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From: Gary Cowan <Gary.Cowan@dfat.gov.au>
Sent: Monday, 23 August 2021 4:01 PM
To: Justin Bassi <Justin.Bassi@dfat.gov.au>; Chris McNicol <Chris.Mcnicol@dfat.gov.au>
Cc: Kathryn Campbell <Kathryn.Campbell@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Justin Hayhurst <Justin.Hayhurst@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Robert Fergusson <Robert.Fergusson@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Kate Logan <Kate.Logan@dfat.gov.au>; Simon Newnham <Simon.Newnham@dfat.gov.au>
Subject: FW: Afghanistan: Ministerial Certification of LES [REDACTED]

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From: Gary Cowan
Sent: Monday, 23 August 2021 3:51 PM
To: Justin Bassi <Justin.Bassi@dfat.gov.au>; Chris McNicol <Chris.Mcnicol@dfat.gov.au>
Cc: Kathryn Campbell <Kathryn.Campbell@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Justin Hayhurst <Justin.Hayhurst@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Robert Fergusson <Robert.Fergusson@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; s. 22 <[REDACTED]@dfat.gov.au>; Kate Logan <Kate.Logan@dfat.gov.au>; Simon Newnham <Simon.Newnham@dfat.gov.au>
Subject: Afghanistan: Ministerial Certification of LES [SEC=OFFICIAL:Sensitive]

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Dear Justin and Chris

Please see attached list of further LES applicants for certification by the Minister under the LES special humanitarian visa program.

Normally we would seek Ministerial approval through a Min Sub, but due to time constraints, we propose to streamline the process.

DFAT has conducted a rapid assessment of these individuals, primarily employment details and if they have met the eligibility criteria. There are a range of individuals that have not provided sufficient details to appropriately assess their eligibility.

We recommend ^{s47F} be considered for certification - ^{s47F} - as having **grounds for certification by way of Minister Payne's Ministerial discretion under 3(a)(iv) of the Legislative Instrument IMMI 12/127**. All applications were received in the past couple of days.

We have also included a list of ^{s47F} applicants received in recent days which we do not consider meet the grounds for LES certification. The Minister may decide nonetheless to recommend them for 449 consideration in the Home Affairs process.

We would suggest **the Minister initial the attachment to signal agreement, or that you send an email confirmation, as you did on 21 August**. Following approval, we will seek further bio data for these individuals. We will then send the bio data to Home Affairs.

Best regards

Gary Cowan

**First Assistant Secretary
North and South Asia Division**

Gary.cowan@dfat.gov.au

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M: +61 423 077 070

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Department of Foreign Affairs and Trade

T: +61 2 s. 22 s. 22 @dfat.gov.au



Background:

ss. 34(2) and 34(3)

2. This Ministerial Submission asks you (Minister Payne) to make decisions on 60 applications for certification. This is a necessary step before applicants can apply for a humanitarian visa with the Department of Home Affairs, where applicants undergo further vetting (identity, character and health checks). After completion of the vetting process a humanitarian visa can be granted.

3. In order for a DFAT (or AusAID) LES to obtain a visa, you (Minister Payne) must first certify, in accordance with the Legislative Instrument IMMI 12/127 (**Attachment B**), that the staff member is employed with DFAT (or has been within six months of applying for certification), and is at individual risk of harm due to their employment with the Embassy and/or support to Australia's whole-of-government mission in Afghanistan. The Department has recommended the waiver of the six-month limitation (under 4(i) IMMI 12/127) in exceptional circumstances **s. 47C** given the collapse of the Government of Afghanistan and the return of the Taliban.

4. DFAT continues to receive a high level of enquiry in applications and enquiries (including from **s. 47C**). Enquiries have surged again with the Taliban advance. To meet this demand, DFAT has upscled our mailbox management capabilities to ensure enquiries not meeting the criteria to be considered under the Afghan LES visa program are either appropriately referred on or provided information on visa options.

5. We recommend **s47F** applications in Part One of **Attachment A** to be **certified as eligible** in line with the *Migration Regulations 1994*, the Legislative Instrument IMMI 12/127, **s42, s47C and s47E(d)**. We recommend **s47F** applications in Part Two of **Attachment A** for your (Minister Payne's) **ministerial discretion** under paragraph 3(a)(iv) IMMI 12/127. **s47F** of the applications in Part Three of **Attachment A** we recommend are considered **ineligible** under IMMI 12/127.

6. The **s47F** applicants we are **recommending as eligible** **s47F**

7. **s42, s47C and s47E(d)**


s42, s47C and s47E(d) the Department has identified **s47F** applications in Part Two of **Attachment A** that we have assessed **s47C and s47F** as having potential grounds for certification by way of your (Minister Payne's) ministerial discretion under 3(a)(iv) IMMI 12/127 **s47C**

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s47C and s47F



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Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

Migration Regulations 1994

CLASS OF PERSONS

(Paragraphs 200.211(1A)(a) and 201.211(1A)(a))

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations'), having consulted as required under subclauses 200.211(1B) and 201.211(1B):

1. REVOKE Instrument Number IMMI 09/027 signed on 8 May 2009, specifying classes of persons for paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the Regulations; AND
 2. SPECIFY all non-citizens who have been assessed to be at significant risk of harm as a result of their employment with:
 - (a) the Department of Foreign Affairs and Trade (DFAT) in the Australian Embassy in Baghdad in Iraq since 1 May 2003; or
 - (b) between 17 March 2003 and 15 May 2009:
 - (i) were employed in a private civilian capacity by the Australian Defence Force (ADF) in Iraq; or
 - (ii) were employed or worked collaboratively in a private civilian capacity with the Australian Defence Force in Iraq with the:
 - (i) Overwatch Battle Group (West); or
 - (ii) Australian Army Training Teamand who have:
 - (iii) ceased employment with, or who have ceased working collaboratively with, the Australian Defence Force; and
 - (iv) sought certification from the Minister of Defence on or before 15 May 2009; and
 - (v) who have applied for a class XB (Refugee and Humanitarian) visa on or before 31 December 2009; or who
 - (c) any time after 15 May 2009 have been employed in a private civilian capacity in the Australian Defence Force in Iraq
- as a class of persons for the purposes of subclauses 200.211(1A) and 201.211(1A).

3. SPECIFY that for the purpose of subclauses 200.211(1A) and 201.211(1A) a class of persons are all non-citizens employed with the Department of Foreign Affairs and Trade (DFAT), the Australian Defence Force (ADF), the Australian Agency for International Development (AusAID) or the Australian Federal Police (AFP):
 - (a) who have been assessed as being at significant individual risk of harm as a result of their support to Australia's whole of Government mission in Afghanistan due to their role, location, employment period and currency of employment; including:
 - (i) interpreters in Uruzgan Province in positions funded by DFAT; or
 - (ii) interpreters or instructors employed with the ADF or AFP; or
 - (iii) project, facilities management and advisory staff in the Provincial Reconstruction Team in Uruzgan on behalf of AusAID and/or DFAT; or
 - (iv) a person who is able to satisfy the relevant agency Minister that exceptional circumstances exist for that Minister to certify that the non-citizen is in that class of persons; and
 - (b) are not, or were not, an Afghan government or military official or employed in a private security capacity; and
 - (c) are not nationals or citizens of another country other than Afghanistan; and
4. A class of persons under paragraph 3 must have sought to be certified by the relevant agency Minister under paragraph 200.211(1A)(b) or 201.211(1A)(b):
 - (i) within six months of ceasing employment; or
 - (ii) in the case of a locally engaged employee who has ceased employment on or after 1 January 2012, before 30 June 2013; or
 - (iii) where the relevant agency Minister is satisfied that exceptional circumstances exist – at any time.

This instrument, IMMI 12/127, commences on 1 January 2013.

Dated 14 December 2012

CHRIS BOWEN
Minster for Immigration and Citizenship

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locally Engaged Staff at the Embassy, s. 22

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Locally Engaged Staff (LES) visa program

- Since 12 December 2012, Locally Engaged Staff in Australian Embassies, who believe they are at significant risk of harm, can apply for protection through the Refugee and Humanitarian visa programs
 - each application is considered on its merits.

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Background

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Locally Engaged Staff visa program:

Since the commencement of the Australian Government's LES Refugee and Humanitarian Visa program, 1,200 visas have been granted to LES and their family members. Around 90 per cent of these visas have been granted to LES employed by Defence. Currently ^{s.47F} DFAT LES have submitted applications for certification by the Foreign Minister that are currently pending approval. More applications are expected.

