



HEADQUARTERS  
Resolute Support  
Kabul, Afghanistan  
APO AE 09356



**BSA/SOFA Implementation FAQs**  
(Publication Date: 2 May 2015)

**General Information**

**NOTE:** The U.S. – Afghanistan Security and Defense Cooperation Agreement, also known as the Bilateral Security Agreement (BSA) entered into force on 1 January 2015, alongside the NATO – Afghanistan Status of Forces Agreement (SOFA). Until 1 June 2015, the Afghan Government, through a Presidential Decree, has instituted a transition period allowing for phased application of Afghan law to BSA/SOFA contractors and contractor employees regarding entry/exit requirements (visas) and contractor-provided air services, as set forth in this fact sheet. The Presidential Decree also provides relief without time limit in a number of areas such as work permits, business licenses, and weapons permits. Any definitions contained in the BSA/SOFA and SOFA apply to the terms used in this fact sheet. This fact sheet only applies to BSA/SOFA contractors and the non-Afghan employees working under those contracts or subcontracts. It does not apply to other companies, nor does it apply to non-Afghan employees working under other contracts or subcontracts.

We recognize that some of the requirements for obtaining AISA business licenses may be onerous, especially on certain small subcontractors with 20 or fewer employees. Such smaller subcontractors may wish to coordinate with their prime contractors so that they are covered by their prime contractor's AISA business license.

The answers reflect our best, most up-to-date understanding of the facts at the time of publication. Information and answers are subject to change at any time and without notice.

**A GREAT DEAL OF THE INFORMATION DISCUSSED HEREIN IS BASED UPON CURRENT AFGHAN REGULATIONS AND PROCEDURES. AFGHAN PROCEDURES ARE SUBJECT TO CHANGE WITHOUT NOTICE TO OR CONSULTATION WITH US/NATO FORCES. WE WILL PASS ALONG CHANGES AS APPROPRIATE.**

NOTICE – \*\*\*This document is for informational purposes only. Contractors and contractor employees are urged to seek independent advice from appropriate professionals (attorneys, accountants, business experts, etc.) on all subjects relevant to the topics discussed in this document. This document does not constitute legal advice or opinion of any kind. No lawyer-client, advisory, fiduciary or other relationship is created. The U.S. government will not be liable for any damages, losses or causes of action of any nature arising from any use of this document or of the answers contained herein.\*\*\*

## **Frequently Asked Questions** (Ctrl + Click to jump to the topics listed below):

### [Entry/Exit & Visas](#)

- [Commercial Visa Processing Points of Contact](#)
- [Governmental Visa Points of Contact](#)

### [Taxation](#)

### [Business & Professional Licensing](#)

- [Governmental Business Licensing Points of Contact](#)

### [Weapons Permits](#)

### [Importation & Exportation](#)

### [Wearing of Uniforms](#)

### [Jurisdiction](#)

### [General Points of Contact](#)

## **Entry/Exit & Visas**

### **1. Are contractors required to have visas?**

BSA/SOFA contractor employees are to enter, exit, and be present in Afghanistan in conformity with Afghan law. Contractors are strongly encouraged to apply for visas now. Contractors located outside of Afghanistan are encouraged to apply for visas at their nearest Afghan embassy or consulate before departing for Afghanistan. Contractors currently present in Afghanistan may leave Afghanistan to apply for a visa at an Afghan embassy or consulate located abroad or apply in-country at a Ministry of Interior Passport Office.

A valid passport is necessary as of 1 January 2015. However, per the Presidential Decree, during the transitional period lasting until 1 June 2015, non-Afghan contractor employees are able to enter, exit, work and be present in Afghanistan with (1) a valid passport and (2) a U.S. issued certificate indicating that they are a U.S. contractor or contractor employee. The certificate can be obtained at the HQ Resolute Support Legal Advisor office. GIRoA acceptance of the certificate is dependent upon GIRoA implementation of the Presidential Decree.

All employees of contractors are strongly recommended to submit their visa applications now if they do not already have valid visas. It has been agreed that a work permit is not a requirement for visa issuance, but the procedures do require that the employees' company have a valid business registration license from the Afghan Investment Support Agency (AISA); AISA will coordinate with other government ministries and agencies which may also need to approve certain aspects of the operations of that company. Contractors and their employees will not be subject to financial penalties or judicial prosecution for lack of a visa from 1 January 2015 until 1 June 2015. **Those with expired visas may have to pay fines, as they have done in the past.**

## 2. What do I need to include in my visa application packet and what information is available regarding Afghan visas?

Under Presidential Decree #38, contractors may submit group applications (i.e., bundled applications to be submitted in bulk) for visas, on behalf of their employees.

