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U. S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File No.
165/130-A

COURSE OF STUDY FOR SERVICE OFFICERS

Addendum to

Lecture--Derivative Citizenship of the United States--the Law,
Procedure, and Practice in its Determination, and in
the Issuance of Documentary Evidence of Such Status

By

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CHANGE OF NAME AS IT AFFECTS APPLICATIONS FOR
CERTIFICATES OF DERIVATIVE CITIZENSHIP

The consideration of an application for certificate of derivative citizenship frequently involves the question as to whether the name in which the applicant requests the certificate to be issued is the one that properly identifies him and to which he has a legal right.

It seems inevitable that a large proportion of aliens who enter the United States for permanent residence frequently assume different names than those which they were given at birth. Often the change is merely an anglicization of the foreign name and usually made because the original name is difficult to spell or pronounce. This common practice is generally condoned by law, and the courts have held that extreme strictness in the paraphrasing or rendering into English of names foreign to that language is not required, (1) and the English equivalent of a foreign name may be used where identity is admitted. (2) Thus it follows that this Service would interpose no objection if the applicant for a certificate of derivative citizenship has changed his name from the Italian "Guiseppe" to "Joseph" or from the German "Johann" to "John". However, this privilege should not be abused and the examiner should be certain that the English equivalent is a true derivation of the foreign name. Some field officers report extreme variations in the translation

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- (1) Kaeo v. Ozaki, 21 Hawaiian 633.
(2) Cerda v. State, 33 Tex. Cr. 458.

the same Hebrew given name, it apparently being a common practice of people of that race to assume any name that begins with the same letter as their own. Obviously, in a State having statutory requirements for change of name, this practice cannot be accepted. The derivations "Joseph" for "Yosel", "Morris" for "Moisha", and "Rose" for "Raiza" are examples of the proper English equivalents of Hebrew names.

The use of names which are derivations or corruptions of an original name are also generally permitted and if, in common usage, they are considered one and the same, although differing in sound, the use of one name for the other is entirely immaterial. (3) Likewise, the use of a middle initial in place of a middle name by an applicant should be permitted if such use is consistent with the manner in which he usually signs his name.

As a general rule, the courts will take judicial notice of the ordinary and commonly used abbreviations of common or Christian names. Thus, for example, the name "Jack" for "John", "Bill" for "William" and "Al" for "Allan" can be properly used by an applicant if he is generally known by such name.

Whatever the applicant's reason or explanation for the change in his name may be, we must still look to the law of the particular State wherein he resides to determine whether he has a legal right to the name he has assumed. While it is not believed necessary at this time to review the law of each State in regard to this matter, it will be enlightening to discuss generally the provisions in representative jurisdictions throughout the United States.

Reference to the statutes and judicial decisions of various States discloses that the question of the legality of the change of one's name is determined by (1) the common-law rule permitting change at will without statutory provision, (2) definite statutory provision making a resort to judicial proceedings mandatory, and (3) statutes which are merely directory and provide a procedure by which a name may be changed.

Common law rule without statutory provision

It appears that many of the States do not have a statutory provision regulating the process of changing one's name, but follow the common-law rule of permitting a change at will, if not done for a fraudulent purpose. Thus New York has held that

(3) Owens v. State, 20 S.W., 558.

one may lawfully change his name without resort to judicial proceedings, and for all purposes the name thus assumed will constitute his legal name just as if he had borne it at birth. (4) The California courts have similarly held that one may change his name at will without resort to judicial action. (5) Maryland, likewise, follows the common-law rule and holds that a person may adopt any name by which he may become known and by which he may transact business, execute contracts, and sue or be sued, and that may be done without regard to his true name. (6)

However, common-law rule in most jurisdictions is limited to some extent by the courts having held that where an individual has assumed a new name, it must be shown by long usage that it is the name by which he wishes to be identified. Thus it is apparent that the courts will not condone the actions of an individual who might capriciously change his name from time to time, even though he was not bound by statutory provisions regulating such change.

Statutes making judicial proceedings mandatory and exclusive

States whose statutes require judicial action in order to effectuate a change in one's name are apparently in the minority. Such statutes, if effective after the time when a change of name has been made under the common law, do not affect the change, but subsequent changes must follow strictly the procedure set forth in the statute. In Pennsylvania, the common-law doctrine was recognized until July 19, 1919, at which time legislation was enacted making it mandatory to follow strictly the law requiring legal process in changing one's name. In North Dakota, the common-law rule has also been abrogated and the petitioner for change of name is now required to institute legal action.

Statutes which are merely directory and not exclusive

In a number of jurisdictions, the statutes prescribe a method by which a person may change his name, usually by filing a certificate, or by application to, and order of, a court of record.

