

United States Citizenship Records: Derivative, Replacement, and Repatriation Certificate Files

by Zack Wilske

Family history researchers long have known the value of naturalization records. Most researchers interested in documenting naturalizations in the United States begin by searching for court copies of the records that today are located in courthouses, local archives, and regional National Archives facilities, and increasingly are becoming available online. While court copies of naturalization records are often the most accessible documents, in many cases they are not the only records available to researchers.

For all U.S. naturalizations after September 26, 1906, researchers also have the option of requesting the Immigration and Naturalization Service (INS) copy of the record. In fact, in some cases, such as for citizenship records, that document derivative and resumed citizenship, as well as repatriations, the INS copy of the record may be the only one available. After briefly reviewing standard INS naturalization records, this article summarizes the major “non-standard” citizenship records produced by INS that now are maintained by U.S. Citizenship and Immigration Services (USCIS).

Standard C-Files

Naturalization Certificate files (C-files) were created to comply with the Basic Naturalization Act of 1906, which placed naturalization proceedings under federal control and required that the newly created federal Naturalization Service standardize naturalization forms and collect and maintain copies of all naturalization records.¹ Beginning on September 27, 1906, courts began to forward duplicate copies of declarations of intention, petitions for naturalization, and naturalization certificates to Washington, DC. Prior to that time, any U.S. “court of record” could perform naturalizations, although not all did.

In Washington, the Naturalization Service placed all paperwork associated with a successful naturalization into a single file, along with the duplicate copy of the certificate of naturalization. These files became known as Certificate or “C” files and have been maintained by the federal naturalization service—first under INS, now USCIS. As a result, researchers interested in post-1906 naturalizations have two options when searching for naturalization records: first, locate the declaration and the petition in court records, or, second, request the INS C-file from USCIS.

For two reasons, researchers may consider requesting the INS C-file from USCIS. First, a USCIS Index Search (described below) does not require that a researcher know the court of naturalization, which is usually needed to locate court records. Second, while the INS C-file contains copies of the declaration (when required) and petition that are essentially the same as those found in the court records, it also includes a copy of the certificate itself, which is not avail-

able from the courts. Certificates dated from 1929 onward include photographs. In addition to the certificate, some C-files include correspondence and documents related to verification, cancelled certificates, replacement certificates, and other naturalization activity. This additional documentation, when it exists, is not available in the court records.

Any discussion of INS C-files also must note that the INS microfilmed most of the records in the 1950s and, unfortunately, destroyed the originals. Today, copies are made from the microfilm, and image quality varies based upon the quality of the original print and subsequent deterioration of the film.

Non-standard Citizenship Records

Most INS citizenship records are standard C-files. Over time, however, Congress authorized INS to document additional types of citizenship activities. As a result, several new series of citizenship records were created to reflect the status of individuals who had derived citizenship, requested new replacement certificates, and repatriated or resumed citizenship. Each of these record types is similar to standard C-files, but each was created to perform a specific function, and each provides unique research challenges to family historians. Although difficult for researchers to locate or even determine the existence of non-standard citizenship records, it may be especially rewarding, because they often provide information about individuals—such as U.S.-born citizens—not normally found in INS records.

Certificates of Derivative Citizenship

Derivative citizenship is citizenship acquired through another person, usually subsequent to birth, through the naturalization of a parent, a spouse, or by birth abroad to a U.S. citizen parent. Derivative citizenship has been a part of U.S. citizenship policy since the first Naturalization Act of 1790, but Congress provided no legislative authority for the issuance of a special document to prove derivative citizenship until 1929.² When the federal government began overseeing naturalization policy, the Basic Naturalization Act of 1906 required that the names, ages, and places of residence of an applicant’s wife and minor children be listed on his certificate of naturalization, because his family members could derive citizenship through his naturalization.

In 1922, when women gained the right of separate citizenship status, the spouse’s name was removed from the certificate, but children continued to be listed. In July 1929, after the Naturalization Service began issuing certificates of citizenship to derivative citizens, children’s names were removed from the certificate of naturalization, although they still could be found on petitions.

Prior to 1929, derivative citizens whose parents natural-

age pensions or other assistance during the Great Depression.

Jacob Granat arrived in New York from Russia in 1894 and was naturalized in the Supreme Court of New York County in 1900. Forty-three years later, he sent his certificate of naturalization to his son, who needed it to help prove derivative citizenship. It never arrived. In 1947, Jacob applied for a replacement, resulting in creation of an old-law certificate file that documents his original 1900 naturalization.



