

CONTRACTOR SOFA DESIGNATION REQUEST PROCESS

For U.S. Contractors Supporting USFK in Korea

All U.S. Contractors supporting U.S. Forces Korea (USFK) are required to be SOFA Designated via an Authorized USFK Form 700-19A-R-E in order to legally work in the Republic of Korea (ROK), regardless of they will be working for 20 minutes or 20 years. The theater business clearance process for U.S. Contractors in Korea is governed by the U.S.-ROK Status of Forces Agreement (SOFA) and implemented IAW USFK Regulation 700-19. It is a two-step process. The first, of which the Contracting Officer (KO) is responsible, is to obtain SOFA designation for the Contract/Order and Prime/Sub(s) contracting companies. The second, of which the Korea-based Sponsoring Unit (Requiring Activity) is responsible, is to obtain SOFA designation for each contractor. The Invited Contractor Program oversees this process as part of the USFK Assistant Chief of Staff, Acquisition Management (FKAQ) staff.

The U.S. Contractor (Invited Contractor – IC or Technical Representative – TR) is responsible for submitting accurate information as part of the Contractor SOFA Designation process, for adhering to ROK Law and all applicable DoD Regulations – to include maintaining legal ROK Immigrations status – and for informing the USFK Responsible Officer (RO) of any family death or dealings with U.S. or ROK Law Enforcement.

The USFK Responsible Officer (RO) is appointed by the Sponsoring Unit to ensure full compliance with the SOFA and all USFK Regulations, especially USFK Regulation 700-19. This includes being the direct link with the Invited Contractor Program for submission of complete and accurate Contractor SOFA Designation request packets, for U.S. Contractor accountability and reporting Early Departures, and for IMMEDIATELY informing the Invited Contractor Program if the U.S. Contractor has a death in the family or dealings with U.S. or ROK Law Enforcement. ROs are also required to participate in training within 90 days of appointment and each year thereafter, and ensuring contractors/dependents are embedded with the unit's NEO planning.

Please submit all Contractor SOFA Designation request packets as a plain pdf file via encrypted email (to protect your contractors' PII) to the below email addresses. Contractor requests should be submitted one email or one PDF per contractor. If the RO does not submit the request, he/she must be copied on the submission. If you are unable to send encrypted email because you have a non-mail.mil account, please use AMRDEC SAFE to send the files securely (<https://safe.amrdec.army.mil/safe/Welcome.aspx>).

To: usarmy.humphreys.acc.mbx.411th-csb-fkaq@mail.mil

Subject: [Contract/TASK ORDER#] [NEW SOFA START DATE] [Contractor Name (Last Name, First Name)]

New Arrival SOFA Designation Requests should be submitted at least two weeks before the contractor start date (or at least one month in advance, if the RO has not confirmed the contract is SOFA Designated) to accommodate for potential issues that may arise during processing; complicated submissions may take 45-60 days for authorization.

Change of Data SOFA Designation Requests should be submitted at least one week before the current 700-19 expires (or at least one month in advance, if the RO has not confirmed the contract is SOFA Designated).

Premature Cancellation of Funding: The RO must immediately notify the Invited Contractor Program if funding for a contract is cancelled; Part IV of all authorized 700-19 forms under that contract must be completed and the contractors must abide by ROK Immigration laws.

TABLE A: Submission Categories

Describe the U.S. Contractor	Requirements
Not currently SOFA designated; will be in Korea for 179 days or less	New Arrival (TDY) items listed Table B
Not currently SOFA designated; will be in Korea for 180 days or more	New Arrival (PCS) items listed in Table B
Currently SOFA designated as an Invited Contractor or Technical Representative	Change of Data items listed in Table B

TABLE B: Requirements for a Contractor SOFA Designation Request Packet

Additional information may be requested at the discretion of the Invited Contractor Program

Requirements for All Requests to Ensure the Contract is Up To Date
1. Contract has been SOFA Designated by the Invited Contractor Program – Unsure if this is done? Contact the Contracting Specialist/Officer and verify if STEP 1 is completed.
2. Invited Contractor Program has received official Contract documents exercising the requested Period of Performance
3. Invited Contractor Program has received the RO Appointment Memo authorizing the signing RO to submit packets under the contract

Contractor-Specific Request Requirements	New Arrival		Change of Data
	TDY	PCS	
USFK Form 700-19A-R-E	Yes	Yes	Yes
Form 237-E – Provost Marshal Record Check	Yes	Yes	Yes
Certification of Ordinary Residence	Yes	Yes	Maybe
Copy of Passport Data Page	Yes	Yes	Maybe
Adding Dependents to the 700-19	No	Maybe	Maybe
Report of Early Departure	No	No	Maybe
Current Approved 700-19	N/A	N/A	Yes