These statutes are not mandatory but merely directory. Applications under these statutes are encouraged in order that there may be a record of the change, but in the absence

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- (4) Smith v. U. S. Casualty Co., 197 N. Y. 420.
 - (5) 19 Calif. Jurisprudence, 525.
 - (6) Romans v. State, 178 Md., 588.

of an express provision making the statutory method exclusive, it is held that such statutes do not abrogate the common-law right of an individual to change his name without recourse to the courts. (7) However, after a name has been changed by the court, it has been held that the person so changing his name may thereafter be known only by the new name, and in New York, under a statute providing that, after the taking effect of an order for change of name, applicant shall be known by the new name and no other, it would seem that after one has acquired a name by judicial decree he cannot acquire another without resorting to the courts, the common-law rule being thus limited in one respect.

The law of the State of Washington (8) provides as follows:

Any person desiring a change of his name * * * may apply therefor to the Superior Court * * *; thereupon such court, in its discretion, may order a change of name, and thenceforth the new name shall be in place of the former.

The courts in Washington have held that this statute is not the sole and exclusive method by which a change of name may be effected in that a person may in common law change his name in good faith and have an honest purpose, and this right is not abrogated by a statute authorizing a change of name by judicial proceedings; and that, in the absence of restrictive provisions in the Washington statute, the applicant may resort to the common-law method of change of name by adoption and usage if he desires to do so.

The New York courts have held, in speaking of the directory statute:

* * * This legislation is simply in affirmation and aid of the common law to make a definite point of time when the change shall take effect. It does not repeal the common law by implication or otherwise, but gives an additional method of effecting a change of name. (9)

It is apparent from the foregoing discussion that it is important for the field officer charged with the handling of derivative cases to become thoroughly familiar with the

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- (7) In re: McUlta, 189 Fed. 250.
 - (8) Sec. 998, Chap. 13, Title 6, Remington's Compiled Statutes of 1922.
 - (9) Smith v. U. S. Casualty Co., 197 New York, 420.

law in regard to change of names prevailing in the particular jurisdiction in which he is functioning. If it is determined that the State recognizes the common-law rule, generally speaking, the determination of what is the proper name to accept from an applicant will not be difficult. However, in those States requiring resort to judicial action, the State statute will have to be consulted frequently to enable the examiner to determine the applicant's correct name. Thus, we find in most jurisdictions that a woman who has obtained a divorce may resume her maiden name, even without statutory authority. (10) The decree creates a new relationship between the parties, making them strangers in law, and restores to them all the rights of unmarried persons. (11) Obviously, if the applicant is a divorced woman, step-child, illegitimate child or adopted child, careful reference must be made to the law of the appropriate State relating to their unique status.

In general, rights acquired in one State are not diminished or altered in any degree by the parties passing into other States and their seeking to enforce those rights. Therefore, if the applicant has acquired a name under the common law of one State and applies for a certificate of derivative citizenship in a State requiring legal action to change or acquire a name, we generally adhere to the doctrine of comity of law between the States and recognize the name.

Judicial authority is lacking on the question of what effect the changing of an individual's name by the court at the time of naturalization (12) would have in a State where a definite statutory requirement for such change prevails. However, it is the administrative view of this Service that such change, effected by decree of the naturalizing court, will be recognized as valid, notwithstanding the State statute, not only in so far as the petitioner is concerned, but as to his wife and minor children.

In the consideration of this entire matter, the subject should be viewed broadly so as not to permit unnecessary restrictions as to the use of an assumed name, bearing in mind, of course, at all times the requirements of the law of the State in which the applicant resides or resided at the time the change of name was effected.

(10) Reinken v. Reinken, 351 Ill., 409.

(11) Oliphant v. Oliphant, 177 Ark., 613.

(12) Sec. 6, Naturalization Act of June 29, 1906.
Sec. 334(e), Nationality Act of 1940.

In conclusion, it is suggested that the applicant's correct legal name should be definitely determined when the application is first considered so that it may be consistently used throughout the procedure.

U. S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

FILE NUMBER

DATE

In re: JOHN DOE (be sure that this is the name which
the applicant is legally entitled
to use)

Applicant claims to have derived United States citizenship by reason of the naturalization of his father.

The record shows that applicant was born on _____ in _____, that he arrived in the United States on _____, that his father _____ was naturalized on _____ by the _____ Court at _____ and that his parents were lawfully married on _____.

The record contains official documentary evidence of the marriage of applicant's parents, his birth, verification of his entry into the United States on _____, verification of the naturalization of his father and testimony of the applicant, his father and witnesses. Applicant's identity as the son of the naturalized person has been established. The testimony indicates that neither the applicant nor his father expatriated himself after acquiring United States citizenship. The proof indicates applicant derived citizenship under the provisions of Section 5 of the Act of March 2, 1907.

IT IS ORDERED that a certificate be issued to show that applicant is a citizen of the United States. Use Stipulation No. 1.

Deputy Commissioner

(This form will have to be adjusted in certain respects to cover cases of married women and derivation of citizenship other than through the naturalization of the father.)

SUPPLEMENT TO LECTURE ON ADJUDICATION
OF DERIVATIVE CITIZENSHIP APPLICATIONS

There are annexed 37 stipulations used in orders granting Certificates of Derivative Citizenship. Under each there are listed (1) Elements of claim to derivative citizenship, (2) Primary evidence in support of claim, (3) Secondary evidence acceptable on showing that primary evidence is unavailable.

