





Contractor Shura

The overall Classification of this brief is:

UNCLASSIFIED

11 March 2015





Agenda

- Opening Remarks
- Legal Background: BSA/SOFA and Presidential Decree
- Business Licenses
- Visas
- Arming
- Key Takeaways
- Key Contacts
- Open Discussion

NOTE: None of the information presented in these slides or presented today is intended to provide a substitute for private legal counsel.

This information does not create any private rights of relief.



Opening Remarks



- All BSA/SOFA articles are in force, the below documents provide additional guidance:
 - MOU 5030, dated 19 Sep 14
 - Presidential Decree (PD), dated 31 Dec 14
- PD does not relieve US/NATO contractors or personnel from BSA/SOFA implementation
- PD provides for a transition period 1 Jan 1 Jun 2015 to allow for gradual application of Afghan law to U.S./NATO contractors relating to certain BSA issues
- All US/NATO personnel are expected to be in compliance with Afghan law as it pertains to all BSA/SOFA articles NLT 1 Jun 15
 - A valid business license is a prerequisite to apply for a multi-entry visa.
 - Documents required for Licenses and Visas must be worked <u>NOW</u>.
 - All Arming Re-certifications will be complete NLT 31 Mar 15

"WE ARE MAKING GREAT HEADWAY"

Legal Background BSA/SOFA and Presidential Decree (Farman)



- BSA/SOFA are now in effect
 - PD does not relieve US/NATO contractors or personnel from BSA/SOFA implementation
- Contractors must now comply with Afghan law consistent with the BSA/SOFA
- PoA has signed Presidential Decree #38, providing relief to US/NATO contractors by phasing-in application of Afghan law to them on certain issues.
- That PD provided a bridging period through June 1 for business licenses, visas, and contractor charter flights and clarifies guidance with regard to work permits, weapons arming, etc.

Compliance with the BSA/SOFA is not an Option

1 June 15 will Affect Everyone





AISA Business Licenses

- The BSA/SOFA requires U.S./NATO contractors to obtain a valid Afghan business license.
 - •Contractors are required to obtain a license from Afghanistan Investment Support Agency (AISA). Licenses are valid for 3 years under the BSA and SOFA. Non-BSA/SOFA Licenses are valid for 1 year.
 - •A valid AISA business license is a prerequisite to applying for a one-year multi-entry business visa. Currently held licenses are valid until expiration.
 - •We expect new AISA licensing procedures for U.S./NATO contractors in the coming days. It is recommended that companies submit their applications.
 - •AISA website includes a link to a chat room where questions about AISA procedures are answered immediately and a link to the current registration procedures. The new AISA procedures for US/NATO contractors will appear on that website once they are finalized.
 - •AISA currently offers 11 different business licenses that vary by business sector: The initial fee for a business license ranges from \$700 to \$5,000 USD, depending on the type of license.

Afghanistan Investment Support Agency (AISA)

Website: http://www.aisa.org.af/ (in English)

Telephone: 0093(0) 20-210-3404

Address: East part of Charman-e-Hozory, near the National Olympic building, Kabul, Afganistán

Email: invest@aisa.org.af

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1-Year Multiple Entry/Exit Visas (MEV)



- Best option is to apply for a visa **NOW**
 - In-country: Mol Passport Offices (Herat, Mazar-i-Sharif, Kandahar, and Kabul)
 - Outside of AFG: Ministry of Foreign Affairs Consulates
- US/NATO Forces contractors and contractor employees may enter/exit Afghanistan until 1 June 2015 without a visa.
 - Per PD, a passport and a US/NATO raised gold seal Contractor Certificate are sufficient.
- Possession of a valid AISA business license is a prerequisite to applying for a MEV business visa.
 - Contractors and their employees inside of Afghanistan should get their Visa packets together and submit them NOW to obtain the one-year multiple-entry visas.
 - Provincial Visa Offices: Herat, Mazar-i-Sharif, Kandahar Manual Process Only
 - New contractors should obtain the visas prior to departing their country; Procedures are still being developed by Ministry of Foreign Affairs, but we expect similar documents to be required as are required by the MOI.
- Per PD, no financial penalties, or judicial prosecution for lack of a visa prior to 1 Jun 15
- Groups of visa applications are authorized and encouraged
- Processing fee (\$200.00) per first-time visa applicant, plus the visa costs (\$360 for one year MEV)



Get your required visa packages together NOW, and Execute!



