

Headquarters
United States Forces Korea
Unit #15237
APO AP 96205-5237

United States Forces Korea
Regulation 1-38

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Administration

REPORTING CHANGE OF STATUS OF SOFA PERSONNEL

***This regulation supersedes USFK Regulation 1-38, 29 Dec 09**

FOR THE COMMANDING GENERAL:

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Summary. This regulation prescribes policy and establishes procedures for reporting change of status of personnel subject to the United States-Republic of Korea Status of Forces Agreement (hereinafter US-ROK SOFA) and implements Article VIII, paragraphs 5 and 6, in accordance with agreed upon procedures during the Fourth, Sixth, and Twenty-Third US-ROK Joint Committee meetings.

Applicability. This regulation applies to all United States Forces Korea (USFK) military personnel and to members of the US civilian component assigned, attached, or under the disciplinary control of the United Nations Command (UNC), the Republic of Korea – United States (ROK-US), Combined Forces Command (CFC), or USFK; and family members of the above.

Supplementation. Issue of supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from USFK J1 (FKJ1-12), Unit #15237, APO AP 96205-5237 or J11Workflow@korea.army.mil.

Forms. USFK forms are available at <http://www.usfk.mil>.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to Army Regulation (AR) 25-400-2. Record titles and descriptions are available on the Army Records Management System website at: <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the USFK Assistant Chief of Staff (ACofS) J1 (FKJ1) at J11Workflow@korea.army.mil. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the USFK ACofS J1 (FKJ1), Unit #15237, APO AP 96205-5237.

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Chapter 1 General

1-1. Purpose

This regulation prescribes policy and establishes procedures for reporting a change of status of personnel subject to the United States-Republic of Korea (US-ROK) Status of Forces Agreement (SOFA) and implements SOFA Article VIII, paragraphs 5 and 6, in accordance with agreed upon procedures during the Fourth, Sixth, and Twenty-Third US-ROK Joint Committee meetings.

1-2. References

a. Required Publications

(1) Agreement under Article IV of the Mutual Defense Treaty Between the United States of America & the Republic of Korea Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, as Amended ([US-ROK SOFA](#)) with its Agreed Minutes and Understandings on Implementation.

(2) Army Regulation (AR) 335-15, Management Information Control System.

b. Related References

(1) [AR 635-200](#), Active Duty Enlisted Administrative Separations

(2) USFK Regulation 700-19, The Invited Contractor and Technical Representative Program

(3) Army in Korea Regulation 635-1, Separation of Military Personnel within the Republic of Korea

(4) Minutes of the Fourth Meeting of the US-ROK SOFA Joint Committee, 23 March 1967

(5) Minutes of the Sixth Meeting of the US-ROK SOFA Joint Committee, 28 April 1967

(6) Minutes of the Twenty-Third Meeting of the US-ROK SOFA Joint Committee, 4 April 1968.

1-3. Explanation of Abbreviations

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|-----------|---------------------------------|
| a. ACoS | Assistant Chief of Staff |
| b. ROK | Republic of Korea |
| c. ROKG | Republic of Korea Government |
| d. SOFA | Status of Forces Agreement |
| e. USFK | United States Forces Korea |
| e. US-ROK | United States-Republic of Korea |

1-4. Definitions

a. Persons with "SOFA Status" are:

(1) "Members of the United States armed forces" defined in Art I of the US-ROK SOFA as 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 the Republic of Korea.

(2) "Members of the civilian component" defined in Art I and other applicable provisions of the US-ROK SOFA as the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in the Republic of Korea (including Technical Representatives) but excludes persons who are ordinarily resident in the Republic of Korea or who are invited contractors.

(3) "Dependents" of the above defined in Art I of the US-ROK SOFA as:

(a) spouse and children under 21.

(b) parents, children over 21, or other relatives dependent for over half their support upon a member of the United States armed forces or civilian component.

(4) "Invited Contractors" which are persons, including (a) corporations organized under the laws of the United States, (b) their employees who are ordinarily resident in the United States, and (c) the dependents of the foregoing, present in the Republic of Korea solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces or other armed forces in the Republic of Korea under the Unified Command receiving logistical support from the United States armed forces, who are designated by the Government of the United States.

b. "Change of Status". A change of status occurs when the status of any person brought into the Republic of Korea is altered so that they no longer meet the definitions above and are therefore not eligible for SOFA status. Examples include (but are not limited to):

(1) Family members of personnel whose sponsor departs Korea prior to the scheduled date eligible for return from overseas (DEROS).

