



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### LEGAL ASSISTANCE

• 652-4332 / 4742 • BUILDING 218, ROOM 220 •

## SOFA STATUS REQUIRED FOR COMMAND SPONSORSHIP

Many Okinawa-based US Army employees and Soldiers want to bring their grandchildren, nieces, nephews, brothers, sisters, cousins, and wards to live with them on Okinawa, Japan. Under the Status of Forces Agreement (SOFA) with Japan, these relatives or wards would not be considered dependents and will not receive SOFA status.

Under the SOFA, Article I, dependents are defined as the spouse and children under 21 of a member of the US forces (parents<sup>i</sup> and children over 21 are considered dependents if they are dependent on a member of the force for over one-half of their support). The US-Japan Joint Committee established pursuant to the SOFA, further defines dependent under Article I of the SOFA as legitimate, adopted and step-children under 21; legitimate, adopted and step-children over 21, who are in fact dependent on the member for over one-half of their support; and parents or parents-in-law of a member, if dependent on the member for over one-half of their support, excluding parents or parents-in-law who are ordinarily resident in Japan. It is the position of the Army that If a person does not meet the SOFA definition of a dependent, that person will not be granted logistical support or command sponsorship<sup>ii</sup>.

The issue of dependency is complicated because ID Cards are issued to “entitled” family members pursuant to AR 600-8-14. These family members include more than just spouses and children, but also illegitimate children and illegitimate step-children, step-parents, wards, pre-adoptive children, and a few others. The issue of dependency for any of these relatives requesting DD Form 1173 requires a dependency determination from Defense Finance and Account Service (DFAS). DFAS makes the dependency determination for purposes of obtaining a dependent ID card and DEERS enrollment. DFAS does not make dependency determinations under the SOFA. Therefore, such a determination by DFAS will not justify logistical support and command sponsorship in Japan. Article IX of the SOFA limits who the U.S. may bring into Japan (only those who match the SOFA definition of dependent). Japan has not waived its sovereignty or immigration laws for anyone else.

Since some Family Members are considered dependents for ID card purposes, when they move to Japan, some assume that they are also dependents under the SOFA. As stated above, the SOFA has a narrow definition of dependent which does not include nieces, nephews, wards, brothers, sisters, grandchildren, or other persons not meeting the SOFA definition.

The SOFA supersedes other Army regulations in determining dependency issues. It is the SOFA definition that is controlling in any determination of logistical support for dependents and family members of Army personnel on Okinawa.

<sup>i</sup> Only parents and parents-in-law who **are not** ordinary residents of Japan

<sup>ii</sup> It is difficult, if not impossible, to obtain command sponsorship and logistical support without SOFA Status