

Guidelines for Applicants to the Department of Foreign Affairs and Trade (DFAT) for certification under the Afghan Locally Engaged Employee (LEE) Program

The application period for the Afghan LEE Program has now closed

Applications for the Afghan LEE Program closed at 11:59PM Australian Eastern Standard Time (AEST) on 30 November 2023. We are no longer accepting new applications. Agencies continue to process LEE applications received before 11:59PM AEST on 30 November 2023.

These guidelines and the [Frequently Asked Questions \(FAQ\)](#) were made available to applicants to determine whether they met the certification criteria outlined in legislative instrument [IMMI 12/127](#) to the *Migration Regulations 1994*.

These guidelines apply for all applicants who submitted their application for certification under the Afghan LEE Program by 30 November 2023.

To be certified under the Afghan LEE Program, applicants must:

- not be a national or citizen of another country other than Afghanistan;
- demonstrate that they were 'employed with' DFAT, including the former Australian Agency for International Development (AusAID), in support of Australia's whole-of-government mission in Afghanistan;
- demonstrate that they are currently at risk of harm as a result of that employment; and
- demonstrate that exceptional circumstances exist if they applied more than six months after ceasing that employment.

The certification criteria are explained in more detail below.

Applications to DFAT for certification under the Afghan LEE Program do not guarantee certification, or that applicants will be granted a visa to migrate to Australia.

If an applicant has been certified under the Afghan LEE Program, they must also apply for a humanitarian visa to be able to migrate to Australia. Information about humanitarian visas, including how to apply, is available on the [Australian Department of Home Affairs \(Home Affairs\) website](#).

The Australian Federal Police (AFP) and the Department of Defence also administer the Afghan LEE Program.

- see [Australian Federal Police](#)
- see [Department of Defence Afghan LEE Program](#)

Assessment Process

DFAT may refer an application it receives for certification under the Afghan LEE Program to the AFP or the Department of Defence if the applicant has a closer connection to either of those agencies.

DFAT assesses each application that it does not refer to another agency against the certification criteria for the Afghan LEE Program. DFAT may seek to verify employment information provided by an applicant, including through contacting their employer.

Based on its assessment of an application and supporting evidence, DFAT recommends to the Minister for Foreign Affairs, the Assistant Minister for Foreign Affairs, or the Minister's delegate whether to certify or not certify an applicant.

The Minister for Foreign Affairs, the Assistant Minister for Foreign Affairs, or the Minister's delegate then decides whether or not to certify or not certify an applicant.

Certification under the Afghan LEE Program is different to applying for a humanitarian visa. If you are certified under the Afghan LEE Program, you must also apply for and be granted a humanitarian visa to migrate to Australia. Applications for a humanitarian visa must be made separately through the Department of Home Affairs (Home Affairs).

Applicants who are certified under the Afghan LEE Program and apply for a humanitarian visa will be prioritised for processing by Home Affairs. Health, character and security requirements that apply to all Australian visas will also need to be satisfied.

Further information on how to apply for a humanitarian visa is available on [Home Affairs- Resettle in Australia](#).

Applicants who are not certified under the Afghan LEE Program may still apply for a humanitarian or other visa at any time through Home Affairs. Not being certified under the Afghan LEE Program has no adverse impact on suitability to obtain an Australian visa. Visas will be processed in accordance with Australian Government priorities.

DFAT will manage any personal information provided by applicants under the Afghan LEE Program in accordance with the [Afghan LEE Program Privacy Notice \[PDF 208 KB\]](#).

Certification criteria

An applicant must meet all the certification criteria below to be certified under the Afghan LEE Program.

An applicant must not be a national or citizen of another country other than Afghanistan. This includes dual citizens of Afghanistan.

An applicant must have demonstrated they were ‘employed with’ DFAT, including the former Australian Agency for International Development (AusAID).

An applicant was ‘employed with’ DFAT if:

- they were in a direct employment relationship with DFAT; or
- while directly employed by another party, they provided services for or on behalf of DFAT, or appeared to be working with or representing DFAT.

DFAT assesses each application on a case-by-case basis, based on all of the applicant’s circumstances.

If an applicant was not in a direct employment relationship with DFAT, relevant factors for assessing whether they ‘provided services for or on behalf of DFAT, or appeared to be working with or representing DFAT’ include:

- **Level of direct support provided to Australia** – applicant performed work directly related to the delivery of a project largely funded by Australia; applicant provided services directly to DFAT or to a project largely funded by Australia.
- **Public profile of employment** – applicant’s role had a public profile and could reasonably be considered to be representing DFAT/AusAID; applicant had a public facing role or regularly engaged with the public in the implementation of an Australian development program; applicant appeared regularly with Australian officials whilst undertaking their duties.
- **Duration of services provided** – applicant provided services for a long and ongoing period; applicant provided services at irregular intervals over a long-term period as required by DFAT.
- **Extent of control that DFAT exercised over the project or applicant’s work** – substantial direction by DFAT in the project design and delivery; direct supervision by an Australian government official; applicant provided with documents or items that identified them as part of DFAT/AusAID (such as identification cards or uniforms).
- **Work location** – applicant worked at the Australian Embassy, or another location controlled by Australia.

An applicant must have demonstrated they are currently at risk of harm as a result of their employment with DFAT.

DFAT assesses each application on a case-by-case basis, based on all of the applicants' circumstances. Relevant factors include their role, location, employment period, and currency of employment.

An applicant must have applied within six months of ceasing employment with DFAT or demonstrate that exceptional circumstances existed for applying more than six months after ceasing employment with DFAT.

What constitutes exceptional circumstances may change from time-to-time.

Exceptional circumstances may include:

- a change in the group that controls Afghanistan;
- where an individual has been prevented from accessing telecommunications for the purpose of submitting an application; and/or
- a change in the eligibility criteria for certification.

DFAT assesses each application on a case-by-case basis, based on all the applicant's circumstances.