



Australian Government
Department of Home Affairs



Australian
BORDER FORCE



Department of Home Affairs and Australian Border Force Joint Submission – Inquiry into Australia's Engagement in Afghanistan

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Introduction

This joint submission provides an overview of the Department of Home Affairs' (the Department) and Australian Border Force's (ABF) engagement with, and activities in, Afghanistan between 2001 and August 2021.

The Department of Home Affairs was established as part of the Home Affairs Portfolio in December 2017. The Department is responsible for centrally coordinated strategy and policy leadership in relation to immigration, citizenship and multicultural affairs; domestic and national security arrangements; law enforcement; emergency management; counter-terrorism; social cohesion; the protection of Australia's sovereignty; the integrity of the border; and the resilience of national infrastructure. The Department contributes to Australia's unity, security and prosperity through the management and delivery of Australia's migration, refugee and humanitarian programs.

ABF is an operationally independent body that is responsible for implementing Australia's border enforcement policies, managing frontline border law enforcement and customs activities to protect the integrity of Australia's borders. The ABF facilitates movements of legitimate trade and travel across Australia's borders.

The Australian Transaction Reports and Analysis Centre (AUSTRAC) has provided input to this submission.

The Australian Government's (the Government) air evacuation operation from Afghanistan in August 2021 was one of the largest humanitarian airlift operations in Australia's history. Between 18 and 26 August 2021 the Government evacuated over **4,100** people on 32 flights from Kabul. This included Australian citizens, permanent residents, visa holders and former locally engaged employees (LEEs) and their families. Following the formal evacuation phase, Australia has continued to facilitate the ad hoc withdrawal of smaller numbers of people. In total, more than **3,500** people have been brought from Kabul to Australia following completion of rest and recovery periods and health and security checks. The scale of what was achieved during such a short period cannot be understated.

Migration, refugee and humanitarian programs

People seeking to migrate to Australia can enter through one of two distinct programs; the Migration Program or the Humanitarian Program. The Government sets planning ceilings in the Budget process each year for people wanting to migrate permanently to Australia under these two programs.

The Migration Program

The Migration Program is open to people who wish to migrate based on their skills or relationships with family in Australia. The Migration Program, is designed to meet Australia's economic, social, demographic and labour market needs, and comprises of three key streams:

- the Skills Program, designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia
- the Family Program, predominantly made up of Partner visas, enabling Australians to reunite with family members from overseas and provide them with pathways to citizenship, and
- the Special Eligibility Program, covering visas for those in special circumstances, including permanent residents returning to Australia after a period overseas.

The Humanitarian Program

The Humanitarian Program provides permanent resettlement for refugees and people in humanitarian need, and others including their family members. Through its generous Humanitarian Program, as well as assistance provided to international bodies and governments offshore, Australia fulfils its international protection obligations and contributes to global efforts to manage the human impacts of wars and civil unrest around the world. A robust and generous managed Humanitarian Program plays a crucial role in reducing irregular migration and people smuggling.

The Humanitarian Program has two components:

- the offshore component of the program provides for the resettlement of people who are outside of Australia and subject to persecution or discrimination in their home country.
- the onshore component of the program provides for non-citizens in Australia—other than Illegal Maritime Arrivals (IMAs)—in relation to whom Australian's *non-refoulement* obligations apply and who meet other visa criteria for permanent stay in Australia.

Each year the Government sets the number of visas that may be granted under the Humanitarian Program. In 2021–22, the program has been set at a ceiling of **13,750** places. Since 1 July 2013, Australia has granted approximately **13,000** Humanitarian Program—offshore and onshore—visas to Afghan nationals. Afghanistan has historically been a prominent cohort in the Offshore Humanitarian Program and have been in the top five countries of origin over the last five years.

Table 1: Humanitarian Program Grants to Afghan nationals, 2013–14 to 2019–20

Component	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Offshore	2,751	1,813	1,715	1,958	1,130	1,323	619
Onshore	85	123	131	79	19	48	83
Total grants to Afghans	2,836	1,936	1,846	2,037	1,149	1,371	702
Total program year grants (all nationalities)	13,768	13,757	17,555*	21,968*	16,250	18,762	13,171

*The 2015–16 and 2016–17 statistics in this table includes visas granted towards the annual offshore resettlement component of the Humanitarian Program, and the additional 12,000 places for people displaced by conflict in Syria and Iraq.

Note:

1. This information is provided by the Department of Home Affairs and was extracted from departmental systems on 05 July 2021. As data has been drawn from a dynamic system environment, the information is correct at the time of publication and figures may differ slightly from previous or future reporting.
2. For privacy reasons < 5 has been used where a number in a table is between 1 and 4.
3. Statistics for the offshore component up to 2018–19 are based on country of birth. From 2019–20 they are based on citizenship. The Country of Birth or Citizenship of the principal visa applicants is applied to secondary visa applicants. The onshore component reports on an applicant's citizenship.

Consistent with current Australian Government policy settings, certain IMAs in Australia are eligible to apply for a Temporary Protection visa (TPV) or Safe Haven Enterprise visa (SHEV). TPV and SHEV grants are not counted in the Humanitarian Program.

There are currently eight (8) subclasses of refugee and humanitarian visas:

- Refugee visas (subclass 200, 201, 203 and 204)
- Global Special Humanitarian (subclass 202)
- Temporary Protection visa (subclass 785)
- Safe Haven Enterprise visa (subclass 790), and
- Permanent Protection visa (subclass 866).

All Humanitarian Program visa applications are assessed on an individual basis. Applicants must satisfy the visa criteria, including satisfying Public Interest Criteria (PIC) for character, security and health. Ensuring the safety and security of Australians is the Government's most fundamental responsibility and highest priority. Processing times can vary according to the particular circumstances of the applicant, their location (whether they are inside or outside their home country) and their ability to travel and provide documents or access Australian Government officials.

These security and character criteria apply to all visa subclasses including the In-country Special Humanitarian (subclass 201) visas granted to LEEs under the regulations applicable to these visas. For subclass 201 visa applicants, their certification as a member of a class of persons who can apply for this visa subclass is the first step in the process, but does not remove the requirement for the individual and their family members to meet all other character, identity, and health criteria.

Humanitarian Stay (Temporary) visa

In addition to the eight (8) subclass refugee and humanitarian visas listed above, the Humanitarian Stay (Temporary) (subclass 449) visa is a subclass of the Temporary Safe Haven (Class UJ) visa which can be utilised to respond to emergency humanitarian situations, where people face, or have faced, a strong likelihood of being displaced from their residence, and are in grave fear of their personal safety because of their personal circumstances. The Temporary Safe Haven (Class UJ) visas were introduced and first used in 1999 to evacuate nearly 4,000 Kosovars from the Former Yugoslav Republic of Macedonia and some 2,000 East Timorese from East Timor. These visas facilitate the movement of large numbers of people under imminent threat of harm. Application for this visa is made by accepting an offer from the Australian Government (usually made by the Minister responsible for immigration) for temporary stay in Australia. Subclass 449 visas have a number of unusual features:

- they are not part of the Humanitarian Program nor any other visa program
- application is made by accepting the Australian Government's offer of a temporary stay in Australia and an authorised officer endorsing, in writing, the acceptance of the offer
- the period of stay is set by the visa decision-maker in each case
- holders are barred by operation of law from applying for another visa (other than a further subclass 449 visa) unless the Minister lifts the bar, and
- holders in Australia are eligible for certain payments and concession cards, including Special Benefit, Family Tax Benefit, Dad and Partner Pay, and Parental Leave Pay, and the Health Care Card.

