

Puerto Rico Citizenship Archives Project

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University of Connecticut

No. 2240

U.S. DEPARTMENT OF LABOR
NATURALIZATION SERVICE

ORIGINAL

UNITED STATES OF AMERICA

PETITION FOR NATURALIZATION

THE UNITED STATES FOR THE DISTRICT OF MARYLAND

To the Honorable the DISTRICT Court of Socorro Giralde hereby filed, respectfully sheweth

The petition of U.S.C. G. Algonquin (Give number, street, city or town, and State.) Arundel Cove, Md.

First. My place of residence is 1st St. P.R.

Second. My occupation is Marine at Fajardo, Porto Rico

Third. I was born on the 21st day of May, anno Domini 1 884, on or about the 10th day of April

Fourth. I emigrated to the United States from San Juan, Porto Rico on or about the 15th day of April

anno Domini 1 903, and arrived in the United States, at the port of Algonquin, on the 12th day of Nov. 1 903

(If the alien arrived otherwise than by vessel, the character of conveyance or name of transportation company, and date of arrival, should be stated.)

Fifth. I declared my intention to become a citizen of the United States on the 12th day of Nov. 1 903

I am a honorable discharged member of the U.S.C. Service and made application for citizenship under Act June 30, 1914

Sixth. I am married. My wife's name is Carmen Giralde She was born in San Juan, Porto Rico and now resides at San Juan, Porto Rico (Give number, street, city or town, and State.)

I have no children, and the name, date and place of birth, and place of residence of each of said children is as follows:

Seventh. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States, and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom at this time I am a subject, and it is my intention particularly to reside permanently in the United States.

Eighth. I am able to speak the English language.

Ninth. I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, the 15th day of April, anno Domini 1 903, and in the State of Maryland, continuously next preceding the date of this petition, since the 16th day of June, anno Domini 1 903, being a residence within this State of at least one year next preceding the date of this petition.

Tenth. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the _____, anno Domini 1 _____, and said petition was denied by the said Court for the following reasons and causes, to wit, _____ and the cause of such denial has since been cured so as to entitle me to a new petition.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Labor, together with my affidavit and the affidavits of the two verifying witnesses thereto, required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Honorable discharge certificate of petitioner exhibited to me this 27th September, 1945.

Socorro Giralde
(Complete and true signature of petitioner.)

Puerto Rican Studies Initiative for
Community Engagement and Public Policy
Archival Report / AR 2022-1
September 2022

AFIDAVITS OF PETITIONER AND WITNESSES.

ND. } ss:
I do hereby depose and say that he is the petitioner in the above-entitled proceedings; that he has read the foregoing petition and knows the contents thereof; that the said petition is signed with his full, true name; that the same is true of his own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Socorro Giralde
(Complete and true signature of petitioner.)

residing at _____
occupation _____
residing at _____
occupation _____
I do hereby depose and say that he is a citizen of the United States of America, that he has personally known _____
residing at _____
occupation _____

The **Puerto Rico Citizenship Archives Project** (PRCAP) is a public repository of federal citizenship legislation for Puerto Rico. This repository collects all legislation and laws containing citizenship provisions for Puerto Rico debated or enacted in Congress between 1898 and the present. The goal is to provide the reader/viewer with access to primary archival materials that elucidate the history of the extension of U.S. citizenship to Puerto Ricans residing in Puerto Rico.

This archive is divided into three sections. The Historical Overview provides the reader with a summary of the history of the extension of U.S. citizenship to Puerto Rico. The Congressional Legislation section organizes all citizenship legislation, laws, and related materials by Congress. Readers can download all the relevant documents. A third section contains educational and secondary materials that can be used for the study of the history of the extension of U.S. citizenship to Puerto Rico. The goal of this project is to create a publicly accessible database of primary documents and contextualize them in Puerto Rican historical debates.

