act of 2000, as of February 27, 2001, both biological and adopted children of U.S. citizens automatically acquire citizenship when the following conditions are met:[176]

1. At least one parent is a U.S. citizen (by birth or naturalization.
2. The child is under the age of 18.

3. The child has been admitted as a lawful permanent resident.
4. If the child has been adopted, the adoption must be final.

Once all of these requirements are met, the child automatically becomes a citizen. No paperwork is necessary; however, the parent may obtain a U.S. passport for the child as evidence of citizenship (the requirements for obtaining a passport for the child are: evidence of the child's relationship to the U.S. citizen parent (such as a certified copy of the foreign birth certificate or final adoption decree), the child's foreign passport with the I-551 stamp or the child's resident alien card, and parent's valid identification[177]). Further evidence of citizenship may be requested by submitting Form N-600, "Application for Certificate of Citizenship."[178]

Residing Outside the United States

In order for a foreign-born child living outside the United States to acquire citizenship, the U.S. citizen parent must apply for naturalization on behalf of the child. Because the naturalization process cannot take place overseas, the child will need to be in the United States temporarily to complete naturalization processing and take the oath of allegiance. To be eligible, the following requirements must be satisfied:[179]

- ✓ At least one parent is a U.S. citizen, either by birth or naturalization.
- ✓ That parent has been physically in the United States for at least 5 years, at least 2 of which were after the age of 14, or the U.S. citizen parent has a citizen parent who has been physically in the United States for at least 5 years, at least 2 of which were after the age of 14.
- ✓ The child is under the age of 18.
- ✓ The child is residing outside the United States in the legal and physical custody of the U.S. citizen parent or, if the parent died, the U.S. citizen grandparent or legal guardian.
- ✓ The child is temporarily present in the United States, having entered the United States lawfully and is maintaining lawful status while in the United States.
- ✓ The child has met the requirements applicable to adopted children under immigration law.

For both either an adopted or biological child who normally resides outside the United States to be granted citizenship, the parent (or grandparent or legal guardian, in case of the parent's death) must submit Form N-600K, "Application for Citizenship and Issuance of Certificate under Section 322." If the naturalization application is approved, the child must take the oath of allegiance. If the child is too young to understand the oath, USCIS may waive the oath requirement.[180]

Table 6. General Naturalization Requirements

	General requirements	Minimum age	Residence in the United States	Must be physically present in the United States for –	Residence in State or District in which application is filed	English language ability	Knowledge and understanding of the history, principles, and government of the United States	Good moral character
General Applicants	✓ Applicant must be a lawful permanent resident (LPR) for 5 years at the date of application	18	5 years of continuous residence as LPR (no single absence from the United States for more than 6 months)	30 months of the previous 5 years (no single absence from the United States for more than 6 months)	3 months	Required	Required	Required
Spouse of U.S. Citizen	✓ Currently married to and living with a U.S. citizen ✓ Have been married to and living with that same U.S. citizen for the past 3 years ✓ The spouse has been a U.S. citizen for the past 3 years	18	3 years of continuous residence as LPR	18 months of the previous 3 years	3 months	Required	Required	Required
Military Personnel	✓ Served honorably or separated under honorable conditions ✓ Completed at least 1 year of military service ✓ Is a LPR at the time of application or interview ✓ Establishes good moral character if service was discontinuous or not honorable	18	Not required	Not required	Not required	Required	Required	Required
Noncitizen Nationals	✓ Has become a resident of any State ✓ Is otherwise qualified for naturalization	18	Same as other applicants, depending on qualifications. Time residing in American Samoa counts as residence in the United States. Noncitizen nationals are not required to be permanent residents.		3 months or not required, depending on qualifications.	Required	Required	Required
Children	Noncitizen children derive citizenship from their parents if (1) at least one parent of the child is a U.S. citizen, either by birth or naturalization; (2) the child is under the age of 18; (3) the child was admitted as a lawful permanent resident; (4) the child resides in the United States in the legal and physical custody of the U.S. citizen parent; and (5) if the child has been adopted, the adoption must be final. For foreign-born children residing abroad, parents must submit Form N-600K, "Application for Citizenship and Issuance of Certificate under Section 322."							

Note: This table presents general requirements for naturalization. For other applicant categories, exceptions, and more detailed information on naturalization requirements, see *A Guide to Naturalization* (Form M-476) on the U.S. Citizenship and Immigration Services Web site at http://www.bcis.gov/graphics/services/natz/guide.htm.

The Naturalization Process

Application process[181]

The application process involves several steps:

1. Application for naturalization
2. Fingerprints and criminal background check
3. Interview with USCIS
4. English and civics tests
5. Oath of allegiance

An individual begins the naturalization process by submitting the "Application for Naturalization," form N-400. Children deriving citizenship from naturalized parents use the "Application for a Certificate of Citizenship," Form N-600. Applications should be sent to the USCIS Service Center that services the location where the applicant lives, as shown in Table 7.

Table 7. Where to Submit a Naturalization Application

If Applicant Resides In:			Application should be sent to:
• Arizona • California • Commonwealth of the Northern Mariana Islands	• Hawai • Nevada • Territory of Guam		California Service Center P.O. Box 10400 Laguna Niguel, CA 92607-0400
• Alaska • Colorado • Idaho • Illinois • Indiana • Iowa	• Kansas • Michigan • Minnesota • Missouri • Nebraska • North Dakota	• Ohio • Oregon • Washington • Wisconsin • Wyoming	Nebraska Service Center P.O. Box 87400 Lincoln, NE 68501-7400
• Alabama • Arkansas • Florida • Georgia	• Kentucky • Louisiana • Mississippi • New Mexico	• North Carolina • Tennessee • Texas	Texas Service Center P.O. Box 851204 Mesquite, TX 75185-1204
• Connecticut • Delaware • District of Columbia • Maine • Maryland	• Massachusetts • New Hampshire • New Jersey • New York • Pennsylvania • Rhode Island	• Vermont • Virginia • West Virginia • Puerto Rico • U.S. Virgin Islands	Vermont Service Center 75 Lower Weldon Street St. Albans, VT 05479-0001
Overseas			Applications should be sent to the Service Center that services the USCIS office where the applicant wishes to be interviewed.
Currently in active duty status in the military			Personnel office can provide information on how to apply.

After the application is filed, the applicant will receive a letter from USCIS instructing the applicant when and where to have his or her fingerprints taken. Fingerprints are sent to the FBI to conduct a criminal background check. While this check is being conducted, USCIS may contact the applicant and request that he or she provide additional information or documents. Once USCIS has received all of the information it needs and the background check has been completed, USCIS will notify the applicant by mail of when the applicant's interview with USCIS has been scheduled.

During the interview, the applicant is asked about the evidence supporting the case and information concerning his or her background and character. The applicant is also questioned concerning her or her commitment to the principles of the constitution and willingness to take an Oath of Allegiance to the United States.

During naturalization interviews, USCIS officers test applicants on their ability to read, write, and speak English (unless applicants are exempt from the English requirements). Applicants also are tested on their knowledge of U.S. history, civics, and government. Such tests may consist of verbal questions or a written multiple-choice test.

→ If an applicant is unable to go to the interview at the time it is schedule, he or she must write to the office to request a new interview date. If the applicant does not go to the interview and does not contact USCIS beforehand, the application will be "administratively" closed. If the applicant does not contact USCIS within 1 year of the case being closed, the application will be denied.

After the interview, the applicant will receive a Form N-652 providing the results of the interview, i.e., if the application has been granted, continued, or denied.

- Granted: If USCIS grants the application for citizenship, the individual will be sent a notice instructing him or her when and where to take the oath of allegiance and officially become a citizen. In some cases and locations, the individual may be able to take the oath of allegiance on the same day as the interview.

- Continued: If the applicant does not pass the English and/or civics tests, or if USCIS requests additional documents, the case will be "continued." If this happens, the applicant will be asked to come back for a second interview, or to provide additional information.

- Denied: If USCIS denies the application, the applicant will receive a written notice explaining why it was denied. The applicant may request a hearing with a USCIS officer if he or she believes that the application was wrongly denied. The applicant must file a "Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the Act," form N-336, within 30 days of receiving a denial letter. If the applicant is denied citizenship after the hearing, he or she may file a petition for review of the decision in U.S. District Court.

To become a citizen, one must take the oath of allegiance in which the applicant swears to:

- Support the Constitution and obey the laws of the United States;
- Renounce any foreign allegiance and/or foreign title; and
- Bear arms for the Armed Forces of the United States or perform services for the government of the United States when required.[182]

In addition, applicants for naturalization who hold (or held) any hereditary title or order of nobility in a foreign state must renounce such title or order.[183]

Naturalization Oath of Allegiance to the United States of America

I hereby declare, on oath,
that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen;
that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;
that I will bear true faith and allegiance to the same;
that I will bear arms on behalf of the United States when required by the law;
that I will perform noncombatant service in the armed forces of the United States when required by the law;
that I will perform work of national importance under civilian direction when required by the law; and
that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

Judicial/Administrative Naturalization

Prior to 1991, naturalization was a matter over which the courts had exclusive jurisdiction. Applicants filed their applications with the Immigration and Naturalization Service (INS) and were interviewed by a naturalization examiner. Applicants also were required to file a petition for naturalization with the clerk of the court that had naturalization jurisdiction in the area where the applicant resided. After the INS examination of the application, the applicant attended a court hearing before citizenship was granted.[184]

The Immigration Act of 1990 amended many of the requirements for naturalization. In particular, the Act gave the INS sole authority for naturalization, thus restricting the courts' role in the naturalization process. The courts became involved only if an application was denied and the petitioner requested a judicial review of the decision.[185] However, in the following year miscellaneous and technical amendments were made to the 1990 Act, including the Judicial

Naturalization Ceremonies Amendments of 1991.[186] This law provided that each applicant for naturalization was allowed to choose whether he or she wished to have the oath of allegiance administered by the INS or by an eligible court. The law also permitted courts to retain exclusive authority to administer the oath. Courts wishing to retain such authority were to notify the Attorney General.[187]

For example, in accordance with this requirement the U.S. District Court for the District of Arizona issued the following order:

> "In accordance with the authority conferred by the Judicial Naturalization Ceremonies Amendments of 1991, the United States District Court for the District of Arizona has chosen to exercise exclusive jurisdiction in administering the oath of allegiance to naturalization applicants for the first forty-five days after a case is approved by the Immigration and Naturalization Service.
>
> IT IS ORDERED that the duly appointed and acting part-time United States Magistrate Judge Jay R. Irwin, officially stationed in Yuma, Arizona, shall be empowered and authorized to perform such naturalization ceremonies as additional duties that may be assigned pursuant to 28 U.S.C. § 636(B)(3)."[188]

Thus, courts retain exclusive jurisdiction for administering the oath for 45 days, beginning on the date that USCIS notifies the clerk of court that the applicant has been approved for naturalization (such notification must be made by USCIS within 10 days of the approval of the application). The court must notify USCIS when naturalization ceremonies have been scheduled within that 45-day period.[189] Then USCIS informs the applicant of when naturalization ceremonies will be held.[190]

Further changes were made to the administrative and judicial naturalization process in 1995 when the Attorney General amended the regulations to extend jurisdiction for administering the oath to Immigration Judges. Thus, in locations where courts have not elected to retain exclusive jurisdiction, the oath may be administered by immigration judges. In most locations, the Federal Court has elected to retain jurisdiction over the administration of the oath. Immigration judges have jurisdiction only in those areas where the Federal or State courts have opted not to retain jurisdiction.[191]

SECTION V

LOSS OF CITIZENSHIP

Renunciation is the most unequivocal way in which a person can manifest an intention to relinquish U.S. citizenship. Those contemplating a renunciation of U.S. citizenship should understand that renunciation is irrevocable … and cannot be cancelled or set aside absent successful administrative or judicial appeal. Consequently, renunciation of U.S. citizenship is not a step to be taken lightly.

