

U.S./NATO Forces' Contractor Information Sheet

General Information:

- Many of the questions posed below are subject to ongoing discussion between the International Security Assistance Force (ISAF)/United States Forces-Afghanistan (USFOR-A) and the Government of the Islamic Republic of Afghanistan (GIROA), particularly matters involving entry/exit requirements, visas, work permits, and arming of contractors who travel off U.S./NATO bases. The answers reflect our best understanding of the facts as of 12 November 2014. Answers are subject to change at any time without notice. We have tried to make the information accurate, but given the inherently uncertain nature of the current operating environment, we make no guarantees.
- This document is for informational purposes only. It should not be relied upon to make business or legal decisions. 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. You should not use or rely upon any of the answers without first seeking legal and other professional advice. This document does not constitute legal advice or opinion of any kind. No lawyer-client, advisory, fiduciary or other relationship is created. ISAF/Resolute Support (RS)/USFOR-A 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.
- The terms “contractors” and “contractor employees” as used in this document are defined in accordance with the definitions used in the Bi-Lateral Security Agreement (BSA)/Status of Forces Agreement (SOFA) as follows:
 - “Contractors” means persons and legal entities who are supplying goods and services in Afghanistan to or on behalf of U.S./NATO forces under a contract or subcontract with or in support of United States forces.
 - “Contractor employees” means the employees of U.S./NATO contractors.
- This information sheet applies only to contractors and contractor employees as defined above, i.e., only US DOD and NATO forces’ contractors and their employees (not contracts for Department of State (DOS), US Agency for International Development (USAID), etc.)

Frequently Asked Questions:

1. Will contractor employees be required to have valid passports and visas after 1 January 2015?
 - *Yes, Contractor employees must comply with Afghan law.*
2. What information is available regarding visas?
 - The Afghan Visa Application Form is located at :
[http://www.embassyofafghanistan.org/sites/default/files/forms/Visa%20Application%20Form%20\(English\).pdf](http://www.embassyofafghanistan.org/sites/default/files/forms/Visa%20Application%20Form%20(English).pdf)
 - The embassy website is at: <http://www.embassyofafghanistan.org/>

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- The Visa & Customs website is: <http://www.embassyofafghanistan.org/page/visa-customs>
- Visa Information from <http://www.embassyofafghanistan.org/page/visa>

3. Who can Contractors and Contractor employees call if they need help or have questions with respect to visas including entry and exit procedures?

- *See websites in question #2 above. Contractors and their employees may also retain private counsel.*

4. How long are visas valid?

- *Determined by Afghan law.*

5. Can contractor employees already in Afghanistan obtain a visa?

- *Yes.*

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

- *Contractor employees already in Afghanistan do not have to leave the country to apply for a visa. Contractor employees should apply for a visa at the Passport Office of the Ministry of the Interior.*

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

- *No, consistent with current GIRoA practices, Contractors may submit block or group applications on behalf of their employees already in the country.*

c. Can Contractors submit block or group applications on behalf of their employees already in the country?

- *Yes, consistent with current GIRoA practices.*

d. Can Contractors submit block or group receipts indicating that they have paid for visas for a block or group employees, already in the country, applying for visas?

- *Yes, it is our understanding that GIRoA will accept a single receipt covering a block or group application.*

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

- *Under current practice, GIRoA officials sometimes require work permits, but it is the position of ISAF/USFOR-A that work permits are not required under the Military Technical Agreement (MTA), BSA, or SOFA.*

f. Are contractor employees already in the country, subject to any fines or penalties stemming from the lack of, or the expiration of, a visa?

- *It is our understanding that GIRoA has sometimes levied such fines and penalties. However, it is the position of ISAF/USFOR-A that contractor employees present in Afghanistan prior to 1 January 2015 because of an existing contract should not be subject to any fines or penalties from lack of a visa or possession of an expired visa.*

6. Can contractor employees traveling to Afghanistan obtain visas prior to arriving in Afghanistan?

- *Yes.*

a. Where?

- *Any Afghan consulate worldwide, e.g., Washington, D.C., Dubai.*

b. Are contractor employee applicants who are traveling to Afghanistan required to appear in person to apply for a visa?

- *GIRoA's current practice is that personal appearance is not required, provided that the individual presenting the visa application has a letter of authorization.*

c. Can Contractors submit block or group visa applications for their employees traveling to Afghanistan?

- *Yes, consistent with current GIRoA practices.*

d. For contractor employees traveling to Afghanistan, can contractor companies pay for blocks or groups of applications versus having to pay for each individual employee applicant?

- *It is our understanding that current GIRoA practices permit Contractors to submit block or group payments on behalf of their employees. We are aware that group payments have been accepted by the Afghan consulate in Washington, D.C.*

7. What should Contractor employees expect at airport terminals upon arrival in Afghanistan?

- *Unknown.*

8. How will passports and visas be checked at military air terminals?

- *Policies are under development.*

9. Are contractor employees performing their contractual duties in Afghanistan required to obtain work permits?

- *It is our understanding that GIRoA's current practice sometimes requires work permits, but it is the position of ISAF/USFOR-A that work permits are not required under the MTA, BSA, or SOFA.*

10. Are contractor employees performing their contractual duties in Afghanistan considered to “normally reside” in Afghanistan for purposes of taxes?