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Locally Engaged Staff at the Embassy, s. 22

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Locally Engaged Staff (LES) visa program

- The safety of Australian Embassy staff in Afghanistan, including LES, is a high priority for the Government.
- Australia offers humanitarian visas to eligible LES at risk of harm due to their employment in support of Australia's mission in Afghanistan
 - each application is considered on its individual merits.
- LES are aware of the mechanism by which they can apply for the humanitarian visa program, and a small number of LES have applied.

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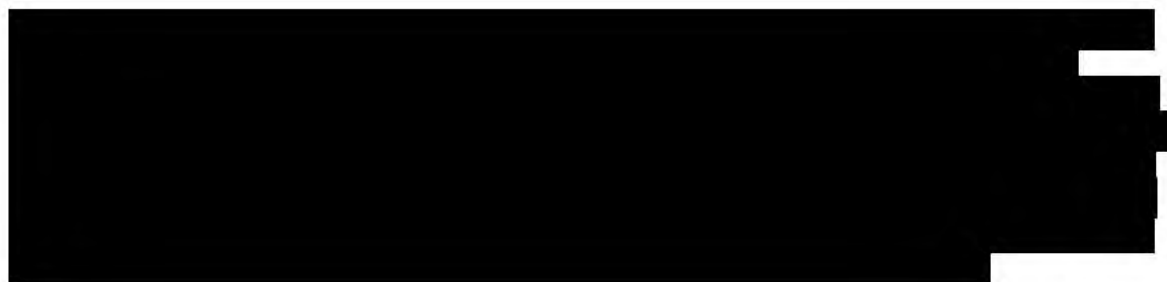
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Locally Engaged Staff visa program:

Since the commencement of the Australian Government's LES Refugee and Humanitarian Visa program, 1,200 visas have been granted to LES and their family members. Around 83 per cent of these visas have been granted to LES employed by Defence. Currently s47F DFAT LES have submitted applications for certification by the Foreign Minister. They are currently pending approval. More applications are expected.

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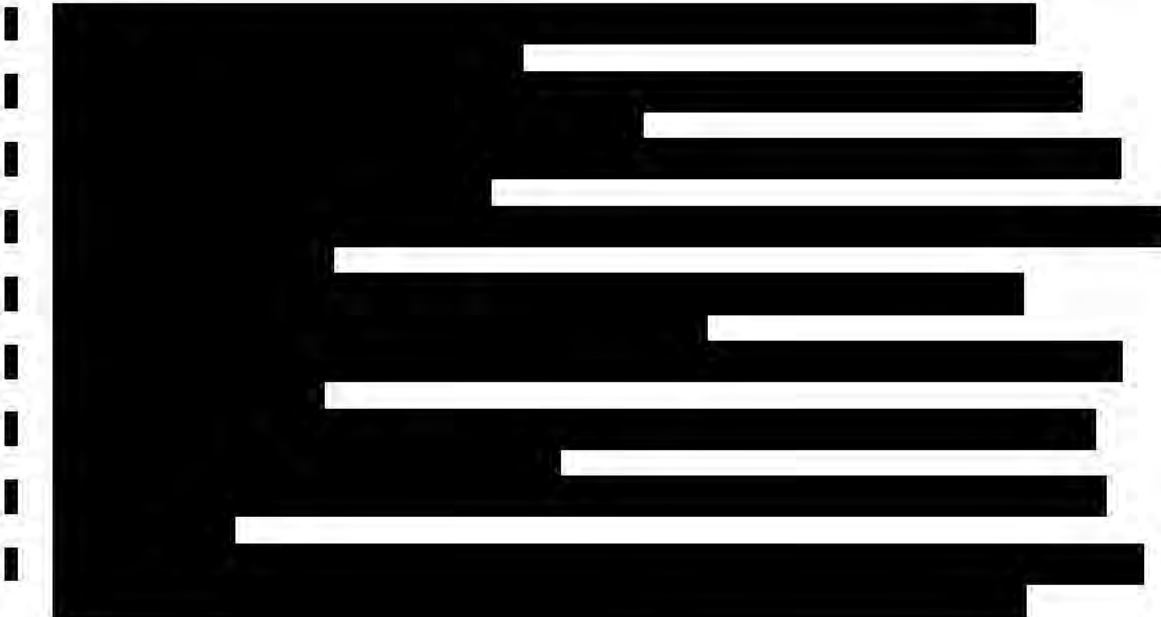
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Locally Engaged Staff at the Embassy, s. 22

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COVID-19 crisis, and regional tensions. The two parties to the negotiations have
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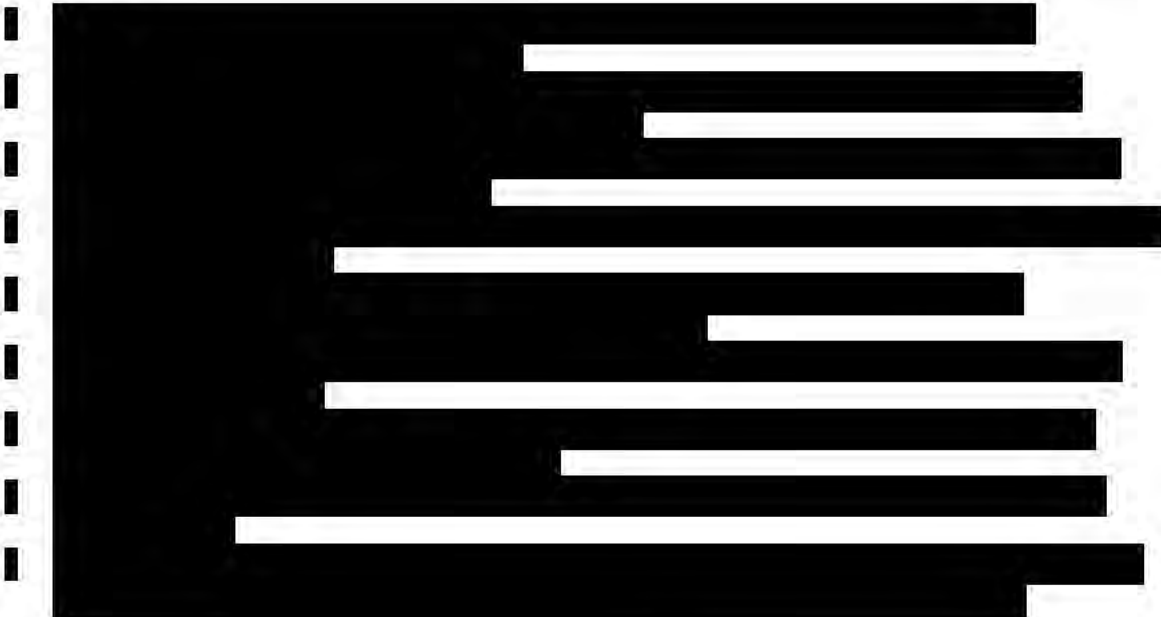
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locally Engaged Staff at the Embassy, s. 22

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Locally Engaged Staff visa program:

Since the commencement of the Australian Government's LES Refugee and Humanitarian Visa program, around 1,400 visas have been granted to LES and their family members. Over 85 per cent of these visas have been granted to LES employed by Defence. On 24 May, the Foreign Minister certified ^{s47F} LES, who may now apply for visas. Since 19 May, a further ^{s47F} applications have been received, with over 60 application forms sent to DFAT LES, contractors, and guards. More applications are expected.