U.S. Department of State[192]

There are two ways a person may lose his or her United States citizenship – rescission of citizenship (denaturalization) and renunciation of citizenship (expatriation).[193]

Renunciation

Renunciation, or expatriation, is the most unequivocal way in which a person can relinquish U.S. citizenship.[194] The Immigration and Nationality Act (INA) provides for persons to voluntarily relinquish citizenship by "making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State."[195] A person wishing to renounce his or her U.S. citizenship must (1) appear in person before a U.S. consular or diplomatic officer, (2) be in a foreign country (normally at a U.S. Embassy or Consulate); and (3) sign an oath of renunciation. Renunciations that do not meet these conditions have no legal effect. Therefore, Americans cannot effectively renounce their citizenship by mail, through an agent, or while in the United States.[196]

Parents cannot renounce U.S. citizenship on behalf of their minor children. Before an oath of renunciation will be administered under the INA, a person under the age of 18 must convince a U.S. diplomatic or consular officer that he or she fully understands the nature and consequences of the oath of renunciation and is voluntarily seeking to renounce his or her U.S. citizenship. United States common law establishes an age limit of 14 under which a child's understanding must be established by substantial evidence.[197]

Additionally, a person cannot seek to retain some of the privileges of citizenship while also renouncing U.S. citizenship. This would be logically inconsistent with the concept of citizenship. Thus, a request for conditional, or partial, renunciation would not be approved by the State Department.[198]

A person who renounces his or her U.S. citizenship may become stateless unless he or she already possesses the citizenship of another country. If this occurs, the individual would lack the protection of any government and may have difficulty traveling, since he or she may not be entitled to a passport from any country. Renunciation of U.S. citizenship, however, may not

prevent a foreign country from deporting that individual back to the United States in some non-citizen status. Further, renunciation of U.S. citizenship has no effect on an individual's U.S. tax or military service obligations, and cannot protect against possible prosecution for crimes committed in the United States, or requirements for repayment of financial obligations incurred in the United States.[199]

Renunciation of U.S. citizenship is irrevocable, except as provided in the INA, and cannot be canceled without successful administrative or judicial appeal, except in the case of a person who renounced his or her U.S. citizenship before the age of 18. Such a person can have citizenship reinstated if he or she makes that desire known to the Department of State within 6 months after attaining the age of 18.[200]

Renunciation of U.S. citizenship is irrevocable, except as provided in the INA, and cannot be canceled without successful administrative or judicial appeal, except in the case of a person who renounced his or her U.S. citizenship before the age of 18.

Rescission

Individuals who are U.S. citizens by birth cannot involuntarily have their citizenship taken away. For naturalized citizens, citizenship can be revoked only if the government is able to prove that such action is warranted. Rescission of naturalization, or denaturalization, is recommended only where there is objective evidence to establish one or more of the following conditions: [201]

- Concealment or willful misrepresentation of material facts related to the naturalization application and proceedings;
- Illegal procurement of naturalization;
- Residence in a foreign country within 5 years after naturalization;
- Refusal within 10 years after naturalization to testify as a witness before a congressional committee concerning subversive activities; or
- Becoming a member of any proscribed subversive organization within 5 years of naturalization.

Other Ways of Losing Citizenship

Under the INA, a U.S. citizen – whether by birth or naturalization – can lose his or her citizenship by performing any of the following acts with the intention of relinquishing citizenship:[202]

1. voluntarily naturalizing in a foreign state after age 18;

2. taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision of a foreign state, after age 18;

3. entering, or serving in, the armed forces of a foreign state that is engaged in hostilities against the United States;

4. serving as a commissioned or non-commissioned officer in the armed forces of a foreign state;

5. accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision of a foreign state, after age 18, if the individual acquires the nationality of that country;

6. accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision of a foreign state, after age 18, if a declaration of allegiance to that country is required;

7. making a formal, written renunciation of U.S. citizenship while in the United States when the United States is in a state of war, if done in the manner prescribed by the Attorney General and if the Attorney General finds the renunciation as not contrary to the interests of national defense; or

8. committing any act of treason against the United states, or attempting to overthrow by force or bear arms against the United States.

The U.S. Department of State is responsible for determining the citizenship status of a person located outside of the United States or in connection with the application for a U.S. passport while within the United States. Accordingly, the Department of State has established a uniform administrative standard of evidence to determine citizenship status. This standard is based on the premise that U.S. citizens intend to retain U.S. citizenship. Thus, unless a person clearly and affirmatively asserts that it is his or her intention to relinquish U.S. citizenship, performing acts such as naturalizing in a foreign country, taking a routine oath of allegiance, or accepting a non-policy level position with a foreign government are not considered to be expatriating acts. In such cases, the individual does not need to submit a statement or evidence of his or her intention to retain U.S. citizenship because such an intent is presumed.[203]

This premise does not apply when a person formally renounces U.S. citizenship before a consular office, takes a policy level position in a foreign state, or is convicted of treason. Additionally, if an individual performs an act that is potentially expatriating under the law and displays conduct that is inconsistent with the retention of U.S. citizenship, such that it can be concluded that the individual intended to relinquish U.S. citizenship, then it can be presumed that the person did not intend to retain U.S. citizenship. However, such cases are very rare.[204]

Supreme Court decisions have established that the intention to relinquish citizenship must be demonstrated for loss of citizenship. In 1967, the Court declared in *Afroyim v. Rusk* that a U.S. citizen "has a constitutional right to remain a citizen … unless he voluntarily relinquishes that citizenship."[205] Similarly, in *Vance v. Terrazas* (1980), the Court stated "expatriation depends on the will of the citizens rather than on the will of Congress and its assessment of his conduct."[206]

SECTION VI

DUAL NATIONALITY: CITIZENSHIP IN A CHANGING WORLD

Citizenship policy is, of course, only one factor that affects the opportunities of immigrants and their successful incorporation into their host societies, but it can be a highly significant one both as an indicator of a host society's commitment to facilitating inclusion and as a means of securing the status of newcomers. Failure to define transparent and fair membership rules risks creating different (and almost by definition unequal) classes of membership, with significant potential to undermine social cohesion.

Douglas Klusmeyer, Introduction
From Migrants to Citizens:
Membership in a Changing World

In a constantly changing world, a variety of conditions and events can influence both policies and policy making. Currently, both nationally and internationally, social, political, and economic transformations are occurring that could have an impact on U.S. citizenship and naturalization policies. One such change is the increasing acceptance of dual citizenship, brought on by the greater mobility of people and movement toward transnationalism.

National and International Change

Dual (or multiple) citizens are persons who are citizens of two (or more) countries at the same time. The growth of international business, trade, travel, and communication have made dual citizenship (or dual nationality) a phenomenon of increasing international interest. According to one observation:

> The world has become progressively more interconnected through new technologies that greatly facilitate communications, travel, and commerce and through political changes that are increasingly receptive to cross-border trade and investment. More and more people, at all levels of the economic and social ladder, now live, for a time at least, outside their countries of origin. Cross-national marriages have proliferated, and the offspring in such cases usually obtain both parents' nationalities *jure sanguinis*.[207]

To facilitate migrants' transitions to their new communities, many governments, particularly those in Western Europe, follow specific official policies concerning the integration of immigrants. However, each nation addresses the incorporation of immigrants in different ways. As one author states,

> There is, of course, tremendous variation across North America, Europe, and the Asia-Pacific region in the ways national and local governments communicate, share power, and deliver programs, as well as in how governments at all levels interact with the non-governmental sector that often does a large share of integration work. To achieve an

inclusive society, research indicates that structures supporting aspirations and upward mobility are fundamental.[208]

In the past few decades, travel and communication advances have enabled connections with home countries to remain more active than any time in history. Expectedly, many immigrants maintain strong and continuous ties with their homelands. As one author states the "proliferation of these transnational ties … challenges conventional notions about immigrant assimilation and about the impact of migration on sending countries."[209] Thus, changes in other countries' policies toward dual citizenship (discussed below) could have an impact on the immigration and citizenship policies in the United States. For example, greater acceptance of dual citizenship could influence immigrants' decisions to naturalize in the United States.

Legal Context of Dual Nationality

The Hague Convention of 1930 stated that the each nation is responsible for determining who may be a citizen or national of their country and declared that dual nationality, or dual citizenship, is undesirable. However, acknowledging that it does occur, the Convention established general principles concerning dual nationality. For example, the Convention noted that a state may not give diplomatic protection to one of its nationals against a state to which the person also possesses citizenship.[210] Three decades later, the Council of Europe adopted a similar convention designed to limit multiple nationalities. In 1997, however, a new European Convention on Nationality was adopted which accepts the concept of multiple nationalities, but attempts to regulate the phenomenon.[211]

Dual nationality may be acquired through a variety of means, depending on the citizenship and naturalization laws of the countries involved:[212]

1. Birth: A child born in a country that follows the principle of *jus soli* acquires the citizenship of that country by the fact of being born within that country. However, that child may also acquire the citizenship of his or her parent(s) if the parent(s) is a citizen of another country and that country follows the rule of *jus sanguinis*, by which a child derives citizenship through his or her parent(s).

2. Marriage: In certain countries, a person can automatically acquire the citizenship of his or her spouse upon marriage.

3. Naturalization: Some countries permit naturalization without renunciation of former citizenship. Similarly, some countries do not automatically revoke a person's citizenship when another citizenship is acquired.

4. Treaty: Some countries have agreement with certain other countries permitting dual citizenship among their respective nationals.

5. Default: A person naturalized by another country without the approval of his or her country of origin may be considered to still be a citizen of the original country. This could happen, for example, in the case where the original country is not notified that another citizenship has been acquired and, thus, that individual continues to be recognized by the original country of citizenship. Further, in some countries, citizenship may never be lost, thus the acquisition of another citizenship results in the individual having dual citizenship.[213]

While some countries recognize dual nationality, others do not. One problem associated with possessing the citizenship of two countries is that there may be situations in which the obligations of a dual citizen are in conflict. An example of this is conflicting military obligations making it difficult or impossible for a dual national to fulfill the obligations of both countries.[214] There also may be penalties for failure to meet certain obligations while absent from one country of nationality, or one country may not recognize the other nationality, therefore denying consular assistance from the foreign government.[215]

In other instances, a nation may consider dual citizenship to be beneficial to its citizens. In the case of Mexico, allowing Mexican nationals to retain Mexican citizenship after naturalizing in other countries, such as the United States, permits those individuals to enjoy the rights and protections of both countries.[216] Arguments for and against dual citizenship are presented in Table 8.

Table 8. Arguments Against and In Favor of Dual Nationality

Against Dual Nationality	In Favor of Dual Nationality
• Competing loyalties – particularly becomes an issue if the two countries were to be at war • Exit option – can retreat to other nation in times of conflict, thus fostering "less than responsible" exercise of duties • Double voting – may lead to unfairness in the political process • Instructed voting – voting in one country may be influenced by the leaders of the other country • Traditions and culture of the nation – dual nationality may bring unwanted changes to practices and beliefs held by the original citizens of the country • Complications for diplomatic protection – one country may not recognize the other country's right to protect that citizen • Military service – requirements of the two countries may conflict, especially during times of war • Conflict of laws – the two countries' laws may be in conflict concerning issues such as civil status, inheritance, taxation, etc.	• Reflects deeply felt affiliations, connections, and loyalties to both countries • Promotes naturalization and integration • Facilitates free movement between states • Promotes inclusiveness

Sources: Derived from T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, DC: Carnegie Endowment for International Peace, 2002), pp. 27-37; David A. Martin, "Introduction: The Trend Toward Dual Nationality," ch. 1 in *Rights and Duties of Dual Nationals: Evolution and Prospects*, ed., David A. Martin and Kay Hailbronner (New York: Kluwer Law International, 2003), pp. 11-18.

U.S. Policy

The current citizenship and immigration laws of the United States do not specifically address dual nationality. According to the State Department, "the U.S. Government recognizes that dual nationality exists but does not encourage it as a matter of policy because of the problems it may cause."[217] The State Department notes that problems may arise from

- claims of other countries on dual national U.S. citizens that may conflict with U.S. law;
- conflicts that arise from a dual national's allegiance to both the United States and the foreign country;
- dual nationals are required to obey the laws of both countries, which may be in conflict; and
- each country having the right to enforce its laws, particularly when the dual national is in that country.