This Archival Report provides a sort of Executive Summary of the Puerto Rico Citizenship Archives Project. The Puerto Rico Citizenship Archives Project is available at:
<https://scholarscollaborative.org/PuertoRico/>

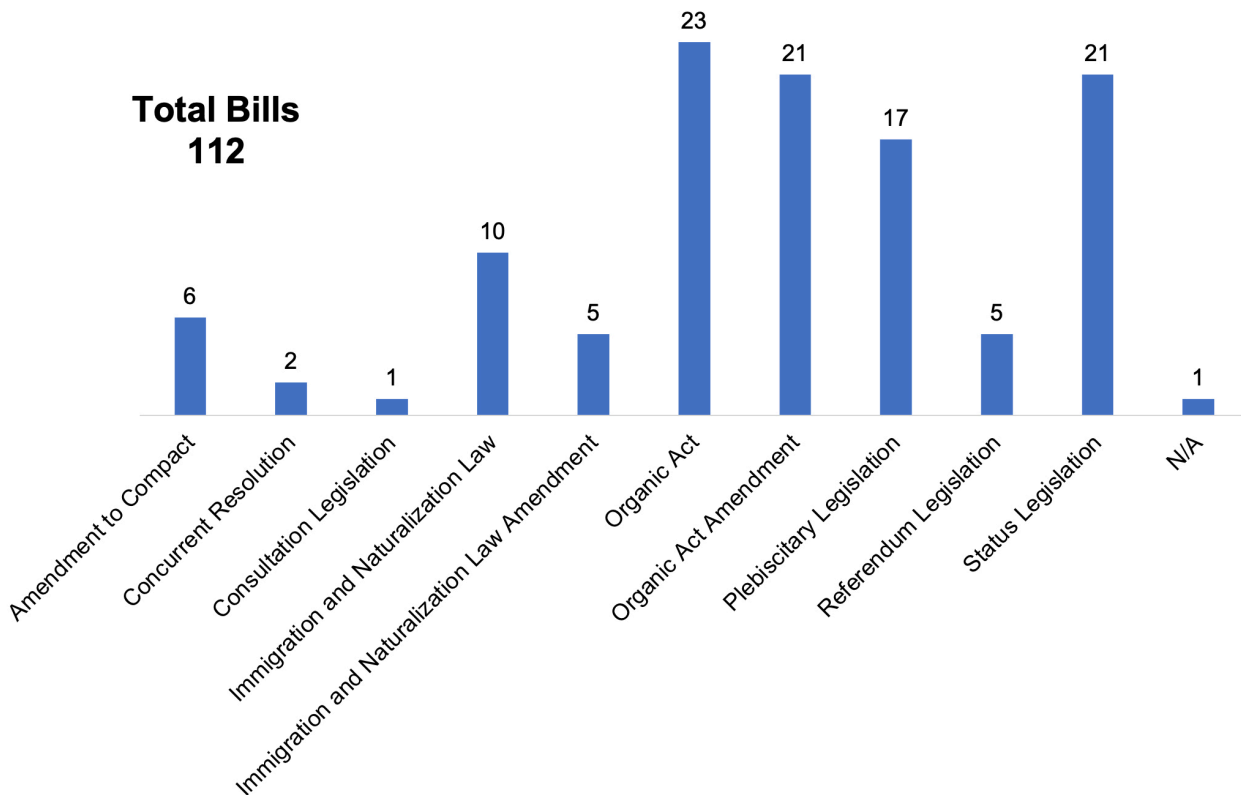
Data Overview

Since the United States annexed Puerto Rico in 1898, Congress has debated upwards of 112 bills and laws containing citizenship provisions for Puerto Rico. Between 1898 and 1952, Congress also enacted 12 citizenship laws conferring 3 types of citizenships on persons born in Puerto Rico. These citizenships include: 1) Puerto Rican Citizenship (1898-1934); 2) Individual Naturalization (1898/1906-1917)/Collective Naturalization (1917-1940); and 3) *Jus soli* or birthright citizenship (1940 to the present). This archive collects and analyzes all federal citizenship legislation for Puerto Rico.