The relatively flexible visa criteria comes at increased risk as the Department has less information about applicants on which to base assessments of eligibility for grant of the subclass 449 visa, relative to standard processes. This risk is accepted when the Government agrees to make offers of stay for the purposes of this visa subclass, however it can be mitigated by other security processes, such as the collection of biometrics, as deemed to be appropriate in the circumstances which prompt its use.

Settlement services and support programs

The Department facilitates settlement services and programs to support humanitarian entrants and other eligible visa holders in their resettlement and integration into Australian life. Key programs include:

- **Humanitarian Settlement Program (HSP)**

This program supports humanitarian entrants and other eligible visa holders during their initial settlement, providing them the skills and knowledge required to become self-reliant and active members of the community. The types of support provided may include assistance to learn English, gain employment, access education and training, sourcing short term accommodation and providing connections to local community groups and activities.

HSP service providers work closely with the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT). FASSTT is a network of Australia's eight specialist rehabilitation agencies that work with survivors of torture and trauma who have come to Australia from overseas. It is supported through funding from the Commonwealth Department of Health (Health) under the Program of Assistance to Survivors of Torture and Trauma (PASTT). The agencies provide culturally sensitive services which address the range of physical, psychological and social needs of survivors of torture. There is one FASSTT member agency in each state and territory of Australia. All services are free and confidential.

- **Specialised and Intensive Services (SIS)**

The SIS is a complementary component to the HSP which is available to humanitarian entrants and other eligible visa holders who have complex support needs. SIS offers clients short term support to assist access to appropriate mainstream services and develop the skills necessary to be able to independently manage their needs.

- **Settlement Engagement and Transition Support (SETS)**

The SETS program is complementary to the HSP and aims to encourage humanitarian entrants and other eligible visa holders to address their settlement needs, improving social participation, economic well-being, independence, personal well-being and community connectedness. The program comprises of two

components: SETS – Client Services, which provides information and assistance to access mainstream and other relevant services; and SETS – Community Capacity building, which helps new community groups and organisations support their specific communities towards increasing the social participation, economic and personal well-being of community members.

- **Adult Migrant English Program (AMEP)**

The AMEP is a free service to help eligible migrants and humanitarian entrants with low English levels to improve their English language skills and settle into Australia. Those eligible can access unlimited hours of English classes until they reach the level of vocational English.

- **Translating and Interpreting Service (TIS National)**

TIS National is an interpreting service provided by the Department for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients. Immediate phone interpreting services are available 24 hours a day, every day of the year. The majority of TIS National services are free to non-English speakers, as generally the organisation will cover the costs of interpreting services. TIS National also delivers the Free Interpreting Service which provides free access to interpreting for key services, including medical practitioners, pharmacies, non-government organisations providing casework and emergency services and real estate agencies.

- **Status Resolution Support Program (SRSS)**

The SRSS can provide temporary needs-based support while resolving immigration status. The support services provided are focussed on status resolution either through the grant of a substantive visa or departure of Australia. The Department works with SRSS Providers to identify and deliver tailored support, addressing the barriers present to resolving an individual's immigration status.

Capacity building activities

The Department also facilitates capacity building programs in partner countries to support their development and capabilities in areas of strategic interest. The Department—formerly known as the Department of Immigration and Citizenship and the Department of Immigration and Border Protection—has committed resources to a range of capacity building activities and supports in Afghanistan. These programs have largely fallen into two streams:

- technical capacity building to develop Afghanistan's migration management and border security capacities in conjunction with the international community, by facilitating visa and passport systems, technical training and community infrastructure development, and
- programs supporting the reintegration of returning Afghan citizens, delivering on Australia's commitments under the 2011 Tripartite Memorandum of Understanding (MOU) (Australia-Afghanistan-United Nations High Commissioner for Refugees) on Migration and Humanitarian Cooperation.

The Department has also funded a number of projects in Pakistan aimed at building capacity of the Pakistani Government to combat people smuggling and other forms of illicit trafficking originating from Afghanistan.

Background information

Australia in Afghanistan

On 11 September 2001, militants associated with the Islamist extremist group al-Qaeda carried out a series of significant terrorist attacks against the United States of America (US). The attacks resulted in almost 3,000 fatalities of citizens from 77 countries, including Australia. The event prompted the US Government to declare a war on terror, in which the leader of al-Qaeda, Osama bin Laden was a key target. Bin Laden was thought to be harboured by the Taliban in Afghanistan.

On 7 October 2001, the US-led International Coalition against Terrorism (the Coalition) launched attacks in Afghanistan, and by the first week of December 2001 the Taliban regime had collapsed.

Australia's military involvement in Afghanistan began on 11 October 2001 when Australia joined the Coalition, citing the terrorist attacks against the US as a basis for invoking the mutual-defence clauses of the ANZUS Treaty. This was the first time the Treaty's clauses on acting to meet a common danger had been invoked since it was enacted in 1952.

In addition to Australia's commitment to the Coalitions' *Operation Enduring Freedom*, the Australian Defence Force (ADF) also provided support to the North Atlantic Treaty Organization (NATO)-led International Security Assistance Force (ISAF) operations and activities in Afghanistan. ISAF was established on 20 December 2001 via *United Nations Security Council Resolution 1386*.

The level and type of commitment provided by Australia has varied since operations commenced in 2001, with the ADF focus over Operations Slipper and Highroad transitioning from security to reconstruction to training and mentoring. Over the last 20 years Australia has deployed more than 39,000 personnel as part of Operations Slipper and Highroad, helping to protect the safety and security of the Australian people at home and overseas.

Chronology of key policy decisions

Since Australia joined the Coalition, the Department has implemented a range of key policies relevant to Australia's strategic interests in Afghanistan, and to manage national security against the backdrop of a dynamic threat landscape.

2009: Introduction of Women at Risk visas

Since July 2009, the Department has allocated a proportion of the allocation of places the offshore program to Woman at Risk (subclass 204) visas. This visa subclass is for females who are in danger of victimisation, harassment or serious abuse because of their gender, or are registered as being of concern to the United Nations High Commissioner for Refugees (UNHCR). These visas may be extended to include, but not limited to dependents.

From 2016–17, the proportion of the program for people facing particular vulnerabilities was expanded to include vulnerable women and children from persecuted minority groups, who are living in their home country and otherwise may not be eligible under the subclass 204 criteria, in recognition of the vulnerabilities they faced.

Vulnerable Afghan women and children are consistently in the top five countries of birth for those granted visas of this kind. Since 2009–10, 3,888 vulnerable Afghan women and children have received visas and settlement services.

