



DEPARTMENT OF THE NAVY

U.S. NAVAL STATION
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NSGBINST 11104.1B

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U.S. NAVAL STATION, GUANTANAMO BAY, CUBA INSTRUCTION 11104.1B

From: Commanding Officer, U.S. Naval Station, Guantanamo Bay, Cuba

Subj: BASE RESIDENCY STATUS

Ref: (a) COMNAVBASEGTMOINST 4650.7B

(b) DoDFMR, Volume 7A, Chapter 26

(c) CNIC Housing Desk Guide Abbreviations, Acronyms, and Definitions of May 2009

(d) CNICINST 11103.5

(e) NSGBINST 11101.13D

(f) NSGBINST 11103.5E

(g) U.S. CODE 37, section 401

1. Background. U.S. Naval Station, Guantanamo Bay, Cuba (NSGB) is a limited access Naval installation that is isolated, geographically and politically, in a communist country. Those conditions cause NSGB to be self-reliant in all aspects of mission accomplishment. Housing and utility resources are severely limited and must be carefully monitored and managed. The population of the base residents cannot exceed the capability of the base to support those residents and accomplish the base's assigned mission. A formal standard for base residency privileges is required in order to manage the base population and provide for appropriate utilization of resources.

2. Cancellation. NAVSTAGTMOINST 11104.1A.

3. Purpose. This instruction provides policy and procedures for determining a person's eligibility for base residency.

4. Exclusion. This instruction does not apply to Special Category Residents whose base residency entitlement is established per reference (a).

5. Definitions

a. Base Residency Status: The eligibility of a person to reside in government or contractor provided housing within the limits of NSGB to receive services, reimbursable or not reimbursable, from the government, and to enjoy associated privileges. Persons must reside on the installation for nine consecutive months of the year to meet residency criteria as specified in reference (e). Failure to maintain this requirement will result in the revocation of base residency status. Such privileges are subject to the authority of the Commanding Officer (CO) to grant or revoke as deemed appropriate.

b. DOD Civilian Employee: A full-time, off-base recruited, permanent appropriated or non-appropriated fund employee of the U.S. Government, hired pursuant to applicable appropriated and non-appropriated fund authority personnel directives.

c. Dependents/Family Members as defined in reference (g):

(1) The sponsor's spouse.

(2) An unmarried child of the sponsor who meets one of the following criteria:

(a) Is under 21 years of age;

(b) Is incapable of self-support because of a mental or physical incapacity and is in fact dependent on the sponsor for more than one-half of his or her support; or

(c) Is under 23 years of age, enrolled in a full-time course of study at an approved institution of higher education, and dependent on the sponsor for more than one-half of his or her support.

d. The term "child" as defined in reference (g):

(1) A stepchild of the member (except that such term does not include a stepchild after the divorce of the sponsor from the stepchild's parent by blood);

(2) An adopted child of the sponsor, including a child placed in the home of the sponsor by a placement agency in anticipation of the legal adoption of the child by the member; and

(3) An illegitimate child of the sponsor if the sponsor's parentage of the child is established per criteria prescribed in regulations by the Secretary concerned.

e. A parent of the sponsor if all of the following criteria is met as defined in reference (g):

(1) The parent is in fact dependent on the member for more than one-half of his or her support.

(2) The parent has been dependent for a period prescribed by the Secretary concerned or became dependent due to a change of circumstances arising after the member entered on active duty.

(3) The dependency of the parent on the member is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary concerned.

f. The term "parent" as defined in reference (g):

(1) A natural parent of the sponsor.

- (2) A stepparent of the sponsor.
 - (3) A parent of the sponsor by adoption.
 - (4) A parent, stepparent, or adopted parent of the sponsor's spouse.
 - (5) Any other person, including a former stepparent, who has stood in loco parentis to the sponsor at any time for a continuous period of at least five years before the sponsor became 21 years of age.
- g. An unmarried person who meets the following criteria as defined in reference (g):
- (a) Is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the U.S. (or Puerto Rico or an U.S. possession) for a period of at least nine consecutive months.
 - (b) Has not attained the age of 21 years;
 - (c) Has not attained the age of 23 years and is enrolled in a full-time course of study at an approved institution of higher learning; or
 - (d) Is incapable of self-support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph under clause (1) or (2).
 - (e) Is dependent on the member for over one-half of the person's support.
 - (f) Resides with the member unless separated by the necessity of military service or to receive institution care as a result of disability or incapacitation or under such other circumstances as the Secretary concerned may prescribe.
 - (g) Is not a family member of a sponsor under any other paragraph.

NOTE: Military personnel should contact their Personnel Support Detachment (PSD) for additional information or questions. Civilian personnel should contact their appropriate Civilian Personnel Office for assistance.