GIRoA's Multiple Entry/Exit Visa Process Application Requirements



	ed Group Application Packets (agreed with Ministry of Interior; Ministry of Foreign Affairs procedures t finalized, but may have similar requirements):
Ú	A copy of the AISA business license of the contractor
	Official letter from a senior representative of the contractor which (1) provides a list of the contractor's employees who are applying for visas and (2) the name of the representative who will drop off and pick up the passports;
	Letter of Authorization (LOA) or similar letter for NATO contractors
	• <u>U.S. Contractors</u> : DoD-issued Letter of Authorization (LOA) for each of their employees applying for a visa;
	• NATO NSPA Contractors: Letter on NSPA letterhead containing a list of their employees applying for a visa;
	• NATO NCIA Contractors: Letter of Affiliation for each of their employees applying for a visa;
	 Other U.S./NATO Contractors may submit a contractor certificate for each employee applying for a visa, issued by the Resolute Support Legal Advisor/U.S. Forces – Afghanistan Staff Judge Advocate office.
	Original passport
	Visa application form
	One 4 x 5 photo
	Da Afghanistan Bank Tariff receipt (\$360 visa processing fee for a one-year, multiple entry visa and \$200 visa fee for first-time visa applicants)



GIRoA's Multiple Entry/Exit Visa Process for Contractors Inside Afghanistan



This Information is provided as a courtesy to US contractors. The USG does not take responsibility as this is Afghan government information

Contractor Company Rep submits a bundled packet to MOI

- Table listing the contractors name and pertinent information
- Bundled Packet (Copies):
 - AISA business license of the contractor
 - Official letter from a senior representative of the contractor which (1) provides a list of the contractor's employees who are applying for visas and (2) the name of the representative who will drop off and pick up the passports;
 - Letter of Authorization (LOA) or similar letter for NATO contractors
 - Original passport
 - Visa application form
 - One 4 x 5 photo

MOI cover letter attached to packet

MOI Visa Office – processes request gives tarifa to Company Rep \$200 (USD) one time process fee Per Visa

\$360 (USD) (\$1/day of stay) Per Visa

- Individuals need not personally apply at the Passport office; companies may bundle applications and submit them via an approved representative
- Possession of a valid AISA business license is a prerequisite to applying for a one-year multi-entry business visa. Currently held licenses are valid until expiration

Note: Under Presidential Decree #38, dated 31 Dec 2014, contractors and their employees shall not be required to obtain work permits in order to perform their duties. Company Rep takes tarifa to bank; Company Rep makes payment directly to bank

Da Afghanistan Bank Branch 7 Tell: 00 93 (20) 2104146 Email: info@CentralBank.Gov.Af

> Company Rep takes Receipt to MOI Passport office

MOI Passport office stamps/signs the passport – gives to Company Rep



Airport Expeditor



- The contractor Expeditor (Afghan nationals) will support and facilitate entry/exit into and out of Afghanistan at five airports of debarkation/embarkation (APOD/E) for contractor personnel performing on US/NATO awarded contracts in Afghanistan.
- The contractor will serve as a go-between, facilitator and liaison between BSA/SOFA contractors and Government of the Islamic Republic of Afghanistan (GIRoA) officials concerning entry/exit procedures and documents such as passports, visas, US/NATO contractor certificates.
- Bagram Airport (not req at this time)
- Kabul Airport (In Place)
- Kandahar Airport
- Herat Airport (16 hours a day)
- Mazar-e-Sharif Airport

24hrs per day 7 days a week unless noted

Team: 1 Site Manager and 6 Entry/Exit Facilitators and at each location

- The Expeditor will assist contractors and contractor employees in acquiring visas for contractors already in Afghanistan by providing interpretation support with GIRoA immigration agencies within each APOD/E when possible.
- Expeditor will be identified with RED badges indicating access to immigration/customs area
 Expeditor will provide English-Dari-Pashto interpretation/translation services on behalf of US and
 NATO military personnel, civilian personnel, and contractors in support of their transit through
 approved entry/exit control points.