It must be pointed out that these stipulations do not by any means exhaust the factual situations under which derivative citizenship may be acquired. It should also be observed that the type of secondary evidence specified is likewise not exhaustive, and convincing secondary evidence of different kinds may be accepted. The listing of proof required under each stipulation is merely intended to provide a convenient guide to aid in consideration of the specific types of cases described therein.

STIPULATION NO. 1

(Applicant derived United States citizenship)

through the naturalization of his father (mother) _____
on _____ by the _____ Court at _____,
applicant being then a minor and having resided per-
manently in the United States since _____.

(Section 2172 U.S.R.S., or Section 5, Act
of March 2, 1907, prior to 1934 amendment).

PROOF REQUIRED

<u>Elements of claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of parent during child's minority	Verification of naturalization from court or official records	- - -
2. Marriage of parents	Civil or church certificate of marriage	Life insurance policies, passports, public utility records, deeds, leases, wills, bank records, employment records, birth records of children in which parents' names are mentioned, and census records. Also the testimony of witnesses who were present at the marriage, and in some instances testimony of witnesses that parties represented themselves as husband and wife and were known in the community as such.
3. Relationship and age of child	Official or church certificate of birth	Statements in manifest record relating to the child's admission to the United States or in petition for naturalization of parent, in addition to the type of proof mentioned above.

(STIPULATION NO. 1 Cont.)

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
4. Child's lawful admission to the United States for permanent residence during minority and prior to naturalization of parent		
(a) Child admitted on or after June 29, 1906	Verification of lawful admission from official immigration records	- - -
(b) Child admitted prior to June 29, 1906		Proof of residence in the United States since prior to June 29, 1906 and prior to his 21st birthday, such as school records, rent receipts, public utility records, bank records, marriage records, records of birth of children, records of membership in organizations, census reports, official licenses. Also the testimony of witnesses who can verify applicant's continuous residence in the United States from a date antecedent to June 29, 1906 and to his majority.

STIPULATION NO. 2

(Applicant derived United States citizenship)

through permanent residence therein from _____
on which date he was a minor, his father (mother)
_____ having been naturalized on _____
by the _____ Court at _____.
(Section 2172 U.S.R.S., or Section 5,
Act of March 2, 1907, prior to 1934
amendment).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Same as Stipulation No. 1, except that child's lawful admission for permanent residence must have occurred subsequent to parent's naturalization.	Same as Stipulation No. 1.	Same as Stipulation No. 1.

STIPULATION NO. 3

(Applicant derived United States citizenship)

through the resumption of citizenship by his mother (under Section 3, Act of March 2, 1907) _____ on _____, applicant being then a minor and having resided permanently in the United States since _____.
(Section 5, Act of March 2, 1907, prior to 1934 amendment).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Original American citizenship of mother		
(a) By birth in the United States (where mother acquired United States citizenship under Sections 1993, 2172 or 1994 of the Revised Statutes, other types of proof would be required)	Official or church certificate of birth	Family Bible entries, census records, city directory records, life insurance policies, school and church records, marriage records, employment records, records of a physician or midwife, and hospital records. Also testimony of witnesses who have personal knowledge of the facts.
(b) By naturalization	Verification of naturalization from court or official records.	- - -
2. Loss of American citizenship by mother through marriage to alien prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Termination of marriage		
(a) By death of father	Official certificate of death	Family Bible entries, undertakers and hospital records, and newspaper accounts. Also

(STIPULATION NO. 3 Cont.)

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
		testimony of witnesses who have knowledge of facts.
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -
4. Resumption of American citizenship by mother after termination of marriage and prior to September 22, 1922		
(a) By registration with American Consul abroad	Official certificate from Consul or State Department	- - -
(b) By continued residence in the United States	- - -	See secondary evidence in this connection listed under Stipulation No. 1, Item 4(b)
(c) By returning to reside in the United States	Verification of return from official immigration records	Evidence of residence in the United States since date of return of same type as that mentioned in Stipulation No. 1, Item 4(b)
5. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
6. Child's lawful admission to the United States for permanent residence during minority, prior to or at the time of resumption of		

(STIPULATION NO. 3 Cont.)

Elements of Claim Primary Evidence Secondary Evidence

citizenship by
mother, and prior
to May 24, 1934

(a) Child ad- Verification of
mitted on or lawful admission
after June 29, from official
1906 immigration
 records

- - -

(b) Child admitted
prior to June 29,
1906

Same as Stipulation
No. 1, Item 4(b)

STIPULATION NO. 4

(Applicant derived United States citizenship)

through permanent residence therein since _____,
on which date he was a minor, his mother _____,
having resumed United States citizenship (under
Section 3, Act of March 2, 1907) on _____.
(Section 5, Act of March 2, 1907, prior
to 1934 amendment).

