

**BY ORDER OF THE
COMMANDER**

**HEADQUARTERS, UNITED STATES FORCES, JAPAN
USFJ INSTRUCTION 36-2806**

7 February 2003



Personnel

**DEPENDENTS REMAINING IN JAPAN
AFTER DEPARTURE OF SPONSOR**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

OPR: USFJ/J1
Supersedes USFJPL 30-17, (3 May 96)

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PURPOSE. To prescribe policy and procedures for the termination of SOFA status, benefits and privileges, of United States Forces in Japan dependents whose sponsors have permanently transferred from Japan.

SUPERCEDES: USFJPL 30-17, Termination of Benefits and Privileges of Dependents Remaining in Japan After Departure of Sponsor.

SUMMARY OF CHANGES. Updated from policy letter to instruction format. Changes and clarifies procedural and substantive rules about continuation of logistic support (CLS). Adds table showing benefits with and without CLS status.

1. Scope. Applicable to all SOFA sponsored personnel in Japan, as well as those dependents of SOFA sponsored personnel who desire to remain in Japan after the permanent departure of their sponsor from Japan and persons who have so remained.

2. General.

2.1 Upon the permanent departure or death of a sponsor (military member or member of the civilian component) from Japan, the sponsor's dependents are no longer recognized under the SOFA, and are no longer entitled to SOFA benefits and privileges, except as set forth in paragraph 4, below. A permanent departure occurs when the sponsor is no longer assigned or attached to an organization or contractor of the US armed forces in Japan. Service regulations determine when the sponsor is no longer assigned or attached to an organization in Japan.

2.2 Generally, there are three types of cases where a dependent desires to remain after the departure of a sponsor. First, the dependent wants to remain for a discrete period of time for a certain purpose (e.g., completing a school semester). Second, a national of Japan desires to

remain in Japan while the sponsor is serving a tour outside of Japan (e.g., a remote or school tour). Third, there are the truly extraordinary cases where a sponsor leaves Japan suddenly (e.g., death or medical emergency).

2.3 Dependents remaining in Japan after their sponsor's permanent departure or death must possess a valid immigration status. Dependents with Japanese citizenship already possess such status. Dependents without Japanese citizenship must apply for and obtain an authorized status for the period of time they intend to remain in Japan. Currently, the GOJ provides a period of 60 days in which an individual who loses an authorized immigration status (e.g., SOFA status) must obtain another immigration status or be deported from Japan. Although dependents lose their SOFA status immediately upon their sponsor's departure, there is no requirement to apply for or obtain a residence status from the GOJ for dependents remaining in Japan for less than 60 days.

3. Immigration Status Procedures.

3.1 For dependents who are not citizens of Japan:

3.1.1 Before complying with paragraph 3.1.2 below, sponsor will ensure that each dependent possesses a valid passport.

3.1.2 Sponsors will submit a letter, attachment 1, requesting approval for the conversion of the status of dependents to a GOJ authorized status, normally resident alien status, through channels to service commanders concerned at least 60 days prior to the sponsor's departure from Japan if the dependents will not depart Japan prior to 60 days after the loss of SOFA status. In emergency or exceptional cases, defined below, the sponsor or responsible adult will submit the letter requesting CLS, as soon as possible. Emergency or exceptional cases include ones where:

3.1.2.1 The sponsor dies while assigned to Japan; or,

3.1.2.2 The sponsor is reassigned on such short notice that the dependents are unable to accompany the sponsor (e.g., a sponsor is reassigned from Japan after being medically evacuated or deployed).

3.1.3 If the Service Component commander (or delegee on his personal staff) does not object to the dependents remaining in Japan, the Service Component commander will give the sponsor a notice of conditional approval for change of status. Service Component commanders may deny any CLS application. Service Component commanders may authorize CLS for up to a maximum of 60 calendar days following the sponsor's departure. CLS benefits will be as set out in paragraph 4 below. Service Component commanders will forward applications recommended for approval for periods beyond 60 days to HQ USFJ, Attention: J1, for final approval or denial. J1 will return the package to the Service Component commander for action.

3.1.4 Upon receipt of notice of USFJ's approval from the Service Component commander, the sponsor will comply with Service Component commander procedures to complete necessary documents for presentation to the Japanese Immigration Bureau, Ministry of Justice.

3.1.5 Sponsors will provide the following documents to the Japanese Immigration Bureau for the purpose of reflecting the change in residency status:

3.1.5.1 Passport for each dependent.

3.1.5.2 Notice of final approval from the Ministry of Justice for change of residency status.

3.1.5.3 A copy of movement orders or other documentation issued by competent authority indicating the date of departure and destination of the sponsor.

3.2 For dependents who are Japanese Nationals: Sponsor will submit written notification of his intention to leave his dependents in Japan, through channels, to the Service Component commander concerned, at least 30 days prior to his departure from Japan. Information contained in paragraph 3.1.5 will be included in the notification.

4. CLS Benefits.

4.1 Table 1 illustrates benefits enjoyed by dependents whose sponsor is in Japan, those whose sponsor departed Japan and who have been granted CLS, and those whose sponsor departed Japan and who have been denied CLS. Component commanders may authorize continued access to all logistics support for the period necessary for the command to relocate dependents remaining in Japan in emergency or exceptional cases (as set out in 3.1.2), but not to exceed 60 days.