Because the original pre-1906 certificates were not part of the federal Naturalization Service's records, personnel needed to perform an investigation to obtain the details of the original naturalizations. To facilitate these investigations, in the 1930s INS sponsored several projects to index pre-1906 court naturalization records, the results of which may be found today at the U.S. National Archives.⁵

The INS also needed to open a new file for each pre-1906 replacement, since no corresponding C-files existed. As a result, the INS initiated the "OL" (Old Law) series of naturalization records, with the prefix "OL" replacing the "C" found on standard certificate numbers.

OL files generally contain copies of the replacement certificate, the application for a replacement and a report of the investigation of the original naturalization. The investigation is of particular benefit to family historians, because it usually supplies details for the old law naturalization, which may be used to find the court records for an original pre-1906 naturalization. Researchers should note that all OL files date from July 1, 1929, and later, but they record naturalizations that occurred prior to September 27, 1906. Unfortunately, it is nearly impossible to determine whether or not an OL certificate was issued to an ancestor without a USCIS Index Search. Like derivative certificate files, OL files still exist on paper, and researchers can receive full color copies.

Resumption and Repatriation Records

3904/ Repatriation/Resumption Records. In the Act of March 2, 1907, Congress provided for the expatriation (i.e., loss of citizenship) of any American citizen who took an oath of allegiance to any foreign state.⁶ Beginning in 1914, at the onset of World War I in Europe, some Americans, including many naturalized Canadian and British Americans, chose to join the allied war effort by enlisting in foreign military services such as the Canadian Expeditionary Force. Upon doing so, these Americans expatriated themselves. After U.S. entry into the war, however, Congress acted to allow U.S. soldiers who had joined the militaries of foreign nations allied with the U.S. to regain their citizenship by taking the prescribed oath of allegiance in naturalization court or, if outside the jurisdiction of such courts, in a U.S. consular office.⁷ The resulting paperwork was placed

under the naturalization subject file number 3904/ and became known as "3904/ files."

Similarly, at the start of World War II, many native-born and naturalized U.S. citizens chose to join the conflict prior to the nation as a whole by serving in a foreign military. As a result of their service, these soldiers lost their citizenship and, once again, Congress acted to allow them to restore under terms equivalent to those offered veterans of World War I. The INS filed World War II repatriations in the 3904/ series as well.⁸

Joseph and Irene Bouchard were each born Canadian citizens. Joseph derived U.S. citizenship through his father, who was naturalized in New Hampshire in 1894. Irene derived citizenship when she married Joseph in 1920. The two returned to Canada in 1930 and unwittingly expatriated themselves by voting in a 1944 Canadian election. Both repatriated by taking the oath of renunciation and allegiance at the U.S. consulate in Quebec in 1947, creating a 3904/ repatriation file for each of them.



The Nationality Act of 1940 added voting in a foreign political election to the list of activities that resulted in expatriation, strictly requiring expatriation even in cases where an individual was unaware of the consequences of his or her vote. Thus, many Americans, particularly those who traveled back and forth between the United States and their countries of origin, unwittingly forfeited their American citizenship by voting in foreign elections. Most were unaware that they had lost U.S. citizenship and learned of their expatriation after the fact, often when trying to re-enter the United States. In August 1946, Congress added these individuals to the list of expatriated citizens who could repatriate by taking the oath at any naturalization court or any U.S. consular office.⁹ The INS adapted the same application used by individuals expatriated for foreign military service and filed these repatriations alongside them in the 3904/ series.

All 3904/ files, whether the result of expatriation due to foreign military service or foreign voting, include an application to resume citizenship, which includes information on the applicant's residence abroad and the reason for expatriation. A number of 3904/ files, particularly those filed in U.S. consular offices, include a certificate of the loss of nationality of the United States summarizing the reason for expatriation. Some files also include supporting documents (birth records, records of residence, affidavits, and similar documents) and an investigator's report.

Today, 3904/ files are stored on microfilm at USCIS. This microfilm copy is the only remaining record of application filed in consular offices. For applications filed in the courts, a copy of the application minus any additional supporting documents may be filed with or near the court's naturalization records.