TOTAL NUMBER OF BILLS AND LAWS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, 1898-2022

- Congress has debated and/or enacted 112 bills and laws containing citizenship provisions for Puerto Rico since 1898.
- The majority of citizenship bills debated, and laws passed by Congress were organic or territorial acts.
- Political status legislation for Puerto Rico was the second number of bills containing citizenship provisions for Puerto Ricans.
- The third largest number of bills debated, and laws enacted with citizenship provisions were immigration and naturalization laws.

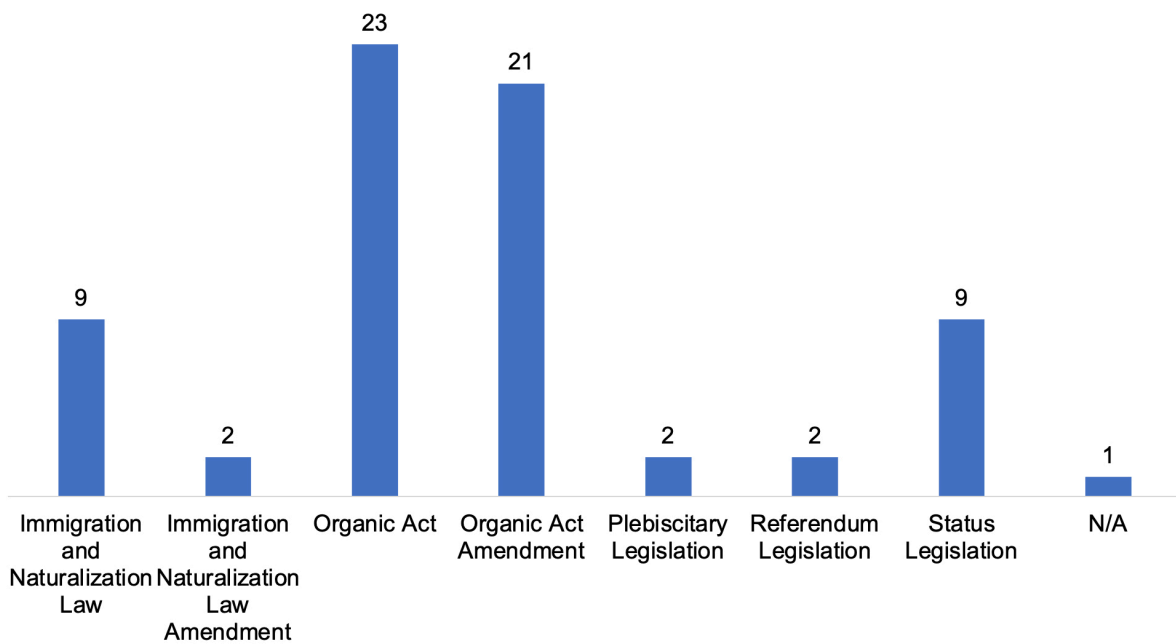
TOTAL NUMBER OF BILLS AND LAWS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, 1898-2022



TOTAL NUMBER OF BILLS AND LAWS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, BEFORE 1952

- Prior to 1952, Congress was more likely to use organic or territorial acts to introduce citizenship provisions for Puerto Rico.

