VA HANDBOOK 5005/10 Transmittal Sheet July 8, 2005

STAFFING

- **1. REASON FOR ISSUE:** To revise procedures concerning policy and criteria for requesting approval to petition the Department of State (DOS) for support on behalf of an individual on a J-1, Exchange Visitor, visa for a waiver of the 2-year home residence requirement by United States Citizenship and Immigration Services, a bureau of the Department of Homeland Security.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES: This revision covers significant changes to the policy and criteria for requesting approval to petition DOS for support on behalf of an individual on a J-1, Exchange Visitor, visa for a waiver of the 2-year home residence requirement and appointment in VA. This one-page change replaces the entire appendix J, in Part II of VA Handbook 5005, Staffing, dated April 15, 2002. These changes are shown in brackets and will be incorporated into the electronic version of VA Handbook 5005, Staffing, that is maintained on the Office of Human Resources Management and Labor Relations Web site. Significant changes include:
- a. Adds a new reference to Veterans Health Administration (VHA) Handbook 5005.1, dated January 26, 2005, "Requests to Petition the United States Department of State for a Waiver of the Two-Year Home Residency Requirement on Behalf of an Exchange Visitor." This VHA Handbook serves as a supplement to VA Handbook 5005, Part II, Appendix J, and revises instructions related to facility requests for VHA Central Office to petition DOS for waivers of the 2-year home residency requirement on behalf of Exchange Visitors (J-1 visa holders); and
- b. Specifies that for VA organizations other than VHA, waiver requests will only be considered on a case-by-case basis for approval by the Secretary. Inquiries concerning such waiver requests may be directed to the Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.
- **3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.
- **4. RELATED DIRECTIVES:** VA Handbook 5005, Staffing.

5. RESCISIONS: None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY

OF VETERANS AFFAIRS:

/s/Robert N. McFarland Assistant Secretary for Information and Technology /s/R. Allen Pittman Assistant Secretary for Human Resources and Administration

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^{*}Use in conjunction with the OPM Standard.

APPENDIX J. REQUESTS FOR APPROVAL TO PETITION THE UNITED STATES DEPARTMENT OF STATE (DOS) FOR SUPPORT OF A WAIVER OF THE 2-YEAR HOME RESIDENCE REQUIREMENT OF THE UNITED STATES EXCHANGE VISITOR PROGRAM []

- **1. SCOPE.** This appendix [concerns policy and] criteria for requesting [] approval to petition [the Department of State (]DOS[)] for support [on] behalf of an individual on a J-1, Exchange Visitor, visa for a waiver of the 2-year home residence requirement by [United States Citizenship and Immigration Services, a bureau of the Department of Homeland Security].
- **2. BACKGROUND.** The Immigration and Nationality Act requires that certain foreign nationals, who are in the United States (U.S.) as participants in the Exchange Visitor Program, leave the U.S. for 2 years to apply newly acquired training and skills in their home countries. This 2-year home residence requirement also prevents circumvention of the usual methods of immigration to the U.S. Under unusual circumstances, the head of an interested Federal agency may request a waiver of this requirement when that agency determines that such a waiver is in the interest of a program of the U.S. and in the public interest. (Title 22 CFR, part [62], and the Immigration and Nationality Act, section 212(e), as amended.)
- **3. POLICY.** The Department of Veterans Affairs (VA) supports the Exchange Visitor Program and the 2-year home residence requirement and will seek waivers only when it is clearly in the interest of the Department and its programs. For VHA, the Secretary has delegated to the Under Secretary for Health, or designee, authority to approve such requests and to determine when submission of requests for waivers are appropriate. [For VA organizations other than Veterans Health Administration (VHA), waiver requests will only be considered on a case-by-case basis for approval by the Secretary. Inquiries concerning such waiver requests may be directed to the Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations (059).]
- **4.** [VHA POLICY AND CRITERIA CONCERNING WAIVER REQUEST SUBMISSIONS. VHA Handbook 5005.1, "Requests to Petition the United States Department of State for a Waiver of the Two-Year Home Residency Requirement on Behalf of an Exchange Visitor," dated January 26, 2005, revises instructions and submission procedures related to facility requests for VHA Central Office to petition DOS for waivers of the 2-year home residency requirement on behalf of Exchange Visitors (J-1 visa holders). This VHA Handbook serves as a supplement to this Appendix. The VHA Handbook can be found at the following Web link: http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1219].

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