

Chapter 2
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Chapter 2 GENERAL PROGRAM INFORMATION ON FOREIGN CASES

2.01 Introduction

The Department of Veterans Affairs (VA) provides Vocational Rehabilitation and Employment (VR&E) services outside the United States (U.S.) to ensure that Veterans who train or reside outside the U.S. receive services and other assistance of the same quality as Veterans training in the U.S. This chapter provides general guidelines for providing VR&E services for Veterans residing in a foreign country; identifies VA Regional Offices (RO) that are assigned jurisdiction for foreign cases; discusses the conditions for transferring foreign cases; outlines how to authorize travel for Veterans residing in a foreign location; and discusses the selection and approval of training facilities abroad. Statutory and regulatory guidance is provided throughout the chapter.

2.02 References and Resources

Laws:	38 United States Code (U.S.C.) 3114 38 U.S.C. 3120
Regulations:	38 Code of Federal Regulations (CFR) 21.130 38 CFR 21.294 38 CFR 21.4250 38 CFR 21.4260
Resource:	Veterans Health Administration (VHA) Handbook 1400.06
Websites:	http://vaww1.va.gov/vhapublications/ViewPublication.asp?pub_ID=2151 http://www.benefits.va.gov/gibill/

2.03 Jurisdictional Guidelines for Foreign Cases

The following table provides information on ROs that provide and/or arrange for the provision of vocational rehabilitation services for Veterans residing and/or receiving services outside the U.S.:

Jurisdictional RO	Country/Providence/State
Albuquerque, NM	Chihuahua Mexico
Anchorage, AK	Yukon, Canada
Buffalo, NY	Ontario, Canada (Thunder Bay and east)
Fargo, ND	Manitoba, Canada Ontario, Canada (Thunder Bay and west) Saskatchewan, Canada

Ft. Harrison, MT	Alberta, Canada
Honolulu, HI	<p>Asia:</p> <ul style="list-style-type: none"> • China • Hong Kong • India • Indonesia • Japan • Okinawa • Pakistan • Singapore • South Korea • Thailand • Taiwan <p>Australia New Zealand Pacific Islands:</p> <ul style="list-style-type: none"> • American Samoa • Guam • Johnston Atoll • Midway Island • Pohnpei • Saipan
Houston, TX	<p>Caribbean Central America Republic of Mexico South America</p>
Phoenix, AZ	Sonora, Mexico
Pittsburgh, PA	<p>Africa (including the Malagasy Republic) Europe Middle East (including Iran and Afghanistan) All Chapter 36 counseling outside the U.S.</p>
San Diego, CA	Philippines
San Juan, PR	<p>Culebra Vieques U.S. Virgin Islands</p>
Seattle, WA	British Columbia, Canada
Togus, ME	<p>New Brunswick Newfoundland Nova Scotia Prince Edward Island Quebec, Canada (east of Montreal, Canada)</p>
White River Junction, VT	Quebec, Canada (west of Montreal, Canada)

2.04 Transferring Foreign Cases

a. Transferring an Application

If a VR&E office receives an application from a Veteran who resides in a foreign area jurisdiction and the claims folder is available, priority will be given to expedite the processing of the application. This includes:

1. Obtaining a copy of the letter notifying the Veteran of a disability rating, and disability rating.
2. Forwarding the Veteran's application, copies of rating notification letter and disability rating to the RO with foreign area jurisdiction as outlined in section 2.03.

b. Transferring a Case Prior to Development of a Rehabilitation Plan

If a VR&E office receives an application from a Veteran who is currently residing within its jurisdiction, but is planning to relocate to a foreign area jurisdiction, the application will be processed in accordance with M28R.IV.A. The Veteran will be provided with a comprehensive initial evaluation in accordance with M28R.IV.B. Once the Veteran has established legal residence in a foreign area, the Veteran must provide the current VR&E office his/her foreign area address and telephone number. The transferring office must coordinate transfer of his/her case with the receiving office immediately, as outlined in M28R.III.A.3. The receiving office will develop the rehabilitation plan and provide the rehabilitation services.

c. Transferring a Case after the Development of a Rehabilitation Plan

If a Veteran, who currently resides in a VR&E office's jurisdiction and is pursuing a rehabilitation program, notifies the office of a pending relocation to a foreign area jurisdiction, the office must ensure that the Veteran has established legal residence in the foreign area of jurisdiction prior to transfer of his/her case. Once the Veteran provides the foreign area address and telephone number, the VR&E office must coordinate the case transfer to the RO with foreign area jurisdiction as outlined in M28R.III.A.3. The receiving RO with foreign area jurisdiction must update the plan, if necessary, and provide the rehabilitation services.