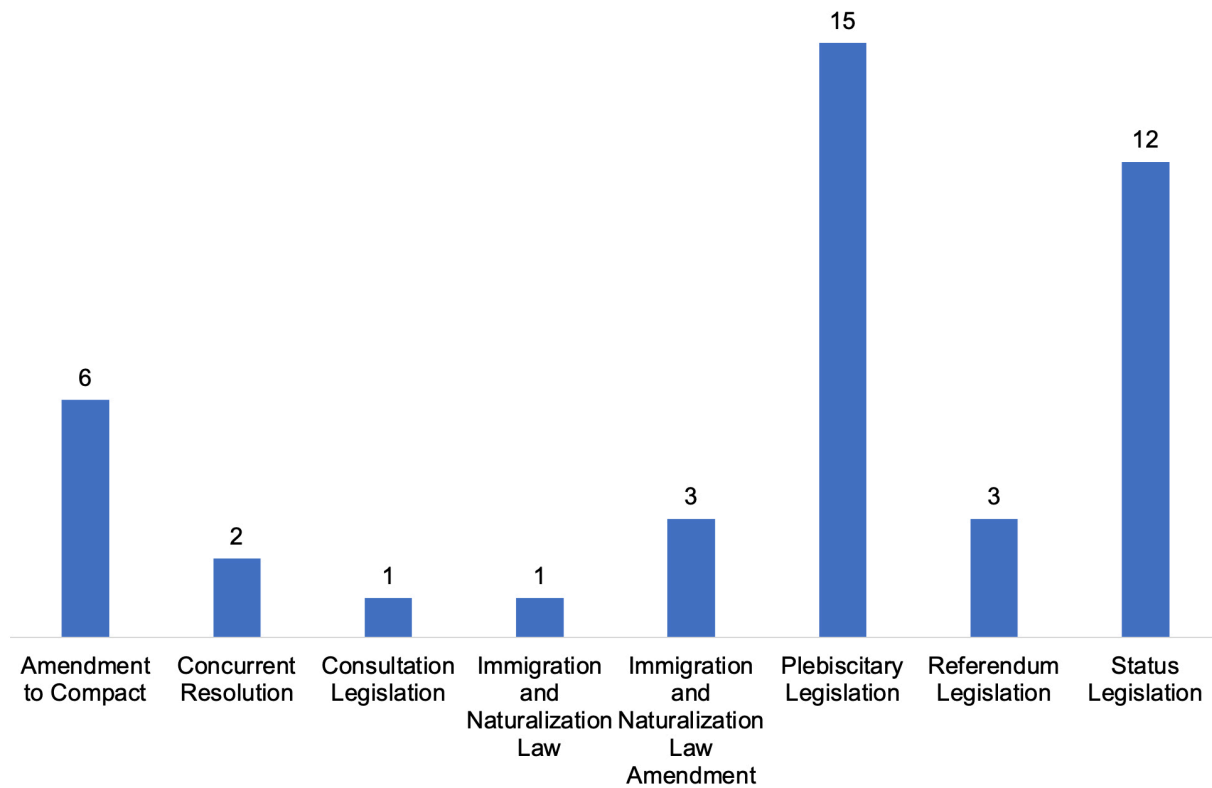
TOTAL NUMBER OF BILLS AND LAWS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, BEFORE 1952



TOTAL NUMBER OF BILLS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, AFTER 1952

- Congress has primarily used political status legislation to introduce citizenship provisions for Puerto Rico after 1952.

