

of alien parents may not invoke federal diversity jurisdiction, since an alien father cannot have a domicile for diversity purposes in any particular state.⁷⁰

Generally, a party may not bring an action under the statute providing for alienage jurisdiction⁷¹ based upon a claim of dual citizenship, especially where United States citizenship appears to be the dominant citizenship.⁷²

A minor child born in the United States of alien parents may not invoke alienage jurisdiction,⁷³ although there is authority to the contrary, in a case involving a minor child who was also a citizen of his alien parents' native country.⁷⁴

2. GRANTS OF STATUS AS "CITIZEN" OR "NATIONAL" [§§ 2682-2737]

a. GENERAL PRINCIPLES AND DEFINITIONS [§§ 2682-2687]

§ 2682. Sources of citizenship

Citizenship is a privilege, not a common right.⁷⁵ The status of U.S. citizenship can be conferred only by the U.S. Constitution and the laws enacted by the Congress of the United States, and cannot be conferred by the laws of a state.⁷⁶ The Fourteenth Amendment provides that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside.⁷⁷ However, the Fourteenth Amendment does not address the issue of derivative citizenship, which has always been regulated by Congress in the exercise of its power to establish uniform rules of naturalization.⁷⁸

- ♦ *Observation:* Congress has created a corporation known as the National Conference on Citizenship,⁷⁹ which has among its purposes the development of dynamic procedures for making citizenship more effective and the promotion and encouragement of local, state, and regional citizenship conferences.⁸⁰

§ 2683. Effect of INA Savings Clause

The INA contains a Savings Clause which provides, among other things, that, except as otherwise specifically provided by the INA, the repeal of any statute by the INA does not terminate nationality theretofore lawfully acquired nor restore nationality theretofore lost under any law of the United States or any treaty to which the United States may have been a party.⁸¹ The Savings Clause

^{70.} *Fahrner v. Gentsch*, 355 F. Supp. 349 (E.D. Pa. 1972); *Aguirre v. Nagel*, 270 F. Supp. 535 (E.D. Mich. 1967).

^{71.} 28 USCA § 1332(a)(2).

^{72.} *Sadat v. Mertes*, 615 F.2d 1176, 54 A.L.R. Fed. 401 (7th Cir. 1980).

^{73.} *Fahrner v. Gentsch*, 355 F. Supp. 349 (E.D. Pa. 1972).

^{74.} *Aguirre v. Nagel*, 270 F. Supp. 535 (E.D. Mich. 1967).

^{75.} *Morrison v. People of State of California*, 291 U.S. 82, 54 S. Ct. 281, 78 L. Ed. 664 (1934).

^{76.} *Dred Scott v. Sandford*, 60 U.S. 393, 19 How. 393, 15 L. Ed. 691 (1856) (abrogation on other grounds recognized by, *Image Carrier Corp. v. Beame*, 567 F.2d 1197 (2d Cir. 1977)).

^{77.} US Const, Amend 14 § 1.

^{78.} *Rogers v. Bellei*, 401 U.S. 815, 91 S. Ct. 1060, 28 L. Ed. 2d 499 (1971).

^{79.} 36 USCA § 431.

^{80.} 36 USCA § 433.

^{81.} Act June 27, 1952, Ch 477 § 405, 66 Stat. 166.

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