We continue to work expeditor placement and airport access



Other Requirements



- <u>Contractor Charter Flights</u>: Shall continue current aviation practices, procedures and operations into, out of, and within Afghanistan with no changes until June 1, 2015.
 - Please let us know if you are aware of companies providing air services within Afghanistan or to and from Afghanistan; we would like to be in contact with them.
- <u>Work Permits</u>: US/NATO Contractors are NOT required to obtain work permits to perform their duties.
- <u>Withholding Tax</u>: Contractors employing LN employees must withhold personal income taxes for these employees and withhold taxes on payments made to local subsidiaries and local vendors. <u>It is extremely important that you seek legal counsel on all taxation issues.</u>
- <u>Tax Exemption Letters</u>: Letters will continue to be stamped by the SDDC office at the Embassy until further notice

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Contractor Arming



- CENTCOM policy states that arming of contractors and contractor employees is prohibited; however Exceptions to Policy (ETP) can be granted in certain situations
- Arming authorizations are considered an <u>exception</u> to policy. Two narrow ETP categories exist:
 - <u>Armed Security</u>: (5030 MOU) DOD contractors and contractor employees
 providing armed security services inside NATO/U.S. Agreed Facilities and Areas;
 and
 - <u>Self-Defense / Personal Protection Arming</u>: (BSA/PD) DOD contractors and contractor employees who regularly (i.e., at least weekly) perform their contractual duties outside of Agreed Facilities in support of NATO/U.S. missions, including the provision of training, advice, and assistance to Afghan National Security Defense Forces.
 - Contractors must obtain GIRoA Weapons Permits from in order to carry weapons after ETP process is complete
 - PD #38, signed 31 Dec 14 allows for bulk application for GIROA weapons permits

GIRoA Weapons Permit is Required for Arming under Self-Defense / Personal Protection



Timeline For Transitioning to ETP Requirements



- Must fully comply with the new requirements by submitting an ETP request and obtaining approval by 31 MAR 15.
 - If a contractor employee does not fall under one of the two ETP categories, then that employee must have disarmed as of 1 January 2015 (no transition period)
 - ROs will supervise and coordinate weapons turn in.
 - Weapons will be stored in accordance with garrison commander's directive and in coordination with JSO.
 - Arming authorization is not complete until a weapons permit is issued by GIROA

USFOR-A Arming Recertify must comply NLT 31 March 2015



Recommended GIRoA's Bulk Weapons **Permit Process for BSA Contractors**

Process Pending

Recommend putting

your packets together



Contractor provides a **USFOR-A Introductory** letter along with below documents to MOI CT

Accompanying documents

- USFOR- A Arming Auth Letter (AAL)
- Letter of Authorization (LOA)
- AISA Business License
- The receipt of payment for the weapons permit fee,
- Two 4X5 photos
- Type and serial number list and other specifications of the weapons

Min. of Interior (CT) processes request, gives tarifa to Company Rep

Currently a fee of 5000 Afs which is equivalent to US \$100. It is per weapon/per year.

Company Rep takes tarifa to bank makes payment

Company Rep takes

Receipt to MOI CT office

Weapons Permit is Issued

The APPROVED USFOR-A AAL must be obtained prior to submitting the application packet for GIRoA weapons permit







Recertification of Armed Contractor Employees



- ETP requests must be submitted through CAAMS and will include:
 - 1. RO memo (Self-Defense arming requires individual memos NO GROUP MEMOS)
 - Armed Security allowed to submit group memos (for same contract number and location)
 - RO must be an O-6/GS-15 or higher NO APPOINTMENT NECESSARY
 - No "boilerplate" language! The RO must specify who, what, where, when, and why each person needs a weapon.
 - 2. Newly issued SPOT letter of authorization (dated on or after 1 DEC 14) Required
 - 3. Newly signed DD Form 2760, RUF/LOAC training acknowledgments, and signed training and liability statements
 - 4. Weapons qualifications; existing qualifications may be used, however, qualifications are only valid for 12 months
 - 5. Summary of the required background investigation or memo verifying security clearance
 - 6. New certification that the LN or OCN has been biometrically enrolled, screened, and cleared
 - 7. Acknowledgement that the contractor employee has complied with Afghan law and regulation for licensing and weapons permit; provide a copy of the GIRoA weapons permit or license to ACOD upon receipt TO BE DONE AFTER RECEIVING NEW ARMING AUTHORIZATION LETTER (AAL)
- RO will notify ACOD of disarmed personnel
- Weapons from disarmed personnel must be processed for return or removal from Afghanistan NLT 31 Mar 15