(2) Invited contractors whose contract or employment is terminated prior to the original expected completion date.

(3) Members of the Armed Forces retiring and remaining in Korea (not part of the civilian component or an Invited Contractor) and their dependents.

(4) A family member that is no longer a dependent in accordance with Article I of the US-ROK SOFA.

1-5. Responsibilities

a. Component Commanders will submit a report of change of status to the Commander, USFK (FKJ1) when military personnel, US civilian employees (if servicing civilian personnel office is not located in the ROK), and/or their dependents change their status rendering them ineligible for SOFA status. Reports will be sent to J11WorkFlowkorea.army.mil.

b. Assistant Chief of Staff (ACofS) Acquisition management, USFK (FKAQ) will submit a change of status report to the Commander, USFK (FKJ1) when invited contractors or technical representatives and their dependents change their status, rendering them ineligible for SOFA status. Reports will be sent to J11WorkFlow@korea.army.mil.

c. Local Civilian Personnel Offices will submit a change of status report to the Commander, USFK (FKJ1) when US civilian employees they service (including Department of Defense Dependents Schools, Korea, teachers) and their dependents change their status, rendering them ineligible for SOFA status. Reports will be sent to J11WorkFlow@korea.army.mil.

Chapter 2

Policy, Procedures and Reporting

2-1. Policy

a. The US has agreed to:

(1) Provide notification whenever personnel of the following categories, who are subject to the US-ROK SOFA, change their status,

(a) Members of the United States Armed Forces and their dependents.

(b) Members of the civilian Component and their dependents.

(c) Invited Contractors and their dependents.

(2) Notify ROK authorities if the status of persons present in the ROK under the provisions of the US-ROK SOFA, Article VIII, paragraph 5 is altered so that they would no longer be entitled to such admission.

(3) Ensure that transportation from the ROK will be provided within a reasonable time if the Republic of Korea Government (ROKG) requests the removal of such persons from its territory (Article VIII, paragraph 5).

(4) Receive those persons on sovereign US territory or otherwise place them outside the ROK (Article VIII, paragraph 6).

b. Individuals anticipating a change of status that would void their entitlement to SOFA status, but desire to remain after their change of status, must apply for "Grant for Status of Sojourn" to the local Immigration Office, Bureau of Immigration, Ministry of Justice, ROK, not later than 45 days before the projected effective date of their change of status. The permission or visa is expected to be issued not later than 15 days before the effective date of the change of status, or the applicants will be issued a written statement informing them of the Bureau's disapproval of their request. Persons not having a US passport, including US military personnel, must obtain one from the US Embassy in sufficient time to meet the 45-day requirement for applying for a ROK visa.

c. Any person who requests separation or retirement in the ROK must apply to the local Immigration Office, Bureau of Immigration, Ministry of Justice, ROK, for a "Grant for Status of Sojourn" not later than 45 days before the effective date.

d. All civilian employees and invited contractors are responsible for notifying their sponsoring agency in the ROK of their intention to change either their own status or that of their dependents.

e. Individuals must obtain and keep up-to-date evidence that they have a visa or permission from the authorities to reside in the ROK, in accordance with ROK laws pertaining to the residence and control of aliens. In exceptional cases involving civilian personnel, it may be possible to secure a waiver of time limitations.

2-2. Procedures

Procedures for notifying the authorities of the Republic of Korea of a change of status are as follows:

a. The USFK Service Components, ACofS Acquisition management, USFK (FKAQ) and local civilian personnel offices will report changes in status by memorandum to the Commander, USFK (FKJ1-12), APO AP 96205, not later than 10 days after the change of status.

b. The Commander, USFK (FKJ1-12), APO AP 96205, will notify the US SOFA Secretariat (FKDC-SA) of the change of status, and US SOFA Secretariat will notify ROKG authorities.

c. If the ROKG requests removal of the reported person(s) from its territory, US military authorities will ensure transportation from the ROK is provided within a reasonable time. The USFK Judge Advocate (FKJA) will facilitate actions, in conjunction with the ACofS J1 (FKJ1), required to ensure that the individual departs the ROK.

2-3. Reporting

Change of Status report memorandums will include the following:

- a. Name(s).
- b. Civilian address while in the ROK.
- c. Organization of assignment or employing company, as appropriate.
- d. Status before change.
- e. Reason for change.
- f. Passport or Military Identification Card number
- g. Expected date of departure from the ROK.