Table 2: Offshore Humanitarian grants to Vulnerable Women and Children, broken down by grants to Afghan applicants, 2015–16 to 2021–22 (to 01 October 2021)

Program Year	Total grants	Afghan applicants
2009-10	797	151
2010-11	754	109
2011-12	821	213
2012-13	1669	751
2013-14	1052	530
2014-15	1009	469
2015-16	1277	348
2016-17	1607	500
2017-18	2126	212
2018-19	2947	374
2019-20	2345	156
2020-21	595	66
2021-22 (to 01 October 2021)	147	17
Total	17,146	3,896

Notes:

1. *Statistics for the offshore component up to and including 2018–19 are based on country of birth. From 2019–20 they are based on citizenship. The Country of Birth or Citizenship of the principal visa applicants is applied to secondary visa applicants.*

2010: Suspension of visa processing for Afghan nationals

On 9 April 2010, the then Minister for Immigration and Citizenship, Senator the Hon. Christopher Evans announced the suspension of processing of new Humanitarian Program applications from Afghanistan in an attempt to further strengthen the integrity of Australia's immigration system. The Government's decision was made in light of the changing circumstances in Afghanistan, including the fall of the Taliban, improved security in parts of the country, and constitutional and legal reform to protect minorities' rights. These emerging changes in country circumstances were considered likely to affect the outcome of assessments of whether asylum-seekers had a well-founded fear of persecution within the meaning of the Refugee Convention.

The Government subsequently lifted the suspension in September 2010 and resumed processing applications from Afghan nationals. The then-Minister for Immigration, the Hon. Chris Bowen MP, noted that the Department had spent the previous six months gathering information to improve its understanding of the situation in Afghanistan, informed by a range of sources of contemporary country information and in close consultation with the Australian embassy in Kabul. This new information was used to strengthen decision making, and support robust assessment of Afghan asylum claims on a case-by-case basis.

Following the lifting of the suspension, the overall grant rate of Permanent Protection (subclass 866) visas for Afghan nationals decreased from 70.2 per cent in 2010–11 to 44.4 per cent in 2011–12.

Table 3: Permanent protection visa (subclass 866) grants and grant rate to Afghan citizens from 1 July 2009 to 01 October 2021

Program year	Total grants	Grant rate
2009–10	75	81.5%
2010–11	59	70.2%
2011–12	48	44.4%
2012–13	57	10.0%
2013–14	85	14.5%
2014–15	123	78.8%
2015–16	131	82.9%
2016–17	79	92.9%
2017–18	19	79.2%
2018–19	48	82.8%
2019–20	83	76.1%
2020–21	79	84.0%
2021–22 (to 01 October 2021)	18	94.7%

Note: Includes IMAs with lodgements made prior to 2014.

2011: Memorandum of Understanding on Migration and Humanitarian Cooperation

In January 2011, a Tripartite MOU was signed by the then Minister for Immigration and Citizenship, the Hon. Chris Bowen MP, Dr Jamaher Anwary as the Afghan Minister for Refugees and Repatriation, and then UNHCR Regional Representative, Richard Towle. The *Tripartite MOU on Migration and Humanitarian Cooperation* outlined plans for the prompt and humane return of those not owed protection and having no lawful right to remain in Australia, and included the return of separated and unaccompanied children.

In support of these plans, the Department confirmed the activities it was undertaking to build economic and other opportunities in Afghanistan to reduce the displacement of people, and to act as an incentive for

Afghans found not to be owed protection, to return to Afghanistan. These activities were primarily implemented through the former Displaced Persons Program (DPP). This program aimed to stabilise populations of refugees and displaced persons in source or transit countries other than Australia and promote durable solutions. The DPP funded international organisations and non-government organisations to implement projects that supported these objectives.

The intent of the repatriation plan to effect involuntary returns to Afghanistan was to send a strong message to people smugglers and those considering the use of their services to enter Australia illegally, as well as to maintain the integrity of the international protection regime.

Table 4: Returns from the Community and Removals from Immigration Detention of Afghan Nationals

	2010-2011	2011-2012	2012-2013
Removals	5	<5	6
Returns	<5	0	<5

Note: Clients were returned or removed to their country of origin or a third country.

2012: Resettlement of Afghan LEEs

In December 2012, the Government announced it would offer resettlement to eligible LEEs at risk of harm due to their employment in support of Australia's mission in Afghanistan, as a reflection of Australia's moral obligation and gratitude to those who provided invaluable support to Australia in Afghanistan. This followed the April 2008 announcement of a program to offer humanitarian visas for LEEs who had assisted Australian troops in Iraq from 2003 onwards.

The program was enacted by a legislative instrument IMMI 12/127 which commenced on 1 January 2013, under the *Migration Regulations 1994* (the Regulations), signed by the then Minister for Immigration and Citizenship the Hon. Chris Bowen MP. This specified a class of persons for the purpose of granting Refugee (subclass 200) and In-Country Special Humanitarian (subclass 201) visas to non-citizens at risk of harm as a result of their employment by the ADF, the Department of Foreign Affairs and Trade (DFAT), the Australian Agency for International Development or the Australian Federal Police (AFP) in Afghanistan. Eligibility extended to family members of the LEE.

To be eligible for a visa on this basis, the relevant Minister must, in effect, certify that an individual was engaged by the Australian Government, and that they are at risk of harm as a result.

As outlined above, there is no special LEE visa. Once they have been certified by the relevant Minister, the LEE and their family are required to lodge visa applications. While processing is prioritised, LEEs and their families must meet the same general visa criteria – including the identity, security and health criteria – as all other applicants. Claimed family members must meet the general definitions of a member of the family unit or immediate family of the LEE, similar to other applicants for visas in the same visa subclass.

The Department has no visibility of holdings or processes of other Departments in relation to the number of potential certifications. When a person is certified as an LEE, they are provided with information about how to make a visa application. Visas granted to LEEs form part of the Humanitarian Program planning ceiling.

Since 2013, more than 2,020 humanitarian visas have been granted to Afghan LEE and their families.

Table 5: Offshore Humanitarian grants to Afghan LEE and their families, 2013–14 to 2021–22 (at 01 October 2021)

	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	Total
Grants	555	57	143	85	108	138	114	275	542	2,020

Note:

1. Statistics for the offshore component up to 2018–19 are based on country of birth. From 2019–20 they are based on citizenship. The Country of Birth or Citizenship of the principal visa applicants is applied to secondary visa applicants
2. Applicants included in the Afghan LEE cohort may have a Country of Birth other than Afghanistan (therefore, numbers may not align with the above table).

Fewer than 5 LEE visa applications have been refused on security grounds.

2013: Operation Sovereign Borders

Between 29 September 2008 and 17 September 2013, there were **52,262** IMAs to Australia, on more than 820 individual maritime people smuggling ventures. Of these, **12,828** were Afghan nationals.

The Joint Agency Task Force (JATF) Operation Sovereign Borders (OSB) was established on 18 September 2013 as a whole-of-government enterprise to combat maritime people smuggling. JATF OSB's mission is to protect the integrity of the Australian border and prevent loss of life at sea by denying an irregular pathway to settlement in Australia and deterring vulnerable people from attempting dangerous maritime ventures.

To achieve this mission, JATF OSB provides leadership and coordination for the efforts of 16 contributing government agencies to ensure the delivery of six core effects – deterrence, disruption, detection, interception, return and resettlement. Delivery of these effects occurs through a multi-layered, multi-agency approach under three key activity streams:

- Deterrence and Disruption
- Response and Returns, and
- Regional Processing and Resettlement.

The Australian Government's policy under OSB is to intercept any unauthorised vessel seeking to reach Australia and to return those on board to their point of departure or country of origin, where it is safe to do so. People who cannot be safely returned are transferred to a regional processing country for further assessment of their protection claims, and potential resettlement in a third country. To preserve a strong border protection approach to IMAs, Australia maintains the policy position that persons who travel illegally to Australia by boat will not permanently settle in Australia.

