



Commonwealth of Australia

Migration Regulations 1994

CLASS OF PERSONS

(Paragraphs 200.211(1A)(a) and 201.211(1A)(a))

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations'), having consulted as required under subclauses 200.211(1B) and 201.211(1B):

1. REVOKE Instrument Number IMMI 09/027 signed on 8 May 2009, specifying classes of persons for paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the Regulations; AND
2. SPECIFY all non-citizens who have been assessed to be at significant risk of harm as a result of their employment with:
 - (a) the Department of Foreign Affairs and Trade (DFAT) in the Australian Embassy in Baghdad in Iraq since 1 May 2003; or
 - (b) between 17 March 2003 and 15 May 2009:
 - (i) were employed in a private civilian capacity by the Australian Defence Force (ADF) in Iraq; or
 - (ii) were employed or worked collaboratively in a private civilian capacity with the Australian Defence Force in Iraq with the:
 - (i) Overwatch Battle Group (West); or
 - (ii) Australian Army Training Teamand who have:
 - (iii) ceased employment with, or who have ceased working collaboratively with, the Australian Defence Force; and
 - (iv) sought certification from the Minister of Defence on or before 15 May 2009; and
 - (v) who have applied for a class XB (Refugee and Humanitarian) visa on or before 31 December 2009; or who
 - (c) any time after 15 May 2009 have been employed in a private civilian capacity in the Australian Defence Force in Iraqas a class of persons for the purposes of subclauses 200.211(1A) and 201.211(1A).

3. SPECIFY that for the purpose of subclauses 200.211(1A) and 201.211(1A) a class of persons are all non-citizens employed with the Department of Foreign Affairs and Trade (DFAT), the Australian Defence Force (ADF), the Australian Agency for International Development (AusAID) or the Australian Federal Police (AFP):
 - (a) who have been assessed as being at significant individual risk of harm as a result of their support to Australia's whole of Government mission in Afghanistan due to their role, location, employment period and currency of employment; including:
 - (i) interpreters in Uruzgan Province in positions funded by DFAT; or
 - (ii) interpreters or instructors employed with the ADF or AFP; or
 - (iii) project, facilities management and advisory staff in the Provincial Reconstruction Team in Uruzgan on behalf of AusAID and/or DFAT; or
 - (iv) a person who is able to satisfy the relevant agency Minister that exceptional circumstances exist for that Minister to certify that the non-citizen is in that class of persons; and
 - (b) are not, or were not, an Afghan government or military official or employed in a private security capacity; and
 - (c) are not nationals or citizens of another country other than Afghanistan; and
4. A class of persons under paragraph 3 must have sought to be certified by the relevant agency Minister under paragraph 200.211(1A)(b) or 201.211(1A)(b):
 - (i) within six months of ceasing employment; or
 - (ii) in the case of a locally engaged employee who has ceased employment on or after 1 January 2012, before 30 June 2013; or
 - (iii) where the relevant agency Minister is satisfied that exceptional circumstances exist – at any time.

This instrument, IMMI 12/127, commences on 1 January 2013.

Dated 14 December 2012

CHRIS BOWEN
Minster for Immigration and Citizenship