Further, U.S. Government efforts to assist its dual citizens abroad may be limited. In particular, the country where a dual national is located generally has a stronger claim to that person's allegiance.[218]

International Comparisons

In contrast to the U.S. law, Canadian law specifically addresses dual citizenship. Amendments to Canada's citizenship law, effective February 15, 1977, permit Canadian citizens to retain their Canadian citizenship if they acquire a foreign nationality.[219] Several other countries also generally permit dual citizenship, including Australia, France, Mexico, Spain, Switzerland, and the United Kingdom.[220]

In Japan, however, dual citizenship is not permitted. Persons having dual citizenship must chose one by the age of 22, or within 2 years after the date when he or she acquired the second nationality if it was acquired after the age of 20. Failure to chose one nationality may result in the loss of Japanese nationality. If a person chooses Japanese citizenship, he or she must renounce the foreign nationality and submit proof of such to the appropriate Japanese officials. The individual also must submit a notification of declaration to choose Japanese nationality.[221]

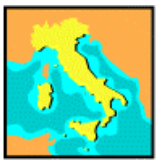
In Germany, citizens lose their citizenship if they apply for and acquire the citizenship of a foreign country, unless they have requested and received a certificate granting approval to retain their German citizenship. The main requirement is that the applicant must be able to demonstrate that he or she has continuing ties to Germany – such as an ongoing relationship to close relatives residing in Germany, ownership of real estate in Germany, or pension or insurance claims. Naturalized German citizens may not hold dual citizenship.[222]

China, India, Estonia, Latvia, Uganda, and Venezuela are among the countries that do not permit dual citizenship.[223] South Africa and the Bahamas permit dual citizenship only in instances

where it was acquired automatically (and not voluntarily) such as through marriage or birth in a foreign territory.[224]

As dual citizenship has become more common, many countries have adopted new policies to accommodate citizens who have citizenship in other countries. Examples of recent changes in countries' laws on dual citizenship are described below:

Mexico: Mexico's National Development Plan for 1995-2000 acknowledged the need to protect the rights of Mexicans that live abroad. As a result of this initiative, the Mexican constitution was revised in 1998 to ensure that no Mexican is deprived of his or her Mexican nationality. As such, dual and multiple nationality is permitted (except for foreign-born persons who are naturalized citizens).[225] The law also permits dual nationals to hold property along the border and coastline.[226] The Mexican government has also been considering making changes to the law to allow citizens living abroad to vote in Mexican elections.[227]



Italy: Current Italian nationality law, in force since 1992, stipulates that an Italian citizen who acquires a second nationality via naturalization will not lose his or her Italian citizenship. Originally, the law required the individual to notify Italian authorities that he or she had acquired a second citizenship. However, this requirement was abolished effective March 31, 2001. In effect, the only way an Italian national can forfeit his or her nationality is by voluntarily renouncing it in a formal declaration rendered abroad to an Italian consular authority.[228]

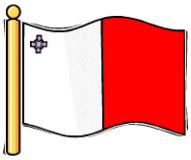
Spain: Spain adopted a new nationality law on October 8, 2002, which went into effect on January 9, 2003. This new law permits dual citizenship for Spanish citizens living abroad, with the exception of persons who have derived citizenship from their parents. The changes to the law include:

- Individuals who have at least one parent who was born in Spain and is a citizen of Spain may choose Spanish nationality, as long as they renounce any other citizenship (persons from Latin America countries, Andorra, the Philippines, Equatorial Guinea, and Portugal do not have to renounce their other citizenship); there is no age or time limit for choosing Spanish citizenship.

- Dual nationality is permitted for persons who were originally Spanish citizens. Individuals cannot lose their citizenship because they live in another country and acquire that country's citizenship. Similarly, persons who lost their Spanish citizenship in another country may regain Spanish citizenship without renouncing their current citizenship. To retain or recoup citizenship, the individual must make a declaration at the nearest consulate.

- Individuals who reach the age of adulthood after January 9, 2003 who are born outside of Spain to parents who also were born outside of Spain can lose their citizenship if they do not make a declaration to retain it; however, this does not apply to persons in Latin America countries, Andorra, the Philippines, Equatorial Guinea, and Portugal.

- Persons who have been legal residents of Spain for 1 year who have a grandparent who is a Spanish citizen may request Spanish nationality from the Ministry of Justice.[229]



Malta: Amendments to the Maltese citizenship laws in 2000 permit citizens of Malta to both acquire and retain a foreign citizenship.[230]

Iceland: Effective July 1, 2003, amendments to the Icelandic Citizenship Act allow citizens of Iceland to retain their citizenship when becoming a citizen of another country, providing that country allows dual citizenship. In addition, those who lost their Icelandic citizenship because they accepted citizenship from another country may apply for renewal of Icelandic citizenship.[231]

Australia: The Australian Citizenship Legislation Amendment Act of 2002, which took effect on April 4, 2002, permits Australian citizens to acquire citizenship of another country without losing their Australian citizenship.[232]

The Philippines: On August 29, 2003, President Gloria Macapagal Arroyo signed new citizenship legislation. Under the new law, Filipinos who become naturalized citizens of another country can reacquire their Philippine citizenship by taking an oath of allegiance.[233]

In a study of citizenship laws and practices around the world conducted by the Carnegie Endowment for International Peace, the authors note:

> In the conditions of the modern world, dual nationality often reflects the reality of complex loyalties and allegiances in an increasingly interconnected world, marked by a growing circle of democratic states with converging interests.[234]

As such, dual nationality policies will continue to evolve as immigration policies adapt to new realities.

CONCLUSION

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed …

The Declaration of Independence, 1776

We are a nation of immigrants. In the United States, we believe in citizenship as a way to honor our nation, evidence our belief in its values, and participate in its proper functioning. Citizenship embodies the ideals of our nation; citizens of the United States have pledged to value and uphold those ideals. Whether citizens by birth or choice, Americans share a common history and a sense of purpose. We value diversity, progress, and respect for individual rights.

Increasingly, there has been a greater recognition of and interest in migration and citizenship throughout the world. Global communication, international trade, and transnational modes of transportation have become commonplace. The flow of information and resources is very fluid. Now, perhaps more than at any other time in history, the concepts of migration and citizenship have become critically important for the people of this nation.

Many countries are becoming more concerned with how citizenship is defined and how individuals should participate in their national communities. In Section I of this document, we saw the many changes nations have made in regard to dual citizenship, obtaining citizenship, and practicing good citizenship. This was also evidenced by the creation of the Office of Citizenship within the U.S. Department of Homeland Security in 2003. In addition, many organizations, such as the American Civil Liberties Union, the League of Women Voters, and the American Legion, are pursuing or renewing their interest in promoting good citizenship and civic participation.

It is important that we all understand what good citizenship is. Citizenship is a state of belonging to a larger community, and with such membership come certain rights and responsibilities. For some, these rights and responsibilities are accepted as an incidental part of life. For others, citizenship and all that it encompasses are actively sought after and seriously undertaken. Yet, citizenship should be understood and appreciated, active not passive. Citizens should actively participate in the political process. They should be informed about issues affecting the strength and security of the nation. They should understand how government affects their families and their communities. And they should be willing to uphold the values and ideals of the nation – and to take a stand when they see a need for change.

Over the years, immigrants have come to this country because of their belief in the United States and what it represents. They have participated in and strengthened our society, defended our country, and joined our political community by becoming citizens. In recent years, increasing numbers of people are deciding to become citizens of the United States. Naturalization, the process of becoming a U.S. citizen, is an important process that ensures that persons becoming citizens understand what it means to be an American citizen.

Citizenship is an agreement between a nation and its members; it encompasses the common values and beliefs held by that society. As such, each citizen should be an active citizen – fully participating in the community and ensuring that the community recognizes and protects citizens' rights. We are not Americans merely because of where we reside or where we work, we are Americans because we are citizens who are willing to uphold the values of liberty and justice for all.

Appendix I: U.S. Citizenship and Naturalization Legislation

Year	Law	Citizenship/Naturalization Provisions
1789	Constitution of the United States, Article 1, Sect. 8	Power to set rules for naturalization placed in the legislative branch of the Federal government.
1790	Act of March 26, 1790 (1 Stat. 103)	Designated naturalization a Federal activity (previously under the control of the individual States). Established a uniform rule for naturalization by setting the residence requirement at 2 years.
1795	Act of January 29, 1795 (1 Stat. 414)	Repealed 1790 Act; raised residence requirement to 5 years and required a declaration of intention to seek citizenship at least 3 years before naturalization.
1798	Nationality Act of June 18, 1798 (1 Stat. 566)	Required clerks of court to furnish information about each record of naturalization to the Secretary of State. Raised the residence requirement for naturalization to 14 years.
1802	Nationality Act of April 14, 1802 (2 Stat. 153)	Reduced the residence period for naturalization from 14 to 5 years. Established the basic requirements for naturalization, including good moral character, allegiance to the Constitution, a formal declaration of intention, and witnesses.
1824	Act of May 26, 1824 (4 Stat. 36)	Permitted eligible applicants to file their declaration of intention and petition for naturalization simultaneously. Required applicant to have entered the United States prior to his or her 18th birthday, and to have resided in the United States for 3 years prior to turning 21.
1855	Act of February 10, 1855	Immigrant women able to acquire U.S. citizenship without naturalization. They became citizens upon marriage to a U.S. citizen husband or upon their husband's naturalization.
1868	14th Amendment to the U.S. Constitution	"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
1870	Naturalization Act of July 14, 1870 (16 Stat. 254)	Declared that committing fraud in naturalization proceedings a felony; established system of controls to guard against use of a naturalization certificate to commit voter fraud. Also extended naturalization laws to aliens of African nativity and to persons of African descent.
1882	Chinese Exclusion Act of 1882 (22 Stat. 58)	Barred Chinese from naturalization. Repealed, 12/17/43.
1887	Act of March 3, 1887 (24 Stat. 476)	Restricted ownership of real estate in the United States to American citizens and those who have lawfully declared their intentions to become citizens, with certain exceptions
1906	Naturalization Act of June 29, 1906 (34 Stat. 596)	Made granting citizenship a Federal responsibility, and therefore increased the Bureau of Immigration's responsibilities, renaming it the Bureau of Immigration and Naturalization. Established fundamental procedural safeguards regarding naturalization, such as fixed fees and uniform naturalization forms. Made knowledge of the English language a requirement for naturalization.

Appendix I: U.S. Citizenship and Naturalization Legislation

Year	Law	Citizenship/Naturalization Provisions
1907	Act of March 2, 1907 (34 Stat. 1228)	Stated that all women acquired their husband's nationality upon any marriage occurring after that date (applied to both alien and U.S.-born women).
1913	Act of March 4, 1913 (37 Stat. 737)	Divided the Bureau of Immigration and Naturalization into two separate bureaus within the Department of Labor.
1918	Act of May 9, 1918 (40 Stat. 542)	Provided for the naturalization of alien soldiers at the various training and assembling points in the United States. Any alien who had been a member of the Armed Forces for 3 years or more could file a petition for naturalization without proof of the 5-year residency requirement, and any applicant who had been in the service during World War I was exempt from the requirement to fill out a declaration of intention. Also established the Bureau of Naturalization's official educational duties by empowering the Bureau to promote citizenship training by soliciting the aid of state and national organizations. Authorized the Bureau to publish and distribute a citizenship textbook.
1922	Married Woman's Act of September 22, 1922 (The Cable Act) (42 Stat. 1022)	Provided the right of any woman to become a naturalized citizen shall not be denied or abridged because of her sex or because she is married. Waived general requirement of a declaration of intention for women married to U.S. citizens and changed the residence period from 5 to 3 years.
1926	Act of June 8, 1926 (44 Stat. 709)	Established the designated examiner system that assigned a Naturalization Examiner to each naturalization court to promote uniformity in naturalizations.
1940	Act of June 14, 1940 (54 Stat. 230)	Transferred the Immigration and Naturalization Service to the Department of Justice as a national security measure.
1940	Nationality Act of October 14, 1940 (54 Stat. 1137)	Codified and revised the naturalization, citizenship, and expatriation laws to strengthen the national defense. The naturalization and nationality regulations were rewritten and the forms used in naturalization proceedings were revised.
1942	Second War Powers Act of March 27, 1942 (56 Stat. 182)	Provided for the expeditious naturalization of members of the U.S. Armed Forces serving in the United States and abroad.
1943	Act of December 17, 1943 (57 Stat. 600)	Repealed the Chinese Exclusion Act of 1882 and amended the Nationality Act of October 14, 1940 to permit the naturalization of Chinese persons and persons of Chinese descent.
1950	Internal Security Act of 1950 (64 Stat. 987)	Tightened the educational requirements for naturalization. Required applicants to prove their ability to speak, write, and read the English language. Also required that all candidates demonstrate the knowledge of the principles and form of American government.
1952	Joint Resolution of February 29, 1952	Congress declared September 17 to be "Citizenship Day."

