

**BY ORDER OF THE COMMANDER  
UNITED STATES AIR FORCES IN  
EUROPE**

**UNITED STATES AIR FORCES IN  
EUROPE 36-104**

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**Personnel**

**US FORCES CIVILIAN COMPONENT  
DETERMINATION IN THE UNITED  
KINGDOM**



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This publication implements Air Force Policy Directive (AFPD) 36-1, *General Civilian Personnel Provisions and Authorities*. It sets out policy, procedures and responsibility for processing of US Forces Civilian Component status actions in the United Kingdom (UK). It implements the North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA). It will be used by commanders, Civilian Personnel Office (CPO), Morale, Welfare, and Recreation, Human Resource Office, Army Air Force Exchange Services (AAFES), Defense Commissary Agency, Department of Defense Dependent Schools (DODDS), USAFRICOM, Joint Intelligence Operations Center – Europe Analytic Center, Special United States Liaison Office (SUSLO), US Air Force Support Group Commanders, and Staff Judge Advocates. This publication does not apply to Air Force Reserve Command units or to the Air National Guard of the United States. This instruction only applies to personnel stationed within the UK. This instruction requires collection and maintenance of information protected by the Privacy Act of 1974. Ensure that all records created as a result of processes prescribed in this publication are maintained IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented, but all direct Supplements must be routed to

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## **SUMMARY OF CHANGES**

**This document has been substantially revised and must be completely reviewed.** Major changes include a title change from 3AFI36-104 to USAFEI 36-104 and the OPR change from 3rd Air Force-United Kingdom (3AF-UK) to Headquarters, United States Air Forces in Europe, Detachment 1, which is referred to throughout this document as United States Air Forces in Europe-United States Air Forces Africa/United Kingdom (USAFE-AFAFRICA/UK). In addition, the 100<sup>th</sup> Force Support Squadron/Force Support Manpower and Personnel Flight-Civilian (100FSS/FSMC) is referred to as the Royal Air Force Mildenhall (RAFMC) CPO.

**1. Policy.** The CPO will determine whether current or prospective Department of Defense (DoD) employees may be continued or designated as members of the US Civilian Component in the UK. (T-1) The base hiring authority will review applications and forward to RAFMC CPO for decision. (T-1) All employees of US Government DoD Agencies who are determined to be members of the Civilian Component, as defined in Article 1(b), NATO SOFA will have their passports endorsed with the US Civilian Component stamp to conform to Article III para 3, NATO SOFA. This identifies the entitlement to Civilian Component Status and associated privileges. The passports are further reviewed by the UK Home Office for a recognition decision. If the UK Home Office disagrees with the United States Air Force (USAF) decision, the USAF will continue to allow ration privileges unless the Director of Legal Services, Det 1, HQ USAFE (USAFE-AFAFRICA/UKJA) decides the person is not eligible for Civilian Component status. Legal and policy matters concerning this instruction will be determined by USAFE-AFAFRICA/UK.

**2. Civilian Component Criteria.** To be a member of the US Civilian Component an employee:

2.1. Must be a citizen of the US or of any other NATO contracting party other than the UK. In the case where the applicant is not a US citizen, or a citizen of any other NATO member country, advise the applicant they are not eligible for Civilian Component status.

2.2. Must be employed by a US "Armed Service." This includes both appropriated and non-appropriated fund activities of the DoD, including the Army, Navy, Marine Corps, Air Force, and the US Coast Guard. Employees hired under local civilian labor conditions shall not be regarded for any purpose as being members of the civilian component (Article IX, paragraph 4, NATO SOFA). Employment must be "full time," which, for purposes of this instruction, means the employees must be guaranteed and working 20 hours per week.

2.3. Must NOT be a national (citizen of) the UK. However, a US citizen who is an employee of the US Armed Services and who is also a UK citizen under UK law is a "dual national/dual citizen". As a citizen of both countries, a dual national is eligible for US Civilian Component status (i.e. those privileges authorized by US component stamp).

2.3.1. NOTE: US/UK dual nationals are not recognized by the UK Home Office as being entitled to membership of the US Civilian Component. The UK Home Office will refuse to endorse the passport of such a dual national with a recognition stamp. Consequently, US/UK dual nationals will be unable to obtain privileges that require the production of the UK Home Office recognition stamp (e.g. council tax exemption and the purchase of tax-free vehicles).