### **Obtaining a Visa Inside of Afghanistan Processed through the Ministry of Interior**

The following documents constitute a complete visa application:

- a. Copy of the contractor company's AISA business license
- b. 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;
- c. Original passport;
- d. Visa application form (**not currently required to be notarized**);
- e. One 4 x 5 cm photo;
- f. Da Afghanistan Bank Tariff receipt (\$360 standard visa processing fee for a one-year, multiple entry visa and \$200 visa fee for first-time visa applicants);
- g. Verification the contractor and its employees are entitled to BSA/SOFA privileges:
  1. **For U.S. Contractors:** Submit a DoD-issued Letter of Authorization (LOA) for each employee applying for a visa. Letter of Authorization is generated by the DoD SPOT system.
  2. **For NATO Contractors under the NATO Support Procurement Agency (NSPA):** Submit a NATO Letter of Affiliation (LOA) for each employee applying for a visa. Letter of Affiliation template is available from NSPA.
  3. **For NATO Contractors under the NATO Communications and Information Agency (NCIA):** Submit a NATO Letter of Affiliation (LOA) for each employee applying for a visa. Letter of Affiliation template is available from NCIA.
  4. **For Other NATO Contractors Not Listed Above:** 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 in Kabul.

***Obtaining a New Visa or Visa Extension (Outside Afghanistan via the Afghan Embassy, Washington, D.C., or Consulate)***

*Processed through the Ministry of Foreign Affairs (Afghanistan Embassy)*

The following documents constitute a complete visa application:

- a. Sent by the contractor to the Ministry of Foreign Affairs in Kabul via email:
  1. Official letter from a senior representative of the contractor which provides:
    - i. List of the contractor's employees who are applying for visas, including their (1) first name, (2) surname, (3) country of citizenship, and (4) passport number; and
    - ii. Name of representative who collect applicants' passports in order to provide original passports to the Embassy/Consulate;
- b. Brought by the contractor employee of the contracting company's representative to the Afghan Embassy/Consulate outside Afghanistan:
  1. Original passport with at least six months' validity remaining;
  2. **Visa application form** (Note: Prior to 2 May 2015 the embassy required applications to be notarized. On 2 May 2015, RS LEGAD was informed the embassy would no longer require applications be notarized.)
  3. One 4 x 5 cm photo;
  4. \$360 standard visa processing fee for a one-year, multiple entry visa and \$200 visa fee for first-time visa applicants.

The website for the Embassy of Afghanistan in Washington, D.C., can be found [here](#).

General information regarding Afghan visas can be found [here](#).

The English-language Afghan Visa Application Form is available in PDF format [here](#).

***Obtaining a Visa Outside Afghanistan via Afghan embassies/consulates located in countries other than the U.S.***

*(Processed through the Ministry of Foreign Affairs at Afghan embassies/consulates worldwide)*

The HQ Resolute Support legal office expects that the visa application process outside of Afghanistan via Afghan embassies and consulates world-wide will be substantially similar to the process required by the Afghan Embassy in Washington, D.C. However, we advise seeking professional advice for specific requirements that may differ worldwide.

### 3. Are there commercial service providers able to assist in visa processing?

We are aware of a number of commercial providers for visa processing that we do not have any adverse information about. WE CANNOT AND DO NOT RECOMMEND OR ENDORSE ANY COMPANY.