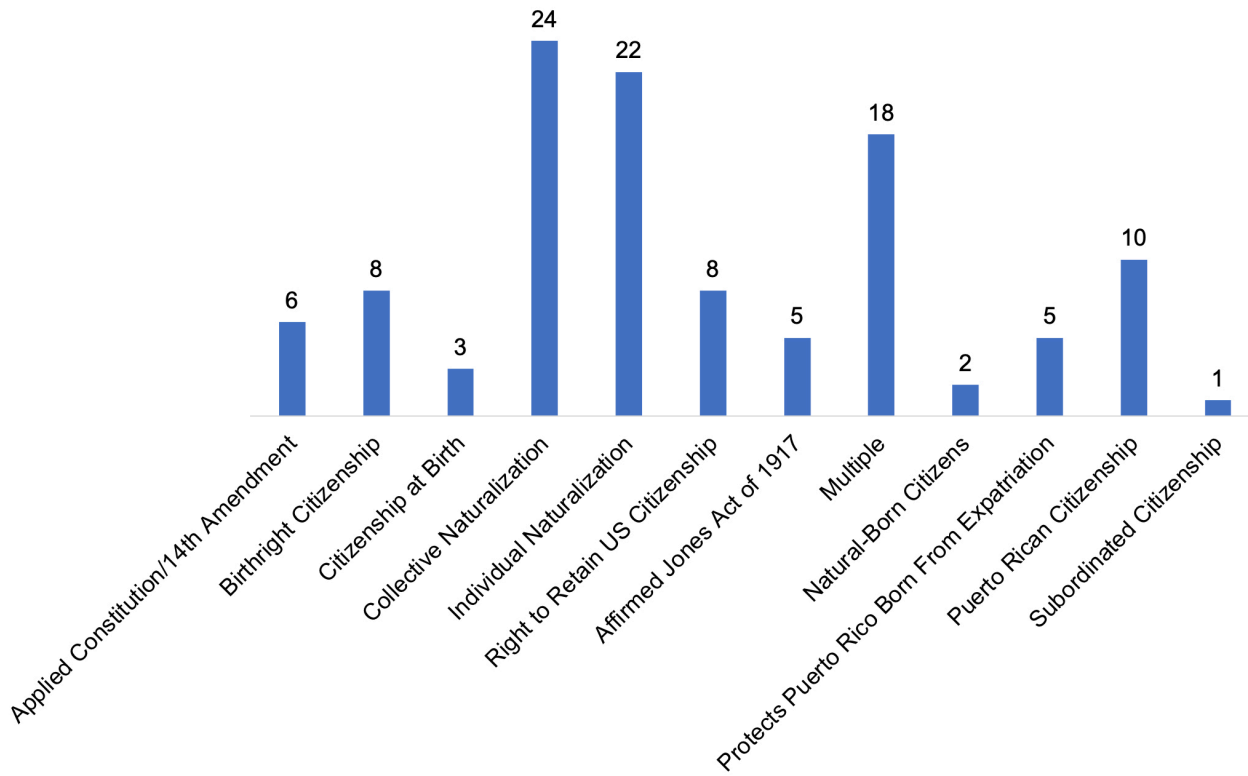
TOTAL NUMBER OF BILLS WITH CITIZENSHIP PROVISIONS BY TYPE OF LEGISLATION, AFTER 1952



TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, 1898-2022

- The majority of citizenship bills and laws debated or enacted for Puerto Rico were naturalization laws.
- Notwithstanding Puerto Rico's unincorporated territorial status, Congress has debated and enacted legislation applying the Citizenship Clause of the 14th Amendment.