Appendix I: U.S. Citizenship and Naturalization Legislation

Year	Law	Citizenship/Naturalization Provisions
1952	Immigration and Nationality Act of June 27, 1952 (66 Stat. 163)	Brought the laws governing immigration and naturalization under one comprehensive statute, with some modifications. Made all races eligible for naturalization. Reaffirmed the goals for the citizenship program: cooperation with the public schools and other government agencies, raising public awareness of naturalization, and the preparation and distribution of educational materials.
1953	Public Law 86 (67 Stat. 108)	Special legislation for the expeditions naturalization of certain members or veterans in the Armed Forces.
1954	Act of September 3, 1954 (68 Stat. 1146)	Provided for the expatriation of persons convicted of engaging in a conspiracy to overthrow or levy war against the U.S. government.
1965	Immigration and Nationality Act Amendments, October 3, 1965 (79 Stat. 911)	Contained provisions concerning immigration which ultimately would have an impact on naturalization: abolished the national origins quota system, thus eliminating national origin, race, or ancestry as a basis for immigration to the United States. Established allocation of immigrant visas on a first come, first served basis, subject to a seven-category preference system.
1966	Act of November 6, 1966 (80 Stat. 1322)	Extended derivative citizenship to children born on or after December 24, 1952 of civilian citizens serving abroad. Provided that time spent abroad by U.S. citizens (or their dependent children) in the employ of the U.S. Government or certain international organizations could be treated as physical presence in the U.S. for the purposes of transmitting U.S. citizenship to children born abroad.
1967	Act of December 18, 1967 (80 Stat. 661)	Facilitated the expeditious naturalization of certain noncitizen employees of U.S. nonprofit organizations.
1968	Act of June 19, 1968 (82 Stat. 197)	Part of omnibus crimes control legislation; declared it illegal for illegal aliens and former citizens who have renounced their citizenship to receive, possess, or transport a firearm.
1968	Act of June 29, 1968 (82 Stat. 279)	Provided for the naturalization of the surviving spouse of a U.S. citizen serviceman.
1968	Act of October 24, 1968 (82 Stat. 1343)	Amended INA of 1952 to provide for expeditious naturalization of noncitizens who have rendered honorable services in the U.S. armed forces during the Vietnam conflict, or in other periods of military hostilities.
1972	Act of October 27, 1972 (86 Stat. 1289)	Reduced restrictions concerning residence requirements for retention of U.S. citizenship acquired by birth abroad through a U.S. citizen parent and an alien parent.
1978	Act of October 5, 1978 (92 Stat. 917)	Eliminated the requirement of continuous residence in the United States for 2 years prior to filing for naturalization.
1986	Immigration Reform and Control Act (IRCA) of November 6, 1986) (100 Stat. 3359)	Created a large pool of individuals who would eventually be eligible for naturalization by legalizing many aliens who had resided in the United States in an unlawful status since January 1, 1982.
1990	Posthumous Citizenship for Active Duty Service Act of 1989 (enacted March 6, 1990)	Provides a procedure for applying for U.S. citizenship for an alien who died while on active duty with the U.S. armed forces during certain periods of hostilities.

Appendix I: U.S. Citizenship and Naturalization Legislation

Year	Law	Citizenship/Naturalization Provisions
1990	Immigration Act of November 29, 1990 (104 Stat. 4978)	Major revision of immigration law, including revised naturalization authority and requirements. Transferred exclusive jurisdiction for naturalization from the Federal and State courts to the Attorney General. Amended the substantive requirements for naturalization: State residency requirements revised and reduced to 3 months; added another ground for waiving English language requirement; lifted permanent bar to naturalization for aliens who applied to be relieved from U.S. military service on grounds of alienage who previously served in the service of the country of his nationality.
1991	Miscellaneous and Technical Immigration and Naturalization Amendments of Dec. 12, 1991 (P.L. 102-232, 105 Stat. 1733)	Provided technical amendments to the Immigration Act of 1990, including amendments concerning judicial naturalization ceremonies.
1994	Immigration and Nationality Technical Corrections Act of October 25, 1994 (108 Stat. 4305)	Provided changes to the law concerning equal treatment of women in conferring citizenship to children born abroad and changes concerning the naturalization of children upon the application of a citizen parent. Also included provisions for former citizens of United States to regain citizenship.
1996	Personal Responsibility and Work Opportunity Reconciliation Act of August 22, 1996 (110 Stat. 2105)	Barred legal immigrants (with certain exceptions) from obtaining food stamps and Supplemental Security Income, and from receiving most federal means-tested programs for 5 years after entering the United States.
1999	Intelligence Authorization Act for Fiscal Year 2000 (December 3, 1999) (113 Stat. 1606)	Amends section 313 of the INA to provide for the naturalization of certain persons affiliated with a communist or similar party if the person is otherwise eligible for naturalization, fell under the previous requirement solely because of past membership in or past affiliation with communist or similar party, does not fall within any other subclass described in that section, and is determined by the Director of the CIA, in consultation with the Secretary of Defense and the Attorney General to have made a contribution to the national security or the national intelligence mission of the United States.
1999	Act of December 7, 1999 (113 Stat. 1696)	Amends the INA to provide that an adopted alien who is less than 18 years old may be consider a child under the INA if adopted with or after a sibling who is a child under the INA. Amends naturalization requirements for such children.
2000	Hmong Veterans' Naturalization Act of 2000 (114 Stat. 316)	Provides an exemption from the English language requirement and special consideration for civics testing for certain refugees from Laos applying for naturalization. Law subject to numerical limit of 45,000 beneficiaries and a filing deadline of 18 months after enactment.
2000	Child Citizenship Act of 2000	Most foreign-born children adopted by U.S. citizens will automatically acquire U.S. citizenship on the date they immigrate to the United States.

Appendix I: U.S. Citizenship and Naturalization Legislation

Year	Law	Citizenship/Naturalization Provisions
2000	Act of November 1, 2000 (114 Stat. 1810)	Extension of the Hmong Veterans' Naturalization Act of 2000 to certain former spouses of deceased Hmong Veterans.
2000	Act of November 6, 2000 (114 Stat. 1939)	Waiver of oath of renunciation and allegiance for naturalization of aliens having certain disabilities: oath may be waived if individual is unable to understand its meaning because of a physical or developmental disability or mental impairment.
2002	21st Century Department of Justice Appropriations Act, Pub. L. No. 107-273 (November 2, 2002) (116 Stat. 1758)	Section 11030B provides for the naturalization of a child by an alternative applicant (e.g., grandparent or legal guardian) if the citizen parent has died.
2002	Homeland Security Act of 2002	Transferred INS functions to the Department of Homeland Security. Established the Bureau of Citizenship and Immigration Services and, within USCIS, the Office of Citizenship whose mission is to promote the training and instruction of citizenship responsibilities for immigrants.
2003	The National Defense Authorization Act for Fiscal Year 2004 (November 24, 2003)	Reduced the period of service in the armed forces required of military applicants for naturalization from 3 years to 1 year; waived all fees relating to naturalization for military applicants. Directs the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Defense to ensure that applications, interviews, oaths, and other proceedings relating to naturalization are made available to members of the armed forces through U.S. embassies, consulates, and overseas military installations. Extends posthumous naturalization benefits to surviving spouses, children, and parents of deceased persons who had served in the armed forces.

Note: Immigration laws not addressing naturalization or citizenship issues are omitted from this table.
Sources: *1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I; U.S. Citizenship and Immigration Services, "Public Laws Amending the INA," <http://www.bcis.gov>; "Naturalizations Since 1907," *INS Reporter*, vol. 26, no. 3 (Winter 1977-1978), pp. 41-46, <http://www.bcis.gov>; Marian L. Smith, "Overview of INS History," http://uscis.gov/graphics/aboutus/ history/articles/OVIEW.htm>; "Citizenship Education," prepared by the Immigration and Naturalization History Office and Library.

Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries

Country	Primary Rule of Citizenship/ Effective Date of Law	Citizenship by Birth in the Country	Citizenship by Birth Outside the Country	Naturalization Requirements	Policy on Dual Citizenship
United States	*Jus soli, jus sanguinis*	All persons born in the United States are citizens (with some exceptions)	Children born outside the U.S. to citizen parents are U.S. citizens, with certain restrictions	1. 18 years of age 2. lawful permanent resident (LPR) 3. resided continuously as a LPR for at least 5 years prior to application (with no single absence from the U.S. for more than 1 year) 4. physical presence in the U.S. for at least 30 months of the 5 years prior to application 5. ability to read, write, and speak English 6. knowledge and understanding of U.S. history and government 7. good moral character 8. attachment to the principles of the constitution 9. favorable disposition toward the United States	The government recognizes that dual citizenship exists, but does not endorse it as a matter of policy because of the problems it may cause.
Australia	*Jus sanguinis,* 8/18/1986	At least one parent must be a citizen or permanent resident	• At least one parent must be a citizen • Must apply for registration as a citizen by descent • Must meet certain criteria	1. permanent residence 2. 18 years of age 3. capable of understanding the nature of their citizenship application 4. basic knowledge of English 5. understand responsibilities of Australian citizenship 6. be of good character 7. likely to live permanently in Australia or maintain a close and continuing relationship with Australia	Permitted.
Canada	*Jus soli, Jus sanguinis* 2/14/1977	Any person born in Canada is a citizen	At least one parent must be a citizen. (However if that parent was also born outside Canada to a Canadian parent, the child must register as a citizen before the age of 28.)	1. permanent residence 2. have lived in Canada for 3 of the 4 years before applying 3. 18 years of age 4. ability to communicate in English or French 5. knowledge of Canada 6. knowledge of rights and responsibilities of citizenship 7. must pass citizenship test	Permitted.
United Kingdom	*Jus sanguinis,* 1/1/1983	At least one parent must be a citizen or settled in the United Kingdom	At least one parent must be a citizen Note: A child born overseas to a parent who is a citizen otherwise than by descent is a citizen by descent (unless the parents were overseas because of service to the government)	1. 18 years of age 2. of sound mind 3. good character 4. sufficient knowledge of English, Welsh, or Scottish Gaelic 5. intend to have home in the UK 6. was in the UK at the beginning of the 5-year period preceding date of application, not outside the UK for more than 450 days	Permitted.

Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries

Country	Primary Rule of Citizenship/ Effective Date of Law	Citizenship by Birth in the Country	Citizenship by Birth Outside the Country	Naturalization Requirements	Policy on Dual Citizenship
Germany	*Jus sanguinis, jus soli (if parents legal residents)* , 1/1/1975 and 1/1/1999	At least one parent must be a citizen or, if born after 12/31/99, if at least one parent has been a legal resident for at least 8 years	At least one parent must be a citizen	1. legal residence for 8 years 2. give up previous citizenship 3. able to support self and family 4. proficiency in the German language 5. declare allegiance to the constitution 6. no criminal record	Not permitted (there are certain exceptions).
Switzerland	*Jus sanguinis*	At least one parent must be a citizen	At least one parent must be a citizen (A child born abroad of a Swiss parent who possesses another nationality loses Swiss citizenship upon reaching the age of 22 unless he or she registers with a Swiss authority.)	1. residence for at least 12 years, 3 of which occurring within the 5 years prior to application 2. be integrated in the Swiss community 3. be accustomed to the Swiss way of life and practices 4. comply with the Swiss legal system 5. does not compromise the internal or external security of Switzerland	Permitted unless it would cause significant harm to the interests of Switzerland
France	*Jus sanguinis*	At least one parent must be a citizen	At least one parent must be a citizen	Applicant must have had his or her "habitual residence" in France for the 5 years preceding application; must be residing in France at the time the naturalization certificate is issued. (May be other requirements.)	Generally permitted, except for certain countries.
Iceland	*Jus sanguinis,* 12/1952	At least one parent must be a citizen	• If the mother is a citizen. • If the father is a citizen and is married to the mother. • If the parents are not married and the father is a citizen but the mother is not; the father may apply for the child to receive Icelandic citizenship before the child reaches age 18.	1. residence in Iceland for 7 years (or 5 years for nationals of Nordic countries) 2. capable of working 3. has a good reputation where resided 4. capable of supporting him or herself in Iceland and has not receive a support grant from a local authority in the 2 years prior to application 5. has not incurred punitive custody or prison sentence, or not involved in a case where suspected or accused of a crime	Permitted, except for persons born aboard and have never lived in Iceland – they lose their Icelandic citizenship upon reaching the age of 22.
Latvia	*Jus sanguinis, jus soli (if a resident)*, 1995, 1998	A child born in Latvia after 8/21/91 is a citizen if Latvia is his or her place of residence	At least one parent must be a Latvian citizen	1. permanent residence in Latvia for 5 years 2. 15 years of age 3. fluent in Latvian 4. familiar with Latvian history, the fundamentals of the Latvian Constitution, and the test of the Latvia National Anthem (proven by testing) 5. have legal means of subsistence 6. have renounced former citizenship	Not permitted.

Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries

Country	Primary Rule of Citizenship/ Effective Date of Law	Citizenship by Birth in the Country	Citizenship by Birth Outside the Country	Naturalization Requirements	Policy on Dual Citizenship
Estonia	*Jus sanguinis,* 4/1/1995	At least one parent must be a citizen, or if the child is born after the death of the father and if the father was a citizen at the time of his death	At least one parent must be a citizen, or if the child is born after the death of the father and if the father was a citizen at the time of his death	1. settled in Estonia before 7/1/1990 and resides in Estonia during time of application, or has been a permanent resident for at least 5 years prior to the date of application 2. 15 years of age 3. general knowledge of Estonian needed in everyday life 4. knowledge of the Constitution of the Republic of Estonia and the Citizenship Act 5. permanent legal income which ensures his or her own subsistence and that of dependents 6. loyal to the Estonian state 7. takes oath of loyalty to the constitutional order of Estonia 8. passes an exam on knowledge of the Constitution and the Citizenship Act	Not permitted.
South Africa	*Jus sanguinis, jus soli (if parents are permanent residents),* 10/6/1995	At least one parent must be a citizen or a permanent resident	At least one parent must be a citizen; the birth must be registered in South Africa	1. valid permanent residence permit or exemption 2. one year of ordinary residence immediately prior to application 3. 4 years of physical residence during the 8 years prior to the application (excluding the year of ordinary residence) 4. intend to reside in South Africa or fall under the categories specified in the act 5. good and sound character 6. able to communicate satisfactorily in any one of the official languages of South Africa 7. adequate knowledge of the duties and responsibilities of a South African citizen 8. sign the declaration of allegiance once the application for naturalization is approved	Permitted in certain circumstances. However, a South African citizen who formally and voluntarily acquires the citizenship of another country will automatically lose South African citizenship unless he or she applies for retention of such.
China	*Jus sanguinis*	At least one parent must be a citizen	At least one parent must be a citizen. However, if one or both parents have settled abroad or acquired a foreign nationality, the child will not be a citizen	1. Willingness to abide by China's constitution 2. Must (1) be near relatives of Chinese nationals; (2) have settled in China; or (3) they have other legitimate reasons to naturalize	Not permitted.
India	*Jus sanguinis,* 1955, as amended	At least one parent must be a citizen	At least one parent must be a citizen	1. Residence for 10 years (continuously for the 12 months preceding the date of application, and for 9 years in the aggregate in the 12 years preceding the 12 months) 2. Adequate knowledge of a language specified in the Constitution	Not permitted.

Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries

Country	Primary Rule of Citizenship/ Effective Date of Law	Citizenship by Birth in the Country	Citizenship by Birth Outside the Country	Naturalization Requirements	Policy on Dual Citizenship
Japan	*Jus sanguinis*	At least one of the parents must be a citizen or if the father died prior to the birth of the child and the father was a Japanese national at the time of his death	At least one of the parents must be a citizen or if the father died prior to the birth of the child and the father was a Japanese national at the time of his death	1. residence for 5 consecutive years or more 2. 20 years of age or older and of full capacity according to the law of his or her home country 3. of upright conduct 4. able to secure a livelihood by his or her own property or ability, or those of his or her spouse or other relative with whom he or she lives on common living expenses 5. has no nationality or must lose other nationality upon the acquisition of Japanese nationality 6. has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government of Japan	Not permitted.
The Bahamas	*Jus sanguinis*	At least one parent must be a citizen	*if the father is a citizen of The Bahamas*: the child is a citizen unless the father was born outside of The Bahamas or the former Colony of the Bahamas Islands *if the mother is a citizen of The Bahamas, and the child is born outside of wedlock*: the child is a citizen unless the mother was born outside of The Bahamas or the former Colony of the Bahamas Islands	1. Residence of 10 years or government service of 6 years 2. knowledge of English 3. good character 4. intent to reside in The Bahamas permanently or enter into or continue in Government service	Not permitted if voluntary. Permitted only in cases where such citizenship is automatically acquired, such as through marriage or birth in a foreign territory.

Appendix II: Summary of Citizenship and Nationality Laws of Selected Countries

Country	Primary Rule of Citizenship/ Effective Date of Law	Citizenship by Birth in the Country	Citizenship by Birth Outside the Country	Naturalization Requirements	Policy on Dual Citizenship
Venezuela	*Jus soli and Jus sanguinis*	All persons born in Venezuela are citizens.	An individual born outside Venezuela is a citizen – • if both parents are Venezuelan citizens by birth; • if at least one parent is a Venezuelan citizen by birth, provided the individual establishes residence in Venezuela or agrees to accept Venezuelan nationality; or • if at least one parent is a naturalized citizen, provided the individual is 18, has established residence in Venezuela, and before reaching the age of 25 years agrees to accept Venezuelan nationality	1. Residence of 10 years without interruption (or 5 years for applicants from Spain, Portugal, Italy, and Latin American and Caribbean countries) 2. pass exams on Venezuelan culture, history, geography, and civics, and the Spanish language	Not permitted.

ENDNOTES

Notes to Section I

[1] Government of Western Australia, Citizenscape, "About Citizenship," <http://www.citizenscape.wa.gov.au>; Immigration and Naturalization Service, "This Month in Immigration History: March 1790," <http://uscis.gov>.

[2] Ibid. *See also* Europe@School, "Definition of Citizenship," <http://www.oesel.ee/civics/school/citizen/htm>.

[3] Immigration and Nationality Act, § 101(a)(21) (June 27, 1952), 8 U.S.C. 1101.

[4] *Id. at* § 301(a)(22) (June 27, 1952), 8 U.S.C. 1401.

[5] *Id. at* § 301 (June 27, 1952), 8 U.S.C. 1401.

[6] The United States obtained the territory of American Samoa under the Treaty of Berlin of 1899 from the United Kingdom and Germany. The matai (chiefs) formally ceded the islands in 1900 and 1904. These deeds of cession were formally ratified by Congress in 1929. Swains Island became part of American Samoa by joint resolution of Congress in 1925. U.S. Department of the Interior, Office of Insular Affairs (OIA), "The Islands," <http://www.doi.gov/oia/Islandpages/asgpage.htm>.

[7] Congress has not provided the territory with an organic act, which organizes the government much like a constitution would. Instead, Congress granted plenary authority over the territory to the Secretary of the Interior, who in turn allowed American Samoans to draft their own constitution under which their government functions. OIA, "The Islands."

[8] However, the Office of Insular Affairs of the Department of the Interior notes that many American Samoans have become naturalized American citizens. Further, according to their website: "In 1995, the territory's population was approximately 59,600, primarily ethnic Samoan. The population has increased despite a large out-migration of Samoans to the United States (a continuous out-migration trend of about 382 migrants per year since 1974). It is estimated that 15,000 Samoans reside in Hawaii and 32,000 in California and 4,000 in Washington (1990)." OIA, "The Islands."

[9] In 1947, the United Nations created the Trust Territory of the Pacific Islands (TTPI) and named the United States as the TTPI's administering authority. The TTPI originally included six districts, which now comprise four island (insular) jurisdictions: the Commonwealth of the Northern Mariana Islands, which is still under the sovereignty of the United States, and three freely associated states, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. OIA, "The Islands." *See also*, National Bipartisan Commission on Cuba, "U.S. - Cuba History," <http://www.uscubacommission.org/history.html>; U.S. Central Intelligence Agency, *World Factbook*, <http://www.cia.gov/cia/publications/factbook/index.html>.

[10] Charles Gordon, Stanley Mailman, and Stephen Yale-Loehr, *Immigration Law and Procedure*, vol. 7, ch. 91 § 91.01.

[11] These changes include (1) the incorporation of Guam in 1950, (2) the establishment of Puerto Rico as a commonwealth in 1952, (3) the change in the Virgin Islands to a democratically elected form of government in 1970, and (4) the full implementation of the "Covenant to Establish a Commonwealth of the Northern Mariana Islands (CNMI) in Political Union with the United States" on November 3, 1986, pursuant to Presidential Proclamation no. 5564, which conferred U.S. citizenship on legally qualified CNMI residents. *See* OIA, "The Islands."

[12] Gordon, et. al., vol. 7, ch. 91 § 91.01. When some territories received their independence from the United States, residents were offered the choice of becoming local citizens or remaining nationals of the United States. Thus, noncitizen nationals may live in other areas, such as the Philippines and the Marshall Islands.

[13] United Nations, Department of Economic and Social Affairs, Division for the Advancement of Women, "Women, Nationality, and Citizenship," *Women 2000 and Beyond*, June 2003, pp. 2-3. Citizenship and nationality, however, do not necessarily refer to ethnicity.

[14] United Nations, "Women, Nationality, and Citizenship," pp. 2-3. Citizenship and nationality, however, do not necessarily refer to ethnicity. For example, the European Convention on Nationality explicitly states that "'nationality' means the legal bond between a person and a State and does not indicate the person's ethnic origin." Council of Europe, *European Convention on Nationality*, ETS no. 166, Nov. 6, 1997 (Strasbourg), ch. I, art. 2, <http://conventions.coe.int/ Treaty/en/Treaties/ Html/166.htm>.

[15] Gordon, et. al., vol. 7, ch. 91 § 91.05.

[16] Council of Europe, *European Convention on Nationality*, ETS no. 166, Nov. 6, 1997 (Strasbourg), ch. II, art. 3, <http://conventions.coe.int/Treaty/en/Treaties/ Html/166.htm>.

[17] *See generally*, T. Alexander Aleinikoff and Douglas Klusmeyer, *From Migrants to Citizens: Membership in a Changing World* (Washington, DC: Carnegie Endowment for International Peace, 2000).

[18] *See* U.S. Citizenship and Immigration Services (USCIS), "Citizenship," <http://www.bcis.gov/ graphics/services/natz/citizen.html>; Citizenship and Immigration Canada, "Born Outside Canada to a Canadian Parent," <http://cicnet.ci.gc.ca/english/ citizen/bornout-info.htm>; Constitución de la República Bolivariana de Venezuela, capítulo II, sección primera, December 1999, accessed at Pantin & Asociados, "Leyes de Venezuela," law library on line, <http://comunidad.vlex.com/pantin/ constve.html>, through Ministerio del Interior y Justicia, <http://www.mij.gov.ve>.

[19] *See* Government of Japan, Ministry of Justice, "The Nationality Law," <http://www.moj.go.jp/ ENGLISH/CIAB/ law01.html>; Government of Hong Kong Special Administrative Region of the People's Republic of China, Immigration Department, "Nationality Law of the People's Republic of China," <http://www.immd.gov.hk/ehtml/ chnnationality_1html>; The Bahamas National Commission, *The Bahamas Constitution: Options for* Change, 2003, p. 11; Government of the Commonwealth of The Bahamas, "The Constitution of the Commonwealth of The Bahamas," <http://www.bahamas.gov.bs/bahamasweb/home.nsf>.