In 2014, the Government reintroduced Temporary Protection Visas, with the effect that no Permanent Protection visas were issued to any of the IMAs in Australia who are awaiting a decision on their application.

Since the establishment of OSB, there has been a small number of Afghan nationals on board maritime people smuggling vessels targeting Australia. The last maritime people smuggling vessel carrying Afghans was turned back by Australian authorities on 15 January 2014.

The approach corridor for Afghan potential illegal immigrants targeting Australia has traditionally been through air travel to India or Malaysia, followed by direct and onward travel by various means to Indonesia.

IMAs who could not be returned were either taken to a regional processing country for processing of their protection claims or brought onshore and later invited to lodge a temporary protection visa. Under current regional processing policy settings (being illegal maritime arrivals on or after 19 July 2013), and as at 12 September 2021, **56** Afghans remain under regional processing arrangements (25 in regional processing countries and **31** temporary in Australia).

2013: Ministerial Direction in relation to family visa processing

Ministerial Direction 62, which determined the order for considering and finalising Family Stream visa applications came into effect in December 2013. It provided the lowest processing priority to Family visa applications in which the applicant's sponsor is a person who entered Australia as an IMA and held a permanent visa. That Direction was revoked, and the current version commenced, on 21 December 2018. Ministerial Direction 80 sets Family stream processing priorities from highest to lowest as follows:

- applications where the Minister has exercised powers of intervention under sections 351 and 417 of the *Migration Act 1958*
- Partner, Prospective Marriage and Child visa applications
- Orphan Relative visa applicants
- Contributory Parent and Contributory Aged Parent visa applications
- Carer visa applications
- Parent, Aged Parent, Remaining Relative and Aged Dependent Relative visa applications, and

- visa applications in which the applicant's sponsor is a person who entered Australia as an IMA and holds a permanent visa.

2018: Memorandum of Understanding on financial intelligence exchange

AUSTRAC is Australia's financial intelligence unit (FIU) and regulator of anti-money laundering and counter-terrorism financing (AML/CTF). It establishes MOUs with its foreign counterparts to facilitate the exchange of financial intelligence. AUSTRAC's MOU with the Financial Transactions and Reports Analysis Center of Afghanistan (FinTRACA) came into effect on 7 April 2018.

The Egmont Group, a united body of 167 FIUs, provides a platform for the secure exchange of expertise and financial intelligence to combat money laundering and terrorism financing (ML/TF) globally. FIUs around the world are obliged by international AML/CTF standards to exchange information and engage in international cooperation. As an international FIU forum Egmont both facilitates and prompts sharing of financial intelligence amongst its member FIUs. Through Egmont, AUSTRAC exchanges operational information and collaborates with counterpart FIUs and other members of the global AML/CTF community of practice to strengthen operational best practice globally.

AUSTRAC exchanged information with FinTRACA via the Egmont Group on two occasions since the MOU was signed; both in 2018 and both relating to fraud.

Recent events

Agreement for Bringing Peace to Afghanistan

On 29 February 2020, the Agreement for Bringing Peace to Afghanistan, commonly known as the Doha Peace Agreement (the Agreement) was signed. Following nearly two decades of US-led Coalition occupation in Afghanistan and nine rounds of negotiations over two years, the Agreement sought to be a comprehensive and sustainable agreement to end the war in Afghanistan for the benefit of all Afghans and contribute to regional stability and global security.

The Afghan Government did not participate in the US-Taliban talks. However, on the same day the Agreement was signed, a press conference was held to address the next steps in peace negotiations, outlining plans for intra-Afghan peace talks. During the conference, the US stated that military operations against terrorist groups such as the Islamist State-Khorasan Province (ISIS-K) in Afghanistan would continue.

A key provision in the Agreement was the US commitment to withdraw from Afghanistan all military forces of the US, its allies, and Coalition partners, including all non-diplomatic civilian personnel, private security contractors, trainers, advisors, and supporting services personnel within 14 months. Both parties agreed to a staged withdrawal, with the initial withdrawal reducing the number of US personnel in Afghanistan to 8,600 and the US and Coalition withdrawal of forces from five military bases within the first 135 days of the agreement. This would be followed by a full NATO withdrawal if the Taliban met its own commitments.

The Taliban committed to prevent the use of Afghanistan territory to threaten the security of the US and its allies by any of its members, other individuals, or groups (including al-Qaida). This was to be ensured by the Taliban directing members not to cooperate with such individuals or groups, and preventing the same from recruiting, training or fundraising. They committed not to provide visas, passports, travel permits and other legal documents to such individuals/groups. The agreement also outlined that measures should be taken to assure that those seeking asylum or residence in Afghanistan do not pose a threat to the security of the US and its allies.

In addition, the US further committed to the release of up to 6,000 combat and political prisoners, to initiate an administrative review of current US sanctions and rewards list against members of the Taliban, and to refrain from the use of force against the territorial integrity or political independence of Afghanistan or interfere in its domestic affairs.

Withdrawal of Coalition forces

In keeping with the commitment for the US to reduce military personnel in Afghanistan, the US ordered successive drawdowns of US forces in Afghanistan which occurred in May and November 2020. By January 2021, US forces had reduced from approximately 13,000 to 2,500, their lowest numbers in Afghanistan since

2001. US President Joe Biden announced in April 2021 that all remaining troops would be withdrawn from Afghanistan by 11 September 2021. The Taliban responded stating they would consider the US responsible for counter-measures they would take if their forces failed to withdraw completely by 1 May 2021.

On 8 July 2021, President Biden revised the US final withdrawal date to 31 August 2021, noting that remaining in Afghanistan with a minimal Coalition presence would have resulted in the deaths of US armed forces personnel. He further acknowledged that the Taliban's military is at its strongest since 2001.

On 14 April 2021 NATO Resolute Support Mission (RSM) in Afghanistan announced it would start the withdrawal of RSM force by 1 May 2021, reducing from approximately **9,500** personnel from 36 contributing countries to **2,500** of which **80** were Australian.

On 15 April 2021, following confirmation of a US withdrawal timeline, Australia announced the departure of its contribution to the NATO-led RSM in Afghanistan. On 25 May 2021, the Government confirmed that the closure of the Australian embassy in Kabul was to take place by 28 May 2021. Foreign Affairs Minister Senator the Hon. Marise Payne affirmed the standing of the Coalition-backed Afghan Government as the start of a new chapter in Australian-Afghan diplomacy. Minister for Defence, the Hon. Peter Dutton MP reaffirmed an Australian commitment to helping Afghanistan, particularly women and girls.

During the near 20 year period of Australia's involvement with the Coalition, ADF recorded **41** deaths and more than **260** personnel injured as a result of operations in Afghanistan. In total, more than **39,000** ADF personnel were deployed to Afghanistan, with a peak deployment strength of **1,550**.

Over the course of Australia's engagement with Afghanistan the Department deployed staff to assist in the facilitation of a range of activities related to Australia's strategic priorities. Staff were predominantly posted to regional outposts including Dubai and Islamabad, and undertook short-term missions to Kabul to manage bilateral engagements relating to the Department's interests in Afghanistan.