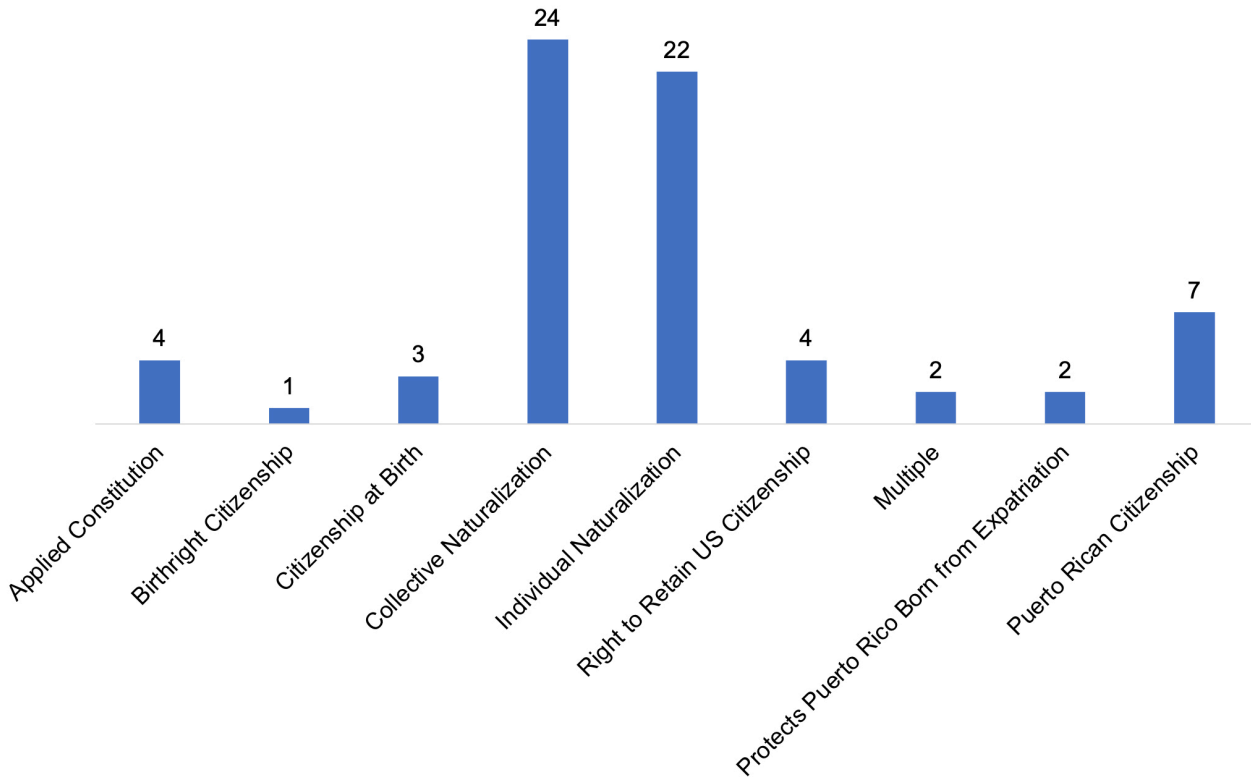
TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, 1898-2022



TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, BEFORE 1952

- The majority of citizenship bills and laws debated and enacted in Congress prior to 1952 conferred a naturalized citizenship status.

