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## Chapter 1 FOREIGN CASES OVERVIEW

### 1.01 Introduction

This chapter is an overview of M28R, Part V, Section C, which provides guidelines on processing and managing Vocational Rehabilitation and Employment (VR&E) services for Veterans who reside outside the United States (U.S.). The procedures for foreign cases cover the different phases of the Department of Veterans Affairs (VA) VR&E services, which include application processing, conducting initial evaluation and entitlement determination, developing and implementing rehabilitation plans, and administering financial responsibilities and accountabilities.

### 1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3114

Regulations: 38 Code of Federal Regulations (CFR) 21.130

### 1.03 Definitions

#### a. Legal Residence

Legal residence is defined as the permanent fixed place of residence at a specific address to which one intends to return despite temporary absences or residence elsewhere.

#### b. Abroad or Outside the United States

Abroad or outside the U.S. refers to any location not within the United States, territories and possessions of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, or the Republic of the Philippines.

#### c. Foreign Case

A case is considered foreign if one of the following two circumstances exists:

1. The Veteran is, or will be, residing abroad and he/she requires an initial evaluation and possible subsequent development of a vocational rehabilitation plan, or

2. The Veteran has been pursuing a rehabilitation program in the U.S. and, as part of the rehabilitation plan, needs a period of training outside the U.S. to meet the occupational requirements of the vocational goal.
- d. Criteria for Establishing Legal Residence in a Foreign Area
  1. The Veteran has accepted employment overseas.
  2. The Veteran is married to a foreign national.
  3. The Veteran is a spouse of an active duty Servicemember assigned overseas.
  4. The Veteran is accompanying his/her spouse, who is employed overseas.

#### 1.04 Chapter 31 Services for Foreign Cases

All aspects of Chapter 31 service delivery for foreign cases, to include processes for providing VR&E services, roles and responsibilities of each stakeholder, documentation requirements, and case management are the same as for non-foreign cases, with the exception of payment processing. Payments to facilities with foreign addresses are made through the Benefits Delivery Network (BDN) since foreign banking addresses cannot be vendorized through the Financial Management System (FMS), and therefore cannot be processed through the Corporate WINRS (CWINRS).

##### a. Application Processing and Eligibility Determinations

For additional information on application processing and entitlement determinations, refer to M28R.IV.A.2.

##### b. Initial Evaluations and Entitlement Determinations

For additional information on the initial evaluation and entitlement determination process, see to M28R.IV.B.

##### c. Rehabilitation Plan Development

For additional information on plan development, refer to M28R.IV.C.

##### d. Case Management

For additional information on case management services, refer to M28R.V.A.

##### e. Financial Responsibility and Accountability

For additional information on financial responsibility and accountability, refer to M28R.V.B.