2.05 Travel Authorization for Foreign Cases

a. VA Employees

The Under Secretary for Benefits (USB) must approve foreign area travel for VA employees unless otherwise delegated to the Director of the Regional

Office. Procedures for processing requests for foreign travel is outlined in VHA Handbook 1400.06, which can be accessed at http://vaww1.va.gov/vhapublications/ViewPublication.asp?pub_ID=2151.

b. Veterans

The VR&E Officer (VREO) must authorize all expenses associated with round-trip travel, including meals, lodging, ground transportation, and other incidental expenses, at the same rate and under the same instructions and conditions as for travel in the U.S. Travel originates from the Veteran's home outside the U.S. to either a contractor's site outside the U.S., or an RO in the U.S.

Example: If a Veteran needs an initial evaluation and lives in Canada, VA pays for travel from the Veteran's home in Canada to the RO in the U.S. that has jurisdiction over the particular foreign area.

c. Travel Arrangements with a Veteran Residing Outside the U.S.

The Vocational Rehabilitation Counselor (VRC) must work closely with the Veteran to arrange travel with sufficient time for the Veteran to adequately plan transportation to and from the airport by the most economical means available and in a manner that does not cause hardship to the Veteran.

d. Duration of Travel

The duration of travel is dependent upon the distance between the Veteran's home and the RO or contractor that will be providing VR&E services. If the Veteran has to travel a great distance, it is feasible that the travel may take up to three to four days, as outlined below:

1. Day One

The first day is generally a day to travel to the site of the appointment.

2. Day Two

The second day is for scheduled appointments for initial evaluations; re-evaluations; plan development; etc.

3. Day Three

The third day can be used for additional appointments if needed, or for return travel to Veteran's home.

4. Day Four

If needed, the fourth day is generally a travel day for the Veteran to return home.

e. Veteran Requests to Extend Travel

If the Veteran wishes to return home later than the scheduled date, the Veteran must be informed that VA will not reimburse lodging and meal costs from the last date of service to the date of return to his/her home. The costs will be at the Veteran's expense.

All return travel must be made from the city in which VA furnished the service to the Veteran's home. If the Veteran travels to another location, return travel to the Veteran's home may be from that point only if the travel costs are less than the Government would pay for travel from the site of the service. If the cost of travel to another location exceeds the Veteran's return to his/her home, he/she is responsible for paying the excess amount.

f. VA Requests to Extend Travel

The VA may request to extend the Veteran's travel in order to provide sufficient time to receive all necessary services associated with the scheduled appointment. If the Veteran's stay needs to be extended beyond the anticipated date of return, the following items must be arranged until the actual departure time:

1. A new return ticket for the Veteran.
2. Extended overnight accommodations.
3. Payment for meals and other related expenses.

g. Arranging Commercial Airline Travel

VA may arrange travel to a site in the U.S. by commercial aircraft, unless the travel is originating from an area in Mexico or Canada near the U.S. border.

1. The case manager must document in Corporate WINRS (CWINRS) notes approval for the Veteran's travel and other associated expenditures.
2. The case manager will coordinate with the RO's Support Services Division (SSD) to purchase the Veteran's airline ticket using the RO's Centrally Billed Account (CBA) travel card. Refer to M28R.V.B.6 for additional details.

h. Using a Military Transport Aircraft

If a Veteran residing outside the U.S. applies for VR&E services and states in writing that he/she wishes to travel to the site by military rather than commercial aircraft, the VR&E office must cooperate by being flexible in making an appointment and providing the evaluation. It is important to note that the use of military transport aircraft is limited primarily to military retirees.

i. Lodging and Meals for Foreign Cases

The VR&E office must arrange for meals and lodging for Veteran's travel involving overnight travel, air travel, air travel by a military aircraft or travel outside the U.S., if they are a necessary part of the travel. Payment must be made in the most economical manner.