#### Reputable Intermediaries

Afghanistan Holding Group  
Sanzar Kakar, Chairman  
+93 079-914-5229  
sanzar.kakar@ahg.af

Afghanistan Legal Services  
Asiyah Sharifi, Esq., Managing Partner  
+93 072-911-1012  
asiyah.sharifi@als.af

The Diplomat Group LLC  
Francis Wauchope, Director Government & Defence  
+97 146-018-999  
fwauchope@thediplomatgroup.com

Afghan Compound Support Services  
Mary Jane Mallorca  
+93 079-850-0025  
www.afgancss.com

Afghanistan Lawyers International  
Zmarak Zhouand  
+93 079-166-9999  
www.lawyers.af

Afghan Visa Expedition and Licensing: Parwan Sabz  
Travel & Tours  
Mohammad Rafi, Managing Director  
+93 078-222-3336; +93 070-476-7616  
traveltourp@gmail.com

Parks Global Solutions LLC  
Gerald Parks, President  
+97 155-774-9932  
gerald.parks@parks-global.com

Rosenstock Legal Services  
Domenic Senger-Schenck, Esq., Afghanistan  
Specialist  
+93 078-468-2188  
domenic@rosenstocklegal.com

Kechken Consultancy Services  
Abdul Bashir, President  
+93 078-145-7600  
kechken.consultancy@gmail.com

Innovative Logistics  
Charlene Bolton, Finance Manager  
+93 079-342-4610  
cbolton@totalscmsolutions.com

### 4. How long are Afghan visas valid?

Afghan visa validity is determined by Afghan law, and subject to the type of visa. However, under BSA/SOFA, contractor employees are able to obtain one-year, multiple-entry visas without having a work permit, although an additional payment of \$200 is required during the visa application process for contractors and their employees are submitting their visa applications for the first time. In order to obtain an Afghan visa for a contractor employee, the contractor must have a valid business registration license from AISA.

### 5. Can U.S. and NATO contractor employees already in Afghanistan obtain a visa?

Yes. Apply through the Ministry of Interior Passport Office. See Question 2, above.

a. Do contractor employees already in the country have to leave the country before obtaining a visa or renewing a visa?

No. Contractor employees should apply for a visa, through their employer, at the Passport/Visa Office of the Ministry of the Interior. There are Visa Offices in Kabul, Kandahar, Herat, and Mazar-e-Sharif.

b. Do contractor employees already in the country need to apply for visas individually? Do they need to apply in person?

No, consistent with current Afghan government practices, contractors may submit block or group applications in bulk to the MOI Passport Office in Afghanistan on behalf of their employees already in the country, with no personal appearance required by each of the employees. Only the company representative submitting the applications needs to appear personally. The company representative can be a commercial service provider.

c. Are contractor employees already in the country required to have work permits prior to obtaining or renewing a visa?

Per Presidential Decree #38, contractors and their employees are not required to obtain work permits in order to perform their duties.

6. Are BSA/SOFA contractor employees already in Afghanistan, subject to any fines or penalties stemming from the lack of, or the expiration of, a visa before 1 June 2015?

No. During the transitional period (which ends 1 June 2015), BSA/SOFA contractors and contractor employees shall not be subject to fines, penalties or punishments based upon the lack of a visa. Possession of an expired visa will likely continue to be subject to penalties, as it has in the past.

7. Can BSA/SOFA contractor employees traveling to Afghanistan obtain visas prior to arriving in Afghanistan?

Yes. Afghan visas may be obtained at any Afghan Embassy or Consulate worldwide. The Presidential Directive instructs the Ministry of Foreign Affairs to establish procedures to expedite issuing multi-entry one year visas. At present, the Afghan government does not require the personal appearance of an applicant, provided that the individual presenting the visa application has a letter of authorization.

**8. Can BSA/SOFA contractors submit block or group visa applications and payments on behalf of their employees traveling to Afghanistan?**

Yes. Per the Presidential Decree, contractors may submit group applications for visas, on behalf of their employees, along with the visa fee payment, to the relevant offices of the Ministry of Foreign Affairs and Ministry of Interior. We are aware that group payments have been accepted by the Afghan Consulates in the United States.

**9. What are the key points of contact for visas in Afghanistan?**

The Afghan Ministry of Foreign Affairs (MFA): Trade, Transit and Investment Directorate

Website: [www.mfa.gov.af](http://www.mfa.gov.af)

Telephone: +93 020-210-0377

Address: Malik Azghar Road, Kabul

Email: [contact@mfa.gov.af](mailto:contact@mfa.gov.af)

The Afghan Ministry of Interior (MOI): Passport/Visa Department

Website: [www.moi.gov.af](http://www.moi.gov.af)

Telephone: +93 020-210-2945

Address: Shahre New Road, Kabul

Resolute Support/USFOR-A Legal Office

Telephone: DSN 318-449-1413; DSN 318-449-0976; +93 070-705-0231

Address: HQ Resolute Support, Kabul

Email: [john.v.danner@afghan.swa.army.mil](mailto:john.v.danner@afghan.swa.army.mil)