PROOF REQUIRED

Elements of Claim Primary Evidence Secondary Evidence

Same as Stipulation
No. 3, except that
child's lawful ad-
mission for permanent
residence must have occurred
subsequent to resumption
of American citizenship
by mother

Same as Stipu-
lation No. 3

Same as Stipulation
No. 3

STIPULATION NO. 5

(Applicant derived United States citizenship)

through the naturalization of his father _____
and mother _____ (or the survivor either by
death or divorce) on _____ by the _____ Court
at _____, applicant being then a minor and
having resided permanently in the United States
since _____.

(Section 2172 U.S.R.S., as it remained in
force from May 24, 1934, to January 13,
1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of both parents	Verification of naturalization from court or official records	- - -
2. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
4. Child's lawful admission to the United States for permanent residence during minority and prior to naturalization of parent		
(a) Child admitted on or after June 29, 1906	Verification of lawful admission from official immigration records	- - -
(b) Child admitted prior to June 29, 1906	"	Same as Stipulation No. 1, Item 4(b)
5. If applicant claims through naturalization of a sole or surviving parent he must prove in ad-		

(STIPULATION NO. 5 Cont.)

Elements of Claim Primary Evidence Secondary Evidence

dition the termination of parents' marriage

(a) By divorce Officially authenticated copy of court decree of divorce - - -

(b) By death of one parent Official certificate of death Same as Stipulation No. 3, Item 3(a)

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STIPULATION NO. 6

(Applicant derived United States citizenship)

through permanent residence therein from _____ on which date he was a minor, his father _____ and mother _____ (or the survivor either by death or divorce) having been naturalized on _____ by the _____ Court at _____.
(Section 2172 U.S.R.S., as it remained in force from May 24, 1934, to January 13, 1941).

PROOF REQUIRED

Elements of Claim Primary Evidence Secondary Evidence

Same as Stipulation No. 5, except that child's lawful admission for permanent residence must have occurred subsequent to parents' naturalization Same as Stipulation No. 5 Same as Stipulation No. 5

STIPULATION NO. 7

(Applicant derived United States citizenship)

through the naturalization of his father _____
(or mother, whichever is an alien, the other parent
being a citizen at applicant's birth) on _____
by the _____ Court at _____, applicant
being then a minor and having resided permanently
in the United States since _____.

(Section 2172, U.S.R.S., as it remained
in force from May 24, 1934, to January
13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of father or mother, whichever is an alien, during child's minority	Verification of naturalization from court or official records	- - -
2. Citizenship of second parent at applicant's birth		
(a) By birth in the United States (where parent acquired United States citizenship under Sections 1993, 2172 or 1994 of the Revised Statutes, other types of proof would be required)	Official or church certifies of birth	Same as Stipulation No. 3, Item 1(a)
(b) By naturalization	Verification of naturalization from court or official records	- - -
3. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
4. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3

(STIPULATION NO. 7 Cont.)

Elements of Claim Primary Evidence Secondary Evidence

5. Child's lawful admission to the United States for permanent residence during minority and prior to naturalization of parent

(a) Child admitted on or after June 29, 1906 Verification of lawful admission from official immigration records - - -

(b) Child admitted prior to June 29, 1906 " Same as Stipulation No. 1, Item 4(b)

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STIPULATION NO. 8

(Applicant derived United States citizenship)

through permanent residence therein from _____ on which date he was a minor, his father _____ (or mother, whichever is an alien, the other parent being a citizen at applicant's birth) having been naturalized on _____ by the _____ Court at _____.

(Section 2172 U.S.R.S., as it remained in force from May 24, 1934, to January 13, 1941).

PROOF REQUIRED

Elements of Claim Primary Evidence Secondary Evidence

Same as Stipulation No. 7, except that child's lawful admission for permanent residence must have occurred subsequent to the naturalization of the alien parent. Same as Stipulation No. 7 Same as Stipulation No. 7

STIPULATION NO. 9

(Applicant derived United States citizenship)

through the naturalization of his father _____
on _____ by the _____ Court at
_____, applicant being then a minor and
having resided permanently in the United States
since _____ (both dates on or after May 24,
1934 and prior to January 13, 1941), his mother
having acquired United States citizenship prior
to May 24, 1934.

(Section 2172 U.S.R.S., as it remained
in force from May 24, 1934, to January
13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of father between May 24, 1934 and January 12, 1941, inclusive, and during child's minority	Verification of naturalization from court or official records	- - -
2. Acquisition of United States citizenship by mother subsequent to child's birth and prior to May 24, 1934		
(a) By naturalization (where mother acquired United States citizenship under Sections 2172 or 1994 of the Revised Statutes, other types of proof would be required)	Verification of naturalization from court or official records	- - -
3. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2

(STIPULATION NO. 9 Cont.)