The Taliban's resurgence in Afghanistan

The Taliban commenced major offensives against Afghan military forces in May 2021. In July 2021, the United Nations released a report which indicated that close to 2,400 Afghan civilians were killed or injured over the course of May and June 2021.

On 2 July 2021, US military forces withdrew from their primary military base outside of Kabul and by the end of July 2021, the US confirmed that the Taliban had taken control of approximately half of the country's districts. In the interim, the Taliban had indicated a forthcoming peace proposal to secure their position as the governing power in Afghanistan. They entered Kabul on 15 August 2021, claiming victory over Afghanistan and established an interim government, as President Ashraf Ghani and other government officials were evacuated from the country. To-date, no nation-state has formally recognised the Taliban as the legitimate ruling authority in Afghanistan. Many Afghan nationals who assisted Coalition forces, as well as many in the general population, now fear violent retribution.

Australia's response

Operational planning for LEE and their families ahead of withdrawal

Through 2020 and the first quarter of 2021, the Department decided **85** visa applications from LEE (totalling **105** applicants). While reflecting the impact of COVID 19, this reflected a longer term trend in applications and decisions relating to LEEs, and the relative stability of Afghanistan itself. On 1 April 2021, the Department had **108** visa applications on hand from LEE, which, with the addition of family members, totalled **538** applications.

Following the Government's announcement on the 15 April 2021 of the departure of its contribution to the NATO-led RSM in Afghanistan, further detailed planning was undertaken by the Department to ensure Australia was well placed to facilitate the visa grant and departure of LEE and their family members ahead of withdrawal. Meetings were held between relevant agencies, including the Department of the Prime Minister and Cabinet (PMC), the Department of Defence (Defence), DFAT and Health to identify timeframes and processes that were required ahead of departure for this group.

As application numbers increased, the Department commissioned additional health resources through its provider the International Organisation for Migration (IOM), to undertake the necessary health information and biometrics collection. Between 1 April and 15 August 2021, the transport of **438** LEEs and their family

members to Australia was facilitated by the Department and IOM using commercial flights. This process included securing 'above caps' COVID 19 hotel quarantine places for their arrival into Australia.

In June 2021, in keeping with Government direction, certification of persons as LEE and support with the lodgement of visa applications under the LEE component of the Humanitarian Program was further prioritised by relevant agencies, with commitment to visa processing and arrival in Australia finalised by 31 August 2021. As part of this process, on 7 July 2021 the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon. Alex Hawke MP, wrote to the Ministers for Defence, Foreign Affairs and the Attorney-General requesting all certification of LEE to be completed by 10 July 2021, on the basis that the Department would commit to finalising visa processing of all cases on hand on that date. That commitment was met.

During this time, the Department also worked closely with ADF and DFAT to provide information for non-certified LEE about options available under the Humanitarian Program. The Department also engaged with visa holders certified as LEE regarding family members whose applications had previously been refused or withdrawn in relation to making an application under the general provisions of the Humanitarian Program.

With the fall of Kabul, the Government decided to utilise subclass 449 visas to expedite the evacuation process. Given the urgency, subclass 449 visas were granted to certified LEE and their family to facilitate their departure, on the basis that the permanent visa application process could occur once they were safely in Australia. As is possible under the visa criteria for the grant of subclass 449 visas, the general requirement for health checks was waived before the subclass 449 visas were granted so that people did not undergo health checks before they were uplifted to Australia. However, the subclass 449 visa holders are subject to a condition on their visa that they complete health checks on arrival. These health checks will also be considered as part of any permanent visa application processes.

As at 15 August 2021, when the Taliban forces took control of Kabul, there were **37** certified LEE applications before the Department (**two** were not granted because the applicants were already in another country or did not otherwise meet visa criteria). Of these, **35 were granted** (**14** were subsequently granted In-Country Special Humanitarian (subclass 201) visas, **21** were considered instead for the grant of subclass 449 visas). The Department will continue to process the existing subclass 201 visa applications lodged by those LEE who were granted a subclass 449 visa. It is not uncommon for LEE to have worked for more than one Coalition partner over time, and the general requirements of Australian law mean that in the event a LEE has been given protection by another Coalition partner, their application for Australia's protection is refused as they do not therefore need Australia's protection.

Of the **35** visas granted to LEE after 15 August 2021, **18** LEE have subsequently arrived onshore which, with family members, equates to **91** people. The location of the remaining **17** LEEs who were granted subclass 449 visas and who have not arrived in Australia is currently unknown. While they have not yet arrived in Australia, subclass 449 visa holders who are presenting at other locations are still being transported to Australia.

Evacuation

On 16 August 2021, Prime Minister the Hon. Scott Morrison MP (the Prime Minister) announced the Government's priority to facilitate the return of Australian citizens, permanent residents, Afghan LEEs and other visa holders from Afghanistan. DFAT led and coordinated the evacuation, supported by other agencies including ADF, the Department and ABF.

On 16 August 2021, the Government successfully negotiated the use of ADF's main logistics support base in the Middle East, as a staging point used to facilitate the processing of visa and coordinating repatriation flights to Australia.

To support the evacuation and repatriation back to Australia, **18** Home Affairs and **20** ABF officers were deployed to the Hamid Karzai International Airport (HKIA) in Kabul and the ADF's main logistic support base in the Middle East. Home Affairs and ABF officers at the logistic support base were supported by three locally engaged members of staff with an additional locally engaged staff member from Amman deployed to HKIA.

In close consultation with DFAT and ADF, Home Affairs and ABF officers worked to assist evacuation efforts by facilitating border clearance of evacuees. This included performing face-to-passport checks, document verification, identity verification, bona fides assessments, biometrics collection, confirmation of visa status and security checking before travel to Australia. The ABF also played an integral role in escorting a small

number of passengers presenting potential risk to other passengers. Home Affairs and ABF teams based in Australia and around the globe also worked to provide assurance on the visa and MAL status of evacuees, establish support arrangements for unaccompanied minors and vulnerable evacuees, and facilitate arrival and clearance at Australian airports.

Between 18 and 26 August 2021, Australia conducted its high risk evacuation operation with the ADF coordinating over **32** flights, uplifting over **4,100** passengers to the ADF's main logistics hub in the Middle East. On arrival, each incoming flight was met by ADF officers for induction into the facility. On 26 August 2021, ABF operations at HKIA ceased with all Home Affairs and ABF officers returned to the ADF's main logistics hub.

A suicide bombing took place at HKIA on 26 August 2021, in which **13** US service members and at least **169** Afghans were killed, with many more wounded. Islamic State Khorasan Province (ISKP) claimed responsibility for the attack. On 27 August 2021, the Prime Minister announced that during the course of the previous day, Australia's evacuation operations from Kabul had been completed and all Australian official personnel supporting the evacuation operations had departed.

On 29 August 2021, a Joint Statement on Afghanistan Evacuation Travel Assurances was issued by 102 countries including Australia—as well as the Secretary General of NATO and the High Representative of the European Union for Foreign Affairs and Security Policy. The statement outlines that assurances have been received from the Taliban that all foreign nationals and any Afghan citizen with travel authorisation from the 102 countries will be allowed to proceed in a safe and orderly manner to points of departure and travel outside the country.

