

Historical Naturalization and Immigration Laws

from 1790 through 1952

YEAR	DESCRIPTION
1790	Naturalization Act of 1790 – Two years residency; restricted to “free white persons” of “good moral character”
1795	Naturalization Act of 1795 – Five years residency plus three years notice of intent to apply for citizenship
1798	Naturalization Act of 1798 – 14 years residency and five years notice of intent to apply for citizenship
1802	Repealed and replaced the 1798 act; Five years residency and three years notice of intent to apply for citizenship. Resident children of naturalized citizens are considered citizens; children born abroad of US citizens are considered citizens
1824	Reduced time from notice of intent to citizenship to 2 years. 5 years still required.
1855	Women take on the citizenship of her husband through derivative citizenship.
1866	Civil Rights Act of 1866 provide that “All persons born in the US and not subject to any foreign power, excluding Indians not taxed, are citizens, and such citizens of every race and color without regard to any previous condition of slavery or inservitude shall have the same rights as enjoyed by white citizens”.
1868	14 th Amendment reads “All persons born or naturalized in the US, and subject to the jurisdiction thereof, are citizens of the US”
1870	Law expanded to allow African blacks to be naturalized; Asians could immigrate but could not be naturalized
1875	Page Act barred immigrants considered “undesirable,” defining this as a person from East Asia who was coming to the United States to be a forced laborer, any East Asian woman who would engage in prostitution, and all people considered to be convicts in their own country
1882	The Chinese Exclusion Act limited further Chinese immigration. The law was later changed and repealed. Did not deal with naturalization issues.
1891	Expanded the list of exclusions for immigration from prior laws to include those who have a contagious disease and polygamists.
1903	Banned anarchists, beggars, and importers of prostitutes from immigrating.
1907	A Gentlemen’s Agreement stopped Japan from issuing visas, but many Japanese immigrants immigrated through Hawaii.
1907	Under the act of March 2, 1907, all women acquired their husband’s nationality upon a marriage that occurred after that date. However, U.S.-born citizen women could now lose their citizenship by any marriage to any alien.
1922	The Cable Act provided that a woman had a nationality of her own. No marriage since that date has granted U.S. citizenship to any alien woman nor taken it from any U.S.-born women who married an alien eligible to naturalization. Under the new law women became eligible to naturalize nearly on the same terms as men. A difference was for those women whose husbands had already naturalized. If her husband was a citizen, the wife did not need to file a declaration of intention. She could initiate naturalization proceedings with a petition alone.
1936	Women who were native born citizens and lost citizenship because of marriage prior to September 22, 1922 are considered a citizen if she took the oath of allegiance and her marriage was terminated by either death or divorce.
1940	In 1940 Congress allowed all women who lost citizenship by marriage between 1907 and 1922 to repatriate, or resume their citizenship, regardless of their marital status. Since then, any woman who lost U.S. citizenship in those years by marriage to an alien, could resume her citizenship by applying and taking the oath of allegiance.
1952	Declaration of Intent no longer required; 5 years residency still required.