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Locally Engaged Staff at the Embassy, s. 22

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Locally Engaged Staff (LES) visa program

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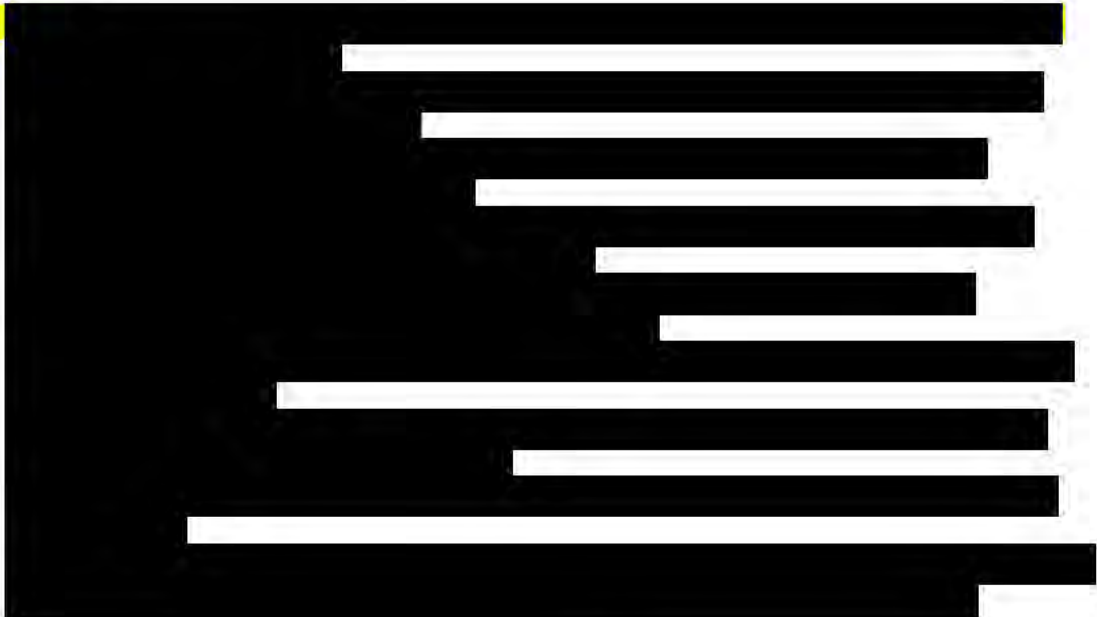



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Locally Engaged Staff (LES) visa program, s. 22

Locally Engaged Staff (LES) visa program

- The safety of Australian Government staff in Afghanistan, including Locally Engaged Staff (LES), is a priority for the Government, as mandated by WHS legislation
 - we also recognise our moral obligation to current and former Afghan LES who have supported Australia.
- Since 2013, Australia has offered humanitarian visas to eligible LES at risk of harm due to their employment in support of Australia's mission in Afghanistan
 - the visa policy is a whole of government initiative
 - each application on a case by case basis
 - Australian Government has granted around 1,400 visas of this type to LES and their families from a range of agencies since 2013.
- Whole of government efforts are underway to ensure LES who have been granted visas are able to travel to Australia
 - the Australian Government is working swiftly to ensure each case is considered and those at risk of harm who meet visa requirements are resettled to Australia as soon as possible.
- There are 203 individuals with approved humanitarian visas who are ready to travel and awaiting resettlement.
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program
 - under the policy, applicants must first be certified by the relevant Minister as being at significant risk of harm as a result of their employment or support to Australia's mission.
- Certified LES, including contractors, may apply to the Department of Home Affairs for a humanitarian visa

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- applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
- **if asked:** we have indicated that contracted employees, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
- There are 203 individuals with approved humanitarian visas that are ready to travel and awaiting resettlement
 - the Department of Home Affairs has existing mechanisms in place to resettle LES who have been granted humanitarian visas
 - this may include evacuation flights if commercial flights are not available
 - Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements
 - some uplift arrangements are being managed through the International Organization for Migration.
- The security situation in Afghanistan remains uncertain
 - the visa program has been in place since 2013 due to the longstanding threat against LES and their families
 - some LES have received threats in the form of “night letters” over a long period of time – we do not doubt the seriousness of their situation
 - the Australian Government is working swiftly to ensure each case is considered and those at risk of harm who meet visa requirements are resettled to Australia as soon as possible.

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Locally Engaged Staff visa program:

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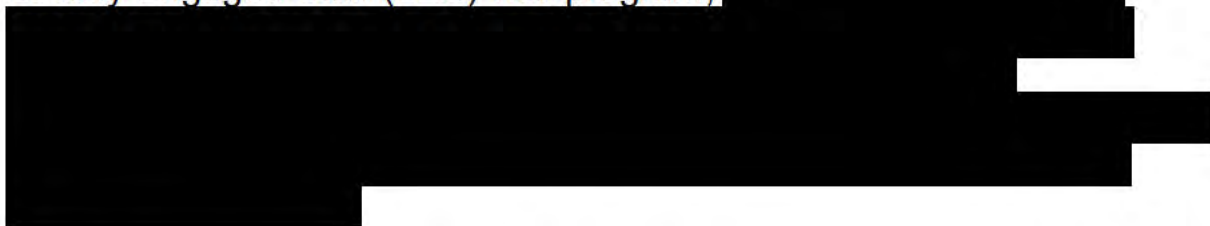


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Locally Engaged Staff (LES) visa program, s. 22



Locally Engaged Staff (LES) visa program

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- There are over 200 individuals with approved humanitarian visas who are ready to travel and awaiting resettlement.
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program.
- Certified individuals may apply to the Department of Home Affairs for a humanitarian visa
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - **if asked:** we have indicated that contracted employees, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.

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- Questions regarding the visa application process and resettlement arrangements should be referred to the Department of Home Affairs.

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Locally Engaged Staff visa program

There has been substantial media interest in the welfare of Afghan LES and efforts to expedite the resettlement of LES and their families in Australia. The visa program has been in place since 2013 due to the longstanding threat against LES and their families. Over 85 per cent of these visas have been granted to LES employed by Defence. On 24 May, the Foreign Minister certified ^{s47F} LES, who may now apply for visas. Since 19 May, over ^{s47F} applications have been received, with over 180 requests for application forms received from DFAT LES contractors, including guards. Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements.

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Locally Engaged Staff (LES) visa program