2.3.2. With rare exceptions, in accordance with the British Nationality Act 1981, any person born in the UK before 1 January 1983 is a citizen of the UK. As a matter of personal choice, it is possible for a citizen of the UK who is over 18, and a dual citizen of another country, to renounce UK citizenship. A Declaration of Renunciation of Citizenship registered with the UK Home Office will show termination of UK citizenship.

2.3.3. While British citizens may have become naturalized US citizens, and orally renounced their UK citizenship as part of the process, they are still British citizens under British law. Therefore, in the UK, they must take the additional step of renouncing their UK citizenship in writing (see paragraph 2.3.2.) to be considered for the UK Home Office recognition stamp. If they renounce their UK citizenship in writing and they meet all other criteria set forth in this instruction, the employee's request for civilian component recognition will be forwarded to the UK Home Office for their decision as to whether to issue a recognition stamp. The RAFM CPO will advise applicants on such options.

2.4. Must NOT be "ordinarily resident" in the UK (see paragraph 3.).

### **3. "Ordinarily Resident" Criteria.**

3.1. "Ordinarily resident" is not defined in the NATO SOFA. However, the term normally involves a number of factors and refers to a continuing course of conduct. The following is guidance used by US officials in the UK responsible for making such determinations.

3.1.1. People who have lived in the UK for over one year (i.e. one year and one day) without a US government connection (employment with the US Government or equivalent employment or dependent member of such person employed with the US Government), are ordinarily resident in the UK. Ordinary residency or ordinarily resident determinations are made by the RAFM CPO. Once a person becomes a member of the Civilian Component, that person cannot thereafter become ordinarily resident in the UK so long as the person remains in substantially continuous US Government employment.

3.2. Time spent in full-time US Government or equivalent employment is not counted toward becoming ordinarily resident. The following is equivalent to US Government employment for purposes or "ordinarily resident" determinations:

3.2.1. Time spent as an employee (or dependent of an employee) of a US agency serving with and supporting the US Visiting Force such as the Red Cross, one of the contract universities, a military banking facility or federal credit union, or by a US Government contractor as a "technical representative".

#### 4. Termination of “Ordinarily Resident” Status.

4.1. A person may stop being ordinarily resident by leaving the UK. However, determinations of termination of this status are difficult to support since visits to the US or other countries are common, even for extended (three to six months) periods. Generally, absence from the UK for one year or more will terminate ordinarily resident status regardless of other factors, and absence for less than one year will not terminate the status. Factors to consider are those that show cutting ties to the UK, or attempts to strengthen ties to another country. Some factors indicating a termination of “ordinarily resident” status include: terminating a long term lease or tenancy in the UK; initiating a long term arrangement for housing in another country; selling a vehicle in the UK; establishing full time employment in another country; terminating employment in the UK; shipment of household goods to another country; transportation of family members to another country; and removal of children from UK schools or enrolling them elsewhere. Also consider the relative duration of the stay in the UK compared to the time spent outside the UK. **NOTE:** A determination by the UK Home Office that a person has “settled status” or “indefinite leave to remain” is not a determination of ordinarily resident status for US purposes, but may prevent UK recognition. Nevertheless, it can be an indicator that the employee has resided in the UK for more than one year.

#### 5. Procedures and Responsibilities.

5.1. All employees requiring Civilian Component privileges will be provided an application form by their servicing Personnel Office (AAFES, DoDDS, Non-Appropriated Funds, etc). (T1)

5.2. The servicing Personnel Office will ensure the information in the application is accurate and forward it to the RAFM CPO, along with the applicant’s current proof of UK immigration status, supporting documentation such as orders, verification of guaranteed hours and if applicable, DD Form 214, Certificate of Release or Discharge From Active Duty. (T-1)

5.2.1. Contractor employees (technical representative) are not in the employ of an “armed service” and are thus ineligible for US component status. However, some contractor employees who are deemed “special technical representatives” under a program managed by the SUSLO at the US Embassy, London, may be eligible for US component status. Contractor employees who are deemed special technical representatives will be identified individually to the RAFM CPO by the SUSLO. (T-1) Servicing Personnel Offices of special technical representatives shall not forward Civilian Component Endorsement requests until applicants are confirmed as listed on the SUSLO list. If applications are received outside of the process, they will be returned immediately.