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
4. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
5. Child's lawful admission to the United States for permanent residence during minority, prior to naturalization of father and between May 24, 1934 and January 12, 1941, inclusive	Verification of lawful admission from official immigration records	- - -

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STIPULATION NO. 10

(Applicant derived United States citizenship)

through permanent residence therein since _____ on which date he was a minor, his father _____ having been naturalized on _____ (both dates on or after May 24, 1934, and prior to January 13, 1941) by the _____ Court at _____, and his mother having acquired United States citizenship prior to May 24, 1934.

(Section 2172 U.S.R.S., as it remained in force from May 24, 1934, to January 13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 9, except that child's lawful admission for permanent residence must have been subsequent to father's naturalization	Same as Stipulation No. 9	Same as Stipulation No. 9

STIPULATION NO. 11

(Applicant derived United States citizenship)

through the resumption of citizenship by his mother _____ on June 25, 1936, his father having died or the parents having been divorced on _____ (a date prior to June 25, 1936 and subsequent to September 21, 1922) applicant, a minor on June 25, 1936, having resided permanently in the United States since _____.

(Section 2172 U.S.R.S., as it remained in force from May 24, 1934 to January 13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Original American citizenship of mother through birth in the United States	Official or church certificate of birth	Same as Stipulation No. 3, Item 1(a)
2. Marriage of mother to alien prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
4. Termination of marriage between September 22, 1922 and June 25, 1936		
(a) By death of alien father	Official certificate of death	Same as Stipulation No. 3, Item 3
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -
5. Child's lawful admission for permanent residence during minority, prior to termination of marriage and prior to June 25, 1936	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 12

(Applicant derived United States citizenship)

through permanent residence therein from _____
(a date subsequent to June 25, 1936) on which date
he was a minor, his mother _____ having resumed
citizenship on June 25, 1936, and his father having
died or the parents having been divorced on _____.
(Section 2172 U.S.R.S., as it remained in
force from May 24, 1934 to January 13,
1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 11, except that child's lawful admission for permanent residence must have occurred on or subsequent to June 25, 1936	Same as Stipulation No. 11	Same as Stipulation No. 11
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STIPULATION NO. 13

(Applicant derived United States citizenship)

through the resumption of citizenship by his mother
_____ on _____ (a date subsequent to
June 25, 1936, and prior to January 13, 1941) upon
the death of his father or the divorce of his
parents, applicant, a minor on that date, having
resided permanently in the United States since

(Section 2172 U.S.R.S., as it remained
in force from May 24, 1934 to January
13, 1941).

(STIPULATION NO. 13 Cont.)

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 11, except that termination of marriage occurred between June 26, 1936 and January 12, 1941, inclusive, and child's lawful admission for permanent residence occurred prior to mother's resumption of American citizenship.	Same as Stipulation No. 11	Same as Stipulation No. 11

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STIPULATION NO. 14

(Applicant derived United States citizenship)

through permanent residence therein from _____ on which date he was a minor, his mother _____ having resumed citizenship on _____ (a date subsequent to June 25, 1936, and prior to January 13, 1941) upon death of his father or the divorce of his parents.

(Sec. 2172 U.S.R.S., as it remained in force from May 24, 1934 to January 13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 11, except that the termination of the marriage occurred between June 26, 1936 and January 12, 1941, inclusive, and child's lawful admission for permanent residence must have occurred subsequent to mother's resumption of American citizenship	Same as Stipulation No. 11	Same as Stipulation No. 11

STIPULATION NO. 15

(Applicant derived United States citizenship)

on _____, upon the death of his alien parent or the divorce of his parents on which date applicant was a minor, having been lawfully admitted to the United States for permanent residence on _____ his sole (surviving) parent having been naturalized on _____ by the _____ Court at _____.
(Section 2172 U.S.R.S., as it remained in force from May 24, 1934 to January 13, 1941).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
3. Naturalization of sole or surviving parent during child's minority and between May 24, 1934 and January 12, 1941, inclusive	Verification of naturalization from court or official records	- - -
4. Termination of marriage during child's minority		
(a) By death of alien parent	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -
5. Child's lawful admission to the United States for permanent residence during minority and prior to termination of marriage	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 16

(Applicant derived United States citizenship)

through the naturalization of his father _____
(or mother) on _____ (a date on or after May 24,
1934, and prior to January 13, 1941) by the _____
Court at _____, applicant being then a minor
and having resided permanently in the United States
since _____, on which date he had not reached
his sixteenth birthday.

(Section 5, Act of March 2, 1907, as amended
by the Act of May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of father or mother between May 24, 1934 and January 12, 1941, inclusive	Verification of naturalization from court or official records	- - -
2. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
4. Child's lawful admission to the United States for permanent residence prior to 16th birthday and completion of five years' continuous residence in the United States by child prior to the parent's naturalization	Verification of lawful admission from official immigration records (Age established under proof previously described)	- - - (Residence in the United States for five years may be established by oral testimony)

STIPULATION NO. 17

(Applicant derived United States citizenship)

on _____, on which date he completed five years' residence in the United States, having been lawfully admitted to the United States for permanent residence on _____ (a date prior to January 13, 1941) prior to reaching his sixteenth birthday, his father _____ (or mother) having been naturalized on _____ (a date prior to the date on which applicant completed five years' residence and prior to January 13, 1941) by the _____ Court at _____.
(Either the date of lawful admission for permanent residence or the date of the naturalization of the parent or both must occur subsequent to May 24, 1934).