Humanitarian Stay (Temporary) visa and citizenship options for the Afghan evacuee cohort

On 17 August 2021, the Government agreed to use the Humanitarian Stay (Temporary) (subclass 449) visas for Afghan LEE and other priority Afghan nationals, to facilitate their safe evacuation to Australia as quickly as possible. This visa was used due to the rapidly changing security circumstances, the urgent and exceptional humanitarian nature of the evacuation operation and the limited window for people to depart Afghanistan through HKIA.

People who were extended family members of Afghan LEE settled in Australia, or those who did not meet the threshold for Afghan LEE certification, but had a strong connection with Australia, were prioritised for consideration of subclass 449 visas.

DFAT and ADF provided the Department with lists of LEEs previously refused certification under the LEE program for consideration for subclass 449 visas. This, along with the identification of previously refused or withdrawn family members of LEE applicants identified by the Department, resulted in over **2,500** invitations for subclass 449 visas being issued between 19 August 2021 and 25 August 2021.

In addition, subclass 449 visas were issued to particularly vulnerable or high profile people that may come to the attention of the Taliban, including locally engaged staff of Australian media organisations and humanitarian service providers, female sporting teams, academics who had previously studied in Australia and human rights advocates. These cases were brought to the attention of the Government and the Department through a variety of means given the exceptional and time-critical circumstances. These channels included members of parliaments, industry and sporting organisations, charities, and the direct approaches by family members in Australia. The Department established dedicated reception and triage processes, and extended the operation of its Global Service Centre (call centre) to support this process.

During the evacuation period, individuals with existing but un-finalised applications in other visa subclasses (for example partners in the Family stream) were also supported through the provision of a subclass 449 visa. **6,294** persons were invited to apply for subclass 449 visas. Of those, approximately **500** were partner or other visa applicants.

As at 1 October 2021, a total of **5,317** subclass 449 visas have been granted. Of those granted subclass 449 visas, **2,844** people (including four babies born during the evacuation) had arrived in Australia (as at 1 October 2021). The Department is currently considering potential visa pathways for evacuees who have arrived in Australia on a subclass 449 visa. The most appropriate visa pathway will depend on the individual circumstances of each case.

Children born outside Australia who have at least one Australian citizen parent at the time of their birth may be eligible for Australian citizenship by descent. Between 16 August and 6 September 2021, 20 children resident in Afghanistan acquired Australian citizenship by descent. A small number of people who have since arrived in Australia as holders of a subclass 449 visa may also be eligible for Australian citizenship by descent.

Expediting subclass 449 visa processes

The subclass 449 visa process was a time-critical and resource intensive process, which required each person to be invited, and accept, an invitation by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon. Alex Hawke MP, for temporary stay in Australia. It was also necessary for the application for a subclass 449 visa to be a valid application that each acceptance of an offer to be endorsed, in writing, by an authorised officer. Responding to the time-critical environment, emergency verbal visa grant processes were implemented to facilitate the evacuation of eligible Afghan nationals.

These processes allowed for the offer to be made verbally and, once the offer was accepted and endorsed in writing by an authorised officer, the applicant to be verbally advised of the grant of a subclass 449 visa. Home Affairs officers then recorded those grants through an approved template. This process increased the capacity and speed in which eligible Afghans could be evacuated.

Processes were put in place to issue letters, as evidence of visa status, to facilitate people's travel through check points to HKIA. Officers recorded subclass 449 visa grants in the Immigration Records Information System, which is normally used for processing paper visa applications lodged overseas. Data input included the results of Movement Alert List (MAL) checks, biometrics data collected from visa applicants or holders and the results of PIC checks in which an applicant's identity and available documentation were reviewed. To support visa grants, the Department deployed five mobile biometric collection units, at both HKIA and the ADF's main logistics hub in the Middle East, and subsequently in Pakistan.

Fingerprint enrolments collected through the biometric collection process were reviewed against the holdings of Five Eyes counterparts using the Secure Real Time Platform (SRTTP). In addition to Australia, other countries currently utilising SRTTP include Canada, United States of America and New Zealand. Using an anonymised fingerprint, the responses from Five Eyes counterparts were received and processed by the SRTTP in near real-time and provided valuable identity and criminal history data for decision-makers. Once a match/no match is determined, the anonymised fingerprint is deleted. Facial images were only shared on a match if available and required.

When expediting visa processes there is a real and unavoidable risk, arising from the possibility that visas may be granted to persons who are not who they claim to be, or who subsequently are found to be of character concern. While every effort is made to undertake the best available checking of identity, relationships and backgrounds, and any indication of known or likely threat to Australia, absolute certainty cannot be guaranteed. On balance, it was agreed that the risks to individuals being left in Kabul outweighed the potential hazards associated with visa grants of this nature.

No person of known national security or serious criminality concern was brought to Australia on evacuation flights.

Applications for citizenship by descent were triaged for decision, where it was known that the applicant was a resident in Afghanistan. A risk based approach was undertaken and where sufficient identity documents and proof of an Australian citizen parent at time of birth were available, the application was approved. Where the application could not be decided on information available, the cases were referred for consideration for the emergency subclass 449 visa.

In addition to those visa granted through the Migration and Humanitarian Programs (outlined at tables 5 and 6 below), these expedited processes led to the granting of over 5,000 subclass 449 visas during this period.

Table 6: Non-Humanitarian grants to Afghans located outside Australia, by visa category
01 January 2021 to 30 September 2021

Visa Category	January to March	April to June	July to September
Child	6	<5	9
Crew and Transit	0	<5	22

Other Family	0	<5	12
Parent	<5	<5	<5
Partner	116	84	369
Other Temporary	0	0	251
Resident Return/ADV	11	6	15
Skilled	21	6	0
Student	<5	<5	<5
Temporary Resident (Other Employment)	<5	0	<5
Temporary Resident (Skilled Employment)	<5	0	0
Visitor	10	44	15

Notes:

1. visa grants include both primary and secondary applicants
2. client location as at the time of visa application being lodged
3. client location 'outside Australia' is not restricted to applicants being 'in Afghanistan'
4. Partner visa category includes first stage partner only, excluding second stage subclasses 100 and 801

Table 7: Humanitarian grants to Afghans by visa subclass 01 January 2021 to 01 October 2021

Subclass	January to March	April to May	June to August	September to 1 October
200 – Refugee visa	35	28	20	9
201 – In-country Special Humanitarian visa	29	140	620	0
202 – Global Special Humanitarian visa	130	1	35	61
204 – Refugee visa	18	3	10	5
866 – Protection visa	15	13	19	0
785 & 790* – Temporary protection visas	31	8	34	21

Note: includes valid subsequent applications granted

Repatriation to Australia

In support of all evacuees, the Government engaged Aspen Medical to provide initial health services on arrival, undertake polymerase chain reaction (PCR) testing and general health checks.

On 26 August 2021, the Department, through the Director General Emergency Management Australia (EMA), activated the *Australian Government Plan for the Reception of Australian Citizens and Approved Foreign Nationals Evacuated from Overseas* (AUSRECEPLAN), in response to a request from DFAT. AUSRECEPLAN outlines the process that enables the safe repatriation of Australians, their immediate dependants, permanent residents and approved foreign nationals (evacuees) following an Australian Government led evacuation in response to an overseas disaster or adverse security situation. The AUSRECEPLAN arrangements allow the Australian Government to seek support from states and territories to conduct reception operations on a cost recovery basis. The objective of this AUSRECEPLAN activation was to coordinate the repatriation of all appropriately screened evacuees from Afghanistan into quarantine facilities in Australia, and have them connected with humanitarian settlement and immigration services.