[20] *See* Republic of Ghana, Ghana Immigration Service, Constitution, chapter 3, "Citizenship," <http://www.ghana.gov.gh/living/constitution/chapter03.php>; Government of Uganda,

Constitution, chapter 3, "Citizenship," <http://www.government.go.ug/constitution/detail.php?myID>.

[21] Government of Canada, Department of Justice, "Citizenship Act," part II, <http://laws.justice.gc.ca/en/C-29/33112.html#rid-33145>.

[22] U.S. Department of State, "Acquisition of U.S. Citizenship By a Child Born Abroad," <http://travel.state.gov/acquisition.html>; INA § 301.

[23] Icelandic Nationality Act, <http://government.is/interpro/dkm/dkm.nsf/pages/eng_nationality_act>.

[24] Embassy of Iceland, "Amendments to the Icelandic Citizenship Act," <http://brunnur.stjr.is/embassy/washington.nsf/pages.DualCitizenship>; Icelandic Nationality Act, <http://government.is/interpro/dkm/dkm.nsf/pages/ eng_nationality_act>.

[25] Government of Hong Kong Special Administrative Region of the People's Republic of China, Immigration Department, "Nationality Law of the People's Republic of China," <http://www.immd.gov.hk/ehtml/chnnationality_1html.>

[26] Constitución de la República Bolivariana de Venezuela, capítulo II, sección primera, December 1999.

[27] Government of India, Ministry of Home Affairs, Foreigners Division, "Indian Citizenship," <http://mha.nic.in/citizenship/intro.htm>; Government of India, Ministry of Home Affairs, Foreigners Division, "Synopsis of the Citizenship Act, 1955," <http://mha.nic.in/citizenship/intro.htm>.

[28] Citizenship and Immigration Canada, "Born Outside Canada to a Canadian Parent," <http://cicnet.ci.gc.ca/english/citizen/bornout-info.htm>.

[29] Dilek Cinar and Urike Davy, "Comparing the Rights of Non-Citizens in Western Europe," *Research Perspectives on Migration,* 1999, vol. 2, no. 2, p. 11.

[30] Embassy of Switzerland – Ghana, "The Swiss Citizenship Law," <http://www.eda.admin.ch/accra_emb/e/home/mb/citlaw.htm>.

[31] Austrian Consulate General, New York, "Obtaining Austrian Citizenship," <http://www.austria-ny.org/page7-1e.htm>.

[32] Government of Hong Kong Special Administrative Region of the People's Republic of China, Immigration Department, "Nationality Law of the People's Republic of China," <http://www.immd.gov.hk/ehtml/chnnationality_1html>.

[33] Dirección General de Identificación y Extranjero, "Naturalización," <http://www.onidex.gov.ve/naturalizacion.html>.

[34] Icelandic Nationality Act, <http://government.is/interpro/dkm/dkm.nsf/pages/eng_nationality_act>.

[35] German Embassy, Washington, D.C., "Background Papers: Citizenship Reform and Germany's Foreign Residents," <http://www.germany-info.org>; German Embassy, United Kingdom, "Reform of Germany's Citizenship and Nationality Law: Harmonization with European Standards as of 1 January 2000," <http://www.german-embassy.org.uk>.

[36] German Embassy, Washington, D.C., "Background Papers: Citizenship Reform and Germany's Foreign Residents;" German Embassy, United Kingdom, "Reform of Germany's Citizenship and Nationality Law."

[37] German Embassy, Washington, D.C., "The People," <http://www.germany-info.org>.

[38] Embassy of Ireland, Washington, DC, "Irish Citizenship by Post-Nuptial Declaration," <http://www.irelandemb.org/post.htm>.

[39] United Kingdom, Home Office, "Nationality, Immigration and Asylum Act 2002," <http://www.ind.homeoffice.gov.uk/default.asp?pageid=3784>.

[40] Australian Department of Immigration and Multicultural Indigenous Affairs, "Australian Citizenship," fact sheet #90, <http://www.citizenship.gov.au>.

Notes to Section II

[41] Robert F. Kennedy, speech at the University of San Francisco Law School, 1962, quoted at <http://www.rfkmemorial.org/RFK/rfk_quotes.htm>.

[42] USCIS, "Rights and Responsibilities," <http://uscis.gov>.

[43] U.S. CONST. amend. XIV.

[44] U.S. CONST. art. IV, § 3.

[45] *See* Ediberto Roman, "The Alien-Citizen Paradox and Other Consequences of U.S. Citizenship," *Florida State University Law Review*, vol. 26 (Fall 1998), pp. 1-47; Puerto Rico-USA Citizenship Foundation, "View of Congress, the Courts and the Federal Government," <http://www.puertoricousa.com/english/views.htm>; The Citizens Educational Foundation, "Understanding Citizenship Issues," *Puerto Rico Herald*, June 9, 1999, <http://www.puertorico-herald.org/issues/vol3n24/Citizenship-en.shtml>.

[46] *See* General Accounting Office (GAO), *U.S. Insular Areas: Application of the U.S. Constitution*, GAO/OCG98-5, Nov. 7, 1997.

[47] GAO, *U.S. Insular Areas*. *See also* Dan MacMeekin, "Island Law: The Insular Cases," <http://www.macmeekin.com/Library/Insular%20Cases.htm>.

[48] *Downes v. Bidwell*, 182 U.S. at 290-201 (1901), cited in GAO, *U.S. Insular Areas.*

[49] *Dorr v. United States,* 195 U.S. 138, at 147 (1904), cited in GAO, *U.S. Insular Areas.*

[50] Daniel E. Hall, "Curfews, Culture, and Custom in American Samoa: An Analytical Map for Applying the U.S. Constitution to U.S Territories," *Asian-Pacific Law & Policy Journal*, vol. 2 (February 2001), pp. 69-107, p. 69. *See also* Jon M. VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands," *University of Hawaii Law Review*, vol. 14 (Fall 1992), pp. 445-517.

[51] *Territory of Hawaii v. Mankichi,* 190 U.S. 197, at 217-18 (1903), cited in VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands."

[52] *See Downes v. Bidwell*, 182 U.S. at 290-201 (1901), cited in GAO, *U.S. Insular Areas.*

[53] *Downes v. Bidwell,* 182 U.S. 244, at 282 (1901), cited in VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands."

[54] GAO, *U.S. Insular Areas.*

[55] Ibid.

[56] *Craddick v. Territorial Registrar*, App. No. 10-79, 3-5 (H.Ct. App. Div. Apr. 23, 1980), quoted in GAO, *U.S. Insular Areas.*

[57] *Malloy v. Hogan*, 378 U.S. 1 (1964), cited in GAO, *U.S. Insular Areas.*

[58] *United States v. Verdugo-Urquidez*, 494 U.S. 259 at 268-69 (1990), cited in GAO, *U.S. Insular Areas* and MacMeekin, "Island Law."

[59] *Hawaii v. Mankichi,* 190 U.S. 197 (1903) and *Dowdell v. United* States, 221 U.S. 325 (1911), cited in MacMeekin, "Island Law;" *Dorr v. United States*, 195 U.S. 138 at 133-45 (1904), cited in GAO, *U.S. Insular Areas.*

[60] *Dorr v. United States*, 195 U.S. 138 at 133-45 (1904), cited in GAO, *U.S. Insular Areas; Balzac v. Porto Rico*, 258 U.S. 298 (1922), cited in MacMeekin, "Island Law."

[61] VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands," pp. 505-507.

[62] *See* GAO, *U.S. Insular Areas;* VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands," p. 507.

[63] VanDyke, "The Evolving Legal Relationships Between the United States and Its Affiliated U.S.-Flag Islands," p. 507.

[64] Ibid.

[65] Ibid.; Roman, "The Alien-Citizen Paradox and Other Consequences of U.S. Colonialism."

[66] Roman, "The Alien-Citizen Paradox and Other Consequences of U.S. Colonialism," p. 38.

[67] GAO, *U.S. Insular Areas.*

[68] *See* Title 50 Appendix, U.S. Code, § 453, stating "it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration" (emphasis added). Presidential Proclamation No. 4771, § 1-108, 45 Fed. Reg. 45247 (July 2, 1980), stating "Aliens and noncitizen nationals of the United States who, on or after July 1, 1980, come into and reside in the United States shall present themselves for registration" (emphasis added).

[69] Gordon, Mailman, and Yale-Loehr, *Immigration Law and Procedure*, § 91.05.

[70] USCIS, *A Guide to Naturalization* (Form M-476), <http://uscis.gov>. Time spent residing in American Samoa or Swains Island counts as time resided within the United States. Other requirements for naturalization must be met.

[71] H.J. RES. 191 (Nov. 16, 1996).

[72] Herman L. Bookford, "Honorary Citizenship," *I & N Reporter*, vol. 12, no. 1 (July 1963), pp. 1-2, 8.

[73] "Honorary Citizens of the United States," <http://www.senate.gov/reference/reseources/pdf/honorcit.pdf>. *See also*, Bookford, "Honorary Citizenship;" President Ronald Reagan, "Remarks on Signing a Bill Proclaiming Honorary United States Citizenship for Raoul Wallenberg of Sweden, Oct. 5, 1991," <http://www.reagan.utexas.edu/resource/speeches/1981/100581e.htm>; Presidential Proclamation 5284, "Honorary United States Citizenship for William and Hannah Penn," Nov. 28, 1984, <http://www.reagan.utexas.edu/resource/speeches/1984/112884a.htm>; H.J. RES. 191 (to confer honorary citizenship on Mother Teresa); Pub. L. 107-209 (Jan. 23, 2002) (conferring honorary citizenship on the Marquis de Lafayette).

[74] USCIS, "Citizenship," <http://uscis.gov>.

[75] Ibid.

[76] U.S. Department of State, "Acquisition of U.S. Citizenship By a Child Born Abroad," <http://travel.state.gov/acquisition.html>; *see* INA § 301.

[77] Ibid.

[78] Ibid.

[79] USCIS, "Naturalization," <http://uscis.gov>.

[80] Ibid.

[81] *See* USCIS, "Frequently Asked Questions About Naturalization," <http://uscis.gov/graphics/services/natz/faq.htm>.

Notes to Section III

[82] U.S. CONST. art. I, § 8.

[83] 1 Stat. 103-104 (1790).

[84] This early naturalization law was limited to "free white persons" and thus excluded indentured servants, slaves, other people of color, and persons considered dependents, such as most women. U.S. Citizenship and Immigration Services, "This Month in Immigration History: March 1790," <http://uscis.gov>.

[85] 34 Stat. 737 (June 29, 1906). *See* Immigration and Naturalization Service, *1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[86] USCIS, "This Month in Immigration History: March 1790," <http://uscis.gov>.

[87] 40 Stat. 512. *See* U.S. Bureau of Citizenship and Immigration Services, "Naturalizations Since 1907," *INS Reporter*, vol. 26, no. 3 (Winter 1977-1978), pp. 41-46, <http://uscis.gov>.

[88] USCIS, "Naturalizations Since 1907," *INS Reporter*, vol. 26, no. 3 (Winter 1977-1978), pp. 41-46, <http://uscis.gov>.

[89] Marian L. Smith, "Women and Naturalization, ca. 1802-1940," *Prologue* (U.S. National Archives and Records Administration), vol. 30, no. 2 (Summer 1998), <http://www.archives.gov>.

[90] 54 Stat. 1137 (October 14, 1940). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[91] "Citizenship Education," prepared by the Immigration and Naturalization History Office and Library.

[92] 66 Stat. 163 (June 27, 1952). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I; "Citizenship Education," prepared by the Immigration and Naturalization History Office and Library.

