

**QUESTION ON NOTICE / Written**

**QoN 023 – Public Hearing 15 November 2021**

**Topic: LEE applications from private security company employees**

**Question from Committee**

**Question**

How many contractors who worked providing security services to the Australian embassy in Kabul have applied for LEE certification? Of these, how many were accepted and how many had their applications rejected?

How many contractors who worked providing security services to the Australian embassy in Kabul have applied to the Australian Government for humanitarian visas?

**Answer**

Between 24 May 2021 (when the closure of the Australian Embassy in Kabul was announced), and 26 August 2021 (when the evacuations concluded), 160 private security company employees applied for certification as Locally Engaged Employees of DFAT. Of that number 12 were certified. Those unsuccessful in their certification applications were prioritised for consideration by Home Affairs under a separate humanitarian visa category in a process streamlined in the period before and during the military evacuation of Kabul.

Since 26 August 2021, more than 40 private security company employees have applied for certification.

**QUESTION ON NOTICE / Written**

**QoN 024 – Public Hearing 15 November 2021**

**Topic: IDC work on LEE processing**

**Question from Committee**

**Question**

What date was the inter-departmental committee established following the decision to close Australia's embassy in Kabul in order to discuss issues relating to the LEE program?

Please outline what consideration this IDC gave to issues around the LEE program, including:

1. what additional demand was expected in terms of individuals seeking LEE certification as a result of the embassy closure and other developments in the country;
2. eligibility for embassy guards and other embassy staff;
3. whether certification criteria needed to be amended due to the changing security situation; and
4. details on what changes were actioned as a result of the IDC's deliberations, and when these were implemented.

**Answer**

The inter-departmental committee was established on 18 May 2021.

1. Once the Government had taken the decision to close the Embassy DFAT, Defence and Home Affairs worked closely to advise the Government on the overall estimated number of LEE and families who may seek to depart Afghanistan under the LEE visa program. This considered those who already had other humanitarian visas, those holding a certification applying for an LEE visa, those seeking certification, and those who might apply in future.

The assessment at that time [late May 2021] was that these cohorts amounted to around 1,000 individuals, including family members. Home Affairs with input from DFAT and Defence maintained an up-to-date assessment.

2. The inter-departmental committee did not discuss the eligibility of those claiming their employer was the Australian Embassy in Kabul. Pre-existing eligibility criteria and exclusions under visa instrument IMMI 12/127 continued to be applied, including grounds for the exercise of Ministerial discretion under the instrument's exceptional circumstances provisions.
3. The changing security situation was taken into account when assessing certification applications.

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4. The Government decided in late May on the basis of advice to review previously unsuccessful visa certification applications and the processing of other visa classes, and for Home Affairs to maintain the use of commercial flights given the number of available seats on commercial aircraft, and to consider other means of departure later if needed.

The Government worked through significant constraints of quarantine and incoming passenger caps with state governments, granted travel exemptions, and covered the costs of quarantine to facilitate entry for LEE visa holders and family members above caps. Home Affairs also allocated additional resources to the International Organisation for Migration to conduct health checks to speed this process.

438 LEE and family members travelled to Australia over the period from May to 15 August on the regular commercial flights that continued to operate until 15 August.

As the volume of applications increased, DFAT steadily increased the staff working on DFAT LEE applications for certification as DFAT employees.

The visa applications from DFAT, Defence and Home Affairs certified LEE were and continue to be afforded the highest processing priority within the Home Affairs Humanitarian Program.

QUESTION ON NOTICE / Written

QoN 026 – Public Hearing 15 November 2021

Topic: Impact of Doha Agreement and collapse of Afghan Government

Question from Committee

Question

The 2020 US-Taliban Agreement promised the Taliban that not only would US forces be withdrawn, but it also committed 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”.

1. Was the Australian government consulted by the US on this commitment and did Australia agree to this prior to the agreement being made with the Taliban?
2. If Australia did agree, how did Australia come to this decision and what date was this decision made?
3. If Australia was not consulted or did not provide our agreement prior to the agreement being made, what does this say about Australia's sovereign decision-making in this situation?

Answer

1. The 2020 US-Taliban Agreement was a US effort to give impetus to the peace process and encourage an Afghan-led ownership of the country's political future and its security. Australia was not a party to the Agreement, nor did it participate in negotiations. However, Australia was consulted on the timeline for the likely withdrawal of US and NATO troops.

2. On 15 April 2021, the Australian government announced, in coordination with the United States and NATO governments, that Australia would complete its military drawdown in Afghanistan. It was a decision consistent with policy outlined in the 2020 Defence Strategic Update and Australia's prioritised military focus on our own Indo-Pacific region.

3. Australia was one of many nations in the US-led Coalition, and Australia participated in the NATO Resolute Support Mission (2015-2021) as a non-NATO member, after the conclusion of the International Security Assistance Force (ISAF) mission (2001-2014). Australia recognised US and NATO leadership of these missions, and contributed senior members to the respective leadership teams. Australia's contributions to military, stabilisation and other non-diplomatic efforts in Afghanistan were also appropriately at the request of, and with the consent of, the Afghan Government. Australia's sovereign decisions were properly made within these contexts. Australia's diplomatic mission to Afghanistan was always a sovereign enterprise, as are all our diplomatic missions around the world.

QUESTION ON NOTICE / Written

QoN 027 – Public Hearing 15 November 2021

Topic: Taliban

Question from Committee

Question

1. Question for Defence.
2. What did Australia know about the Taliban's use of Pakistan as a safehaven, and why wasn't more done to address this issue?
3. Did Australia ever advance the idea that firmer diplomatic work was needed with Pakistan?

Answer

2. There is a long public record of Australian understanding of the Taliban's relationship with Pakistan, including the Taliban presence in Pakistan. This understanding included academic research, analytical contributions by organisations such as ASPI, and a significant body of international policy and scholarly research publications. There is also the public record of counter-terrorism and military operations, including US drone strikes in Pakistan under a number of previous US Administrations. Australia's public record of action includes the listing of terrorist organisations operating in Afghanistan and Pakistan under Australian Autonomous Sanctions, UN sanctions, and the Australian Criminal Code, and a range of counter-terrorism and counter-terrorist financing measures.

3. Australia has longstanding bipartisan engagement with Pakistan on counter-terrorism and countering terrorist financing. Robust engagement with Pakistan includes the areas of cross-border terrorist networks, human rights, terrorist financing reform including through the work of the international Financial Action Task Force, and diplomatic engagement. DFAT also has an active program of official level dialogue and engagement, including the Australia-Pakistan Senior Officials Talks (last held 10 November 2021).

An example of Australia's robust diplomatic response to cross-border attacks mounted from Pakistan territory is after an attack on 14 February 2019, where the Minister for Foreign Affairs, Senator the Hon Marise Payne, said Pakistan "can no longer allow extremist groups the legal and physical space to operate from its territory"; then-Minister for Defence Pyne said "the Government's position is that Pakistan needs to take firm and clear action against terrorist organisations that are operating in Pakistan, starting with proscription of some of those terrorist organisations"; also noting that then-Opposition defence spokesman Mr Marles said "we call on Pakistan to take real action against extremist groups and ensure they are no longer able to use its territory as a safe haven".