- *Conditions of residency for purposes of taxation are determined by Afghan law. However, the ISAF/USFOR-A position is that non-Afghan contractor employees who are present in Afghanistan solely in furtherance of contractual duties are exempt from taxes under the MTA, BSA, or SOFA.*

11. Are the wages of non-Afghan contractor employees subject to Afghan income or similar tax?

- *Non-Afghan 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 GIRoA within the territory of Afghanistan on their activities and associated income relating to a contract or sub-contract with or in support of US/NATO Forces.*

12. In the case of non-Afghan contractor companies, are the profits and earnings associated with a contract or subcontract with U.S. forces or NATO subject to Afghan tax of any sort?

- *US/NATO contractors shall not be liable to pay any tax or similar or related charges assessed by GIRoA within the territory of Afghanistan on their activities and associated income relating to or on behalf of US/NATO Forces under a contract or subcontract with or in support of US/NATO Forces. However, US/NATO contractors that are Afghan legal entities shall not be exempt from corporate profits tax that may be assessed by GIRoA within the territory of Afghanistan on income received due to their status as US/NATO contractors.*

13. Are contractor employees authorized to carry weapons after 1 January 2015?

- *Contractor employees may only carry weapons in accordance with Afghan laws and regulations.*
- *U.S./NATO Forces are authorized to use contracted armed security services inside U.S./NATO agreed facilities. Contractor employees working for contracted armed security services may carry weapons on base in furtherance of their contractual duties if specifically authorized to do so by appropriate U.S./NATO officials.*

14. If authorized to carry a weapon, what rules apply to Contractor employees regarding the use of force?

- *Outside U.S./NATO bases, Afghan law applies. Inside U.S./NATO bases, Contractor employees will be provided appropriate guidance regarding the Rules for the Use of Force.*

15. Are contractor employees authorized to apply for an Afghan arms license if they have been denied authority to carry arms by NATO/USFOR-A or any other element, unit, or organization of US Department of Defense (DOD) or NATO?

- *No.*

16. 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.*

17. 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 paragraph do not cover the activities of Contractors that are not related to the presence of U.S./NATO forces in Afghanistan. Identifying documents shall be provided to indicate that such equipment, supplies, materiel, technology, training, or services being imported by Contractors are for U.S./NATO 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 paragraph 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 and Afghanistan-NATO Implementation Commission, as appropriate.*
- *The importation, exportation, re-exportation, transportation, and use of any articles brought into Afghanistan pursuant to the above paragraphs 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 authorized 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 forces 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.*

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18. What level of security will be provided to contractors and contractor employees operating in Afghanistan after 1 January 2015?

- *RS/USFOR-A will seek to provide security including "Guardian Angels" after 1 January 2015 subject to force limitations, the BSA/SOFA, the terms and conditions of respective contracts, and Defense Federal Acquisition Regulation Supplement (DFARS) 252.225-7995.*

19. Will contractor companies or contractor employees be required to pay a fee, tax, or tariff on goods imported into Afghanistan in connection with a contract with U.S. forces or NATO?

- *See answer to question #12 above.*

20. Will contractor employees already in the country be required to disarm? If so, will they all be required to disarm?

- *Under present circumstances, all contractor employees except those providing on base contracted armed security services as described in the answer to question #9 above will be required to disarm prior to 1 January 2015.*

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

- *Policies are currently under development. Guidance will be forthcoming.*

22. Does Afghan labor law apply to contractors and contractor employees?

- *There is no BSA/SOFA provision that applies Afghan labor law to non-Afghan contractors or their employees.*

23. Are contractors required to obtain Afghan business registration licenses?

- *U.S./NATO contractors are subject to registration in Afghanistan, via an expedited process that shall include issuance of a business registration license valid for three years and payment of a reasonable, standard, one-time service charge to the Afghanistan Investment Support Agency as required by the laws and regulations of Afghanistan. United States 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.*

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

- *Yes, consistent with the BSA and SOFA.*

25. Is the USG 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.*

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26. How long does the visa, licensing and work permit process take?

- *Unknown.*

27. 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, NATO Member States or Operational Partners to members of the force or of the civilian component, NATO personnel and U.S./NATO contractors or United States contractor employees in relation to the provision of services as part of their official or contractual duties.*

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

- **U.S Embassy in Kabul – Economic Section**

Website: <http://kabul.usembassy.gov/econsection.html>

Telephone: 0093 (0) 700-10-8001

Email: KabulEcon@state.gov

Address: Embassy of the United States – Kabul, Afghanistan

- **Ministry of Foreign Affairs – Trade, Transit and Investment Directorate**

Website: www.mfa.gov.af

Telephone: +93(0)20-210-0377

Address: Malik Azghar Road, Kabul, Afghanistan

Email: contact@mfa.gov.af

- **Afghanistan Investment Support Agency (AISA)**

Website: www.aisa.af.org

Telephone: 0093(0) 20-210-3404

Address: Opposite Ministry of Foreign Affairs, Kabul, Afghanistan

Email: invest@aisa.org.af

- **Ministry of Commerce and Industry (MoCI)**

Website: www.commerce.gov.af

Telephone: 0093-(0)700-225-718

Address: Darul Aman Road, Karte Se, Kabul, Afghanistan

- *For additional and updated information, visit the Embassy of Afghanistan website at <http://www.embassyofafghanistan.org/page/resource-guide>*