6. Policy

a. The Housing Department, Family Housing Division, NSGB is the sole authority to issue Dependent Entry Approvals (DEA) on behalf of the Installation Commanding Officer. The DEA is required for all dependents arriving onboard the installation. Tenant commands may only recommend, not approve, sponsorship of dependents onboard the installation. Only the NSGB CO can approve the request and authorize the issuance of the DEA. No person shall be entitled

to base residency unless adequate housing is available and the person is in one of the following categories:

- (1) Member of the Armed Forces stationed in NSGB by reason of Permanent Change of Station (PCS) orders.
- (2) DOD Civilian employee stationed in NSGB by reason of PCS orders.
- (3) Dependent of any member of the Armed Forces or DOD Civilian employee.
- (4) Off-base recruited or assigned employee of a private or public firm, partnership, business, company or corporation under contract with the U.S. Government to perform services on NSGB pursuant to the provisions of personnel in this category, may receive privileges only as specified in each contract with the U.S. Government. Verification of employment must be provided to the Housing Office along with supporting installation access request paperwork.

b. Exceptions to the policy stated in paragraph 6.a above will be considered and in the sole discretion of the CO may be approved where:

- (1) The applicant states other compelling circumstances which are considered appropriate grounds for approving a grant of base residency.

c. Under no circumstances shall base residency privileges be granted to an applicant under paragraph 6 if any of the following disqualifying factors exist:

- (1) Material misrepresentation, intentionally made, on the application for base residency.
- (2) Prior record of multiple disciplinary incidents, job related infractions, criminal involvement, or drug or alcohol related incidents.
- (3) Lack of sufficient housing space available.
- (4) Is a registered sex offender.

d. Base visitors shall not seek employment on base. Appropriated and non-appropriated fund activities of the U.S. Government and private employers shall not recruit or hire base visitors.

7. Action

a. Housing Installation Program Manager will require all documentation for the application to housing as specified in references (e) and (f) to be completed in their entirety and submitted a minimum of 60 days in advance for review. Requested documentation includes, but is not limited to marriage/birth certificates, consular report of births abroad, Sex Offender Disclosures,

custody documentation, verification of college enrollment (every semester), and any other information necessary as to make a sound recommendation for residency.

b. Housing Installation Program Manager shall monitor all government and contractor provided housing to ensure compliance with the policies stated by this instruction, and may grant base residency to persons in categories 6.a.(1), (2), (3), and (4), above, as housing is available. In the case of applicants applying under paragraph 6.b, the Housing Installation Program Manager shall receive and adjudicate such applications. All such adjudications shall be completed in a timely manner and forwarded to the CO via the Executive Officer, Staff Judge Advocate (SJA) and Operations Officer, for final action.

c. Applications under paragraph 6.b: Applicants for base residency status shall submit such applications in writing, via their civilian or military chain of command, to the Housing Installation Program Manager, and such application shall include a complete statement of the applicant's background, employment history, and reasons why the applicant believes the application should be granted.

d. SJA, Naval Criminal Investigative Service, Base Security, Personnel Support Detachment, and Civilian Personnel Managers shall extend all cooperation and information possible to assist the Housing Installation Program Manager in determining if any disqualifying factors exist. Such cooperation shall not exceed the limitation imposed by statutes and regulations governing personal privacy, protection of official records, and confidential natures of ongoing investigations.

e. The CO shall make determinations of medical fitness as required. Such determinations shall be final.

f. Naval Station Entry Clearances. For Housing purposes, NSGB Housing Department shall approve/deny all base entry clearance requests for visitors, employees (including contractor employees), dependents, etc.

8. Restrictions

a. Where base residency status has been granted, per paragraph 6a or 6b, a change in factors causing grant of base residency **will result in loss of such status**. Exceptions are:

(1) Foreign national employees of the U.S. Government, living in U.S. Government quarters, who voluntarily terminate their employment, may remain on base for a period of two weeks after termination to seek new employment. If new employment is gained, their base residency status shall then be defined by their new employment. If new employment is not gained within this timeframe they must permanently depart the installation on the first available flight.

(2) Employees of government contractors whose presence on base is solely due to their employment by the contractor. If a contractor employee voluntarily terminates his or her employment, or is fired, that employee shall leave the base on the next available flight.

b. Nothing in this instruction is intended to add to, correct, or delete from current effective instructions on entitlements or persons temporarily present on NSGB such as TAD military personnel, technical representatives, manufacturer's representatives, and other visitors.

c. Nothing in this instruction is intended to limit the inherent authority of the CO to terminate any base privileges for cause.

9. Review. The command Housing Director is responsible for the annual review and update of this instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

10. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.



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