



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### LEGAL ASSISTANCE

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## Dating Advice When Serving in a Foreign Country

By Rudy Wartella

Welcome to Okinawa! If you have been here for a while, congratulations! I have been the one and only full-time civilian legal assistance attorney for the Army on Okinawa for the last 27 years. I am writing this article to share important dating advice while you are serving on Okinawa. My intent is for Soldiers to read this article early in their tour so they can enter the dating world better informed. So, why is a lawyer writing an article about dating? Well, in my unique position, I have helped more Soldiers get married on Okinawa than any other living person. Unfortunately, I have also helped more Soldiers divorce while on Okinawa. I am hoping that my experience helping Soldiers both tie and untie the knot will help Soldiers make better dating decisions. Below are some observations that I have made over the years that you should review. Many international marriages are successful, and the couples are happy. Nonetheless, keeping these dating tips in mind may help.

**Love and Marriage:** Soldiers often date and sometimes marry while they are serving on Okinawa. It is common knowledge that dating can turn in to love and, and then, marriage. The knowledge that is not so common is the extra challenges that are involved in an international marriage, and in some cases, a divorce.<sup>1</sup>

**Command Sponsorship:** Getting married does not guarantee command sponsorship. Command Sponsorship for the Army in Japan requires approval from the US Army Japan Commanding General. The command sponsorship packet can take 2-3 months to circulate through every office and the Soldier needs to still have at least one year remaining before DEROS or be able to extend his or her tour. Without command sponsorship, the newlyweds will not be eligible for family housing, family COLA, a second vehicle registration, or inclusion on the Soldier's return PCS orders.

**Bringing your Foreign Spouse to the United States:** One of the biggest hurdles to an international marriage is bringing your foreign spouse to the United States. Not only is your spouse going to be separated from their home country, but you will also need to apply for your spouse to receive an immigrant visa. This process takes time and sometimes results in Soldiers leaving Okinawa without

their spouse because the spouse has not yet obtained an immigrant visa. So, if you do get married, be sure to apply for an immigrant visa as soon as possible and make sure Command Sponsorship is possible.<sup>ii</sup>

### **Taxes, Social Security Numbers, and Individual Identification Numbers (ITIN):**

Be aware, your new foreign spouse is not eligible for a Social Security Number from the Social Security Administration until your spouse immigrates to the United States. To file a joint tax return with your spouse, your spouse needs to apply (IRS Form W-7) for an Individual Identification Number (ITIN). This means that you may not electronically file your tax return but, instead, must mail in your return and wait up to six months (sometimes longer) to receive your tax refund.<sup>iii</sup>

**What About the Children?** If you have children and your marriage deteriorates, oftentimes the foreign spouse will take the children back to the foreign spouses' home country. Visitation will be difficult and in the worst of cases, not even allowed by the foreign spouse's host nation. Currently, Japan does not have joint custody, and visitation rights, so even if ordered by a court, joint custody and visitation will be hard to enforce between a State in the U.S. and Japan.<sup>iv</sup>

**Language, culture, and religion:** Language, cultural and religious differences can also be a challenge. What is a comfortable temperature for the dwelling you will share (some like it hot)? What language/languages will the children be taught at home? What religion will the children be raised with? How close will the families be? Sometimes couples do not understand the importance of these issues in their lives until it is time to raise the children. Consider whether you anticipate taking your spouse and children with you to church? Will you accompany your spouse to shrines or temples to pray? How open are you to other religions? The Soldier's Army Chaplain may be available to give pre-marital advice and counseling.

**Legal Obligations to Your Foreign Spouse:** If you sponsor your spouse to be a permanent resident of the United States, you will be contractually obligated to financially support your spouse to live above the Federal Poverty Guidelines even if your marriage fails and you end up getting a divorce.<sup>v</sup>

**More Challenges:** Some issues can happen in any marriage but may be more unexpected with foreign spouses, such as disputes about spending or managing money, infidelity, domestic violence, location of the marital home (Soldiers often move where the Army needs them which is not necessarily where the Soldier or the Soldier's spouse wants to reside). The Soldier may have frequent or long deployments or temporary duty assignments. The spouse often loses career or educational progression due to frequent family moves. Sometimes it is difficult for spouses (and

sometimes more difficult for foreign spouses) to obtain employment in the United States. It is important that the foreign spouse have realistic goals and expectations about marriage and be able to be independent if needed or desired to take care of the family if the Soldier is unable. Other potential issues include possible problems with the Army when spouses fail to comply with some base rules such as parental supervision and typhoon condition rules as culturally and legally the foreign spouse's life experience clashes with the expectations of the Army.

**Final Thoughts.** I have explained a lot of the challenges and potential problems of international marriage. My intent is not to dissuade you from marrying, but to inform you of the possible consequences so you can make informed decisions. The decision to marry is perhaps the most important decision you will ever make that ideally should last a lifetime. Good luck!

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<sup>i</sup> For questions about the marriage process on Okinawa, please visit or call the Torii Station Legal Assistance Office.

<sup>ii</sup> You can contact the US Consulate on Okinawa at: [NahalV@state.gov](mailto:NahalV@state.gov) for an information briefing which explains the entire immigrant visa process followed by a question-and-answer session. The US Consulate also has an immigration briefing for Japanese-speaking spouses. The phone number for the US Consulate on Okinawa is: 098-876-4211. The Torii Station Legal Assistance Office can assist you with the immigration process as well.

<sup>iii</sup> The Torii Station Legal Assistance Office can assist you with completing the W-7 forms and the authenticated documents that you need to submit with the W-7 Application.

<sup>iv</sup> If your marriage is over and you need assistance with the divorce process, the Torii Station Legal Assistance Office can only advise one of the parties because of Army rules against dual representation. The other party can receive assistance from another military legal office or hire a private attorney for advice.

<sup>v</sup> The obligation does not end until one of the following takes place: the foreign spouse becomes a US citizen; has worked or can receive credit for 40 quarters of coverage under the Social Security Act; no longer has permanent resident status and has departed the U.S.; is subject to removal, but applies for and obtains, in removal proceedings, a new grant of adjustment of status, based on a new affidavit of support, if one is required; or dies. See the USCIS Form I-864 and the instructions for more information on your obligation to support your foreign spouse.