

Citizenship/Residency/Immigration/SOFA/Passports (CRISP) FAQ

1) I am **not a US National**, can I work for MCCS as a NAF employee?

Yes, under certain conditions.

- a. IAW **DODI 1400.25 V731**, MCCS positions require a T1 investigation.
 - i. Non-US Nationals **CAN** obtain Tier 1 (T1) suitability for federal employment if they are able to fully complete the SF85 investigation form, the DCSA is able to perform a full investigation, and the DODCAF is able to make a favorable adjudication. *For more details about completing an SF85, please contact Personnel Security.*
 - ii. MCCS NAF employees are covered under **HSPD-12** and must obtain and maintain a common access card (CAC) as a condition of employment. IAW **DOD 5200.46** non-US Nationals must have a favorable T1 adjudication in order to obtain a CAC.
- b. Some MCCS positions require a National Security clearance; also known as a Tier 3 (T3), Secret, or Tier 5 (T5), Top Secret, clearance.
 - i. IAW **DODD 5200.02**, non-US Nationals are not able to obtain a clearance.
- c. The US-Japan **Status of Forces Agreement (SOFA)** only allows US Nationals to be independently **SOFA** sponsored.
 - i. This means that it is possible for a non-US National to fall under **SOFA** as a dependent, but not possible for them to be the sponsor.
 - ii. A dependent who is a foreign national may work for MCCS as long as they remain a dependent under their sponsor's **SOFA**.

2) I am a **dual-national**, can I work for MCCS as a NAF employee?

Yes. The United States government has no restrictions on US citizens carrying citizenships from other countries.

- a. If you are dual US-Japanese: **Japanese Nationality Law** does not allow dual-nationality after the age of 22.
 - i. If you have not officially filed your choice with the government of Japan by your 22nd birthday, Japan assumes that you have selected Japanese citizenship and have renounced all other citizenships.
 - ii. The penalty under Japanese law for maintaining a dual status after your 22nd birthday can include fines, loss of Japanese citizenship, and deportation.

- b. It is not MCCS' jurisdiction to enforce Japanese citizenship law, however the **SOFA** stipulates that members of the civilian component must respect the laws of Japan and requires that in cases where the US authorities have no jurisdiction (such as in the case of **Japanese Nationality Law**), the US must notify Japan of the offense.
 - c. In accordance with the **SOFA**, a dual national is hired by MCCS as a US National and must maintain a legal status in Japan under that nationality.
 - d. Dual-nationality may make gaining a National Security clearance more difficult, but the majority of MCCS positions only require a T1 suitability investigation. *Please speak to Personnel Security for details about National Security clearances.*
- 3) I am a **permanent resident of Japan***, can I work for MCCS as a NAF employee?
Yes. In accordance with **USFJI 36-2611**, you will have to change your status with the Japanese Immigration Office from "Permanent Resident" to "member of the civilian component". **Only applies to US National permanent residents of Japan; non-US National permanent residents of Japan cannot become members of the civilian component (see item 1.c.).*
- a. It is not allowed under **US Forces Japan Instruction 36-2611** OR under **Japanese law** for a person to maintain both permanent residency and **SOFA** status.
 - b. If you have both statuses, it is your responsibility to report to Personnel Security or Japanese Immigration so that you can receive guidance on how to correct your situation.
 - i. IAW **USFJI 36-2611**, MCCS is mandated to have on file proof that residency status has been converted to **SOFA** for all NAF employees who were hired as permanent residents.
 - c. If you are maintaining both statuses and you do not make prompt efforts to correct your situation, you may face disciplinary action for failure to comply with a USFJ order.
- 4) I entered Japan on a **tourist visa**, can I work for MCCS as a NAF employee?
No. Per **USFJI 36-2611**, MCCS is required to comply with the **SOFA** when sponsoring a new employee.
- a. Pursuant to that agreement, MCCS is to send any person NOT ALREADY SOFA SPONSORED to the Japanese immigration office to remove their current visa.
 - b. If a person appears at the Immigration Office on a Temporary Visitor (aka Tourist) visa, expired visa, or with NO visa, the Immigration office shall deny the conversion and in the case of expired or NO visa, may begin the deportation process.
 - c. IAW **Japanese Immigration Law**, Temporary Visitors are not allowed to pursue employment in Japan during their visit.

5) Is it possible to be a **NAF employee and NOT have SOFA**?

No, it is not possible. Either by your status as a dependent of a **SOFA** sponsor or by virtue of employment with MCCS, you are a 'member of the civilian component' and are thereby automatically covered under the provisions of **SOFA**.

- a. **SOFA** is not something that you can elect or decline to accept – it is a status inherent to membership in the civilian component or dependency on a civilian component member.
- b. Therefore, **SOFA** eligibility can impact employment eligibility, just as employment status can impact **SOFA** status.

6) Can I have “**double SOFA status**” from two different entities?

No.

- a. SOFA is a binary status; you are either a member of the civilian component or you are not.
- b. As such it is impossible to have 'two SOFA statuses' at once.
- c. SOFA cannot be “granted” to someone who already has it.
- d. It is possible to have *eligibility* for SOFA through more than one entity; if you lose SOFA eligibility from one entity and you still have it through another, you still have eligibility.