**10. What should BSA/SOFA contractor employees expect at commercial airport terminals upon arrival in Afghanistan?**

Contractor employees should be prepared to present their passport, visas (or visa exemption letters until 1 June 2015), and employment letters if/when asked. Those contractor employees arriving at or departing from an Afghan commercial airport terminal after 1 January and before 1 June 2015 without a visa should continue to use visa exemption letters (as they have in the past) until they receive a visa during the transition period. All visa exemption forms expire on 1 June 2015, at the end of the transition period. Reports indicate that some contractor employees have been asked for their work permits at commercial airport terminals, but the Presidential Directive is clear that no work permits are required.

**11. How will passports and visas be checked and/or issued at military air terminals?**

Policies and procedures are currently under development. For contractor employee passengers on MilAir or a contracted airline arriving or departing from a military air terminal in Afghanistan, we expect no changes from present procedures, until procedures are in place for those employees of BSA/SOFA contractors to be issued

one-year multiple entry visas. We will update this fact sheet to reflect when such procedures are in place and when changes are expected at military air terminal ports of entry.

Nonetheless, if contractor employees will be exiting the country from U.S. installations at any time they should obtain and carry a visa (or visa exemption letter until 1 June 2015) and have a valid passport.

**12. Are BSA/SOFA contractor employees performing their contractual duties in Afghanistan required to obtain work permits?**

No. Work permits are not required.

**13. Will there be Afghan government personnel operating at the points of entry/departure to ensure compliance with visa, passports, and work permits?**

Consistent with the BSA/SOFA, the Afghan government may request that its personnel be positioned at military airports to account for entry and exit. But during the transition period (January - June 2015) while procedures are being developed for employees of contractors to receive visas, we do not anticipate Afghan government personnel positioned in those locations.

USFOR-A/Resolute Support has emplaced entry/exit facilitators on the commercial side of four key airports around Afghanistan – Herat, Mazar-e-Sharif, Hamid Karzai International Airport (HKIA) in Kabul, and Kandahar. These facilitators, who are local Afghan national contractors, are knowledgeable on the laws and regulations concerning entry and exit requirements. These facilitators will serve as a go-between, facilitator and liaison between U.S. / NATO personnel and Government of the Islamic Republic of Afghanistan (GIROA) officials concerning entry/exit procedures and documents, such as passports and visas.

As of 19 April 2015, the facilitators are in place at all locations except Kandahar, while progress continues to establish the facilitators in the remaining three airports.

For assistance with airport facilitator services, contact the following managers:

Khalid Nemat, Afghanistan Program Manager  
+93 079-004-9586.

Ajmal Khan, Kabul Site Manager  
+93 070-029-3341

Emamuldin Niazi, Mazar-e-Sharif Site Manager  
+93 079-015-5010



Toryalai Ayubi, Kandahar Site Manager  
+93 070-628-1229

Mohammad Nasir, Herat Site Manager  
+93 079-333-8490

#### 14. How long does the visa and licensing process take?

Timeframes for visa issuance and licensing will vary according to individual circumstances.

### **Taxation**

#### 15. In the case of non-Afghan BSA/SOFA contractors, should such contractors continue to withhold the normal withholding taxes required by Afghan law when making payments to Afghan citizen/residents or Afghan companies?

Yes. BSA/SOFA contractors are subject to Afghan requirements regarding employer withholding of personal income tax from U.S./NATO contractor employees who normally reside in Afghanistan and from BSA/SOFA contractor employees who are Afghan nationals for payment to Afghanistan as required by the laws and regulations of Afghanistan. Please Consult with Afghan tax experts.

#### 16. Are the wages of BSA/SOFA contractor employees subject to Afghan income or similar tax?

Contractor employees who do not normally reside in Afghanistan and who are not Afghan nationals shall not be liable to pay any tax or similar or related charges assessed by the Afghan government within the territory of Afghanistan on their activities and associated income, relating to a contract or sub-contract with or in support of U.S./NATO forces. Their presence in Afghanistan solely for the purpose of performing their contractual duties that fall within the purview of the BSA/SOFA does not render them subject to taxation as someone who “normally” resides in Afghanistan.