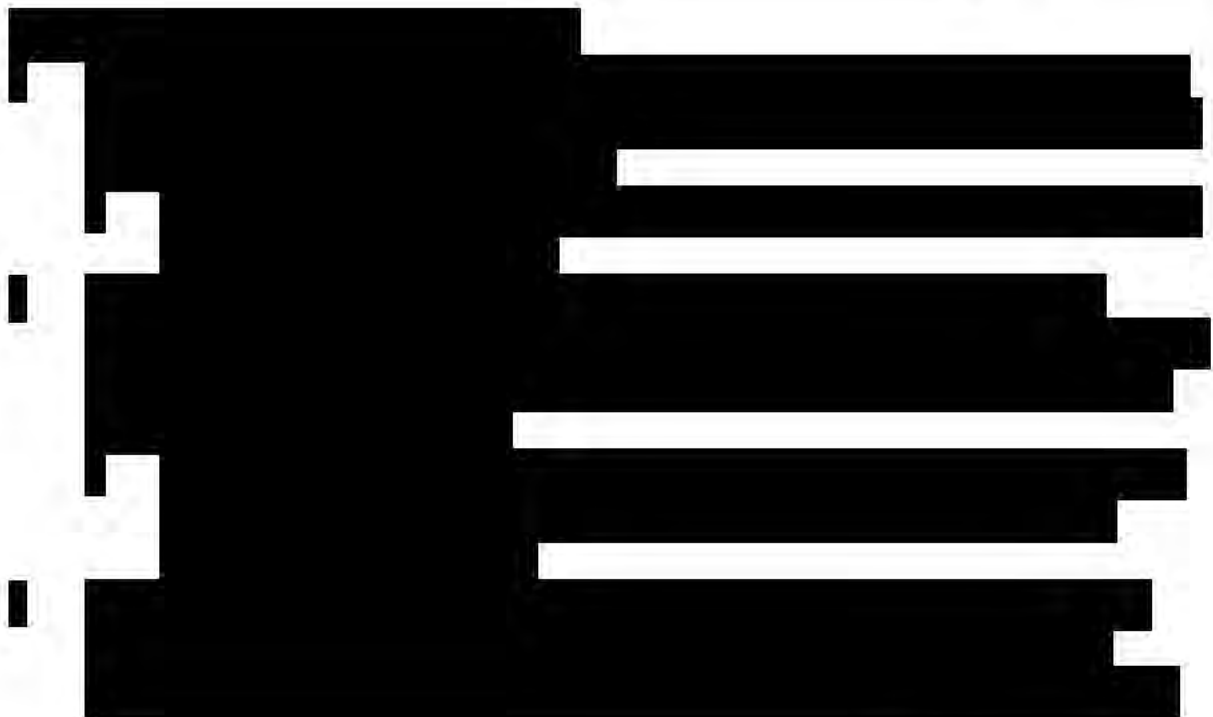
- The safety of Australian Government staff in Afghanistan, including Locally Engaged Staff (LES), is a priority for the Government.
- Since 2013, Australia has offered humanitarian visas to eligible LES at risk of harm due to their employment in support of Australia's mission in Afghanistan
 - the visa policy is a whole of government initiative
 - each application on a case by case basis
 - Australian Government has granted over 1,400 visas of this type to LES and their families from a range of agencies since 2013.
- Whole-of-government efforts are underway to ensure LES who have been granted visas are able to travel to Australia
 - the Australian Government is working swiftly to ensure each case is considered and those at risk of harm who meet visa requirements are resettled to Australia as soon as possible.
- There are approximately 200 individuals with approved humanitarian visas who are ready to travel and awaiting resettlement
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program.
- Certified individuals may apply to the Department of Home Affairs for a humanitarian visa
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - **if asked:** we have indicated that contracted employees, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
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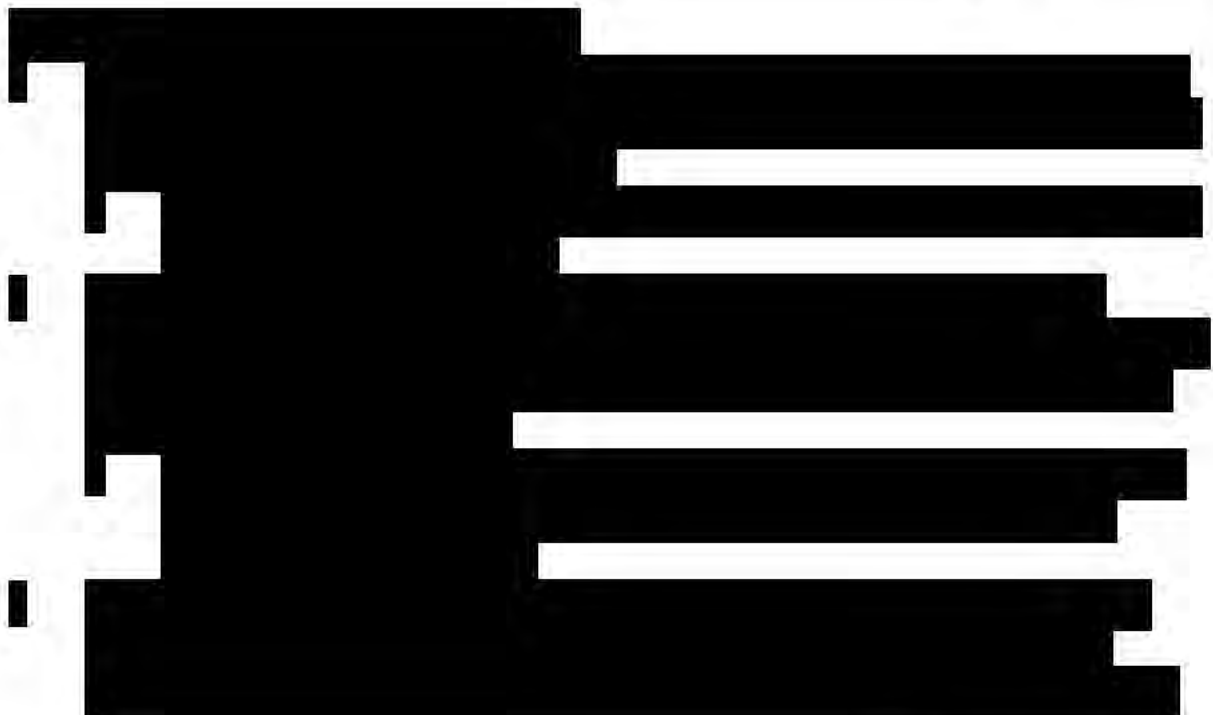
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 - each application is considered on a case by case basis
 - Australian Government has granted over 1,400 visas of this type to LES and their families from a range of agencies since 2013.
- Whole-of-government efforts are underway to ensure LES who have been granted visas are able to travel to Australia
 - the Australian Government is working swiftly to ensure each case is considered and those at risk of harm who meet visa requirements are resettled to Australia as soon as possible.
- There are approximately 200 individuals with approved humanitarian visas who are ready to travel and awaiting resettlement
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program.
- Certified individuals may apply to the Department of Home Affairs for a humanitarian visa
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - **if asked:** we have indicated that contracted employees, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
- Questions regarding the visa application process and resettlement arrangements should be referred to the Department of Home Affairs.

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Locally Engaged Staff visa program

There has been substantial media interest in the welfare of Afghan LES and efforts to expedite the resettlement of LES and their families in Australia. The visa program has been in place since 2013 due to the longstanding threat against LES and their families. Over 85 per cent of these visas have been granted to LES employed by Defence. On 24 May, the Foreign Minister certified ^{s47F} LES, who may now apply for visas. Since 19 May, over 200 requests for application forms have been received and sent, of this number over ^{s47F} have applied for certification. Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements.

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AFGHANISTAN

ISSUES

Locally Engaged Staff (LES) visa program, s. 22

Locally Engaged Staff (LES) visa program

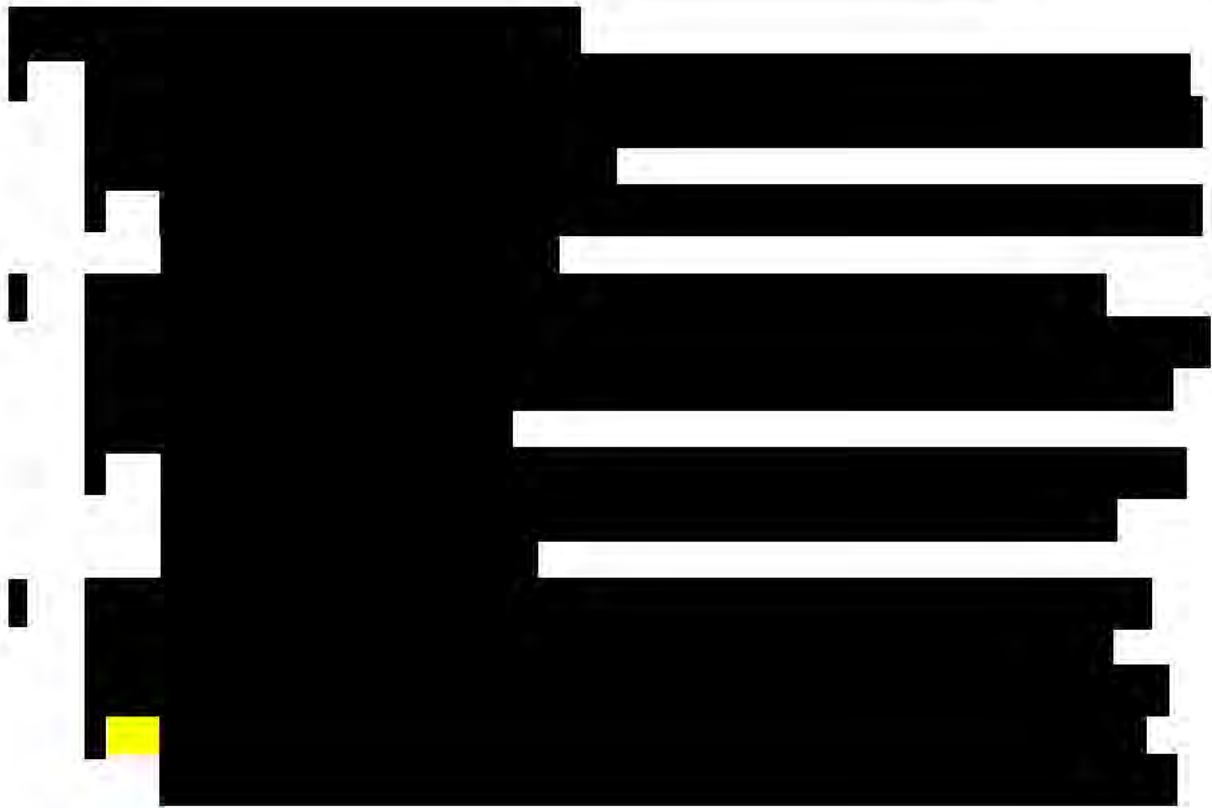
- The safety of Australian Government staff in Afghanistan, including Locally Engaged Staff (LES), is a priority for the Government.
- Since 15 April, over 150 visas have been granted to Afghan LES and their families under Australia's humanitarian visa policy, which has been in place since 2013
 - each application must be certified by the relevant Minister before eligible LES can apply to the Department of Home Affairs, with applications considered on a case by case basis
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program
 - the Australian Government has granted over 1,400 visas of this type to LES and their families at risk of harm due to their employment in support of Australia's mission in Afghanistan from a range of agencies since 2013
 - **if asked:** we have indicated that employees contracted through service-providers, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
- There are approximately 200 individuals with approved humanitarian visas whose travel is being arranged as a high priority
 - we are working to ensure this process occurs swiftly, including arranging travel exemptions and mandatory quarantine arrangements, to ensure those at risk of harm who meet visa requirements are resettled to Australia as soon as possible
 - approved LES and their families are arriving in Australia.
- Questions regarding the visa application process and resettlement arrangements should be referred to the Department of Home Affairs.