(Section 5, Act of March 2, 1907, as amended by the Act of May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 16, except that parent's naturalization may have occurred at any time prior to January 13, 1941, and child's completion of required five year residence could not have preceded parent's naturalization	Same as Stipulation No. 16	Same as Stipulation No. 16.

STIPULATION NO. 18

(Applicant derived United States citizenship)

through the resumption of citizenship by his mother _____ on July 2, 1940, applicant being then a minor and having resided permanently in the United States since _____ on which date he had not reached his sixteenth birthday.

(Section 5, Act of March 2, 1907, as amended by the Act of May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Original American citizenship of mother through birth in the United States	Official or church certificate of birth	Same as Stipulation No. 3, Item 1
2. Marriage of mother to alien prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Relationship and age of child (Child must have been a minor on July 2, 1940)	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
4. Continuous residence by mother in the United States between date of marriage and July 2, 1940	- - -	See secondary evidence in this connection listed under Stipulation No. 1, Item 4(b)
5. Child's lawful admission for permanent residence prior to 16th birthday and prior to mother's resumption of American citizenship	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 19

(Applicant derived United States citizenship)

on _____, on which date he completed five years' residence in the United States, having been lawfully admitted for permanent residence on _____ (a date on or after July 2, 1935 and prior to January 13, 1941) prior to reaching his sixteenth birthday, his mother _____ having resumed citizenship on July 2, 1940.

(Section 5, Act of March 2, 1907, as amended by the Act of May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 18, except that child's lawful admission for permanent residence occurred on or after July 2, 1935 and prior to January 13, 1941 and child's five year residence period was completed subsequent to mother's resumption of citizenship	Same as Stipulation No. 18	Same as Stipulation No. 18

STIPULATION NO. 20

(Applicant derived United States citizenship)

through the naturalization of his father (or mother) _____ by the _____ Court at _____ on _____ applicant being then under the age of eighteen years and having resided permanently in the United States since _____, the other parent having been a citizen of the United States at the time of his birth and never thereafter ceased to be a citizen.

(Section 313, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of alien parent on or after January 13, 1941, and prior to child's 18th birthday	Verification of naturalization from court or official records	- - -
2. Other parent citizen at child's birth		
(a) By birth in the United States (where parent acquired United States citizenship under Sections 1993, 2172 or 1994 of the Revised Statutes, other types of proof would be required)	Official or church certificate of birth	Same as Stipulation No. 3, Item 1
(b) By naturalization	Verification of naturalization from court or official records	- - -
3. Continued retention of American citizenship by citizen parent	- - -	Oral testimony that citizenship was not lost

(STIPULATION NO. 20 Cont.)

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
4. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
5. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
6. Child's lawful admission to the United States for permanent residence prior to the naturalization of the alien parent and prior to the child's 18th birthday	Verification of lawful admission from official immigration records	- - -

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STIPULATION NO. 21

(Applicant derived United States citizenship)

through permanent residence in the United States since _____, on which date he was under eighteen years of age, his father (or mother) _____ having been naturalized on _____ by the _____ Court at _____, and his other parent having been a citizen at the time of his birth and never thereafter ceased to be a citizen.

(Section 313, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 20, except that child's lawful admission for permanent residence must have been subsequent to naturalization of alien parent	Same as Stipulation No. 20	Same as Stipulation No. 20

STIPULATION NO. 22

(Applicant derived United States citizenship)

through the naturalization of his father (or mother) _____ on _____ by the _____ Court at _____, at which time applicant was under the age of eighteen years and had resided permanently in the United States since _____, his other parent having been previously naturalized on _____ by the _____ Court at _____.
(Section 314, Nationality Act of 1940)

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of both parents prior to child's 18th birthday. At least one naturalization must occur on or after January 13, 1941. The earlier naturalization may be on or after child's lawful admission to the United States for permanent residence	Verification of naturalization from court or official records	- - -
2. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
4. Child's lawful admission to the United States for permanent residence prior to naturalization of parent last naturalized and prior to the child's 18th birthday	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 23

(Applicant derived United States citizenship)

through permanent residence therein since _____,
on which date he was under the age of eighteen years,
his father _____ having been naturalized on
_____ by the _____ Court at _____
and his mother _____ having been naturalized
on _____ by the _____ Court at _____.
(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 22, except that both naturalizations must have occurred prior to child's lawful admission for permanent residence	Same as Stipulation No. 22	Same as Stipulation No. 22

STIPULATION NO. 24

(Applicant derived United States citizenship)

through the naturalization of his father (or mother)
_____ on _____ by the _____
Court at _____ at which time applicant was
under the age of eighteen years and had resided per-
manently in the United States since _____,
his other parent being deceased.