**INS Naturalization Certificate File Series:
Derivative, Replacement, Repatriation and Resumption Records**

Series	Description	Access
C Certificates (C-files)	Naturalization files documenting all judicial naturalizations in all US courts from September 27, 1906 to March 31, 1956. Standard C-files at USCIS contain a Declaration of Intention and/or a Petition for Naturalization and a duplicate certificate of naturalization. In some cases they include additional documents such as correspondence, affidavits, and other records. Only C-files dated 1929 and later include a photograph. MICROFILM (some later files are PAPER)	Court Copies at court-house or state, local, regional archives (and increasingly online); All on file w/ USCIS
OL Certificates	"Old Law" Naturalization Certificates issued by INS to replace naturalization certificates lost, destroyed, or mutilated, where the original certificate was granted prior to September 27, 1906 (under the "old law"). PAPER	USCIS
A Derivative Certificates	Certificates of Citizenship documenting derivative or "acquired" citizenship subsequent to birth (e.g., through the naturalization of a parent). PAPER	USCIS
AA Derivative Certificates	Certificate of Citizenship documenting derivative or "acquired" citizenship by birth outside the US or its possessions (e.g., child of US citizen born abroad). PAPER	USCIS
B Repatriation/Resumption Certificates	Certificates of Naturalization or repatriation issued to persons who regained US citizenship <i>prior to January 13, 1941</i> , either by taking the prescribed oath before a naturalization court or before a US diplomatic or consular officer abroad, following loss of citizenship by reason of service in the armed forces of an allied foreign country in WWI or WWII, or by voting in a foreign political election. PAPER	USCIS (full file), Courts (applications)
D Repatriation/Resumption Certificates	Certificates of Naturalization or repatriation issued to persons who regained US citizenship <i>on/after January 13, 1941</i> , either by taking the prescribed oath before a naturalization court or before a US diplomatic or consular officer abroad, following loss of citizenship by reason of service in the armed forces of an allied foreign country in WWI or WWII, or by voting in a foreign political election. PAPER	USCIS (full file), Courts (applications)
3904 Repatriation/Resumption Records	Application to resume citizenship by persons who lost it as described under "B" and "D" files above, but who never applied for a certificate and for whom no prior certificate file exists. MICROFILM	USCIS (full file), Courts, if filed at court (applications)
129/ Repatriation Records	Files documenting the repatriation of women who lost US Citizenship by marriage to an alien prior to 1922 and who resumed citizenship under the Act of June 25, 1936. MICROFILM	USCIS (full file), Courts, if filed at court (applications)

By filing the application and taking the oath, applicants regained their U.S. citizenship, but were not issued certificates of citizenship or repatriation. Repatriated citizens who wanted to receive a certificate were required to apply for a B or D certificate.

B and D Repatriation/Resumption Certificates

After the Act of June 21, 1920, individuals who lost their citizenship by reason of service in the armed forces of an allied country had the option of applying for a formal certificate of repatriation or naturalization (after 1940, those

expatriated by voting in a foreign political election had this option as well).¹⁰ Applying for a repatriation certificate was optional, and the INS issued them only to individuals who requested them. Thus, individuals who repatriated and did not request a certificate will have only a 3904/ file; individuals who filed for a certificate should have a B or D file that includes the original 3904/ application.

INS filed the repatriation/resumption certificates in two chronologically differentiated series. The "B" series contains certificates of repatriation and relates to resumption of citizenship occurring prior to January 13, 1941, (the effective date of the Nationality Act of 1940). The "D" series includes certificates of naturalization and relates to resumption activities on or after January 13, 1941. Although they are divided for recordkeeping purposes, the two series include basically the same types of material: a copy of the certificate, applications, and any supporting documents or correspondence.

B and D files are available from USCIS and have not been microfilmed. In some cases, the applications for certificates of repatriation or naturalization may be found interfiled with court naturalization petitions marked with "RE-PAT" or a similar notation (see Figure 3).

129/ Repatriation Records

Although historians have given the topic more attention in the past two decades, few Americans know that for many years a married U.S. woman's nationality was determined solely through her husband.¹¹ Under the Act of March 2, 1907, all women in the U.S. acquired their husband's nationality upon marriage. Thus, U.S.-born women who married aliens lost their citizenship and effectively became aliens themselves. While many of these women regained citizenship when their husbands naturalized, others married to aliens who were unwilling or ineligible to naturalize found themselves legally prohibited from naturalizing while married and, thus, were effectively locked out of U.S. citizenship.

On September 22, 1922, the Cable Act granted women equal nationality rights and ended the practice of conferring a husband's nationality upon his wife.¹² It did not, however, address the condition of U.S.-born women who had lost their nationality due to marriage during the years 1907–22.

