

Guidelines for Applicants to the Department of Defence (Defence) for certification under the Afghan Locally Engaged Employee (LEE) Program

These guidelines were made available to applicants to determine whether they met the certification criteria outlined in legislative instrument [IMMI12/127](#) to the Migration Regulations 1994.

The application period for this program ended at 11:59PM Australian Eastern Standard Time on 30 November 2023. We are no longer accepting applications. Defence will continue to process LEE applications received before 11:59PM Australian Eastern Standard Time on 30 November 2023.

Under the criteria, applicants must:

- not be a national or citizen of another country other than Afghanistan;
- demonstrate that you were 'employed with' the Australian Defence Force (ADF), in Afghanistan;
- demonstrate that you are currently at risk of harm as a result of that employment; and
- demonstrate that exceptional circumstances exist if you are applying more than six months after ceasing that employment.

We explain the certification criteria in more detail below.

Applying to Defence for certification under the Afghan LEE Program does not guarantee you will be certified or that you will be granted a visa to migrate to Australia.

If you are certified under the Afghan LEE Program you 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.

Afghan LEE Programs were also administered by the Department of Foreign Affairs and Trade (DFAT), the former Australian Agency for International Development (AusAID), and the Australian Federal Police (AFP).

Former application process

There were four steps to apply to Defence for certification under the Afghan LEE Program:

1. The applicant emailed afghan.lee@defence.gov.au to request an Afghan LEE Program Application Form. The applicant submits the completed application form and supporting evidence to afghan.lee@defence.gov.au. The application form was completed in English. Supporting evidence could be provided in languages other than English.
2. Defence assesses the application, which includes verifying the employment information provided by the applicant.
3. Based on assessment of the application and supporting evidence, Defence will recommend to the Minister for Defence if the applicant is eligible for certification.
4. The Minister for Defence decides whether to certify the applicant.

Applying to Defence for 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 done separately through 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. During visa processing, you will need to satisfy the health, character and security requirements that apply to all Australian visas.

Further information on how to apply for a humanitarian visa is available on the Home Affairs website.

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

Defence will manage any personal information provided by applicants under the Afghan LEE Program in accordance with the Afghan LEE Program Privacy Notice.

Certification criteria

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' the ADF.

An applicant was 'employed with' the ADF if:

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

Defence 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 the ADF, relevant factors for assessing whether they 'provided services for or on behalf of the ADF, or appeared to be working with or representing the ADF' 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 the ADF 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 the ADF; 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 services provided** – applicant provided services for a long-term and ongoing period; applicant provided services at irregular intervals over a long-term period as required by the ADF.
- **Extent of control that the ADF exercised over the project or applicant's work** – substantial direction by the ADF in the project design and delivery; direct supervision by an Australian government official; applicant was provided with documents or items that identified them as part of the ADF (such as identification cards or uniforms).
- **Work location** – applicant worked at the Australian Embassy, or another location controlled by Australia, or ADF-controlled area of a coalition base, or another location occupied by the ADF.

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

Defence assesses each application on a case-by-case basis, based on all of the applicant's 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 the ADF or demonstrate that exceptional circumstances exist for an application more than six months after ceasing employment with the ADF.

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 eligibility criteria for certification.

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

Security guards and Afghan government or military officials

Previously, under legislative instrument IMMI12/127 to the Migration Regulations, persons who are or were engaged in a private security capacity, including security guards, or who are or were an Afghan Government or military official, were ineligible for certification.

Effective 1 June 2023, the Australian Government amended legislative instrument IMMI12/127 to enable these persons eligible for certification if they meet the certification criteria explained above; including demonstrating they were employed with the ADF.

Defence is assessing any previous applications by persons who have been engaged in a private security capacity, including security guards, or who were an Afghan Government or military official.