

Citizenship

Citizenship Qualifications

I. Citizenship Status

1. Citizenship not defined in Constitution:

- a. 1787 – State laws determined citizenship, voting laws, and other rights.
- b. African Americans and Women were denied voting rights
- c. Many “citizens” were denied the basic rights granted to citizens until the late 19th and early 20th centuries.

2. 14th Amendment:

- a. 1868 – 14th Amendment stated the first definition as to citizenship.
- b. Grants natural born and “naturalized” people citizenship with no exceptions

Types of Citizenship

3. Citizenship by Birth:

- a. *"Jus Soli"* (Right of the soil) means that one's place of birth determines citizenship.
- b. This not only includes the United States but also its territories e.g. Puerto Rico, Guam, embassies, military bases, etc.
- c. Children born to US citizens while traveling are also considered US citizens *"Jus Sanguinis"* (Right by blood)
- d. If only one of the parents is a citizen then that parent has to have been a citizen for at least 10 years and 5 of them after age 14.
- e. To maintain citizenship, that child will have to live in the US for 2 years after the age of 14.

Cont.

4. Dual Citizenship:

- a. Children of families traveling abroad are often granted dual citizenship.
- b. Most nations (US included) require a person w/dual citizenship to make a formal declaration of allegiance one country when they turn 18. (Reasons = taxes, military service, voting etc)

Becoming a Citizen

II. Becoming a Citizen:

1. Naturalization:

a. Obtaining US citizenship for someone who wasn't born a citizen.

2. Requirements:

- a. 5 years residence in US
- b. 3 years if marries to US citizen
- c. Literate in English
- d. Understand US Govt. and History
- e. Good moral character
- f. Children of naturalized parents can become citizens
- g. Citizenship can usually only be revoked if proven they lied during naturalization process.

Naturalization/Expatriation

3. Collective Naturalization

- a. Large groups of people can be granted citizenship if Congress grants them the right.
- b. Land obtained by US through treaties gain automatic citizenship
- c. 14th amendment granted freed slave citizenship after Civil War.
- d. 1924 – Native Americans born in Us territory granted right of citizenship.

4. Losing Citizenship

- a. Giving up one's citizenship is called *expatriation* (Draft Dodgers)
- b. US can revoke citizenship. Nationality Act of 1952 – Congress enacted laws for revoking citizenship e.g. draft dodging, voting in foreign election, and fighting for enemy nation.
- c. Supreme Court has often questioned the Constitutionality of revoking citizenship

Non-Citizens

5. Rules for Aliens:

- a. All aliens must register yearly with the INS
- b. Lawbreakers must leave the US.

C. Types of Aliens:

- i. Resident alien – permanent resident waiting for citizenship
- ii. Non-resident alien – living in US for a limited time (students)
- iii. Enemy aliens – POWs or aliens from an enemy nation.
- iv. Illegal aliens – living in US without permission.