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NEWARK, NEW JERSEY

June 8, 1918.

Mr. G. Michaelian,  
297 Fifth Avenue,  
New York City.

My dear Sir:

I hand you herewith a memorandum concerning the citizenship  
of your nephew.

I also enclose the following papers in connection with  
the above:

Naturalization certificate of John Michaelian;  
Passport of John Michaelian, dated October 2, 1891;  
Inspection Card of the Norddeutscher Lloyd Bremen,  
containing name of Hohannes Michaelian.

Yours very truly,

HVO/EQ.

6 Encls.

June 10-1918.

Dear Frank.

Your 2 night letters received this morning  
also the enclosed from the Judge. You may show one of  
the copies to your Major, & mail the original to either  
Left. Labra in Washington, or War Dept. whenever the  
Major may direct you. In case there is no need of using  
any, I wish you will return them to us, as it is a thing  
worth while to keep. We will not do anything else, after <sup>you</sup> having  
these <sup>back</sup> you have to act according to the circumstances. With love  
your uncle & cousin

June 8, 1918.

Mr. G. Michaelian,  
297 Fifth Avenue,  
New York City.

My dear Sir:

Pursuant to your request I hand you herewith opinion in the matter of the citizenship of Michael Michaelian (known as Frank Michaelian).

I understand the facts to be as follows:

John Michaelian, a native of Armenia, was admitted to become a citizen of the United States of America on the 12th day of May, 1891, by the Superior Court of the City of New York, a court of competent jurisdiction; his naturalization certificate, under the seal of the court, I have inspected.

After residing some time in the United States in 1891 he went to Armenia, primarily to take unto himself a wife, and for the purpose of facilitating his journey secured from the Department of State under date of October 2, 1891, his passport as an American citizen, which passport has also been presented to and inspected by me.

John Michaelian was obliged to remain in Armenia for about four years owing to the unsettled condition of the country, the massacre of Armenians by the Turks and his inability to get permission to leave. While there he married and had two children, one of whom, Michael Michaelian, was born September 9, 1896, at Harpoot. At that time, owing to the unsettled condition of the country, no record of births was kept.

John Michaelian, his wife and children, one of whom was the said Michael Michaelian, returned to America in 1897 and landed in New York on the 13th of September of that year. An "Inspection Card" of the Norddeutscher Lloyd Bremen containing the name of Johannes Michaelian has been produced for my inspection bearing date September 13, 1897.

Michael Michaelian, son of John Michaelian, has constantly resided in this country with his father since that time. I am informed that John Michaelian and his wife, father and mother of Michael, are living and can support the foregoing state of facts by affidavit, if necessary. I am further informed that Michael Michaelian has been known as Frank Michaelian during the greater part of his minority.

It has been held that the naturalization of a father operates to confer the right of citizenship upon his minor child who is dwelling at the time of the father's naturalization within the jurisdiction of the United States, or who dwells within that jurisdiction subsequent to the father's naturalization and during his own minority.

CONOVER vs. ELD, 77 Atl., 1070 (Supreme Court of N. J.)

Michaelian.

When the husband of an alien woman becomes naturalized, she, as well as her infant son, dwelling in the United States, likewise become citizens.

U.S. ex rel. Fisher vs. Rodgers, U.S. Immigration Com'r. et al.,  
144 Fed., 711 (District Court, E. D. Pennsylvania)

The minor child of a naturalized parent born abroad, where he remained until after the naturalization of his father, is an alien until he begins to reside permanently in the United States.

U.S. ex rel De Rienzo vs. Rodgers, U.S. Com'r. Immigration,  
et al., 185 Fed. 224.

The act of Feb. 10, 1855, amending act of 1802, provides:-

"Sec. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

(R.S. 1878, p. 350; 1 Comp. Stat. 1901, p. 1268.)

The Act of Congress of April 14, 1802 provides:-

"Sec. 2172. The children of persons who have been duly naturalized under any laws of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; . . . (R.S. 1878, p. 380; 1 Comp. Stat. 1901, 1334).

The act of March 2, 1907, regarding the expatriation of citizens, provides:-

"When any naturalized citizen shall have resided for two years in a foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen. . . . Provided, however, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: . . ."

This act was not in force at the time John Michaelian returned to his native land or at the time he subsequently returned to the United States.

Furthermore, it has been held that the act does not apply to citizens who return to the United States. The act of returning rebuts the presumption of non-citizenship.

(28 Op. Atty. Gen. 504 (1910).)

A native of Syria, who was naturalized in the United States, later returned to his native country, where he married a Syrian woman and remained in that country for more than two years, and then came back to the United States, bringing his wife with him, did not thereby cease to be a citizen of the United States. Id.

In this situation there seems to be no question but that Michael (sometimes known as Frank) Michaelian is a citizen of the United States of America.

Notwithstanding the foregoing, should any question still be raised as to the citizenship of Michael Michaelian (known as Frank Michaelian) it appears, by reference to the public press, that there has been recent legislation authorizing the naturalization of men in the service, which legislation could be taken advantage of, although in the situation presented above, this course would seem to be unnecessary.

I am Sir,

Yours very truly,

A handwritten signature in dark ink, appearing to be "J. H. ...", written over a faint circular stamp.

HVO/EQ.