[93] 80 Stat. 661 (Dec. 18, 1967). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[94] 82 Stat. 279 (Oct. 24, 1968). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[95] 92 Stat. 917 (Oct. 5, 1978). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[96] 80 Stat. 1322 (Nov. 6, 1966). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[97] 86 Stat. 1289 (Oct. 27, 1972). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[98] 104 Stat. 4978 (Nov. 29, 1990). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[99] U.S. Department of Veterans Affairs, "Federal Benefits for Veterans and Dependents," 1997 edition, <http://www.va.gov>; Posthumous Citizenship for Active Duty Service Act of 1989, Pub. L. No. 101-249; Immigration Act of 1990, Pub. L. No. 101-649, § 405.

[100] Act of December 7, 1999 (113 Stat. 1996); Hmong Veterans' Naturalization Act of 2000 (114 Stat. 316); Extension of the Hmong Veterans' Naturalization Act of 2000 (114 Stat. 1810); Act of November 6, 2000 (114 Stat. 1939), and the Child Citizenship Act of 2000. *See* U.S. Citizenship and Immigration Services, "Public Laws Amending the INA," <http://uscis.gov>.

[101] Office of the Press Secretary, news release, Nov. 24, 2003, <http://www.whitehouse.gov/news/releases/2003/11/20031124-5.html>. This law also extends posthumous benefits to surviving spouses, children, and parents of persons who had served in the armed forces and died as a result of such service. Such aliens remain "immediate relatives" for 2 years after the death of the citizen service member for the purpose of applying for immigration benefits.

[102] 79 Stat. 911 (Oct. 3, 1965). *See* Lovita E. Smith, "Naturalization Rates of Immigrants," *I & N Reporter*, Winter 1973, pp. 29-35.

[103] 100 Stat. 3359 (Nov. 6, 1986). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I.

[104] INS, *An Immigrant Nation: United States Regulation of Immigration, 1798-1991*, June 18, 1991, p. 25.

[105] *1998 Statistical Yearbook of the Immigration and Naturalization Service*, pp. 169-170.

[106] Department of Homeland Security, Office of Immigration Statistics, *2002 Yearbook of Immigration Statistics,* pp. 161-162.

[107] Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, § 201, amending the INA § 245A. *See also* USCIS, "This Month in Immigration History: May 1987," <http://uscis.gov>.

[108] *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I; National Center on Poverty Law, "Immigrants' Eligibility for Federal Benefits," by Tanya Broder and Dinah Wiley, pp. 152-165 in *Poverty Law Manual for the New Lawyer*, p. 155.

[109] National Center on Poverty Law, "Immigrants' Eligibility for Federal Benefits," p. 155.

[110] Pub. L. No. 105-33 (1997). *See* Administration on Aging, "Balanced Budget Act of 1997 restoring eligibility of qualified alien in receipt of SSI on August 22, 1996," <http://www.aoa.gov/prof/civil_rights/Non_citizens/wri/update.asp.> U.S. Department of Agriculture, Food and Nutrition Service, "A Short History of the Food Stamp Program," <http://www.fns.usda.gov/fsp/rules/Legislation/history.htm>.

[111] National Center on Poverty Law, "Immigrants' Eligibility for Federal Benefits," p. 154. Under PRWORA, as amended, "qualified aliens" include: aliens lawfully admitted for permanent residence; aliens granted asylum under the INA; refugees admitted to the United States under the

INA; aliens paroled into the United States under § 212(d)(5) of the INS for a period of at least 1 year; aliens whose deportations are being withheld under § 243(h) of the INA or whose removal has been withheld under § 241(b) (3) of the INA; aliens granted conditional entry pursuant to § 203(a)(7) of the INA; aliens who are Cuban/Haitian Entrants; aliens who have been battered or subjected to extreme cruelty, or whose child or parent has been battered or subject to extreme cruelty." USCIS, "SAVE Program; Legal Basis," <http://uscis.gov/graphics/services/save.htm>.

[112] National Center on Poverty Law, "Immigrants' Eligibility for Federal Benefits," p. 154.

[113] U.S. Department of Agriculture, Food and Nutrition Service, "A Short History of the Food Stamp Program."

[114] This number has remained steady since the mid-1960s, although it varies by region of birth. Department of Homeland Security, Office of Immigration Statistics, *2002 Yearbook of Immigration Statistics,* October 2003, Table P, p. 162.

[115] Immigration and Naturalization Service, *1990 Statistical Yearbook of the Immigration and Naturalization Service*, pp. 18-22.

[116] Act of May 9, 1918 (40 Stat. 512); Married Woman's Act of 1922 (The Cable Act, 42 Stat. 1021).

[117] *1990 Statistical Yearbook of the Immigration and Naturalization Service*, pp. 23, A.1-5.

[118] Ibid., p. 25.

[119] Ibid., pp. 23, A.1-5 – A.1-6.

[120] Ibid., pp. 47, 144.

[121] Ibid., pp. 24-26.

[122] *2002 Yearbook of Immigration Statistics*, p. 49; *1990 Statistical Yearbook of the Immigration and Naturalization Service*, p. A.1-12.

[123] *1990 Statistical Yearbook of the Immigration and Naturalization Service*, pp. 47, 144.

[124] Ibid., p. 27.

[125] Ibid.

[126] Immigration and Naturalization Service, *The Triennial Comprehensive Report on Immigration*, 2002, p. 20.

[127] *2002 Yearbook of Immigration Statistics,* Table 34, p. 163; Lovita E. Smith, "Naturalization Rates of Immigrants," *I & N Reporter*, Winter 1973, pp. 29-35.

[128] Act of December 18, 1967 (81 Stat. 197); Act of June 29, 1968 (82 Stat. 279); Act of October 24, 1968 (82 Stat. 1343). *See 1990 Statistical Yearbook of the Immigration and Naturalization Service*, p A.1-15.

[129] *1990 Statistical Yearbook of the Immigration and Naturalization Service*, p. 29.

[130] 100 Stat. 3359 (Nov. 6, 1986). *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, App. I; INS, *An Immigrant Nation,* p. 25.

[131] *1990 Statistical Yearbook of the Immigration and Naturalization Service*, p. 40.

[132] *1998 Statistical Yearbook of the Immigration and Naturalization Service*, p. 13.

[133] *See Statistical Yearbook of the Immigration and Naturalization Service*, various editions, 1990-2002.

[134] *1998 Statistical Yearbook of the Immigration and Naturalization Service,* pp. 168-169.

[135] *2002 Yearbook of Immigration Statistics,* Table 34, p. 163.

[136] INS, *The Triennial Comprehensive Report on Immigration*, 2002, p. 33.

[137] One analysis of data from the Current Population Survey provided estimates for Americans living abroad and emigrants from the United States. The researcher suggests that in 1989, there were 353,000 Americans living abroad, 234,000 of whom were members of the Armed Forces. She estimated that another 981,000 emigrants were also living abroad. Karen A. Woodrow-Lafield, "Emigration from the USA: Multiplicity Survey Evidence," *Population Research and Policy Review*, vol. 15 (April 1996), pp. 171-199.

[138] Belinda Reyes, "Why Return Migration Matters: The Case of Immigration from Western Mexico," Public Policy Institute of California,1997.

[139] Quoted in Immigration and Naturalization Service, Office of Policy Development, Statistics Division, "Emigration from the United States," Bulletin #5, April 1990.

[140] INS, *The Triennial Comprehensive Report on Immigration*, 2002, p. 33; *see also 2000 Statistical Yearbook of the Immigration and Naturalization Service*, pp. 269-270.

[141] Ibid.

[142] Edward W. Fernandez, "Estimation of the Annual Emigration of U.S. Born Persons by Using Foreign Censuses and Selected Administrative Data: Circa 1980," January 1995, <http://www.census.gov/population/www/documentation/ twps0010/twps0010.html>.

[143] These data are collected from a wide variety of sources and are not necessarily comparable. In addition, MPI does not provide extensive detail concerning the nature of the data. As such, specific information on persons naturalizing, such as country of birth, if U.S. citizenship was renounced, where the individual resides, or if naturalization was due to marriage or adoption, is unknown. MPI provided naturalization data by former nationality for only 9 countries.

[144] The MPI data define western Asia as including: Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates, and Yemen. South-central Asia includes: Afghanistan, Bangladesh,

Bhutan, India, Iran, Kazakhstan, Kyrgyzstan, Maldives, Nepal, Pakistan, Sri Lanka, Tajikistan, and Uzbekistan.

[145] Derived from Migration Policy Institute, Migration Information Source. *See* Veysel Oezcan, "Fewer Ethnic Germans Immigrating to Ancestral Homeland," Migration Information Source, February 1, 2004, <http://www.migrationinformation.org/Feature/display.cfm?id=201>.

[146] Veysel Oezcan, "Germany: Immigration in Transition," Migration Information Source, May 2002, <http://www.migrationinformation.org/Profiles/ display.cfm?ID=22>.

[147] Derived from Migration Policy Institute, Migration Information Source. *See also* Joanne van Selm, "The Netherlands: Tolerance Under Pressure," Migration Information Source, September 2003, <http://www.migrationinformation.org/Profiles/ display.cfm?ID=156>.

[148] The MPI data for Central America include Mexico.

[149] Derived from Migration Policy Institute, Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>. *See also,* Christine Inglis, "Australia's Transformation," Migration Information Source, May 2002, <http://www.migrationinformation.org/Profiles/display.cfm?ID=23>.

[150] Nancy Rytina, "The Timing of Naturalization in the U.S. Through 1996: The Experience of Legal Immigrant Cohorts of 1977 and 1982," Working Paper Series in INS Statistics No. 98-1, August 1998; Nancy Rytina, "Are Recent Immigrant Cohorts Following Naturalization Patterns of Earlier Cohorts?" Working Paper Series in INS Statistics No. 00-1, August 2000.

[151] *See 2002 Yearbook of Immigration Statistics,* Table 2.

[152] For example, the War Brides Act of 1945, removed visa requirements for nationals of foreign countries who had married members of the American armed forces during and after World War II, making it easier for them to enter the United States and eventually naturalize. 59 Stat. 659 (December 28, 1945).

[153] *See 2002 Yearbook of Immigration Statistics,* Table 2.

[154] *1990 Statistical Yearbook of the Immigration and Naturalization Service*, p. 139.

[155] Ibid.

[156] *2002 Yearbook of Immigration Statistics,* pp. 160-161. Many immigrants opted for naturalization rather than pay the fee for replacing their green cards.

[157] *2002 Yearbook of Immigration Statistics*, p. 161.

[158] *2002 Yearbook of Immigration Statistics*, p. 169.

[159] *See 1998 Statistical Yearbook of the Immigration and Naturalization Service*, p. 60; *2002 Yearbook of Immigration Statistics*, p. 28.

[160] *2002 Yearbook of Immigration Statistics*, p. 161.

[161] Ibid., p. 9.

[162] Ibid., p. 169.

[163] Rytina, "Are Recent Immigrant Cohorts Following Naturalization Patterns of Earlier Cohorts?"

[164] *See* Noah M. J. Pickus, "To Make Natural: Creating Citizens for the Twenty-First Century," ch. 4 in *Immigration & Citizenship in the 21st Century*, ed. Noah M.J. Pickus (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1998), pp. 109-110.

[165] Pickus, "To Make Natural: Creating Citizens for the Twenty-First Century," p. 124.

[166] Audrey Singer and Greta A. Gilbertson, "When Immigrants Naturalize: Contexualizing Naturalization," *Research Perspectives On Migration*, vol. 2, no. 2 (1999), pp. 12-13.

[167] Singer and Gilbertson, "When Immigrants Naturalize," pp. 12-13.

[168] Michael Fix, Jeffrey S. Passel, and Kenneth Sucher, "Trends in Naturalization," *Immigrant Families and Workers: Facts and Perspectives*, Urban Institute Immigration Studies Program, Brief no. 3, September 2003.

Notes to Section IV

[169] U.S. Department of Homeland Security, Office of Immigration Statistics, *2002 Yearbook of Immigration Statistics*, Oct. 2003, p. 159.

[170] USCIS, "General Naturalization Requirements," <http://uscis.gov>.

[171] USCIS, "Naturalization: Waivers, Exceptions, and Special Cases," <http://uscis.gov>.

[172] Ibid.

[173] Ibid.