** The Letter of Accreditation is no longer required as part of this process, but we still recommend providing it to Contractors as it may be required by other offices*

** See Page 5 for Maybe*

USFK Form 700-19A-R-E

Completing Part 1: Done by the IC/TR and Verified by the RO

- Type of Report: Please refer to Table A for the appropriate box to check.
- New SOFA Start Date: SOFA effective date (normally the first day of work or new change effective date)
- Estimated Date of Departure from Korea: This is the earliest of the following, not to exceed one calendar year:
 - The contractor's last day in association with the contract;
 - The contract's SOFA designation expiration date;
 - The last day of the contract's exercised period of performance in Korea;
 - If the Contractor is a dependent of a DoD Sponsor already in Korea, the sponsor's DEROS or Estimated Date of Departure on the sponsor's authorized 700-19.
- Employee's Name: This full name (including the full Middle name) must match the Passport and Provost Marshal Record Check.
- Contractor Company Name and Contract Number (including any Task/Work Order): Verify with your Contract Officer (KO) or Responsible Officer (RO) that the Company and Contract Number have been SOFA designated through the "Step 1" Contract SOFA Designation process. Please note, changes in the company name and/or contract number will require a new designation through the same process.
- SSN: Full SSN are needed, but they must match the Provost Marshal Record Check.
- Passport Number: The complete passport number must match the Passport
- Citizenship: In nearly all cases, this will be for U.S. Citizens. If the request is for a Legal Resident of the U.S., include a copy of the Alien Resident Card (Green Card) with the submission. If the request is for a Third Country National, review Chapter 2-7 of the USFK REG 700-19 and contact the Invited Contractor Program immediate to discuss.
- Gender : contractor's gender on the Passport
- Invited Contractor (IC) or Technical Representative (TR): Nearly everyone submitting a 700-19 is an IC; review the USFK REG 700-19 to verify your submission as an IC (Section 2-2) or TR (Section 2-3), or check with the RO.
- Primary Duty installation in Korea: Please include Building Number and Primary Duty Installation.
Example: Humphreys, Yongsan, Henry, Walker, Kunsan, Osan, etc.
- Mobile Phone Number: Self-explanatory. The RO is expected to maintain current contact information in their records for immediate reach back if necessary.
- Emergency-Essential: Is the contractor designated Emergency Essential under this contract? If so, the contract must have been SOFA Designated as an EE contract.
- Full Time/Part Time: Only Contractors working full-time are eligible for Logistical Support.
- TDY/PCS : for short term visit, please select TDY, for permanent party, please select PCS

- Email Address : official work email if applicable if not alternate is acceptable
- Is The Purpose of This Work to Support an Exercise?

If yes, please include the name of the exercise

- Logistics Support (specific privileges can be found in Tables 4-1 and 4-2 of the USFK REG 700-19):
 - Full: Full-time performance period of 180 days or more (PCS), and qualifying dependents are listed.
 - Individual: Full-time performance period is 179 days or less (TDY), or full-time performance period is 180 days or more with no qualifying dependents.
 - No Support: IC/TR is part-time, a Third Country National, or already authorized logistics support as dependent of a Sponsor already in Korea.

Please note: if the RO wants to adjust any of the authorized logistics support for the contractor, please make that clear in the email submission of the packet. The Invited Contractor Program will then include that information in Part III of the authorized 700-19.

- Number of Dependents in Korea: Please complete the Dependent's section below for each dependent you include in this number. See "Adding Dependents."
- Dependent's Name, Citizenship, Passport No., Relationship, and Port and Date of Entry: Self-explanatory. See "Adding Dependents."
- Employee's Signature: Wet or Digital signature. no printed name nor electronic signature allowed

Completing Part 2: Done by the RO

The Responsible Officer is responsible to ensure complete and accurate submissions of this packet. As such, please review the information in Part 1 to ensure it is accurate and consistent across the entire request packet. In particular, pay special attention to the contract information and SOFA-designation, all SSN and passport numbers are consistent throughout the packet, and that the estimated date of departure and contract expiration date blocks are accurate and identical.

Once you are satisfied that all of the information in Part 1 is accurate and complete, please fill out Part 2 and sign/date. New Arrival Contractor SOFA Designation Requests should be submitted at least two weeks before the contractor start date (or at least one month in advance, if the RO has not confirmed the contract is SOFA Designated) to accommodate for potential issues that may arise during processing; complicated submissions may take 45-60 days for authorization. Change of Data SOFA Designation Requests should be submitted at least one week before the current 700-19 expires (or at least one month in advance, if the RO has not confirmed the contract is SOFA Designated).

Information about Part 3: Done by the Invited Contractor Program

Once the Invited Contractor Program has reviewed the request and is ready to authorize the SOFA Designation and logistical support, they will place an official approval stamp in this section, digitally sign the document, and send the authorized 700-19 to the RO.