The Department, in close consultation with the Department of the PM, DFAT, ABF and Defence, utilised the National Coordination Mechanism which is designed to bring together relevant stakeholders from across the Australian Government, state and territory governments, and Industry to manage resolution to a concern of national significance, and to coordinate quarantine arrangements for evacuees being repatriated from Afghanistan. EMA formally requested support from New South Wales, Queensland, Victoria, South Australia, Western Australia, Tasmania and the Northern Territory to provide transport, accommodation and facilitate

quarantine arrangements for evacuees upon arrival in Australia. EMA facilitated two requests from New South Wales seeking Australian Government capabilities to support reception and quarantine compliance activities at airports and dedicated hotels. This support was provided by the Department of Defence. Queensland requested Australian Government assistance for the provision of interpreter assistance at quarantine hotels, which was provided by Services Australia.

As at 8 September 2021, a total of **22** Qantas, Etihad and ADF charter flights departed the ADF's main logistics hub in the Middle East carrying evacuees. An additional flight to New Zealand was facilitated by Etihad to repatriate New Zealand citizens and other visa holders.

Operations continued to facilitate the onward travel of evacuees until shortly after midnight on 8 September 2021, when the final evacuation flight departed, carrying the last **103** evacuees, including **92** evacuees transferred from Pakistan on 7 September. Between 1 and 25 September 2021, **36** officers returned to their home location. **Two** officers remain in the region as a temporary contingency measure, one officer will be deployed to Amman to assist with the increased volume of visa applications from Afghan nationals and one officer will be deployed to Islamabad to provide respite and backfill the single Home Affairs posted officer. Home Affairs and ABF officers who had served at HKIA and the ADF's main logistics hub in the Middle East returning to Australia were required to undertake hotel quarantine.

Settlement in Australia

Notwithstanding the fact that not all people evacuated from Afghanistan are refugees—the total number includes citizens, permanent residents and holders of other visa subclasses—the Government decided to offer all people evacuated access to settlement services through the HSP in light of the circumstances of their departure. The HSP is designed to integrate new arrivals into Australian life by providing practical on-arrival support and helping entrants to build the skills and knowledge needed to become self-reliant and active members of the community. The program is delivered by service providers that have long-standing experience working with new arrivals.

The Department, under the leadership of the Co-ordinator General for Migrant Services Ms Alison Larkins, is leading efforts to ensure the long-term successful settlement and integration of the historic intake of humanitarian entrants from Afghanistan, including through the delivery of support through Australia's strong suite of settlement and integration programs. Following completion of COVID-19 related quarantine, the Department's immediate priority has been the physical and mental wellbeing of evacuees, working in lock step with service providers and the states and territories to deliver practical support as new arrivals start their new lives in locations around Australia. Without breaching quarantine, that service provision commenced while evacuees spent time in quarantine around the country. In particular, this included determining evacuees' final preferred destinations. Boarding at the ADF's main logistics hub in the Middle East and arrival point in Australia were, in the circumstances, a function of readiness and clearance to fly to Australia and availability of quarantine places.

HSP service providers contacted evacuees in quarantine to collect information on family composition, initial needs, and HSP assistance required. The Department referred contact details to Services Australia, to facilitate their contact with evacuees to assess their eligibility for financial assistance.

Evacuees assessed as requiring ongoing HSP support are met on their release from quarantine and transported to suitable short-term accommodation, where they receive an initial range of services including a food package, orientation to services in the local area, and advice on local COVID-19 measures. For evacuees who are settling in a different location to where they quarantine, onward travel arrangements are facilitated and support provided on arrival in their final destination.

Based on their level of assessed need, evacuees may continue to receive support through the HSP to integrate into Australian life and build self-reliance. This may include assistance to source long-term accommodation, make social connections, and access mainstream and specialised services related to health, employment, education and English language learning. An orientation program is also provided, through which clients learn about the Australian way of life, values and laws and acquire essential life skills. Most clients will generally receive support from the HSP for up to 18 months after their arrival, but this can be extended based on need.

The *Immigration (Education) (Specification of Temporary Visa) Instrument 2021* was amended to add the subclass 449 visa to the list of visas that are eligible for the AMEP, to ensure that this cohort will have immediate access to the program. Further to this—in consultation with PMC and Health—the Department

extended Medicare eligibility to this cohort by a new Ministerial order. The AMEP is a free service to help eligible migrants and humanitarian entrants with low English levels to improve their English language skills, and settle into Australia. Those eligible can access unlimited hours of English classes until they reach the level of vocational English.

The holders of subclass 449 visas are also eligible for Special Benefit payments. The Department, in consultation with the Department of Social Services and PMC, have ensured that this payment is not reduced on account of receiving initial settlement support through the HSP and any other in-kind support whilst they remain on a subclass 449 visa. This approach aligns with the approach currently taken for individuals arriving in Australia on permanent offshore humanitarian visas who have immediate access to mainstream income support payments such as the JobSeeker Payment and Youth Allowance.

The Department, through the long standing Unaccompanied Humanitarian Minors (UHM) Program, facilitated the care, supervision, accommodation and support services to **44** unaccompanied Afghan minors who entered Australia through the evacuation process. Through contracted service providers and state and territory child welfare authorities, Afghan minors who entered into hotel quarantine received support throughout their quarantine period, including having a suitable carer quarantine with them. Arrangements under the UHM Program include ongoing care, supervision, housing, health and education services. State and territory authorities engaged with the UHMs while in quarantine to discuss their orientation to life in Australia and to assess their settlement needs.

Home Affairs' Regional Directors and Community Liaison Officers are maintaining continuous engagement with Australian Afghan and Hazara communities to listen to their concerns and provide official government information and assistance. On 6 September 2021, the Ministerial Forum on Multicultural Affairs met to discuss state and territory support for Afghan nationals resettling in Australia. The forum comprises of Multicultural Affairs Ministers across Australia and is chaired by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon. Alex Hawke MP.

The Ministers agreed to work collaboratively to support a coordinated and effective approach to the resettlement arrangements, including working in partnership with Afghan community leaders in Australia and leading refugee advocates and service providers, to welcome people from Afghanistan to Australia. Noting the importance of ongoing efforts to support a successful COVID-19 vaccine rollout, Ministers agreed to work in cooperation to continue the delivery of culturally appropriate COVID-19 vaccines and health information.

On 18 August 2021, the Government announced that an initial **3,000** humanitarian places will be allocated to Afghan nationals within Australia's **13,750** annual program. The Government anticipates that this initial allocation will increase further over the course of 2021-22. This allocation ensures Australia is balancing the immediate needs of Afghan citizens, while also balancing other global resettlement needs. It ensures Australia will continue to meet its international humanitarian obligations through its humanitarian and resettlement programs.

Particular priority within the Afghan places will be given to persecuted minorities, women and children, and those who have links to Australia. The Government is working with Afghan community leaders in Australia, and IOM and the UNHCR, to identify and facilitate the resettlement of those Afghans most in need.

