

## FACT SHEET

SUBJECT: Definition of "Dependent" for US-Japan SOFA Purposes

1. PURPOSE. To inform personnel assigned to Japan of the limitations on SOFA status eligibility for certain categories of dependents
2. FACTS. Many categories of relatives such as a sponsor's siblings, nephews, nieces, and grand children are not eligible for SOFA status. The only way to guarantee SOFA status is to comply with the treaty. The US-Japan SOFA is an international treaty, and it is more restrictive on the definition of authorized dependents than either DFAS or the NATO SOFA. SOFA sponsorship is limited by the treaty. The US-Japan SOFA provides in Article I, as follows:

In this Agreement the expression—

- a. "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.
  - b. "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States Nationals.
  - c. "dependents" means
    - (1) Spouse, and children under 21;
    - (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.
3. Additional definitions provided through the Joint Committee of US and Japanese representatives define "dependents" as:

The term "dependent" means a person having any of the following relationships to a member of the United States Armed Forces or the Civilian Component (49th JC - Incl 18):

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- (1) Legally married spouse.
  - (2) Legitimate, adopted and step-children, under 21.
  - (3) Legitimate, adopted and step-children, over 21, who are in fact dependent on the member for over one-half of their support.
  - (4) Spouses who are financially and physically or mentally incapable of supporting themselves.
  - (5) 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.
4. The agreements and definitions under the Administrative Agreement predates the SOFA, but they were continued forward by agreement of the SOFA Joint Committee unless they were specifically modified or conflicted with the new SOFA.
5. Even with a proper DFAS dependency determination IAW AR 600-8-14, the dependent must still comply with the definitions contained in the international treaty before SOFA status is conferred. Without SOFA status, such dependents must comply with the immigration and visa requirements of the Government of Japan.
6. Without SOFA status, command sponsorship and logistical support will be difficult (if not impossible) to obtain. These categories include the ability to attend DODDS schools, remain in on-post Housing longer than 60 days, receive USFJ drivers' licenses or secure registration of US forces-plated vehicles, or use on-post banking or postal facilities.
7. When any person in Japan with SOFA status ceases to qualify for SOFA status and remains in Japan, the person's commander (or employer) is responsible for notifying the Japanese Office of Immigration with jurisdiction over the person of that person's loss of SOFA status IAW USFJ Instr 36-2610 and USARJ Reg 600-2.