The Invited Contractor Program may make notations in this area related to adjustments to authorized logistics support, dependent SOFA Designation expiration, etc.

Completing Part 4: Done by the RO

ROs are required to submit Part IV of the 700-19 for all contractors who end association with the authorized contract prior to the listed Estimated Date of Departure. See “Report of Early Departure.”

Change of data

Change of data can be submitted at any time before a contractor’s current 700-19 expires. The latest change of data can be submitted within the 30 days of grace period from the 700-19 expiration date. After the 30 days of grace period, the contractor should submit a new arrival packet in order to return as IC/TR.

Change of Data : extension for new PoP

- Updated 700-19
- Form 237-E – Provost Marshal Record Check
- Copy of Passport Data Page (only if new passport was issued since last designation)

Admin change: Relocation/address change/contact etc :

- Updated 700-19 only

Adding new dependents:

- Updated 700-19
- Support documents for the new dependent (passport, marriage certificate/birth certificate etc.)

Change of data: Report of Early departure

- Most current 700-19 with PART IV filled out(see completing Part 4)

Responsible Officer (RO) Appointment Memo

Each RO (U.S. Military or Civilian Personnel) must be officially appointed for each contract by his/her chain of command in the Sponsoring Unit in Korea. Contact the Invited Contractor Program for a template to be completed and signed by the appropriate chain of command.

Proof of Exercised Period of Performance

Invited Contractor (IC) SOFA designation cannot exceed the exercised Period of Performance (PoP). As such, ROs must partner with Contracting Officers (KO) to submit contract documents that indicate the specific dates of the exercised PoP. This could include a signed contract or contract mod, a Notice-to-Proceed, or a Memorandum for Record signed by the KO.

In the event of a government shutdown, proof of fully funded contracts may be required to ensure we remain fully SOFA-Compliant. ROs must prove that their contracts are FULLY FUNDED through a specific PoP; this must be an official contract document, signed by the contracting officer that indicates the dates of the PoP, the PoP cost, and obligated funding for that PoP. Email guidance will be sent at that time.

Provost Marshal Record Check

The RO will work with the Provost Marshal Office (PMO) to submit a signed and dated USFK Form 237-E Provost Marshal Record Check. The date of the check must be within 90 days of the designation Start Date. If a derogatory record is found as a result of the check, the RO must provide proof that the IC/TR has been officially counseled in writing. Based on the severity of the violation(s), the RO may recommend suspended or cancelled privileges in accordance with Chapter 3-4i of the USFK Reg 700-19.

This Check is required for all New Arrival submissions, as well as Change of Data submissions that change the contract number or extend the contractor's Period of Designation. It is the IC/TR's responsibility to know and comply with all ROK Laws and USFK Regulations.

Certification of Ordinary Residence

The U.S.-ROK SOFA requires that Invited Contractors be Ordinarily Resident of the U.S., and Technical Representatives NOT be Ordinarily Resident of Korea. To comply with this, read for compliance and sign the appropriate IC/TR Certification of Ordinary Residence. The date of the signed memo must be within 90 days of the designation Start Date, and the memo should NOT include a USG letterhead because it is a statement from the individual contractor. Invited Contractor Program staff reserve the right to request additional information to confirm Ordinary residency.

This Certification is required for all New Arrival submissions, as well as Change of Data submissions for Technical Representatives transitioning to Invited Contractors. Contact the Invited Contractor Program for the Certification.

In specific circumstances, such as individuals currently serving the Department of Defense OCONUS, the Contractor should submit the following material in addition to the Certification of Ordinary Residence:

U.S. Military currently serving OCONUS:

- Most recent PCS Orders
- Separation Orders/Terminal Leave Form

DoD Civilians currently working OCONUS:

- PCS Orders from U.S. to OCONUS
- Letter of Resignation / SF50

DoD Contractors currently working OCONUS:

- Original Offer Letter
- Letters of Authorization

Dependents of a DoD Sponsor already in Korea (logistics support is not authorized)

- Sponsor's Orders to ROK w/ Dependent listed
- Marriage License/certificate in English (attach original if written in foreign language)
- Sponsor's DEROS Document

Copy of Passport Data Page

Please provide legible scans of the data page in the current passport, which cannot be expired; the Invited Contractor Program staff reserve the right to request all stamped pages to strengthen the SOFA Designation request.

Adding Dependents: Completing USFK Form 700-19B-R-E

Only IC/TR who will be in the ROK for 180 or more days are eligible to add dependents to the SOFA Designation request via USFK Form 700-19B-R-E. To make this request, please complete the USFK Form 700-19B-R-E. Guidelines for dependent support can be found in Section II of the USFK Reg 700-19 and an additional Dependent Status memo found on the FKAQ website.

