

Sec. 8—Powers of Congress

Cl. 4—Naturalization and Bankruptcies

ization of all residents of an annexed territory or of a territory made a state,¹²⁰⁶ or through treaty provision.¹²⁰⁷

Categories of Citizens: Birth and Naturalization

The first sentence of § 1 of the Fourteenth Amendment contemplates two sources of citizenship and two only: birth and naturalization.¹²⁰⁸ This contemplation is given statutory expression in § 301 of the Immigration and Nationality Act of 1952,¹²⁰⁹ which itemizes those categories of persons who are citizens of the United States at birth; all other persons in order to become citizens must pass through the naturalization process. The first category merely tracks the language of the first sentence of § 1 of the Fourteenth Amendment in declaring that all persons born in the United States and subject to the jurisdiction thereof are citizens by birth.¹²¹⁰ But there are six other categories of citizens by birth. They are: (2) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe, (3) a person born outside the United States of citizen parents one of whom has been resident in the United States, (4) a person born outside the United States of one citizen parent who has been continuously resident in the United States for one year prior to the birth and of a parent who is a national but not a citizen, (5) a person born in an outlying possession of the United States of one citizen parent who has been continuously resident in the United States or an outlying possession for one year prior to the birth, (6) a person of unknown parentage found in the United States while under the age of five unless prior to his twenty-first birthday he is shown not to have been born in the United States, and (7) a person born outside the United States of an alien parent and a citizen parent who has been resident in the United States for a period of ten years, provided the person is to lose his citizenship unless he resides continuously in the United States for a period of five years between his fourteenth and twenty-eighth birthdays.

Subsection (7) citizens must satisfy the condition subsequent of five years continuous residence within the United States between the ages of fourteen and twenty-eight, a requirement held to be constitutional,¹²¹¹ which means in effect that for constitutional purposes, according to the prevailing interpretation, there is a differ-

¹²⁰⁶ *Boyd v. Nebraska ex rel. Thayer*, 143 U.S. 135 (1892); *Contzen v. United States*, 179 U.S. 191 (1900).

¹²⁰⁷ *Boyd v. Nebraska ex rel. Thayer*, 143 U.S. 135, 164, 168–69 (1892).

¹²⁰⁸ *United States v. Wong Kim Ark*, 169 U.S. 649, 702 (1898).

¹²⁰⁹ 66 Stat. 235, 8 U.S.C. § 1401.

¹²¹⁰ § 301(a)(1), 8 U.S.C. § 1401(a)(1).

¹²¹¹ *Rogers v. Bellei*, 401 U.S. 815 (1971).