5.2.2. If the applicant is a dual US/UK national, the RAFM CPO will advise the individual they are not entitled to the UK Home Office recognition stamp (in accordance with paragraph 2.3.1). (T-1)

5.3. RAFM CPO will log in all passports, create a case file and determine whether Civilian Component status is appropriate. (T-1) If authorized, passports are then endorsed with a dated Civilian Component stamp and embossed with the Sending State Office Seal. The

application is then signed as granted. Passport and case file are then forwarded to the Personnel Management Specialist for final approval and signature. The log is annotated that the passport and case file have been forwarded to the UK Home Office for consideration of the recognition stamp. Upon return, passports are logged back and returned via Certified mail, recording the Certified mail number in the log. Individuals who collect passports will sign the log upon receipt.

5.3.1. If Component Endorsement is not authorized, the RAFM CPO (in coordination with USAFE-AFAFRICA/UK if necessary) will provide the Servicing Personnel Office written details of the reason for denial, including details of the appeal procedure. (T-1) Passport will be logged out and returned by Certified mail. Servicing Personnel Office will then notify the applicant and provide them a copy of the written denial.

## **6. Transferring Component Endorsement to New Passport.**

6.1. The servicing Personnel Office reviews expired passports for the Component stamp, checks validity of Leave to Remain stamp and that the new passport has been signed. Servicing Personnel Office then completes a transfer application confirming continued employment and forwards it to RAFM CPO for determination. (T-1)

6.2. Transfer without a previous passport (i.e., lost or stolen). If previous approval can be verified through the case file maintained by RAFM CPO, a transfer application can be submitted. If not, an initial application must be completed and forwarded for determination.

## **7. Reconsideration.**

7.1. Appeals from the denial of component status will be submitted to RAFM CPO through the Servicing Personnel Office detailing any new evidence that was not originally available. RAFM CPO will reconsider the application, in coordination with USAFE-AFAFRICA/UK, for a final decision. (T-1)

7.1.1. If the original decision is reversed, the passport will be submitted per paragraph 5.3. If original decision is upheld, a letter detailing the decision will be forwarded to the Servicing Personnel Office for issuance to the applicant. (T-1)

7.2. Eligibility for membership in the US Civilian Component is not a statutory prerequisite to gaining employment with US DoD agencies in the UK.

## **8. Termination of Civilian Component Status.**

8.1. When a member terminates employment, the Servicing Personnel Office must void the Component Stamps in the individual's passport and provide the employee an out-processing sheet to ensure notifications are made to agencies so entitlements granted by the Component Endorsement Stamps are appropriately terminated. (T-0)

8.2. Servicing Personnel Office will notify RAFM CPO and local councils when a member terminates employment or no longer satisfies the eligibility criteria outlined in paragraph 2. (T1)

**9. Interpretation.** Direct all questions involving interpretation of this instruction to UK base legal offices.

CHRISTOPHER J. BENCE, Brigadier General, USAF  
Director, Detachment 1, Headquarters United States Air  
Forces in Europe

**Attachment 1**

**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION**

***References***

**AFPD 36-1**, *General Civilian Personnel Provisions and Authorities*, 7 March 1995

**NATO SOFA**, *North Atlantic Treaty Organization Status of Forces Agreement*, 19 June 1951

***Prescribed Forms***

None

***Adopted Forms***

**AF Form 847**, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AFPD**—Air Force Policy Directive

**AAFES**—Army and Air Force Exchange Service

**AF**—Air Force

**CPO**—Civilian Personnel Office

**USAFE**—AFAFRICA/UK - United States Air Forces in Europe-United States Air Forces Africa/United Kingdom

**FSS**—Force Support Squadron

**DoD**—Department of Defense

**DoDDS**—Department of Defense Dependent Schools

**NATO SOFA**—North Atlantic Treaty Organization Status of Forces Agreement

**OPR**—Office of Primary Responsibility

**RAF**—Royal Air Force

**SUSLO**—Special United States Liaison Office

**UK**—United Kingdom

**US**—United States

**USAF**—United States Air Force