Foreign court orders and documentation from a foreign court or foreign government must be translated into English, and the local legal office must provide a statement attesting to the validity of the court order.

Special Exception for Spouses, and Children with a parent listed both on the birth certificate and 700-19A-R-E: In order to ease the process, a Form 700-19B-R-E is not required, as long as all of the required supplemental paperwork (e.g. marriage license, birth certificates, passports) is submitted.

Report of Early Departure

ROs are required to submit Part IV of the authorized 700-19 for all contractors who end association with the authorized contract prior to the listed Estimated Date of Departure. This should be submitted to the Invited Contractor Program before the contractor concludes work with the contract if at all possible, but must be submitted no more than 10 days after the contractor's final date.

Cancelled TDY Trip: If the IC/TR is no longer coming to Korea but has an authorized 700-19, the RO must complete Part IV of the 700-19 and submit it to the Invited Contractor Program.

Early Departure From Korea: If an IC/TR is no longer going to be an Invited Contractor in Korea and departing the contract before their current 700-19 expires, the RO must complete Part IV of the 700-19 and submit it to the Invited Contractor Program ASAP, but no later than 10 business days after the Contractor's departure from the contract. ROs must also ensure the Contractor is fully closed out IAW USFK REG 700-19 and all other applicable USFK and MSC regulations, including collection of all logistical support cards/vehicle registration/CAC provided to the contractor employee and dependents.

Change of Contract: When the IC/TR is moving to a different contract, the gaining unit must work with the departing unit on the transition period. Assuming the transition will be seamless, the departing RO must complete Part IV with a departure date exactly one day prior to the entry date on the next contract. This "Closed Out" current "active" 700-19 must be included in the Change of Data request, and the departure/entry dates cannot overlap.

Frequently Asked Questions

1. Our contractor recently got married to a third country national. Can the spouse be SOFA designated?

ANSWER: Yes. We will need a Change of Data 700-19 packet with the spouse's name/information on the 700-19, as well as the marriage license and spouse's passport.

2. How many times do we need to submit a Letter of Counsel for an incident that came up on a Provost Marshal Record check?

ANSWER: If a New Arrival, the Letter of Counsel must be in the packet. If a Change of Data, the Letter of Counsel only needs to be in the packet the first time you submit a 700-19 after the incident appeared on the Check.

3. When do we need to fill out a 700-19B-R-E form, adding dependents to get SOFA designated?

ANSWER: Invited Contractors / Technical Representatives who will be in Korea for 180 or more days are eligible to add dependents to their SOFA Designation request. This 700-19B-R-E form is required for all dependents except for spouses, as well as children with a parent listed both on the birth certificate and 700-19A-R-E. Please remember that we need a marriage license (in English) and passport to add a spouse, and a birth certificate and passport to add children.

4. How long do contractors need to be in Korea before they are required to go to Immigrations and get the physical SOFA stamp to go along with their A-3 visa in their passport?

ANSWER: The SOFA stamp must be in the passport within 30 days of the contractor's entry into Korea. Until then, the contractor must carry the authorized 700-19 on their person at all times.

5. Our contractor was refused legal service, even though it is one of the logistics support items available to contractors according to the USFK REG 700-19. It seems even more important for non-Emergency Essential contractors, or those with dependents, because they need to prepare the NEO packet. Can you please explain this?

ANSWER: As referenced in the question, USFK REG 700-19, para. 4-3 states "Contractor employees and their dependents may be provided logistics support IAW the US-ROK SOFA, USFK regulations and subject to availability/space available." Tables 4-1 and 4-2 also state that contractor employees meeting the criteria set out in the regulation "may be provided all of the logistics support listed below if properly authorized... unless specifically excluded" by the terms of their contract. Legal assistance is one of the listed support services.

AR 27-3, The Army Legal Assistance Program, para. 2-5 outlines who is "properly authorized" to receive legal assistance. Para. 2-5a(7) only authorizes legal assistance for contractors, and their families, when they are accompanying the Armed Forces outside the U.S. and the Department of Defense (DoD) is contractually obligated to provide this assistance to such personnel as part of their logistical support. While USFK REG 700-19 states the legal assistance may be provided, it does not create a contractual obligation to provide such services. Unless the contract states that DoD will provide legal assistance, they are not eligible under AR 27-3 and not "properly authorized" under USFK REG 700-19.

When legal assistance is "properly authorized," it is limited to ministerial services, power of attorney, advance medical directives, and help retaining civilian lawyers.

NEO is run through the Department of State (DoS), even though it would be carried out by USFK should the DoS ever order it. As such, the Embassy should be able to provide the necessary assistance to prepare NEO packets.