7) I am a **dependent child “aging out”** of dependent eligibility under my SOFA sponsor, but I still depend on my parents for over 50% of my support. What action do I need to take?

You must provide MCCS with a **letter from the MCIPAC legal office verifying dependency** upon your parents and stating that will not be losing your SOFA eligibility due to “aging out”.

8) What determines the **rotation date** on my Letter of Employment and the expiration date on my MCCS CAC?

It depends on your SOFA status or your passport's expiration. **The maximum time is 3 years.**

- a. If you are a **military or DOD civilian dependent**, this date is based on your official orders or 3 years from hire, whichever is sooner. (IAW **MCO 5512.11E**)
- b. If you are the **dependent of a USFJ contractor**, this date is based on the contract expiration date on your sponsor's LOA or 3 years from hire, whichever is sooner. (IAW **USFJI 64-100**)
- c. If you are an **MCCS World-wide hire**, this date is based on your service agreement with MCCS or your passport expiration date, whichever is sooner. (IAW **MCO 5512.11E**)
- d. If you are an **MCCS local hire employee**, this date is set in 3 year increments since the last renewal or your passport expiration date, whichever is sooner. (IAW **MCO 5512.11E**)

9) My **passport is lost or expired**, but I don't plan to travel, do I have to get it renewed?

Yes.

- a. Regardless of your plans to travel, you are required by **Japanese Immigration Law** to maintain a valid passport while you remain in Japan.
- b. Your passport must contain a valid exit/reentry **SOFA** stamp in the event that you must depart the country on short notice. This stamp can be obtained at any IPAC with proof of your **SOFA**.
- c. If you have both a US and a Japanese passport, be advised that IAW the **SOFA** you were hired by MCCS as a US National and must maintain a legal status in Japan under that nationality.
- d. Please note that a passport is necessary for non-combatant personnel evacuation; if your passport is lost or expired, it may not be possible to evacuate you in an emergency situation.
- e. Refer to questions 2 and 3 above for more details and *please contact personnel security for additional assistance*.

10) What do I need to know about my US Passport?

- a. There are some important things to consider as a US Passport holder!
 - i. IAW **8 USC §1185**, US Nationals (including dual-nationals) are required by law to enter and exit the United States **only** using a US Passport.
 - ii. If you are listed on a state child support enforcement agency as owing \$2500 or more in child support, the State Department will not issue you a new passport.
 - iii. As of November 2017, **Megan's Law** requires that passports of persons convicted of a sex crime against a minor have the following message endorsed in the passport: *"The bearer was convicted of a sex offense against a minor, and is a covered sex offender pursuant to U.S. law."*
 - iv. Many countries will not allow you to enter if your passport has less than six months before expiring or if you do not have enough blank pages in your passport. *Check the Department of State's website to confirm your passport meets international requirements before booking travel!*

Scenario: SOFA Conversion

SOFA Categories of MCCS employees are as follows:

- **Category 1:** Employee was hired by MCCS as the dependent of an Active Duty service member, DOD civilian, or USFJ contractor.
- **Category 2:** Employee only has SOFA eligibility through MCCS employment (World Wide Hires or Local Hires).

A current NAF employee is a dependent (**Category 1**) and they are going to lose that status (divorce, age out, sponsor departing island, sponsor terminates employment, contract expiration, retirement, other causes). The employee wants to remain employed with MCCS Okinawa as a **Category 2**.

1. Can the **Category 1** person become **Category 2**?
 - a. **Yes.** Upon the rotation date listed on the orders or whatever date the **Category 1 SOFA** status terminates, the employee loses the command **SOFA** sponsorship as a dependent and **SOFA** eligibility as a member of the civilian component now applies.
 - i. CAVEAT: In order to be the primary sponsor under **SOFA**, the NAF employee **must** be a US National. If the employee is **NOT** a US National, they **cannot** become **Category 2** and therefore will lose their eligibility for employment.
2. What action does the **employee, original sponsor**, and **MCCS** have to take?
 - a. The NAF **employee** must provide notification to Personnel Security that they are losing their **SOFA** sponsorship as a dependent.
 - Documentation of status change may include official orders or contractor LOA showing an upcoming rotation date, separation date, retirement date, contract termination date, divorce decree, etc.
 - ii. This information should be provided to Personnel Security with as much notice as possible, preferably no later than 90 days prior to the expected status change date.
 - a. IAW **Japanese Immigration Law**, the NAF employee has 60 days upon losing status as a **SOFA** dependent to regain a legal status within Japan.
 - The NAF **employee** must take documentation to all stakeholders (IPAC, vehicle registration office, post office, base safety, etc.) to update their status and obtain new credentials (updated CAC/ SOFA license/ PO Box/ Vehicle Registration).
 - iii. It is the employee's **original sponsor's** responsibility to notify their command that their dependent is ceasing dependent status (due to divorce, age out, or other reasons).
 - iv. It **MCCS'** responsibility to ensure that the employee is provided with:
 - a new letter of employment,
 - updated DD1172,
 - that RAPIDS is updated via PeopleSoft.
 - the Personnel Security file must be updated to reflect the new status.
 - the NEO coordinator and employee's chain of command must be informed of the employee's new status.
 - benefits must take appropriate action to assist employee with insurance changes, etc.