Currently armed DOD contractors must submit a new ETP request or disarm



Civilian Arming Authorization Management System (CAAMS)



- NEW web-based application automating the submission, review, approval, and compliance management of civilian and contractor arming requests in Afghanistan
 - CAAMS Website (registration): https://www.jccs.gov / multistep process
 - Contractors/Vendors can log in and have visibility into their contract. They will have the ability to upload documents for their employees and initiate request
- Step 1 Contractors or COR must upload all relevant documents for arming requests.
- Step 2 COR must complete biometric verification (Non-US Citizens), and
- Step 3 Conduct Quality Control, and
- Step 4 Submit RO memo for each contract employee
- ACOD: Once arming packet is complete, ACOD performs quality control and completes legal review
- Arming Authorization Letter is generated, signed, and uploaded into CAAMS
- Last Step: COR uploads GIRoA weapons permit/license in CAAMS

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Key Takeaways



- 1. Investigate AISA business licensing requirements to be prepared to submit your application as soon as BSA/SOFA procedures are finalized.
- 2. Obtain your 1 year Multiple Entry Visa.
 - Documents required for visas must be worked <u>NOW</u>
- 3. Fly into/out of military air terminals to the extent possible/authorized.
- 4. If you meet the requirements to be armed, apply **NOW**.
 - If you do not meet the requirements, you will be disarmed
- 5. Consult your employer/KO/local private legal counsel for advice.



Important Contacts



BSA Policy

- Mr. Mark Illg, USFOR-A Senior Commander Advisor
- Email: usforabsajc@afghan.swa.army.mil

SOFA Policy

- COL Edward Henderson, International Agreements Branch
- Email: edward.henderson@hq.isaf.nato.int

Embassy BSA Support

- Ms. MaryEileen Earl, Pol/Mil Officer
- Mr. Kit Redmer, Deputy Economic Counselor
- Web Site: http://kabul.usembassy.gov/pol-mil.html
- Inquiry Email: <u>KabulBSAInquiries@state.gov</u>

Armed Civilian Oversight

- CAPT Kevin Sheil, Armed Civilian/Contractor Oversight
- LT Michael Grabowski, Operations Officer/COR
- Email: <u>usfora.acod.org@afghan.swa.army.mil</u>
- CAAMS Website: https://www.jccs.gov

CENTCOM-Joint Theater Support Contracting Command (C-JTSCC)

- Dennis M. McGowan, Senior Contracting Official-Afghanistan (SCO-A)
- Email: C3 Ombudsman-SCO-A@afghan.swa.army.mil



Visa Certificates are ONLY

valid until 1 June 2015

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Sample Visa Certificate





HEADQUARTERS Resolute Support Kabul, Afghanistan APO AE 09356



U.S./NATO CONTRACTOR CERTIFICATE

is the holder of

Passport # This U.S./NATO certificate confirms that he/she is a contractor employee of

a U.S./NATO Contractor, who is supplying goods or services in Afghanistan, to or on behalf of U.S./NATO forces under contract or subcontract number in support of United States forces, NATO, NATO Member States, or Operational Partners.

Pursuant to Presidential Order (Farman) #38 issued 31 December 2014, U.S./NATO contractor employees are entitled to enter, exit, work, and be present in Afghanistan requiring only a valid passport and this U.S./NATO issued certificate, which verifies their identity and their relationship with U.S./NATO forces.

National authorities of all countries are requested to afford favorable consideration to the expeditious transit of all U.S./NATO contractor personnel through their respective territories and customs areas, in order to promote the development and security of Afghanistan.