### **Business & Professional Licensing**

#### 17. Are contractors required to obtain Afghan business registration licenses?

BSA/SOFA contractors are subject to registration in Afghanistan. This will be done via an expedited process that will include issuance of a business registration license by the Afghanistan Investment Support Agency (AISA). The license will be valid for three years after payment of a reasonable, standard, one-time service charge to AISA, as required by Afghan laws and regulations.

Under the BSA/SOFA, such contractors shall otherwise be exempt from all other Afghan licenses and similar requirements in relation to their entry into, or execution of, contracts and subcontracts with or on behalf of U.S./NATO forces. Presidential Directive #38 provides that AISA will obtain approvals from any other Afghan ministries or agencies that may be required for the contractor to operate in Afghanistan.

**AISA business license applications shall include the following documents:**

- a. If the contractor company's president, vice president, or equity partner is present in Afghanistan, one of these three should be present at AISA to submit the AISA business license application.
- b. If the contractor company's president, vice president, or equity partner is NOT present when submitting the application to AISA in Afghanistan, a notarized power of attorney is required for a third-party to act as the company's legal representative for the processing of the AISA business license application.
  1. We interpret AISA application procedures to require that the president, vice president, or equity partner be the signing party that is granting the power of attorney to the company's legal representative.
- c. Original passport and visas of the contractor company's president, vice president, and equity partners – or their legal representative.
- d. Original Taskera IDs of the president, vice president, and equity partner; if they are Afghanistan citizens
- e. Three color copies of the passport and visas of the contractor company's president, vice president, and equity partners – or their legal representative.
- f. Four photos of the contractor company's president, vice president and/or equity partners.
- g. If the contractor company is located outside of a U.S. or NATO base
  1. Official/stamped contract letter or leasing documents confirmed by area representative (village elder) or property owner.
- h. If the contractor company is located inside a U.S. or NATO base
  1. The contractor must bring an official letter from the Administration of that base stating that they are located in base. USFOR-A SJA/Resolute Support legal offices will distribute template letters to the various bases for this purpose.
- i. Tax clearance letter for the contractor company. According to Article 109 of the Afghan income tax law, none of the equity partners, company president, or vice president can register a new company without tax clearance of their previous company/companies.
- j. Application fee (amount to be found on the AISA website).
- k. Any application form AISA required (to be found on the AISA website).
- l. All documents being submitted as part of the AISA business license application should be authenticated, as follows:**

**1. If the license application is being prepared in the United States:**

- i. If using a power of attorney, notarize the power of attorney;
  - ii. Have the power of attorney notarization attested by the state where the notary is commissioned (e.g., the State of Florida for a Florida-based notary public);
  - iii. Have the U.S. State Department certify the genuineness of the previous state-level notarization; and
  - iv. Have the entire license application package (including power of attorney, if used) authenticated by an Afghan embassy/consulate.
  - v. Following authentication by an Afghan embassy/consulate, submit the complete application to AISA.
2. If the license application is being prepared outside of both Afghanistan and the U.S., **AND** the President, VP, or equity partner will not be submitting the application:
  - i. If using a power of attorney, notarize the power of attorney;
  - ii. Have the power of attorney notarization attested by the appropriate governmental authority in the nation where the power of attorney is being signed and notarized;
  - iii. Have the nation's ministry of foreign affairs certify the genuineness of the notarization, in accordance with internationally accepted practice for notarized documents; and
  - iv. Have the entire license application package (including power of attorney, if used) authenticated by an Afghan embassy/consulate.
  - v. Following authentication by an Afghan embassy/consulate, submit the complete application to AISA.
3. If the license application is being prepared and submitted inside of Afghanistan, and the President, VP, or equity partner will not be submitting the application:
  - i. Prepare the necessary power of attorney and have it notarized. If the power of attorney is being signed in Afghanistan, the power of attorney may be notarized by the Office of the Legal Advisor, Resolute Support Legal Advisor/U.S. Forces – Afghanistan, in Kabul. Base legal offices have template powers of attorney available for this purpose.
  - ii. Have the notarized power of attorney and all other license application documents authenticated by the Office of the Legal Advisor, Resolute Support Legal Advisor/U.S. Forces – Afghanistan, in Kabul, which is available to authenticate these documents and to provide a certificate of genuineness.
  - iii. Have the entire license application package (including power of attorney, if used, and certificate of genuineness) authenticated by the Afghan Ministry of Foreign Affairs. The office location to be

used is the Foreigner's Visa Office, Consulate Department, Ministry of Foreign Affairs, Malik Azghar Avenue, in Kabul.

iv. Following authentication by MOFA, submit the complete application to AISA.