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Background

Locally Engaged Staff visa program

There has been substantial media interest in the welfare of Afghan LES and efforts to expedite the resettlement of LES and their families in Australia. The visa program has been in place since 2013 due to the longstanding threat against LES and their families. Over 85 per cent of these visas have been granted to LES employed by Defence.

On 24 May, the Foreign Minister certified ^{s.47F} LES, who may now apply for visas. Since 19 May, over 200 requests for application forms have been received and sent, of this number over ^{s.47F} have applied for certification. Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements.

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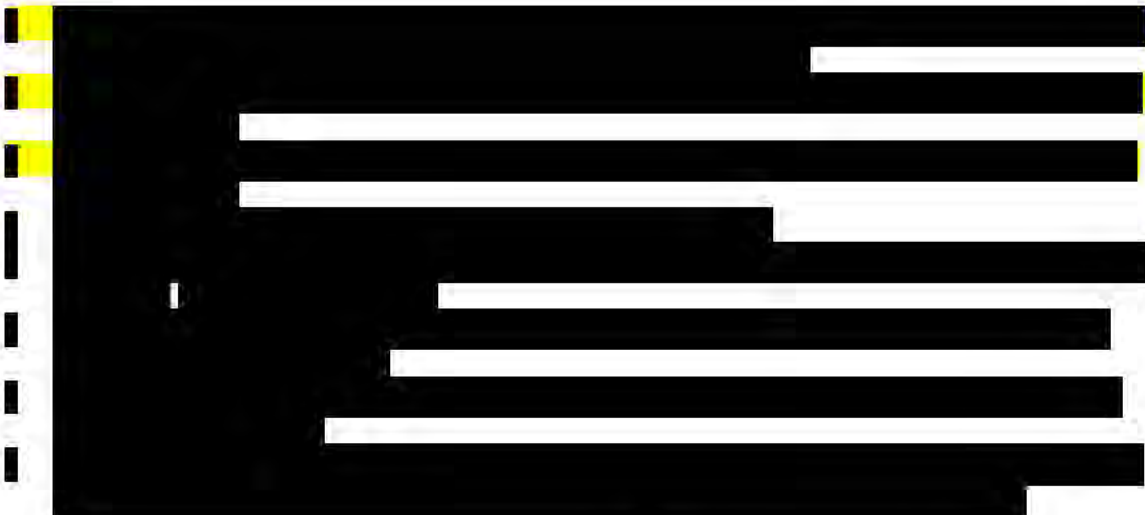


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DRAWDOWN OF AUSTRALIAN EMBASSY IN KABUL ISSUES

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If Asked: Is Australia abandoning its Locally Engaged Staff?

- The safety of Australian Government staff in Afghanistan, including Locally Engaged Staff (LES), is a priority for the Government.
- Since 15 April, **over 400** visas have been granted to Afghan LES and their families under Australia's humanitarian visa policy, which has been in place since 2013
 - each application must be certified by the relevant Minister before eligible LES can apply to the Department of Home Affairs, with applications considered on a **case-by-case** basis
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program
 - the Australian Government has granted over **1,600** visas of this type to LES and their families at risk of harm due to their employment in support of Australia's mission in Afghanistan **with** a range of agencies since 2013
 - **if asked**: we have indicated that employees contracted through service-providers, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
- There are **over 100** individuals with approved humanitarian visas whose travel is being arranged as a high priority

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- we are working to ensure this process occurs swiftly, including arranging travel exemptions and mandatory quarantine arrangements, to ensure those at risk of harm who meet visa requirements are resettled to Australia as soon as possible
- approved LES and their families are arriving in Australia.
- Questions regarding the visa application process and resettlement arrangements should be referred to the Department of Home Affairs.

s. 22

Background

s. 22

There has been substantial media interest in the welfare of Afghan LES and efforts to expedite the resettlement of LES and their families in Australia. The visa program has been in place since 2013 due to the longstanding threat against LES and their families. Over 85 per cent of these visas have been granted to LES employed by Defence. Since 24 May, you (Senator Payne) have certified ^{947F} LES. Between 21 June and 26 July, 261 individuals (LES and their families) with visas have travelled to Australia. Since May this year, over 200 requests for application forms have been received and sent, of this number almost all have applied for certification. Further Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements.

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DRAWDOWN OF AUSTRALIAN EMBASSY IN KABUL ISSUES

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If Asked: Is Australia abandoning its Locally Engaged Staff?

- The safety of Australian Government staff in Afghanistan, including Locally Engaged Staff (LES), is a priority for the Government.
- Since 15 April, over 500 visas have been granted to Afghan LES and their families under Australia's humanitarian visa policy, which has been in place since 2013
 - each application must be certified by the relevant Minister before eligible LES can apply to the Department of Home Affairs, with applications considered on a case-by-case basis
 - applications are assessed against their merits, and must meet health, character and national security requirements before a visa can be granted
 - all LES have been made aware of the mechanism by which they can apply for the humanitarian visa program
 - the Australian Government has granted over 1,700 visas of this type to LES and their families at risk of harm due to their employment in support of Australia's mission in Afghanistan with a range of agencies since 2013
 - **if asked:** we have indicated that employees contracted through service-providers, including Embassy guards, can make an application. The decision on certification is ultimately for the relevant Minister.
- There over 140 individuals with approved humanitarian visas whose travel is being arranged as a high priority

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- we are working to ensure this process occurs swiftly, including arranging travel exemptions and mandatory quarantine arrangements, to ensure those at risk of harm who meet visa requirements are resettled to Australia as soon as possible
- approved LES and their families are arriving in Australia.
- Questions regarding the visa application process and resettlement arrangements should be referred to the Department of Home Affairs.

s. 22

Background

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There has been substantial media interest in the welfare of Afghan LES and efforts to expedite the resettlement of LES and their families in Australia. The visa program has been in place since 2013 due to the longstanding threat against LES and their families. Over 85 per cent of these visas have been granted to LES employed by Defence. Since 24 May, you (Senator Payne) have certified^{647F} LES. Between 1 June and 9 August, 386 individuals (LES and their families) with visas travelled to Australia. Since 19 May this year, over 400 requests for application forms have been received and sent, of this number over 300 have applied for certification. DFAT continues to receive requests for application forms and applications. Further Afghan LES and their families who have been granted visas will travel to Australia when the Government is able to secure a travel path for them, including arranging travel exemptions and mandatory quarantine arrangements.

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Exempt in full - s.34(1)(c)

PAGES 70-88 (incl) - EXEMPT IN FULL - s. 34(1)(c)



Australian Government
Department of Foreign Affairs and Trade

Ministerial Submission

MS21-100216
Cleared: Ian Biggs
20 May 2021

FOR: Senator the Hon Marise Payne

Action Requested By: 20 May 2021

Reason for Urgency: s. 34(3)



AFGHANISTAN: VISA CERTIFICATION FOR AT-RISK LOCALLY ENGAGED EMPLOYEES

Key Issues: s. 34(1)(c); 34(2) [Redacted] [Redacted] [Redacted] This submission recommends certification decisions by you on the existing applications of ^{s47F} Afghans under the Australian LES visa policy. s. 47C [Redacted] s. 34(3), 47C [Redacted]	
Recommendation: That you: <ul style="list-style-type: none"> a) s. 34(1)(c); 34(2) [Redacted] [Redacted] [Redacted] b) Agree to certify ^{s47F} applicants listed in Part One of Attachment A as eligible under the visa policy for at-risk Afghan employees. c) Agree not to certify ^{s47F} applicants listed in Part Two of Attachment A under the visa policy for at-risk Afghan employees. 	Decision: s. 47C [Redacted] s47C [Redacted]
s. 22 [Redacted] [Redacted] [Redacted] [Redacted] s. 22 Action: [Redacted]	
Marise Payne 24/05/2021	
From: Ian Biggs, NSD - Afghanistan and Regional Branch s. 22	Contact: s. 22 s. 22
Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable If the proposal is high risk/high value (over \$100m) Has the concept been approved by the Aid Governance Board? Not Applicable	
Consultation: Australian Embassy Kabul, Home Affairs, Defence (IP DiV)	



Background:

s. 34(1)(c); 34(2); 34(3)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. This Ministerial Submission asks you to make decisions on cohort 3 – those who have made applications but who have not yet been certified by you, which is a necessary step before vetting by the Department of Home Affairs (identity, character and health checks), after which humanitarian visas may be issued.