(Section 314, Nationality Act of 1940)

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Naturalization of surviving parent prior to child's 18th birthday and on or after January 13, 1941	Verification of naturalization from court or official records	- - -
3. Death of other parent prior to child's 18th birthday	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
4. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
5. Child's lawful admission to the United States for permanent residence prior to his 18th birthday and prior to the naturalization of the surviving parent	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 25

(Applicant derived United States citizenship)

through permanent residence therein since _____,
on which date he was under the age of eighteen years,
his father (or mother) _____ having been
naturalized on _____ by the _____ Court
at _____, his other parent being deceased.
(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 24, except that child's lawful admission for permanent residence must have occurred subsequent to naturalization of surviving parent	Same as Stipulation No. 24	Same as Stipulation No. 24

STIPULATION NO. 26

(Applicant derived United States citizenship)

on _____ upon the death of his alien father
(or mother), applicant being then under the age of
eighteen years and having resided permanently in the
United States since _____ and his father (or
mother) _____ having been naturalized on
_____ (a date on or after January 13, 1941)
by the _____ Court at _____.
(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage of parents	Official or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
3. Naturalization of surviving parent on or after January 13, 1941 and prior to child's 18th birthday	Verification of naturalization from court or official records	- - -
4. Death of alien parent prior to child's 18th birthday	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
5. Child's lawful admission for permanent residence prior to death of alien parent and prior to child's 18th birthday	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 27

(Applicant derived United States citizenship)

through the naturalization of his father (or mother) _____ on _____ by the _____ Court at _____, at which time applicant was under the age of eighteen years, in the legal custody of such parent, and had resided permanently in the United States since _____, his parents having been legally separated.

(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Naturalization of parent having legal custody prior to child's 18th birthday	Verification of naturalization from court or official records	- - -
2. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
3. Legal separation of parents prior to applicant's 18th birthday and retention of legal custody by one parent	Officially authenticated copy of court decree of divorce or separation (Note that other methods of legal separation may be permitted under applicable State laws)	- - -
4. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
5. Child's lawful admission to the United States for permanent residence prior to naturalization of parent having legal custody and prior to child's 18th birthday	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 28

(Applicant derived United States citizenship)

through permanent residence therein since _____, on which date he was under the age of eighteen years, his father (or mother) _____ having been naturalized on _____ by the _____ Court at _____, his parents having been legally separated and he being in the legal custody of said naturalized parent.

(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 27, except that child's lawful admission for permanent residence must have occurred subsequent to naturalization of parent who has legal custody	Same as Stipulation No. 27	Same as Stipulation No. 27

STIPULATION NO. 29

(Applicant derived United States citizenship)

on _____ upon the legal separation of his parents
on _____ on which date applicant was under the
age of eighteen years, having permanently resided in
the United States since _____ and his father (or
mother) _____ having the legal custody of the
applicant and having been naturalized on _____ (a
date on or after January 13, 1941) by the _____
Court at _____.

(Section 314, Nationality Act of 1940).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage of parents	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
3. Legal separation of parents prior to applicant's 18th birthday and retention of legal custody by one parent	Officially authenticated copy of court decree of divorce or separation (Note that other methods of legal separation may be permitted under applicable State laws)	- - -
4. Naturalization of parent having legal custody prior to child's 18th birthday and on or after January 13, 1941	Verification of naturalization from court or official records	- - -
5. Child's lawful admission to the United States for permanent residence prior to legal separation of parents and prior to his 18th birthday	Verification of lawful admission from official immigration records	- - -

STIPULATION NO. 30

(Applicant derived United States citizenship)

through the marriage of his mother on _____ to _____, a native born citizen of the United States (or who was naturalized on _____ by the Court at _____, applicant a minor on the date of said marriage, having resided permanently in the United States since _____).

(Mother, Section 1994 U.S.R.S.; Child, Section 2172 U.S.R.S. or Section 5, Act of March 2, 1907, prior to its amendment on May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. United States citizenship of stepfather		
(a) By birth in the United States (Where stepfather acquired United States citizenship under Sections 1993 or 2172 of the Revised Statutes, other types of proof would be required)	Official or church certificate of birth	Same as Stipulation No. 3, Item 1(a)
(b) By naturalization prior to marriage, prior to the child's 21st birthday and before September 22, 1922	Verification of naturalization from court or official records	- - -
2. Termination of any prior marriages of mother or stepfather		
(a) By death	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -

(STIPULATION NO. 30 Cont.)

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
3. Marriage between child's mother and stepfather prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
4. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
5. Child's lawful admission to the United States for permanent residence during minority and prior to marriage between mother and stepfather		
(a) Child admitted on or after June 29, 1906	Verification of lawful admission from official immigration records	- - -
(b) Child admitted prior to June 29, 1906	"	Same as Stipulation No. 1, Item 4(b)

STIPULATION NO. 31

(Applicant derived United States citizenship)

through permanent residence in the United States from _____, on which date he was a minor, his mother on _____ having married _____, a native born citizen of the United States (or who was naturalized as a citizen of the United States on _____ by the _____ Court at _____).