**18. Are there commercial service providers able to assist in AISA license processing?**

With the caveat that we cannot and will not recommend or endorse any company, the HQ Resolute Support legal office is aware of a number of commercial providers about which we have no derogatory information that can act as intermediaries for the purposes of processing AISA business licenses. The providers are listed in Question 3, above.

**19. Are professional licenses issued by other countries valid as having a license in Afghanistan?**

Afghanistan agrees to accept as valid all professional licenses issued by authorities of the United States or NATO countries to members of the force or of the civilian component, U.S./NATO contractors or U.S./NATO contractor employees in relation to the provision of services as part of their official or contractual duties.

**20. What are the key points of contact for business licensing in Afghanistan?**

The Afghan Ministry of Foreign Affairs (MFA): Trade, Transit and Investment Directorate  
Website: [www.mfa.gov.af](http://www.mfa.gov.af)  
Telephone: +93 020-210-0377  
Address: Malik Azghar Road, Kabul  
Email: [contact@mfa.gov.af](mailto:contact@mfa.gov.af)

The Afghanistan Investment Support Agency (AISA)  
Website: [www.aisa.org.af](http://www.aisa.org.af)  
Telephone: +93 020-210-3404  
Address: East Part of Chaman-e-Hozory, Near National Olympic Building, Kabul  
Email: [invest@aisa.org.af](mailto:invest@aisa.org.af)

The Afghan Ministry of Commerce and Industry (MoCI)  
Website: [www.commerce.gov.af](http://www.commerce.gov.af)  
Telephone: +93 070-022-5718  
Address: Darul Aman Road, Karte Se, Kabul

Resolute Support/USFOR-A Legal Office  
Telephone: DSN 318-449-1413; DSN 318-449-0976; +93 070-705-0231  
Address: HQ Resolute Support, Kabul  
Email: [john.v.danner@afghan.swa.army.mil](mailto:john.v.danner@afghan.swa.army.mil)

## **Weapons Permits**

### **21. Are BSA/SOFA contractor employees authorized to carry weapons after 1 January 2015?**

USCENTCOM/USFOR-A general policy is that DOD contractors and contractor employees should be unarmed. An arming authorization is an exception to policy. Contractor employees will not be authorized weapons unless required to be armed to perform contracted duties. All DOD contractors and contractor employees are prohibited from possessing weapons in Afghanistan except:

- a. DOD contractors and contractor employees providing armed security services inside NATO/U.S. Agreed Facilities and Areas; and
- b. 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.

Per the BSA/SOFA effective 1 January 2015, US contractors performing security services in Afghanistan are subject to all relevant requirements of Afghan laws and regulations. During the transition period, the Ministry of Interior will accept group applications for weapons permits from BSA/SOFA contractors whose contractor employees carry a weapon for self-protection in order to perform duties outside of Agreed Facilities and Areas in support of U.S. missions, including the provision of training, advice and assistance to Afghan National Security and Defense Forces. As of March 8, the GIRoA weapons permits procedures are in the process of being finalized. Once procedures are in place and applications are processed, there will be a licensing fee and a licensing card will be issued by the Ministry of Interior. For further information please contact USFOR-A Armed Contractor Oversight Directorate at DSN 318-436-7535, or [usfora.acod.org@afghan.swa.army.mil](mailto:usfora.acod.org@afghan.swa.army.mil).

### **22. If authorized to carry a weapon, what rules apply to contractor employees regarding the use of force?**

Afghan law applies. Inside U.S. bases, BSA/SOFA contractor employees will also receive appropriate guidance regarding the Rules for the Use of Force.

### **23. Are BSA/SOFA contractor employees authorized to apply for an Afghan weapons permit if they have been denied authority to carry weapons by USFOR-A or any other element, unit, or organization of the United States Department of Defense?**

No.

24. Will BSA/SOFA contractor employees already in the country be required to disarm? If so, will they all be required to disarm?