3. The LES visa program is a part of the Humanitarian visa program. In order for a DFAT LES to obtain a visa, the Foreign Minister must first certify, in accordance with the legislative instrument (**Attachment B**), that the LES is an employee of DFAT (or has been within in six months of applying for certification), and is at significant risk of harm due to employment with the Embassy. (The six-month limitation can be waived in exceptional circumstances.)

s. 22

[REDACTED]

5. s. 42

[REDACTED]

There is also a community expectation that we will assist those who have assisted us in our mission in Afghanistan. s. 47E(c); 47E(d)

s. 34(3)

s. 47E(c); 47E(d)

6. Since 2013, more than 1200 Afghans have been granted visas under the policy. The overwhelming majority have been Defence locally engaged employees and their families. Since 2013, successive Ministers for Foreign Affairs have certified ^{s. 47F} DFAT LES as eligible for the program, resulting in a total of 215 visas, including families. Forty applicants have been refused certification, based on DFAT's assessment that they do not meet the criteria for resettlement.

s. 22

[REDACTED]

DFAT has responded to media enquiries about the LES program, s. 47C



Ministerial Submission

MS21-100267

Cleared: Ian Biggs

17 June 2021

FOR: Senator the Hon Marise Payne

Action Requested By: 25 June 2021

Reason for Urgency: LES at risk



Afghanistan: Visa certification for at-risk locally engaged staff

Key Issues: s. 34(3) [REDACTED] [REDACTED] [REDACTED] This submission recommends certification decisions by you on the applications of s47F Afghans under the Australian LES visa policy. s. 47C [REDACTED] [REDACTED]	
Recommendation: That you: a) Agree to certify s47F applicants listed in Part One of Attachment A as eligible under the visa policy for at-risk Afghan employees. b) s47C and s47F [REDACTED] [REDACTED] [REDACTED]	Decision: s47C [REDACTED]
s. 22 [REDACTED] [REDACTED] [REDACTED] s. 22 [REDACTED] s47C [REDACTED]	
Marise Payne 21/06/2021	
From: Ian Biggs, NSD - Afghanistan and Regional Branch s. 22 [REDACTED]	Contact: s. 22 [REDACTED] s. 22 [REDACTED]
Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable Consultation: Australian Embassy Kabul, Home Affairs, Defence (IP DIV)	



Background:

ss. 34(2) and 34(3)

2. This Ministerial Submission asks you (Minister Payne) to make decisions on s47F applications for certification, which is a necessary step before vetting by the Department of Home Affairs (identity, character and health checks), after which humanitarian visas may be issued. s47C and s47F

3. Following the 21 May notification of the closure of the Embassy, s. 47E(d) we indicated on 27 May that we would receive applications s. 47E(d) at the Embassy for the humanitarian visa program, for assessment against the criteria on a case-by-case basis. s. 42 Since 19 May 2021, the Department has received over 180 requests for application forms and over s47F applications have been submitted s. 47C. Of the applications submitted, approximately three quarters were incomplete. These applicants have been contacted by e-mail and asked to provide further information to substantiate their claims. We will conduct a further assessment of these applicants and return to you (Minister Payne) with recommendations.

4. The LES visa program is a part of the Humanitarian visa program. In order for a DFAT LES to obtain a visa, the Foreign Minister must first certify, in accordance with the legislative instrument (**Attachment B**), that the LES is an employee of DFAT (or has been within six months of applying for certification), and is at significant risk of harm due to employment with the Embassy. (The six-month limitation can be waived in exceptional circumstances.)

s. 22

s. 47C: 47E(d)

6. Since 2013, more than 1400 Afghans have been granted visas under the policy. The overwhelming majority have been Defence locally engaged employees and their families. Since 2013, successive Ministers for Foreign Affairs have certified s47F DFAT LES (including interpreters) as eligible for the program, resulting in a total of 215 visas, including families. s47F applicants have been refused certification, based on DFAT's assessment that they did not meet the criteria for resettlement.

s. 22

DFAT has responded to parliamentary questions, media enquiries, and FOI requests about the LES program.

18 MAR 12 12



Commonwealth of Australia

Migration Regulations 1994

CLASS OF PERSONS

(Paragraphs 200.211(1A)(a) and 201.211(1A)(a))

I, **CHRIS BOIVEN**, Minister for Immigration and Citizenship, acting under paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations'), having consulted as required under subclauses 200.211(1B) and 201.211(1B):

1. REVOKE Instrument Number IMMI 09/027 signed on 8 May 2009, specifying classes of persons for paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the Regulations; AND
2. SPECIFY all non-citizens who have been assessed to be at significant risk of harm as a result of their employment with:
 - (a) the Department of Foreign Affairs and Trade (DFAT) in the Australian Embassy in Baghdad in Iraq since 1 May 2003; or
 - (b) between 17 March 2003 and 15 May 2009:
 - (i) were employed in a private civilian capacity by the Australian Defence Force (ADF) in Iraq; or
 - (ii) were employed or worked collaboratively in a private civilian capacity with the Australian Defence Force in Iraq with the:
 - (i) Overwatch Battle Group (West); or
 - (ii) Australian Army Training Team
 and who have:
 - (iii) ceased employment with, or who have ceased working collaboratively with, the Australian Defence Force; and
 - (iv) sought certification from the Minister of Defence on or before 15 May 2009; and
 - (v) who have applied for a class XB (Refugee and Humanitarian) visa on or before 31 December 2009; or who
 - (c) any time after 15 May 2009 have been employed in a private civilian capacity in the Australian Defence Force in Iraq
 as a class of persons for the purposes of subclauses 200.211(1A) and 201.211(1A).

3. SPECIFY that for the purpose of subclauses 200.211(1A) and 201.211(1A) a class of persons are all non-citizens employed with the Department of Foreign Affairs and Trade (DFAT), the Australian Defence Force (ADF), the Australian Agency for International Development (AusAID) or the Australian Federal Police (AFP):
- (a) who have been assessed as being at significant individual risk of harm as a result of their support to Australia's whole of Government mission in Afghanistan due to their role, location, employment period and currency of employment; including:
 - (i) interpreters in Uruzgan Province in positions funded by DFAT; or
 - (ii) interpreters or instructors employed with the ADF or AFP; or
 - (iii) project, facilities management and advisory staff in the Provincial Reconstruction Team in Uruzgan on behalf of AusAID and/or DFAT; or
 - (iv) a person who is able to satisfy the relevant agency Minister that exceptional circumstances exist for that Minister to certify that the non-citizen is in that class of persons; and
 - (b) are not, or were not, an Afghan government or military official or employed in a private security capacity; and
 - (c) are not nationals or citizens of another country other than Afghanistan; and
4. A class of persons under paragraph 3 must have sought to be certified by the relevant agency Minister under paragraph 200.211(1A)(b) or 201.211(1A)(b):
- (i) within six months of ceasing employment; or
 - (ii) in the case of a locally engaged employee who has ceased employment on or after 1 January 2012, before 30 June 2013; or
 - (iii) where the relevant agency Minister is satisfied that exceptional circumstances exist – at any time.

This instrument, IMMI 12/127, commences on 1 January 2013.

Dated 14 December 2012

CHRIS BOWEN
Minister for Immigration and Citizenship



Australian Government
Department of Foreign Affairs and Trade

Ministerial Submission



MS21-100300
Cleared:

FOR: Senator the Hon Marise Payne -

Action Requested By: 15 July 2021

Reason for Urgency: s. 34(3)

AFGHANISTAN: Visa Certification for at-risk locally engaged employees

Key Issues: s. 34(2); 34(3)

This submission recommends certification decisions by you on s47F Afghans under the Australian LES humanitarian visa policy, who have applied since 15 May 2021. s. 47C

Recommendation:

That you:

- Agree to certify s47F applicants listed in Part One of Attachment A as eligible under the visa policy for at-risk Afghan employees.
- Agree not to certify s47F applicants listed in Part Two of Attachment A under the visa policy for at-risk Afghan employees.
- Note that we will provide you with advice on further new applicants as soon as their applications have been assessed.

Decision:

s47C

s. 22

s. 22

Action:

Marise Payne

01/07/2021

From: Gary Cowan, FAS NSD

s. 22

Contact: s. 22

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable
if the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Diplomatic Security Division, SAO Kabul Post



Background:

s. 34(2), 34(3)

2. This Ministerial Submission asks you (Minister Payne) to make decisions on ^{s47F} applications for certification. This is a necessary step before applicants can apply for a humanitarian visa with the Department of Home Affairs, where applicants undergo further vetting (identity, character and health checks). After completion of the vetting process a humanitarian visa can be granted.