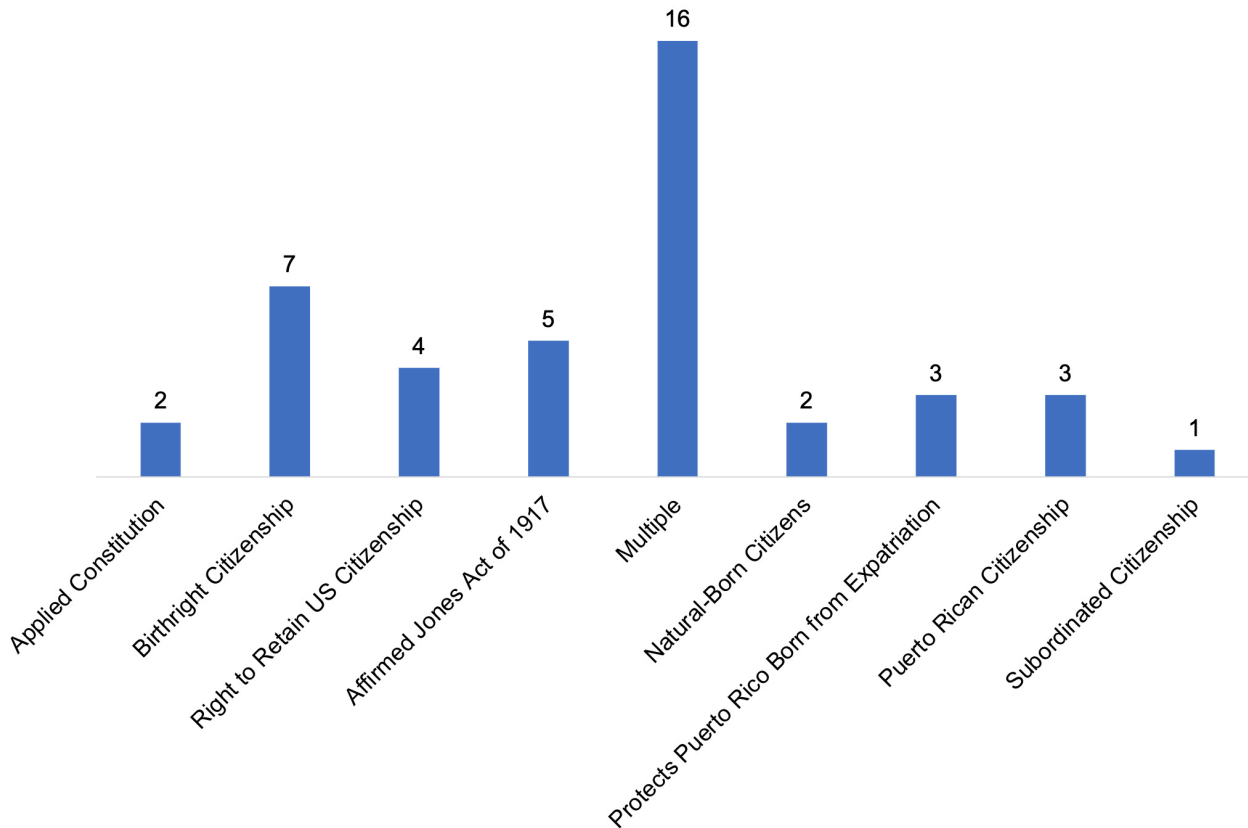
TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, BEFORE 1952



TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, AFTER 1952

- The majority of bills with citizenship provisions debated in Congress after 1952 contained provisions with multiple citizenship options.

TOTAL NUMBER OF BILLS AND LAWS BY TYPE OF CITIZENSHIP PROVISION, AFTER 1952



Historical Legislation

Territorial Status

United States annexed Puerto Rico during the Spanish-American War of 1898. **It subsequently invented a new territorial law and policy to govern Puerto Rico as a foreign territorial possession for domestic of constitutional purposes.** Also known as the Third View, the new territorial law and policy ascribed Puerto Rico and unincorporated territorial status, that is a territory that *belonged to*, but was not a *part of* the United States. This meant that the federal government could selectively rule Puerto Rico as a territorial possession located outside of the United States for citizenship purposes. Although Congress has never changed Puerto Rico's territorial status, in 1940 it began to treat Puerto Rico as a territorial part of the United States for citizenship purposes. Since 1940, birth in Puerto Rico is tantamount to birth in the United States for citizenship purposes.

Puerto Rican Citizenship, 1898-1934

Following Puerto Rico's annexation, Congress invented a non-citizen nationality or Puerto Rican citizenship to govern Puerto Ricans. Unlike prior treaties of territorial annexation, *Treaty of Paris of 1898* invented a non-citizen nationality to govern insular or island-born residents of Puerto Rico. The *Foraker Act of 1900*, Puerto Rico's first organic or territorial act, codified the non-citizen nationality and began to describe it as a Puerto Rican citizenship. Persons born in Puerto Rico could acquire a Puerto Rican citizenship until 1934, when Congress began enacting a territorial form of birthright citizenship.

Individual Naturalization, 1898-1917

Between 1898 and 1917, Congress applied or enacted at least three different naturalization laws for Puerto Rico that enabled Puerto Ricans to acquire a U.S. citizenship via an individual naturalization process. The doctrine of Coverture was applied to Puerto Rico between 1898 and 1934, establishing that Puerto Rican women were automatically naturalized as a result of their marriage to a U.S. citizen. In 1906, Congress enacted legislation permitting Puerto Ricans to undergo an individual naturalization process in a federal or district court located in a state or in an incorporated territory. Congress amended this law in 1914, allowing Puerto Rican soldiers serving in the U.S. Cutter Service (Coast Guard) to count their service as residency for naturalization purposes. These laws treated individual Puerto Ricans as naturalized immigrants.