Many of these women learned they had lost their citizenship after the fact and were unhappy with the notion that they could regain citizenship only by petitioning for naturalization. While the INS lobbied for some form of recourse immediately after the passage of the Cable Act, Congress did not act until June 25, 1936, when it allowed women who lost their citizenship by marriage between the years of 1907 and 1922, and whose marriage ended by death or divorce, to resume their citizenship by taking the oath of allegiance. In 1940, the law was amended to include all women who had lost citizenship by marriage between 1907 and 1922, regardless of marital status. Women who chose to resume their citizenship could do so by filing an application and taking the oath of allegiance at any naturalization court or, if out of the jurisdiction of such

430 209 **REPAT**
Alt, Ruth Ann
8-29-38
5-7-1886 BD

Figure 3. Ruth Ann Alt was born in Canada in 1886. She derived U.S. citizenship through her father's 1904 naturalization. In 1916 she served as a nurse in the Canadian Army, expatriating herself. In August of 1938, she took the oath of allegiance at the U.S. District Court in Detroit, Michigan. Later that year she applied for and received a certificate of repatriation. Because Ruth Ann received a certificate, the INS created a B certificate file and moved her original 3904/ application into it.

courts, at a U.S. consular office.

The records of these resumptions were placed under naturalization subject file 129/ and became known as the "129/ files." The files generally include the application to take the oath of allegiance, an examiner's report, and occasionally supporting documents, such as marriage records, divorce records, and correspondence. Copies of 129/ applications for women who took the oath in court may be found in the court's naturalization records, either in special volumes dedicated to the series or interfiled with the court's naturalization petitions. Copies of all 129/ applications, including those filed in consular offices (there are no court copies in these cases), are maintained by USCIS. The USCIS file contains the application and all supporting paperwork. Unfortunately, like most C-files, 129/files exist only on microfilm.

Fannie Abrams was born in Chicago, but lost her U.S. citizenship when she married Jack Abrams in 1914. In 1942, she took the oath of allegiance in the U.S. District Court in Chicago. Whether that record can be found in the court records is unknown (an index card appears on Ancestry.com), but her USCIS 129/ repatriation file is easily located.

Accessing C-Files

All of the INS citizenship file series discussed above are available to all researchers under the fee-based USCIS Genealogy Program as long as the subject of the file is deceased or would be more than 100 years old. If the subject is living or was born less than 100 years ago with no proof of death (such as a death record, entry from the Social Security Administration's Death Index, or published obituary), the file must be requested from the USCIS

Freedom of Information Act Program.

Requesting an index search from the Genealogy Program initiates a search of the USCIS Master Index, which includes more than 60 million index entries, each pointing to a historical INS file. Among these records are C-files for all naturalizations occurring between 1906 and 1956 as well as files from all the nonstandard citizenship record series discussed here. Detailed information about the USCIS Genealogy Program, including fees, records available, requirements, and the request process are available at the program's website, www.uscis.gov/genealogy.

Notes

1. Act of June 29, 1906 (34 Stat. 596). The Naturalization Service's administrative history can be briefly summarized as follows: The Basic Naturalization Act of 1906 created a Naturalization Service, which joined the Immigration Service in the renamed Bureau of Immigration and Naturalization under the Department of Commerce and Labor. After an executive reorganization in 1913, the Bureau of Immigration and Naturalization split into separate Bureaus, the Bureau of Immigration and the Bureau of Naturalization, both under the newly created Department of Labor. In 1933, the separate Bureaus were combined to form a single agency—the INS, which moved into the Department of Justice in 1940. In 2003, the INS was dissolved, and its naturalization duties were taken over by the new USCIS under the Department of Homeland Security. To simplify terminology, I have adopted the phrase “federal Naturalization Service” to refer to naturalization work performed by the federal government throughout the period covered here.

2. Naturalization Act of 1790 (1 Stat. 103); Act of March 2, 1929 (45 Stat. 1512).

3. Nationality Act of 1940 (54 Stat. 1137).

4. Act of March 2, 1929 (45 Stat. 1512).

5. Among them the Index to New England Naturalization Petitions, 1791–1906 (M1299), Soundex Index to Naturalization Petitions for the United States District and Circuit Courts, Northern District of Illinois and Immigration and Naturalization Service District 9, 1840–1950 (M1285), and the Old Law Index to Pre-1906 Naturalizations in Courts within the INS Denver District at NARA's Rocky Mountain Region

6. Act of March 2, 1907 (34 Stat. 1228).

7. Act of May 9, 1918 (40 Stat. 542).

8. Act of April 2, 1942 (56 Stat. 779).

9. Act of August 7, 1946 (60 Stat. 865).

10. Act of June 21, 1920 (46 Stat. 791).

11. For an overview of women and Naturalization laws in the U.S., see Marian L. Smith, “any woman who is now or may hereafter be married...” Women and Naturalization, ca. 1802–1940,” *Prologue* Vol. 30, no. 2, (Summer 1998).

12. Act of September 22, 1922 (42 Stat. 1021).

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