3. In order for a DFAT LES to obtain a visa, you (Minister Payne) must first certify, in accordance with the legislative instrument (Attachment B), that the staff member is employed with DFAT (or has been within six months of applying for certification), and is at significant individual risk of harm due to their employment with the Embassy. The six-month limitation can be waived in exceptional circumstances.

4. Following the 21 May notification of the closure of the Embassy ^{s. 47E(d)}

^{s. 47E(d)} we indicated that we would receive applications from ^{s. 47E(d)} at the Embassy for the humanitarian visa program, for assessment against the criteria on a case-by-case basis. ^{s. 47C; 47E(d)}

^{s. 47E(d)} As of 30 June 2021 (and since 15 May), DFAT had received over ^{s47F} applications. This number is likely to increase. Over 260 people have made enquiries. Some submitted applications are not ready to be considered by you because of incomplete information. These applicants have been contacted by e-mail and asked to provide further information to substantiate their claims. We will conduct a further assessment of these applicants and return to you (Minister Payne) with recommendations.

5. We recommend ^{s47F} of the applications in Part One of Attachment A to be certified as eligible in line with the *Migration Regulations* 1994, the Legislative Instrument IMMI 12/127 ^{s42, s47C and s47E(d)} ^{s42, s47C and s47E(d)} ^{s47F} of the applications in Part Two of Attachment A are considered ineligible under the *Migration Regulations* 1994, Legislative Instrument IMMI 12/127.

^{s47C, s47E(d) and s47F}

^{s22}

^{s47C, s47E(d) and s47F}

^{s42, s47C and s47E(d)}



s47C, s47E(d) and s47F



s. 22



PAGES 99 - 103 (incl) - removed - s22(1)(a)(ii)

Exercise of Ministerial Discretion under Migration Regulations 1994**CLASS OF PERSONS****(IMMI 12/127 – CLASS OF PERSONS)**

I, *MARISE PAYNE*, Minister for Foreign Affairs and Minister for Women, acting under IMMI 12/127 (Class of Persons) of the Migration Regulations 1994, having received advice from the Department of Foreign Affairs and Trade on the certification of certain individuals:

1. EXERCISE my Ministerial discretion under Section 3(a)(iv) and Section 4(iii) that I am satisfied exceptional circumstances exist for the following named individuals:

s47F



Dated 09 July 2021

s22



MARISE PAYNE

Minister for Foreign Affairs and Minister for Women



Ministerial Submission

MS21-100300

Cleared: Christian Hurst

20 July 2021

FOR: Senator the Hon Marise Payne

Action Requested By: 23 July 2021

Reason for Urgency: s. 34(3)



*Note
duplication
of s.b.
number
has been
raised with
Dept*

AFGHANISTAN: Visa Certification for at-risk locally engaged employees

Key Issues: s. 34(2); 34(3)

This submission recommends certification decisions by you on ^{s47F} Afghans under the Australian LES humanitarian visa policy, who have applied since 15 May 2021. s. 34(2); 34(3)

Recommendation:

That you:

- a) Agree not to certify ^{s47F} applicants listed in **Attachment A** under the visa policy for at-risk Afghan employees.

s47C. s47E(d)

- c) Note that we will provide you with advice on further new applicants as soon as their applications have been assessed.

- d) Note that we are reassessing previously rejected applications in order to ascertain if some can be considered eligible under the current circumstances.

Decision:

s47C

Noted

s. 22

LES.

Action:

s. 22

Marise Payne

17/08/2021

s47C

s. 22

s. 22

From: Christian Hirst, A/g FAS NSD

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Diplomatic Security Division, SAO Kabul Post



Ministerial Submission

FOR: Senator the Hon Marise Payne

Action Requested By: 10 July 2021

Reason for Urgency: s. 34(3)

AFGHANISTAN: Visa Certification for at-risk locally engaged employees

Key Issues: s. 34(2); 34(3)

This submission recommends certification decisions by you on 80 Afghans under the Australian LES humanitarian visa policy, who have applied since 15 May 2021. s. 47C

Recommendation:

That you:

- a) Agree to certify s47F applicants listed in Part One of **Attachment A** as eligible under the visa policy for at-risk Afghan employees.
- b) Agree not to certify s47F applicants listed in Part Two of **Attachment A** under the visa policy for at-risk Afghan employees.
- c) Note that we will provide you with advice on further new applicants as soon as their applications have been assessed.

Decision:

s47C

s. 22

Marise Payne

07/08/2021

From: Gary Cowan, FAS NSD

Contact: s. 22

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Diplomatic Security Division, SAO Kabul Post



Background:

s. 34(2); 34(3)

2. This Ministerial Submission asks you (Minister Payne) to make decisions on 81 applications for certification. This is a necessary step before applicants can apply for a humanitarian visa with the Department of Home Affairs, where applicants undergo further vetting (identity, character and health checks). After completion of the vetting process, a humanitarian visa can be granted.

3. In order for a DFAT LES to obtain a visa, you (Minister Payne) must first certify, in accordance with the legislative instrument (**Attachment B**), that the staff member is employed with DFAT (or has been within six months of applying for certification), and is at significant individual risk of harm due to their employment with the Embassy. The six-month limitation can be waived in exceptional circumstances.

4. Following the 21 May notification of the closure of the Embassy, s. 47E(d) we indicated that we would receive applications from s. 47E(d) at the Embassy for the humanitarian visa program, for assessment against the criteria on a case-by-case basis. s. 47C; 47E(d)

Between 15 May and 9 July 2021, DFAT received over 200 applications. This number is likely to increase. Over 350 people have made enquiries. Some submitted applications are not ready to be considered by you because of incomplete information. These applicants have been contacted by e-mail and asked to provide further information to substantiate their claims. We will conduct a further assessment of these applicants and revert to you (Minister Payne) with recommendations.

5. We recommend s47F of the applications in Part One of **Attachment A** to be certified as eligible in line with the *Migration Regulations* 1994, the Legislative Instrument IMMI 12/127, s42, s47C and s47E(d) s42, s47C and s47E(d) s47F of the applications in Part Two of **Attachment A** are considered ineligible under the *Migration Regulations* 1994, Legislative Instrument IMMI 12/127.

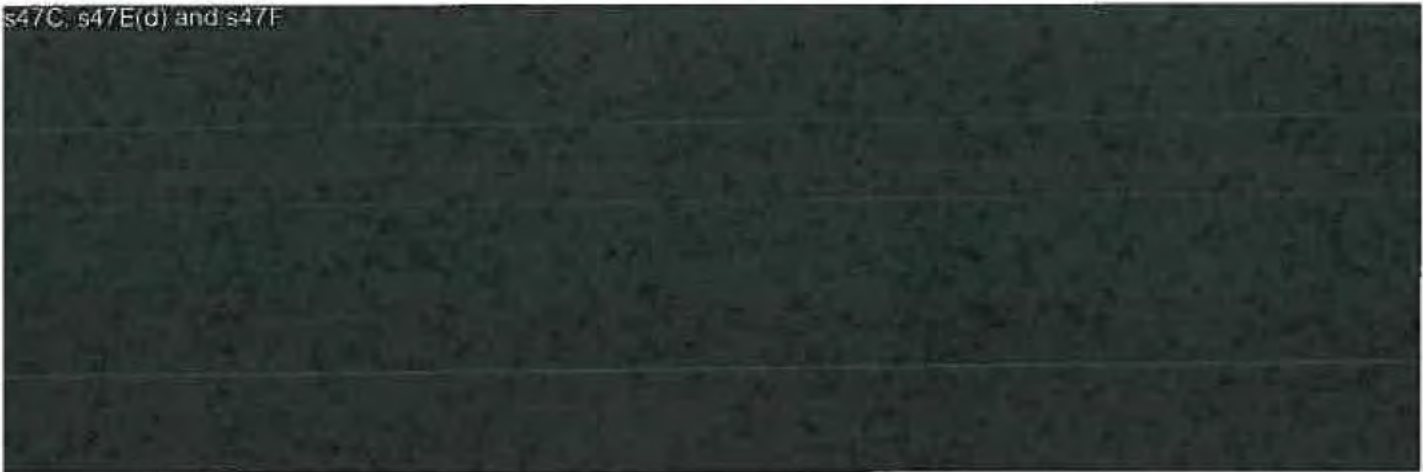
s47C, s47E(d) and s47F

s47C, s47E(d) and s47F


s42, s47C and s47E(d)



s47C, s47E(d) and s47F



s47C and s47F



s. 22





Australian Government
Department of Foreign Affairs and Trade

Ministerial Submission

MS21-100332

Cleared: Gary Cowan

30 July 2021

FOR: Senator the Hon Marise Payne

Action Requested By: 4 August 2021

Reason for Urgency: s. 34(3)