Note: VA will not pay for lodging or meals for any period once a Veteran has reported to a military air facility and is waiting for a flight.

j. Notifying the Veteran of Travel Arrangements

The requirements for the standard appointment letter for Veterans residing outside the U.S. must include the following information:

1. VA will pay reasonable travel costs for the Veteran to report to the scheduled appointment with VR&E.
2. Costs include travel from home to the RO and return.
3. Flight information, including name of the city and airport from which the flight(s) will originate, name of the airline, flight number(s), date and time of flight(s).
4. Name, address, and phone number of the hotel where the Veteran's lodging is reserved.
5. Instructions on how the Veteran should proceed to the hotel (taxi, bus, or other commercial ground transportation).

2.06 Training Facilities for Foreign Cases

a. Selecting Training Facilities Abroad

For training outside the U.S., the VRC may only authorize use of facilities that meet the criteria contained in 38 CFR 21.294(g). If a course does not meet

these criteria, the VREO must obtain such approval before considering the course for Chapter 31 participants. The VREO will coordinate with VA's Education Service to secure course approval for the following:

1. Facility and Course Selection

Under 38 CFR 21.294(g), VA may use facilities and courses of study outside the United States under Chapters 31, but only if the facilities and courses meet the requirements for approval under 38 CFR 21.4250(c) and 21.4260. These regulations require that the Veteran pursue training leading to a college degree.

2. Foreign Branches of U.S. Colleges and Universities.

3. Courses Offered by Foreign Colleges and Universities.

4. Course Approved by State Approving Agency (SAA) or Education Service

Although the SAA or the Director of Education Service has already approved the course of study that the Veteran has elected, the VRC must ensure that the institution agrees to conform to Chapter 31 requirements, including provisions for payment of tuition, fees, and supplies.

The VREO must ensure that coordinated efforts are made with the Education Liaison Representative (ELR) to secure the additional necessary information to determine whether Veterans may use the course of study for Chapter 31 program participants.

- b. Approving Agency/Department

1. SAA

SAA approves the foreign branch of a university or college based in the U.S, as well as facilities offered by foreign branches of colleges and universities based in the U.S. in the same manner as those offered by the parent schools in the U.S.

2. Foreign School Approval Group

Foreign school approval group approves a foreign college or university. For more information on approvals by the VA Director of Education Service for foreign colleges and universities, go to www.benefits.va.gov/gibill.

c. Obtaining Approval for Facilities Outside the U.S.

If the necessary training course is at a facility outside the U.S. that has not been approved by SAA or VA Education Service, the VR&E office must obtain approval according to M22-4, Part IX, Chapter 5.

2.07 Using Contractors for Foreign Cases

a. Arranging Contracting Services in Foreign Cases

The RO that has jurisdiction over the foreign case makes the contractual agreements to provide counseling and other services.

b. Selecting Service Providers Outside the U.S.

VR&E makes contractual arrangements with the following service providers outside the U.S.:

- National Acquisition Strategy Contract approved vendors
- VetSuccess Contract approved vendors
- Counseling centers
- Qualified individual professionals
- Professional staff members of other federal agencies located in the area in which the Veteran resides

Note: Qualified professional counselors may be at schools and other establishments, on military bases, or in private practice. In Canada, they may be providing similar services to Veterans with disabilities of the Canadian Department of Veterans Affairs (CDVA).

c. Qualifications of the Contract Counselor for Foreign Cases Selecting Service

Contract counselors are generally expected to meet the educational and experience requirements applicable to a VRC in the VR&E Division. However, applicants with these qualifications may not be available in the foreign areas. The VREO should exercise good judgment on selecting contract service providers. For more information about the qualifications on case management positions in the VR&E Division, refer to M28R.II.A.3.

d. Contract Counseling Services Outside the U.S. is not Available

When the services of a contract counselor outside the U.S. is not available, or

it is not practical to use contract counseling services outside the U.S., or an acceptable individual practitioner is not available under contract, the VREO must arrange an appointment with a contract counseling provider inside the U.S., and arrange for travel.