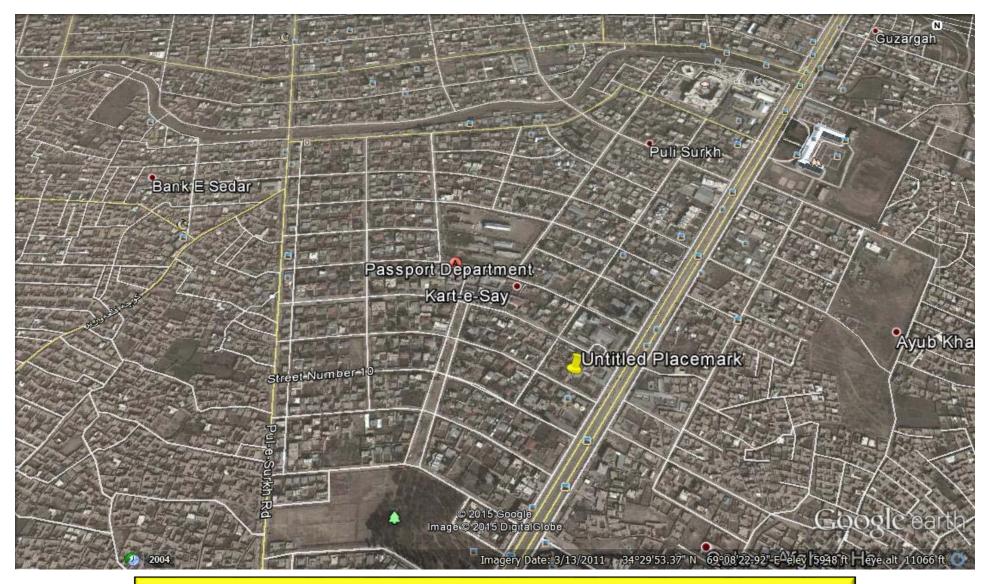
ON BEHALF OF THE UNITED STATES and THE NORTH ATLANTIC TREATY ORGANIZATION

Patrick M. McCarthy Captain, United States Navy Senior Legal Advisor Resolute Support/ United States Forces-Afghanistan



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Visa Office and Da AFG Bank, Branch 7



Branch 7 is located on Darulaman road next to the Afghanistan Parliament building the main brunch which locate by Srina Hotel in Kabul city.

Letters of Authorization

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Wayne, John M	3001-01-1 101	POGGIO	DATE OF SHITH
EMAIL	1000-001-1191	CITIZENSHIP	PASSPORT & J EXPIRATION
wayne.jotun999.ctr@jmall.mill		United States	123456789 / 9/15/2015
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NSPA Letter



No	Name of Applicant (Family, Given Name)	Passport Number	Nationality
1	Example, First Name	########	[NATIONALITY
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Certificate ONLY for those Contractors who are NOT a US/NSPA/NCIA contractor



HEADQUARTERS Resolute Support Kabul, Afghanistan APO AE 09356



U.S./NATO CONTRACTOR CERTIFICATE

[This person] is the holder of [NATION] Passport # [NUMBER]. This U.S./NATO certificate confirms that he/she is a contractor employee of [contractor company name], a U.S./NATO Contractor, who is supplying goods or services in Afghanistan, to or on behalf of U.S./NATO forces under contract or subcontract number [NUMBER], with or in support of United States forces, NATO, NATO Member States, or Operational Partners.

Pursuant to Presidential Order (Farman) #38 issued 31 December 2014, U.S./NATO contractor employees are entitled to enter, exit, work, and be present in Afghanistan requiring only a valid passport and this U.S./NATO issued certificate, which verifies their identify and their relationship with U.S./NATO forces.

National authorities of all countries are requested to afford favorable consideration to the expeditious transit of all U.S./NATO contractor personnel through their respective territories and customs areas, in order to promote the development and security of Afghanistan.

ON BEHALF OF THE UNITED STATES and THE NORTH ATLANTIC TREATY ORGANIZATION



Patrick M. McCarthy
Captain, United States Navy
Senior Legal Advisor
Resolute Support/
United States Forces-Afghanistan





Civilian Arming Authorization Management System (CAAMS)



Frequently Asked Questions (FAQs)

- Can more than one person be designated as a KO/COR for a particular contract?
 - YES. While only one name will be listed as the primary KO or COR, anybody granted KO/COR access will have identical permissions in the system. *Note: all KO/COR requests will be verified before being granted. Any employee of a particular contract company should request Vendor access, not KO/COR access.
- I get an error while trying to access the CAAMS application. Who should I notify?
 - Please submit a trouble ticket using the Helpdesk link. In the narrative of the trouble ticket please provide: contract number, the role you are requesting, and the e-mail address that you used to register with.
- I am able to access CAAMS but I cannot view my contract(s).
 - Please submit a trouble ticket using the Helpdesk link with the same information noted above.
 Additionally, send an e-mail to <u>usfora.acod.org@afghan.swa.army.mil</u> so that we can verify whether or not the contract is currently active in our status reports.