[174] Posthumous Citizenship for Active Duty Service Act of 1989, Pub. L. No. 101-249; USCIS, "N-644, Application for Posthumous Citizenship," <http://uscis.gov>; U.S. Department of Veterans Affairs, "Federal Benefits for Veterans and Dependents," 1997 edition, <http://www.va.gov>.

[175] U.S. Department of Veterans Affairs, "Federal Benefits for Veterans and Dependents," 1997 edition, <http://www.va.gov>; Immigration Act of 1990, Pub. L. No. 101-649, § 405.

[176] USCIS, "Child Citizenship Act (CCA) Program Update, January 2004," <http://uscis.gov/graphics/services/natz/cca_update.htm>; U.S. Department of State, "Child Citizenship Act of 2000," Fact Sheet, <http://travel.state.gov/childcitfact.html>; USCIS, "Frequently Asked Questions About Naturalization," <http://uscis.gov/graphics/services/natz/faq.htm>.

[177] U.S. Department of State, "Child Citizenship Act of 2000."

[178] USCIS, "Frequently Asked Questions About Naturalization." The "one citizen parent" rule does not apply to children claiming citizenship prior to February 27, 2001, the effective date of the Child Citizenship Act. Thus, in certain cases the individual would have to establish that the parent or parents who were not U.S. citizens by birth had naturalized, or that the naturalizing parent was separated or legally divorced and had legal custody of the child.

[179] USCIS, "Information for Adoptive Parents with Children Residing Abroad, January 2004," <http://uscis.gov/graphics/services/natz/residing_abroad.htm>.

[180] Ibid.

[181] USCIS, *A Guide to Naturalization* (Form M-476), <http://uscis.gov>.

[182] In certain instances where the applicant establishes that he or she is opposed to any type of service in armed forces based on religious teaching or belief, USCIS will permit these applicants to take a modified oath.

[183] 8 CFR § 337.1(d).

[184] David Weissbrodt, *Immigration Law & Procedure In a Nutshell*, 2nd ed. (St. Paul, MN: West Publishing Company, 1989), pp. 243-247.

[185] Immigration Act of 1990, Pub. L. No. 101-649, §§ 310.4, 401.

[186] Pub. L. No. 102-232, 105 Stat. 1733 (Dec. 12, 1991).

[187] Pub. L. No. 102-232, § 102, codified at 8 CFR § 310.3(c)(1).

[188] United States District Court for the District of Arizona, General Order 98-25, In the matter of Naturalization Ceremonies in Yuma, Arizona, Feb. 10, 1992.

[189] 8 CFR § 310.3(d).

[190] Pub. L. No. 102-232, § 102(a).

[191] Executive Office for Immigration Review, Memorandum from the Office of the Chief Immigration Judge, re: Operating Policy and Procedures Memorandum No. 97-8, Naturalization Oath Ceremonies, 1997. *See* 8 CFR § 337.2.

Notes to Section V

[192] U.S. Department of State, "Renunciation of Citizenship by Persons Claiming a Right of Residence in the United States," <http://travel.state.gov/pr_renun.html>.

[193] Weissbrodt, *Immigration Law & Procedure*, p. 248.

[194] U.S. Department of State, "Renunciation of Citizenship," <http://travel.state.gov/renunciation.html>; U.S. Department of State, "Renunciation of Citizenship by Persons Claiming a Right of Residence in the United States," <http://travel.state.gov/pr_renun.html>.

[195] Immigration and Nationality Act, § 349(a)(5); 8. U.S.C. 1481.

[196] U.S. Department of State, "Renunciation of Citizenship;" U.S. Department of State, "Renunciation of Citizenship by Persons Claiming a Right of Residence in the United States."

[197] Ibid.

[198] Ibid.

[199] Ibid.

[200] Ibid.

[201] USCIS, *Adjudicator's Field Manual*, chap. 76, § 76.1; Weissbrodt, *Immigration Law and Procedure in a Nutshell,* pp. 250-257.

[202] Immigration and Nationality Act, § 349; 8 U.S.C. 1481.

[203] U.S. Department of State, "Advice About Possible Loss of U.S. Citizenship and Dual Nationality," <http://travel.state.gov/loss.html>; U.S. Consulate General, Naha, Okinawa, Japan, "Dual Nationality and Loss of Citizenship," <http://naha.usconsulate.gov/wwwh2040.html>.

[204] U.S. Department of State, "Advice About Possible Loss of U.S. Citizenship and Dual Nationality," <http://travel.state.gov/loss.html>.

[205] *Afroyim v. Rusk,* 287 U.S. 253 (1967), quoted in U.S. Department of State, "Advice About Possible Loss of U.S. Citizenship and Foreign Military Service," <http://travel.state.gov/military_service.html>.

[206] *Vance v. Terrazas,* 444 U.S. 252 (1980), quoted in U.S. Department of State, "Advice About Possible Loss of U.S. Citizenship and Foreign Military Service," <http://travel.state.gov/military_service.html>.

Notes to Section VI

[207] T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, DC: Carnegie Endowment for International Peace, 2002), p. 23.

[208] Brian Ray, Migration Policy Institute, "Immigration Integration: Building to Opportunity," *Migration Information Source*, Oct. 1, 2002. *See also*, Demetrios G. Papademetriou, Migration Policy Institute, "Policy Considerations for Immigrant Integration," Oct. 1, 2003.

[209] Peggy Levitt, "It's Not Just About Dual Citizenship," *Research Perspectives on Immigration*, vol. 2, no. 2 (1999), pp. 13-14.

[210] Government of Australia, Department of the Parliamentary Library, Information and Research Services, *Dual Citizenship in Australia*, Current Issues Brief No. 5 2000-01; *See also* Council of Europe, *Explanatory Report: European Convention on Nationality*, <http://conventions.coe.int/Treaty/en/Reports/Html/166.html>.

[211] T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, DC: Carnegie Endowment for International Peace, 2002), pp. 23-24; David A. Martin, "Introduction: The Trend Toward Dual Nationality," chap 1 in David A. Martin and Kay Heilbronner, eds., *Rights and Duties of Dual Nationals: Evolution and Prospects* (New York: Kluwer Law International, 2003), p. 5.

[212] U.S. Office of Personnel Management, Investigations Service, *Citizenship Laws of the World*, IS-1, March 2001, pp. 6-7.

[213] For example, Venezuelan citizens by birth can never be deprived of their citizenship. Citizenship through naturalization can only be revoked by a judicial sentence in accordance with the law. Constitución de la República Boliviariana de Venezuela, capítulo II, sección primera, artículo 35.

[214] U.S. Office of Personnel Management, Investigations Service, *Citizenship Laws of the World*, IS-1, March 2001, p. 7.

[215] United States Embassy in New Zealand, "Dual Nationality," <http://wellington.usembassy.gov/usservices/wwwsdualnation.sht>; Australian Department of Foreign Affairs and Trade, "Travel Information for Dual Nationals – What it Could Mean for Your When Travelling Overseas?" <http://www.dfat.gov.au/ consular/dualnat.html>.

[216] Government of Mexico, Secretaria de Relaciones Exteriores, "Nuevo Régimen de Nacionalidad en México," <http://www.sre.gob.mx/tramites/legales/ naturaliza_nacionalidad.htm>.

[217] U.S. Department of State, "Dual Nationality," <http://travel.state.gov/ dualnationality.html>.

[218] Ibid. *See also* USCIS, *Adjudicator's Field Manual*, chap. 75, § 75.3(a); United States Embassy, Quito, Ecuador, "Dual Nationality and Loss of U.S. Citizenship," <http://usembassy.state.gov/quito/wwwhdualnat.htm>.

[219] Citizenship and Immigration Canada, "Dual Citizenship," <http://www.cic.gc.ca/ english/citizen/dualci_e.htm>.

[220] *See* Australian Department of Immigration and Multicultural Indigenous Affairs, "Australian Citizenship," fact sheet #90, <http://www.citizenship.gov.au>; Government of the Republic of France, Ministry of Foreign Affairs, "La nationalité française," <http://www.diplomatie.fr/etrangers/vivre/nationalite/index.html>; Embassy of Switzerland – Ghana, "The Swiss Citizenship Law," <http://www.eda.admin.ch/accra_emb/e/home/mb/citlaw.htm>; United Kingdom, Home Office, "Applying for British Nationality – BN18: Information about dual nationality," <http://www.ind.homeoffice.gov.uk/defualt.asp?PageId=15>.

[221] Government of Japan, Ministry of Justice, "The Choice of Nationality," <http://www.moj.go.jp/ENGLISH/CIAB/ciab-04.html>.

[222] German Embassy, Washington, D.C., "Background Papers: Citizenship Reform and Germany's Foreign Residents," <http://www.germany-info.org>.

[223] *See* Government of Hong Kong Special Administrative Region of the People's Republic of China, Immigration Department, "Nationality Law of the People's Republic of China," <http://www.immd.gov.hk/ehtml/chnnationality_1html>; Government of India, Ministry of Home Affairs, Foreigners Division, "Indian Citizenship," <http://mha.nic.in/citizenship/intro.htm>; Government of India, Ministry of Home Affairs, Foreigners Division, "Synopsis of the Citizenship Act, 1955," <http://mha.nic.in/citizenship/intro.htm>; Government of the Republic of Estonia, Ministry of Justice, Estonian Legal Language Centre, Citizenship Act of 1995 (English translation), <http://www.legaltext.ee/text/en/X40001K3.html>; Republic of Latvia, Ministry of Foreign Affairs, "Latvian Citizenship," <http://www.am.gov.lv/ en/?id=573>; Government of Uganda, Constitution, chapter 3, "Citizenship," <http://www.government.go.ug/constitution/detail.php?myID>; Constitución de la República Bolivariana de Venezuela, capítulo II, sección primera, artículo 34.

[224] *See* South African Department of Home Affairs, "South African Citizenship," <http://www.home-affairs.pwv.gov.za/sa_citizenship.asp>; The Bahamas National Commission, *The Bahamas Constitution Options for* Change, 2003, p. 12; Government of the Commonwealth of The Bahamas, "The Constitution of the Commonwealth of The Bahamas," <http://www.bahamas.gov.bs/bahamasweb/home.nsf>.

[225] Gobierno de México, Secretaria de Relaciones Exteriores, "Nuevo Régimen de Nacionalidad en México," <http://www.sre.gob.mx/tramites/legales/naturaliza_nacionalidad.htm>; Embajada de México en España, "No pérdida de la nacionalidad mexicana: Introducción," <http://www.ser.gob.mx/espana/ noperdida.htm>.

[226] Mary Ann Larkin, "Nationality in Mexico," *Research Perspectives on Migration*, 1999, vol. 2, no. 2, pp. 15-16.

[227] Ben Winograd, Reuters, "Fox favors letting Mexicans vote abroad; Administration hopes to pass absentee balloting in time for 2006 election," <http://www2.ocregister.com/ocrweb/ocr/article.do?id=62796>; Karen Brooks, "Odds better for absentee voting in U.S.," *The Miami Herald*, Nov. 2, 2003, ttp://www.miami.com/mld/miamiherald/news/world/americas/7168079.htm>.

[228] Embassy of Italy, "Doppia Cittadinanza/Dual Citizenship," <http://www.italyemb.org/doppiacittadinanza.htm>.

[229] Embassy of Spain in the United States, "Nacionalidad: Información sobre nacionalidad Española," Sept. 10, 2002, <http://www.spainemb.org/consulado/ consuladoNacionalidad.htm>.

[230] Government of Malta, Ministry for Justice and Home Affairs, "Citizenship," <http://www.mjha.gov/mt/departments/citizen/citizenship.htm>.

[231] Embassy of Iceland, "Amendments to the Icelandic Citizenship," news release, <http://brunnur.stjr.is/embassy/washington.nsf/pages/DualCitizenship>.

[232] Australian Department of Immigration and Multicultural Indigenous Affairs, "Australian Citizenship," fact sheet #90, <http://www.citizenship.gov.au>.

[233] Associated Press, "Arroyo signs dual citizenship law," *San Francisco Gate*, August 29, 2003, <http://www.sfgate.com>.

[234] T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, D.C.: Carnegie Endowment for International Peace, 2002), pp. 37-38.