USCENTCOM/USFOR-A general policy is that DOD contractors and contractor employees should be unarmed. An arming authorization is an exception to policy. Contractor employees will not be armed unless required to be armed to perform contracted duties as described in Question #19.

25. If required to disarm, where will weapons be stored and how will they be sent back to the home nation of the contractor companies?

Weapons will be stored and transported in accordance with previously-established policy and procedures.

For further information please contact USFOR-A Armed Contractor Oversight Directorate at DSN 318-436-7535, or [usfora.acod.org@afghan.swa.army.mil](mailto:usfora.acod.org@afghan.swa.army.mil).

### **Importation & Exportation**

26. What rules will apply regarding imports and exports?

Contractors may import into, export out of, re-export out of and transport and use in Afghanistan any equipment, supplies, materiel, technology, training, or services. The authorizations in this provision of the BSA/SOFA do not cover the activities of contractors that are not related to the presence of U.S./NATO forces in Afghanistan. For BSA/SOFA contractors, identifying documents shall be provided to indicate that such equipment, supplies, materiel, technology, training, or services being imported by contractors are for U.S. forces' purposes and not for any private commercial purposes.

Contractors, and those contractor employees who are not Afghan nationals, may import into, export out of, re-export out of and transport and use in Afghanistan personal effects. The imported quantities shall be reasonable and proportionate to personal use. The property referred to in this provision of the BSA/SOFA may not be sold or otherwise transferred in Afghanistan to persons who are not entitled to import such items duty free unless such transfer is in accordance with agreed procedures, including on payment of any taxes or fees due as a result of such transaction, established by the Joint Commission.

The importation, exportation, re-exportation, transportation, and use of any articles brought into Afghanistan pursuant to the above information shall not be subject to restrictions, such as licensing, inspection, or verification, except as provided in the BSA/SOFA, or taxes and customs duties or other charges assessed by government authorities in Afghanistan within the territory of Afghanistan. If Afghan authorities suspect the abuse of the privileges granted above to contractors and contractor employees, then relevant Afghan authorities reserve the right of inspection of such

personal effects when arriving or departing from civilian airports in Afghanistan or in personal vehicles at border crossings.

The relevant Afghan authorities reserve the right of verification of any container imported by contractors and contractor employees containing items for U.S./NATO forces' purposes in Afghanistan or for personal use, as described above. Without causing undue delay, and upon presentation by the relevant Afghan authorities of information to U.S. /NATO forces authorities that a contractor is abusing the authority granted above, U.S. /NATO authorities shall open and verify suspected shipments or containers intended for import in the presence of the Afghan authorities. Afghan authorities shall consent to the security requirements of U.S. /NATO forces and upon request by U.S. /NATO forces authorities permit such verifications to take place within agreed facilities and areas or other areas as mutually agreed.

### **Wearing of Uniforms**

#### **27. Are contractors and the contractor employees authorized to wear military uniforms?**

The BSA/SOFA does not allow contractors or contractor employees to wear military uniforms.

### **Jurisdiction**

#### **28. Are contractors and contractor employees subject to Afghan criminal and civil jurisdiction?**

Yes, Afghanistan maintains the right to exercise jurisdiction over contractors and contractor employees. But the settlement or adjudication of contract claims shall be carried out in accordance with the terms of the contract.

#### **29. Does Afghan labor law apply to non-Afghan contractor employees hired by non-Afghan contractors?**

There is no BSA/SOFA provision that applies Afghan labor law to the non-Afghan employees of non-Afghan contractors. The terms of their contracts apply.

#### **30. Is the United States government seeking to obtain the same immunities for contractors that USG and Coalition personnel process?**

There is no intention to seek any deviation from the BSA/SOFA in this regard.

## **General Points of Contact**

### **31. Are there points of contact I can call for further assistance?**

Yes. The following are points of contact:

BSA Joint Commission Secretariat  
DSN 318-481-3424

HQ Resolute Support International Agreements Branch  
DSN 318-449-5640

Legal Office – HQ Resolute Support, Kabul  
DSN 318-449-1413; DSN 318-449-0976

Legal Office – CJTF-3/USFOR-A, Bagram Air Field  
DSN 318-481-8544

Legal Office – 82d Combat Aviation Brigade, Bagram Air Field  
DSN 318-481-0462

Legal Office – 4th Sustainment Brigade, Bagram Air Field  
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