(Mother, Section 1994 U.S.R.S.; Child, Section 2172 U.S.R.S. or Section 5, Act of March 2, 1907, prior to its amendment on May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 30, except that the child's lawful admission for permanent residence must have occurred subsequent to the marriage and the naturalization of his stepfather	Same as Stipulation No. 30	Same as Stipulation No. 30

STIPULATION NO. 32

(Applicant derived United States citizenship)

by the naturalization on _____ (a date prior to September 22, 1922) by the _____ Court at _____ of _____ to whom his mother was married on _____ (a date prior to September 22, 1922) applicant a minor on the date of the naturalization, having resided permanently in the United States since _____

(Mother, Section 1994 U.S.R.S.; Child, Section 2172 U.S.R.S. or Section 5, Act of March 2, 1907, prior to its amendment on May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 30, except that the marriage and the child's lawful admission for permanent residence both occurred prior to the step-father's naturalization	Same as Stipulation No. 30	Same as Stipulation No. 30

STIPULATION NO. 33

(Applicant derived United States citizenship)

through permanent residence in the United States from _____, on which date he was a minor, his mother _____ having married _____ who acquired United States citizenship through the naturalization of his father (mother) or the marriage of his mother to his stepfather, or the resumption of citizenship by his mother.

(Mother, Section 1994 U.S.R.S.; Child, Section 2172 U.S.R.S. or Section 5, Act of March 2, 1907, prior to its amendment on May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage of mother to stepfather prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Relationship and age of child	Official or church certificate of birth	Same as Stipulation No. 1, Item 3
3. Acquisition of United States citizenship by stepfather prior to September 22, 1922, during child's minority, and prior to marriage to child's mother	(The acquisition of citizenship by the stepfather in any one of the three ways mentioned must be proved by the production of such evidence as would be required if he were an applicant for a certificate of derivative citizenship)	
4. Child's lawful admission to the United States for permanent residence during minority and after acquisition of United States citizenship by mother		
(a) Child admitted on or after June 29, 1906	Verification of lawful admission from official immigration records	- - -
(b) Child admitted prior to June 29, 1906	"	Same as Stipulation No. 1, Item 4(b)

STIPULATION NO. 34

(Applicant derived United States citizenship)

through the marriage of his mother on _____ to _____ who acquired United States citizenship through the naturalization of his father (mother), or the marriage of his mother to his stepfather, or the resumption of citizenship by his mother, applicant a minor on the date of said marriage, having resided permanently in the United States since _____.
(Mother, Section 1994 U.S.R.S.; Child, Section 2172 U.S.R.S. or Section 5, Act of March 2, 1907, prior to its amendment on May 24, 1934).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
Same as Stipulation No. 33, except that child's lawful admission for permanent residence occurred prior to his mother's acquisition of citizenship through marriage	Same as Stipulation No. 33	Same as Stipulation No. 33

STIPULATION NO. 35

(Applicant derived United States citizenship)

through the naturalization on _____ by the
_____ Court at _____ of _____
to whom she was married on _____.
(Section 1994 U.S.R.S.)

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. Naturalization of husband after marriage and prior to September 22, 1922	Verification of naturalization from court or official records	- - -
3. Termination of any prior marriages of applicant or naturalized person		
(a) By death	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -

STIPULATION NO. 36

(Applicant derived United States citizenship)

through marriage on _____ to _____, a native born citizen of the United States (or who was naturalized as a United States citizen on _____ by the _____ Court at _____).
(Section 1994 U.S.R.S.)

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. American citizenship of husband		
(a) By birth in the United States (Where husband acquired United States citizenship under Sections 1993 or 2172 of the Revised Statutes, other types of proof would be required)	Official or church certificate of birth	Same as Stipulation No. 3, Item 1(a)
(b) By naturalization prior to September 22, 1922	Verification of naturalization from court or official records	- - -
3. Termination of any prior marriages of applicant or naturalized person		
(a) By death	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -

STIPULATION NO. 37

(Applicant derived United States citizenship)

through marriage on _____ to _____ who acquired United States citizenship through the naturalization of his father (mother) or the marriage of his mother to his stepfather or the resumption of citizenship by his mother.

(Section 1994 U.S.R.S.).

PROOF REQUIRED

<u>Elements of Claim</u>	<u>Primary Evidence</u>	<u>Secondary Evidence</u>
1. Marriage prior to September 22, 1922	Civil or church certificate of marriage	Same as Stipulation No. 1, Item 2
2. United States citizenship of husband (derived through parent prior to marriage)	(The acquisition of citizenship by the husband in any one of the three ways mentioned must be proved by the production of such evidence as would be required if he were an applicant for a certificate of derivative citizenship)	
3. Termination of any prior marriages of applicant or naturalized person		
(a) By death	Official certificate of death	Same as Stipulation No. 3, Item 3(a)
(b) By divorce	Officially authenticated copy of court decree of divorce	- - -