



Family Members Want to Remain in Japan?

Family members remaining in Japan upon the permanent transfer of their military or civilian sponsor to a duty station outside Japan face significant obstacles. First of all, they are no longer eligible for SOFA privileges. Procedures for dependents staying in Japan who are non-Japanese nationals are set forth in paragraph 6, USARJ Regulation 600-2.

Family members remaining in Japan after their sponsor departs will not receive logistic support, except for medical care and schooling to the end of the school year, with approval. Also, the Japanese “SOFA” stamp is canceled, and dependents must contact Japanese Immigration to apply for “tourist” or other visa.

It is important that all U.S. citizens in Japan have proper legal status. Normally, members of the U.S. Armed Forces should possess the following documents:

a. Personal I.D. card showing name, date of birth, rank and number, service and photograph.

b. individual or collective travel orders certifying the status of the individual as a member or dependent of the United States Armed Forces and to the travel ordered.

For purposes of their identification while in Japan, U.S. Armed Forces personnel shall be in possession of the foregoing personal I.D. card which must be presented to the appropriate Japanese authorities upon request.

Civilians and dependents shall be in possession of the proper documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

New Requirement for I-130

Effective 15 August, U.S. citizens residing in Japan must file their I-130, Application for Alien Relatives, with U.S. Citizenship and Immigrations Services (USCIS) lockbox facility in Chicago. The United States Embassy in Japan no longer accepts I-130 forms, unless any of the following situations apply:

- A U.S. service member stationed overseas becomes aware of a new deployment or transfer with very little notice.
- A petitioner or beneficiary is facing an urgent medical emergency that requires immediate travel.

- A petitioner or beneficiary is facing an imminent threat to personal safety.
- A beneficiary is within a few months of ageing out of eligibility.
- The petitioner and family have traveled for the immigrant visa interview, but the petitioner has naturalized and the family member(s) require a new, stand-alone petition.
- The petitioner adopted a child and there is an imminent need to leave the country.

If none of the situations apply, petitioners should send their application to:

ZAMA LEGAL ASSISTANCE OFFICE

Office of the Staff Judge Advocate
USARJ
Unit 45005 APO, AP 96343-5005
DSN: 315 263-4698
Commercial: 81-46-407-4698

I-130...Continued

USCIS
P.O. Box 804625
Chicago, IL 60680-4107

Express Mail and courier deliveries:

WE'RE ON THE WEB

**HTTP://
WWW.USARJ.ARMY.MIL/
CMDSTAFFS/SJA/
LAO.ASPX**

USCIS
Attn: I-130
131 South Dearborn—3rd Floor
Chicago, IL 60603-5517

Due to the new mailing requirement, petitioners are granted more time to

respond (up to 12 weeks) to Requests for Evidence (RFE) and 14 additional days to account for overseas mail. In spite of the added time, a petition should be completed within the 5 month period.

Individuals with questions or concerns are encouraged to contact the USCIS National Customer Service Center at 1-800-375-5283 or the Legal Assistance Office at 263-4698.

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If you have any questions, comments, or suggestions, please contact the Legal Assistance Office at 263-4698.



Overseas Income

If you earned income from teaching English to local nationals or from any other source in Japan, that income must be reported to the IRS.

Depending on your or your spouse's tax bracket, you should put aside the appropriate percentage for taxes. Although the income earned from teaching English is not taxed by the IRS, your or your spouse's federal or military income is affected. For example, if your filing status is Married Filing Jointly (MFJ) and your total income is \$70,000 of which \$20,000 was earned teaching English, the \$50,000 taxable income is taxed at 25%, whereas without that \$20,000, the \$50,000 would be taxed at 15%.

If the above information didn't seem so confusing, there are additional issues to consider when deciding whether to exclude foreign earned income from taxation.

The exclusion of certain income can result in the forfeiture of other vital credits. Often times, taxpayers resort to suspending their foreign earned income in order to obtain the credits. Taxpayers are encouraged to analyze the benefits of both sides before making the decision to exempt foreign income.

In addition, where U.S. citizens here in Japan have married host country nationals, the income of their new spouse should also be reported to the IRS. Although their income is also excludable from U.S. taxation, it must be reported if the taxpayer intends to obtain the benefits of filing Married Filing Jointly. The most detrimental filing status is Married Filing Separately because of the vast credits lost as a result.

Please consult your tax advisor or contact the Legal Assistance Office for assistance or further clarification.