Collective Naturalization, 1917-1940

In 1917 Congress began to enact a series of citizenship laws providing for the collective naturalization of Puerto Rican citizens and the residents of Puerto Rico more generally. The *Jones Act of 1917* gave Puerto Rican citizens the *choice* to either retain their status quo or do nothing and automatically acquire a U.S. citizenship. Because the *Jones Act* did not change Puerto Rico's territorial status, persons subsequently born in Puerto Rico were born *outside* of the United States for constitutional purposes. Puerto Rico-born citizens could only acquire a derivative form of

jus sanguinis or paternal blood right citizenship. In 1922, the Supreme Court ruled in *Balzac v. People of Porto Rico* that the collective naturalization of Puerto Ricans did not incorporate or change Puerto Rico's territorial status.

Congress subsequently enacted corrective amendments to address the problems caused by the limits of the Jones Act in 1927, 1934, and 1938. The 1927 Amendment granted residents of Puerto Rico more time to naturalize. The 1934 Amendment provided for the retroactive naturalization of all persons born in Puerto Rico after 11 April 1899, or after the ratification of the *Treaty of Paris*. In addition, this Amendment eliminated the doctrine of Coverture in Puerto Rico and granted Puerto Rican women the ability to transfer their U.S. citizenship to their children. The 1938 Amendment also provided for the retroactive naturalization of the residents of Puerto Rico, including Spanish inhabitants. But none of these amendments changed Puerto Rico's territorial status and birth in Puerto Rico was tantamount to birth outside of the United States for citizenship and naturalization purposes. Puerto Ricans who acquired their citizenship under the *Jones Act of 1917* and one of its amendments acquired a *naturalized* citizenship status.

Jus Soli Citizenship, 1940 to the present

In 1940, Congress began to fix the problems created by the *Jones Act of 1917* by enacting legislation that treated Puerto Rico as a part of the United States for the sole purpose of conferring *jus soli* or

birthright citizenship on persons born in the islands. The *Nationality Act of 1940* established that Puerto Rico could be treated as an incorporated territory for citizenship purposes. This law also contained a provision applying the Citizenship Clause of the 14th Amendment to Puerto Rico, effectively treating all persons subsequently born in Puerto Rico as native-born citizens. However, the *Nationality Act* did not change the naturalized citizenship status of persons born in Puerto Rico prior to 1940 and who acquired their citizenship by one of the previously enacted naturalization statutes. This meant that *naturalized* Puerto Ricans were subject to the prevailing immigration and naturalization rules, including the rules for expatriation.

In 1948 Congress amended the *Nationality Act of 1940* and established that all persons born in Puerto Rico acquired a native-born status and were thus protected from the prevailing expatriation rules. The *Immigration and Nationality Act of 1952*, the present source of citizenship for persons born in Puerto Rico, merely copied the provisions from the *Nationality Act of 1940*. Today, birth in Puerto Rico is tantamount to birth in the United States and Puerto Rico-born citizens acquire a *jus soli* or birthright citizenship conferring a native-born status on its bearers.

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PUERTO RICAN STUDIES
INITIATIVE

The Puerto Rican Studies Initiative for Community Engagement and Public Policy (PRSI) is a research initiative that can help document and support the Puerto Ricans' vital economic, intellectual, and cultural contributions to Connecticut and provide research-based support for the development of public policies addressing the needs of Puerto Ricans in the State of Connecticut. This initiative is part of a collaboration between the PRSI, El Instituto (CLAS, UConn Storrs) and the Puerto Rican and Latin@ Studies Project (School of Social Work, UConn Hartford), and the Hispanic Health Council.

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