4.2 Benefits and privileges will not be provided when dependents have refused or failed to accept port calls contained in orders providing for their travel to the United States or territory or residence of the sponsor.

4.3 Eligibility for continued occupancy of Government Family Housing by the dependents will be determined by installation commanders or regional housing authority IAW applicable service regulations.

5. Foreign Criminal Jurisdiction.

5.1 Personnel who possess SOFA status at the time they are alleged to have committed a crime or at the time the Government of Japan (GOJ) initiates FCJ action against them continue to have SOFA status until such time as the GOJ completes its FCJ action. Such termination could be a notice of non-indictment, waiver of jurisdiction, acquittal or completion of confinement adjudged or period of parole.

5.2 This instruction does not establish a requirement that the U.S. extend logistics support to personnel with SOFA status, especially during periods of parole.

6. Responsibilities.

6.1 Service Component commanders will:

6.1.1 Publish implementing directives, including identifying component specific processes, responsible officials and privileges and benefits to be provided to dependents in emergency or exceptional cases.

6.1.2 Procure and maintain a sufficient quantity of the necessary forms from the Japanese Immigration Bureau and make those forms available to applicants.

6.1.3 Provide assistance in processing applications.

6.1.4 Disapprove or recommend approval of sponsor requests for CLS.

6.1.5 Commanders effecting termination of support will establish procedures for timely termination of benefits and privileges of dependents, including, but not be limited to:

6.1.5.1 Surrender and cancellation of USFJ-issued driver's license.

6.1.5.2 Close out of military banking facility accounts and military postal privileges.

6.1.5.3 Clearance of Government Family Housing or on-base privately-owned family quarters.

6.1.5.4 Termination of Y or E plate vehicle registration.

6.1.5.5 Cancellation of consolidated unit mail services.

6.2 Sponsors will:

6.2.1 Provide for the support of their dependents.

6.2.2 Initiate timely action to secure proper documentation for each dependent.

6.2.3 Ensure timely submission of the request for CLS.

6.3 Records. Only such records as are required by service commanders after separation of the dependents from the jurisdiction of the United States Forces in Japan will be maintained.

7. **References.**

7.1 Status of Forces Agreement (Japan).

7.2 USFJPL 30-14, Notification to the Government of Japan of separation from jurisdiction of United States Forces in Japan

7.3 USFJPL 30-21, Authorized identification.

//Signed//
ROBERT M. SHEA
Major General, U. S. Marine Corps
Deputy Commander

Table 1

| <u>Benefit</u> | <u>Sponsor in Japan</u> | <u>Sponsor Departed Japan</u> | |
|-------------------------------------|---------------------------------------|--|---|
| | | <u>CLS Approved</u> | <u>CLS Denied</u> |
| Japanese Income Tax Exemption | yes | no | no |
| Immigration Laws Exemption | yes | no | no |
| Specific Rights in Criminal Matters | yes | no | no |
| Use of US Postal Facilities | yes | no | no |
| No-Fee Driver License | yes | no | no |
| Y-Plates For POVs | yes | no | no |
| Limited POV Taxes | yes | no | no |
| Use of Military Banking Facilities | yes | no | no |
| Military Medical Care | yes | yes | yes |
| DODDS School Enrollment | yes space required tuition free | yes space available tuition free * | yes space available tuition free* |
| Military Family Housing | yes | up to installation commander or regional housing authority | no |

* When the sponsor is assigned to a different location overseas, DODDS enrollment for dependents remaining in Japan is tuition free, with or without CLS. When the sponsor is assigned to CONUS, DODDS enrollment for dependents remaining in Japan is tuition free for the remainder of the academic year in which the sponsor departed Japan, but will be tuition-paying for subsequent academic-year enrollment.

Attachment 1

LETTER FORMAT FOR Request

Name, sex, date of birth, and current residence address of each dependent in Japan.

Reason for remaining in Japan.

Passport country of issuance, passport number and expiration date of each dependent's passport.

Copy of orders (if available) and expected date of sponsors' and dependents' departure from Japan.

A statement in tenor as follows: "I understand my responsibility to adequately support my dependents and will provide for their support during my absence. I further understand and have explained to my dependents that upon my permanent departure from Japan, they will no longer be entitled to SOFA status or those privileges previously afforded them by the Status of Forces Agreement as dependents of military or civilian members of the United States Armed Forces in Japan. In particular, I have explained that they will not be able to shop in commissaries or exchanges, that they will be unable to use military banking or credit union facilities, that they will not be able to use US postal facilities or to register or drive a car with Y plates or use a SOFA driver's license, that they will be subject to all Japanese taxes, that they will need to obtain a GOJ authorized residence status and that they will not receive the protections under the criminal jurisdiction article of the SOFA. I have also explained that they are likely to be required to reside off of the US installation unless the installation has excess housing available. I acknowledge that the only exceptions to this requirements would be in emergency cases when such exceptions are specifically ordered by the service component commander for periods of no more than 60 days."