On 30 August 2021, the Government announced the establishment of an advisory Panel on Australia's Resettlement of Afghan Nationals. The panel is comprised of Australian-Afghan community leaders and refugee and settlement experts, chosen for their commitment and expertise in refugee and integration issues. The panel's focus is on planning to support the Government's commitment to provide an initial **3,000** humanitarian places in the offshore Humanitarian Program to Afghan nationals, ensuring appropriate settlement and integration supports for Afghan new arrivals and the communities into which they will settle; and, harnessing the high level of community commitment and interest in welcoming newcomers and supporting the successful settlement and integration of this cohort.

In addition to the settlement services offered to all people who are settled through the Department's humanitarian program, the Government is consulting with the panel to consider what further specialised support might be required to support evacuees who have endured extreme trauma. The Advisory Panel will operate for an initial 12 months, with the possibility of extension should ongoing advice be required.

Afghan nationals already in Australia

On 17 August 2021, the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs the Hon. Alex Hawke MP, announced that no Afghan visa holder currently in Australia will be asked or required

to return to Afghanistan while the security situation there remains dire. Afghan citizens currently in Australia on temporary visas will be supported by the Australian Government.

Furthermore, Australia is committed to its international obligations and provides protection to individuals consistent with its obligations set out in the *1951 Convention Relating to the Status of Refugees*, its *1967 Protocol* and other international human rights conventions to which it is a party. Australia does not remove individuals to situations where they face persecution or a real risk of torture, cruel, inhuman and degrading treatment or punishment, arbitrary deprivation of life or the death penalty. If individuals from affected areas wish to return to Afghanistan voluntarily, and if eligible, they will be supported to do so through Australia's Return and Reintegration Assistance Program.

Consistent with current Australian Government policy settings, unlawful arrivals who engage Australia's protection obligations are only eligible for temporary protection, that is, either a Temporary Protection visa (TPV) valid for three years, or a Safe Haven Enterprise visa (SHEV) valid for five years. TPV and SHEV holders are not eligible to propose family members for entry to Australia through the Humanitarian Program or the Migration Program. This is in line with the Government's Operation Sovereign Borders policy that no one who comes to Australia illegally by boat will settle here – established to safeguard vulnerable people from exploitation by people smugglers, prevent the loss of life at sea, and ensure the integrity of Australia's borders. The Prime Minister restated the Government's policy in this regard as it applied to Afghan citizens on 23 August 2021.

Implications of the Taliban's resurgence

The international community continues to assess security and other implications of the Taliban's resurgence in Afghanistan. Prospects for Afghanistan's immediate region and broader security implications are likely to be contingent on several factors, including: the Taliban's domestic legitimacy and international recognition; its ability to govern and maintain control internally; its relationship with, and possible accommodation of, terrorist organisations in Afghanistan; and how, and the extent to which, neighbouring countries and the international community engage with a Taliban government. These factors are all linked.

Australia's counter-terrorism response to events in Afghanistan will need careful and continuing assessment and calibration. The Department will continue to work with international counterparts, including Five Eyes, partners in Southeast Asia and through international fora to support efforts to:

1. Prevent the re-establishment of Afghanistan as a safe haven for transnational violent extremism

Efforts will be led by diplomacy and supported through intelligence efforts. Information exchange will be a key. The Department will work with Australia's international partners and regional neighbours to understand the developing situation in Afghanistan, and advocate for and contribute towards efforts that address any emerging terrorist and violent extremist threats to Australia and its interests.

2. Counter the appeal and proliferation of violent extremism driven by the Taliban's resurgence

A Jihadist 'victory narrative' may reinforce the appeal of Sunni religiously motivated violent extremism, increasing the risk of terrorist recruitment, support and attacks. Social cohesion and countering violent extremism efforts will be critical elements in managing an increased risk of domestic radicalisation. As such, the Department will continue to focus on the online environment, including working with industry to reduce the availability of violent extremist content online, and developing compelling strategic communications to minimise the resonance of the Taliban's resurgence as a negative security influence within the Australian community.

3. Limit the travel of terrorist sympathisers and fighters from Australia and our region to Afghanistan to support terrorism and/or enhance their fighting capabilities.

While COVID-19 travel restrictions currently mitigate this threat, Australia has strong counter-terrorism laws designed to discourage Australians from fighting in overseas conflicts, supporting terrorist organisations, and endangering their lives and the lives of others; including passport cancellations where criteria are met, foreign incursions and recruitment offences, and offences relating to membership, support for, or association with terrorist organisations. The Department will continue to work strongly with Southeast Asian partners to address the risk of foreign fighter movements to and from Afghanistan.

Widespread internal mass displacement and a high level of migration out of Afghanistan are highly likely to occur at a scale not seen since the early 2000s. Some Afghans with family or diasporic links onshore may

attempt travel to Australia, though this is likely to be via legal means. The majority of Afghans will likely pool in Pakistan and Iran and then seek onward travel to Europe due to the established, and often illegal, routes and perceived looser border controls. JATF OSB continues to monitor sentiment among potential illegal immigrants in regional source and transit countries, as well as indicators and warnings of illegal migration, and maintain partners in support of deterrence and disruption activities should it be required.

Given recent developments in Afghanistan, AUSTRAC is treating its MOU with FinTRACA as 'suspended'. The Egmont Group has also disconnected FinTRACA from the Egmont secure web until such time as information about the autonomy and independence of the FIU can be ascertained under the country's new legislative framework.

Management of those remaining in Afghanistan

The Government is working to ensure that visa options continue to be available to Afghan nationals, both within Afghanistan and those displaced from their home country, through Australia's long-standing Humanitarian and Migration Programs. Those who have been granted subclass 449 visas, but remain in Afghanistan, are being actively contacted by the Department, with specific advice about the best course of action, with safety as a top priority.

DFAT continue to update their travel advice to those people remaining in Afghanistan, advising people against seeking to travel to land borders, and encouraging them to register with DFAT. In line with DFAT Smart traveller advice, the Department's website strongly advises that any (non-official) Australians who remain in Afghanistan should be aware of the potential for violence and security threats with large crowds, including an ongoing and very high threat of terrorist attack.

Regional support

The situation in Afghanistan remains highly volatile, and travel throughout Afghanistan is extremely dangerous. Some borders are closed or may close without notice (as outlined in DFAT's *Smarttraveller* advice). Land borders with Afghanistan have been opened to third country nationals or Afghans holding visas to third countries, and the Pakistani Government has been working with foreign embassies and high commissions, including the Australian High Commission in Islamabad, to facilitate crossings for a small number of exceptional cases. However, the Department considers continuing to do so carries a number of significant risks including:

- serving as a pull factor encouraging Afghan nationals to travel to, and cross, land borders in order to seek an Australian visa and resettlement which could be exploited by people smugglers
- the reckless endangerment of the lives from the dangers of overland travel and potential security issues at the border such as terrorist attacks or border closures
- Australia taking 'effective control' of individuals prior to undertaking biometric and security checks
- emerging fraud risks in relation to counterfeit Afghan passports and Pakistani letters approving travel across the border, and
- the challenges of moving people out of Pakistan within the 30 day time limit imposed by Pakistan.

The Pakistan Government continues to state publicly that they will not open the borders to refugees, noting it already hosts a large population of Afghan refugees. Pakistan is determined to prevent an influx through increased border restrictions and enforcement measures, including public messaging and returning irregular migrants. The borders of Tajikistan, Turkmenistan and Uzbekistan are currently closed to people flows from Afghanistan.

The Government continues to work with international partners, especially those in the region, on options to expatriate Australian citizens, permanent residents and visa holders.