AFGHANISTAN: Visa Certification for at-risk locally engaged employees

Key Issues: s. 34(2), 34(3)

DFAT recommends certification decisions by you on s47F Afghans under the Australian LES humanitarian visa policy who have applied since 15 May 2021. s. 47C

Recommendation:

That you:

- Agree to certify s47F applicants listed in Part One of **Attachment A** as eligible under the visa policy for at-risk Afghan employees.
- Agree not to certify s47F applicants listed in Part Three of **Attachment A** under the visa policy for at-risk Afghan employees.
- Agree to apply your ministerial discretion in relation to s47F applicants listed in Part Three of **Attachment A** under paragraph 4(iii) of the visa policy for at-risk Afghan employees.
- Note that we will provide you with advice on further applicants who have applied very recently as soon as their applications have been assessed.
- Note that we are re-checking previously rejected applications in order to ascertain if some can be considered eligible under the current circumstances.

Decision:

s47C

s. 22

Action:

s. 22

Marise Payne

07/08/2021

s. 22

From: Gary Cowan, FAS NSD

s. 22

Contact: s. 22

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable
If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Diplomatic Security Division, former SAO Kabul Post



Background:

s. 34(2), 34(3)

2. This Ministerial Submission asks you (Minister Payne) to make decisions on sixty-eight (68) applications for certification. This is a necessary step before applicants can apply for a humanitarian visa with the Department of Home Affairs, where applicants undergo further vetting (identity, character and health checks). After completion of the vetting process a humanitarian visa can be granted.

3. In order for a DFAT LES to obtain a visa, you (Minister Payne) must first certify, in accordance with the Legislative Instrument (**Attachment B**), that the staff member is employed with DFAT (or has been within six months of applying for certification), and is at significant individual risk of harm due to their employment with the Embassy. The six-month limitation can be waived in exceptional circumstances.

4. Following the 21 May notification of the closure of the Embassy, s. 47E(d) we indicated that we would receive applications from s. 47E(d) at the Embassy for the humanitarian visa program, for assessment against the criteria on a case-by-case basis. s. 47E(d); 47C

Between of 15 May and 28 July 2021, DFAT had received over 240 applications. This number is likely to increase with more having made enquiries. Some submitted applications are not ready to be considered by you because of incomplete information. These applicants have been contacted by e-mail and asked to provide further information to substantiate their claims, including in Dari or Pashto if they wish. We will conduct a further assessment of these applicants and revert to you (Minister Payne) with recommendations.

5. We recommend s47F of the applications in Part One of **Attachment A** to be certified as eligible in line with the *Migration Regulations* 1994, the Legislative Instrument IMMI 12/127, s42, s47C and s47E(d). We recommend s47F applications in Part Two of **Attachment A** for your ministerial discretion under provision 4(iii) in IMMI 12/127. s47F of the applications in Part Two of **Attachment A** we recommend are considered ineligible under IMMI 12/127.

s47F

s47C and s47F



s22

s47C, s47E(d) and s47F

s42 and s47C

s42, s47C and s47F

s47C, s47E(d) and s47F

s47C and s47F

s47C and s47F

12. DFAT continues to assess applications s 34(3)

There remains a number of outstanding cases, including around s47F legacy cases which we are reassessing at the request of your office, under our review. We will provide you with advice on these applicants as soon as possible.



Australian Government
Department of Foreign Affairs and Trade

Ministerial Submission

MS21-100358

Cleared: Gary Cowan, FAS NSD

FOR: Senator the Hon Marise Payne
INFO:

Action Requested By: 20 August 2021

Reason for Urgency: s. 34(2); 34(3)



AFGHANISTAN: Visa Certification for at-risk locally engaged employees

Key Issues: s. 34(2); 34(3)

DFAT recommends certification decisions by you on ^{s47F} recent applications under the Australian LES humanitarian visa policy. s. 47C

Recommendation:

That you:

a) Agree not to certify ^{s47F} applicants listed in Attachment A under the visa policy for at-risk Afghan employees.

b) ^{s47C}

Decision:

^{s47C}

s. 22

Action:

Marise Payne

16/08/2021

^{s47C}

From: Gary Cowan, FAS NSD

s. 22

Contact: s. 22

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Diplomatic Security Division, former SAO Kabul Post



Background:

s. 34(2); 34(3)

his Ministerial Submission covers applications received since 15 May who have presented weak cases for certification.

2. This Ministerial Submission recommends the s47F applications for certification in **Attachment A**
s. 42; 47C; 47E(d)

3. In order for a DFAT LES to obtain a visa, you (Minister Payne) must first certify, in accordance with the Legislative Instrument (**Attachment B**), that the staff member is employed with DFAT (or has been within six months of applying for certification), and is at significant individual risk of harm due to their employment with the Embassy. The six-month limitation can be waived in exceptional circumstances.

s47C and s47F

s47C,
s47E(d)
and s47F

s42, s47C and s47F

s47C and s47F

s47C, s47E(d) and s47F

s47C and s47F



7. DFAT continues to receive certification applications daily. Some submitted applications are not ready to be considered by you because of incomplete information. Where there is a determination that addition information could lead to a recommendation for certification, applicants have been contacted by e-mail and asked to provide further information to substantiate their claims, including in Dari or Pashto is they wish. We will conduct a further assessment of these applicants and revert to you (Minister Payne) with recommendations.

s 47C





Australian Government
Department of Foreign Affairs and Trade

Ministerial Submission

MS21-100363

Cleared: Gary Cowan

16 August 2021

FOR: Senator the Hon Marise Payne

Action Requested By: 20 August 2021

Reason for Urgency: s. 34(3)



Afghanistan

Key Issues: s. 34(2); 34(3)

[REDACTED] In accordance with your Office's request, DFAT has reviewed s47F cases of refused certification for the Afghan LES program between January 2013 (when the program commenced) and May 2021. s. 47C

[REDACTED] the Department regards s47F former applicants as having potential grounds for certification by way of your (Minister Payne's) ministerial discretion under paragraph 3(a)(iv) of the Legislative Instrument IMMI 12/127.

Recommendation:

That you:

Decision:

a) s47C and s47F

b) Agree to apply your (Minister Payne's) ministerial discretion on s47F previously rejected applicants by indicating your decisions in Part One of Attachment A.

s47C

c) Note the Department is intending to invite s47F LES applicants from this cohort who provided incomplete applications to reapply.

s. 22

Action:

s47C

Marise Payne

/ /

From: Gary Cowan, FAS NSD,
s. 22

Contact: s. 22

s. 22

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: NIL



Background:

s. 34(2); 34(3)

2. This Ministerial Submission provides you (Minister Payne) an update on DFAT's review of legacy applications that were previously rejected. The Department identified ^{s47F} potential cases but reviewed ^{s47F} after excluding duplicate records and persons who subsequently migrated to Australia. ^{s. 47C}

3. Following the review process of their eligibility ^{s. 42, 47C, 47E(d)}

^{s47F} the Department has identified ^{s47F} applications that we have assessed could be considered under 'exceptional circumstances'. ^{s47F} ^{s22}
^{s47F}

4. You (Minister Payne) you may wish to exercise your powers of Ministerial discretion under 3(a)(iv) of IMMI 12/127 to (**Part One Attachment A**), noting the personal circumstances (location, contact details etc.) of certain applicants may have changed since their time of applying.

5. The Department also is intending to invite ^{s47F} applicants from this legacy cohort (**Part Two Attachment A**) to provide updated applications. ^{s47F}

^{s47F} These applicants will be contacted by e-mail and asked to re-apply for the Afghan LES Humanitarian visa program, including in Dari or Pashto if they wish.

6. The Department has judged that the remaining previously rejected ^{s47F} applications from this caseload (**Part Three Attachment A**) did not sufficiently meet the criteria to be considered eligible under IMMI 12/127, ^{s42, s47C and s47E(d)}

7. ^{s47F} It remains our assessment that the applicants would still not meet the criteria in IMMI 12/127.

Pages 117 - 124 (incl) EXEMPT IN FULL - s. 34(1)(c)