



Independent Joint Anti-Corruption Monitoring and Evaluation Committee

Vulnerability to Corruption Assessment (VCA) of the International Work Permit Process

**Kabul
May 2016**

ABBREVIATIONS

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| AFN | Afghanistan Afghani (currency) |
| AISA | Afghanistan Investment Support Agency |
| CBR | Capacity Building for Results |
| GIRoA | Government of the Islamic Republic of Afghanistan |
| IWPD | International Work Permit Directorate |
| MEC | Independent Joint Anti-Corruption Monitoring and Evaluation Committee |
| MOIC | Ministry of Information and Cultural Affairs |
| MOCI | Ministry of Commerce and Industry |
| MOCIT | Ministry of Communication and Information Technology |
| MOF | Ministry of Finance |
| MOFA | Ministry of Foreign Affairs |
| MOI | Ministry of Interior |
| MOJ | Ministry of Justice |
| MOLSAMD | Ministry of Labor, Social Affairs, Martyrs, and Disabled |
| NGO | Non-Government Organization |
| USD | U.S. Dollar (currency) |
| VCA | Vulnerability to Corruption Assessment |
| IWP | International Work Permit |
| MSF | Médecins Sans Frontières (Doctors Without Borders) |

1. Executive Summary:

This Vulnerability to Corruption Assessment (VCA) is being conducted at the request of the Ministry of Labor, Social Affairs, Martyrs and Disabled (MOLSAMD) with the acknowledgement that Afghanistan has experienced an unprecedented number of international workers employed in governmental entities, nongovernmental institutions and the private sector. This situation is not new to Afghanistan and in place are rules, regulations, law enforcement entities and a process for issuing international work permits (IWPs). However, there are foreign citizens illegally working in Afghanistan, while at the same time Afghans find themselves unemployed. The inability of the Afghanistan Government to effectively control the issuance of work permits to foreign citizens has not only led to this employment disparity, but the uncollected fees associated with issuance of permits results in a loss of revenue to the government.

Recently there have been reforms to the process, which have had limited effectiveness in the fight against corruption. However, this VCA shows that these changes need to be reinforced and made more efficient. The laws and regulations related to IWPs, the structure of current government institutions and their inadequate human resources, and process itself all have deficiencies which are in need of serious reform

Findings of the VCA Team show that government entities have serious challenges regarding enforcement, especially the Labor Law and Internationals Travel and Residence Law, and regulations such as International's Employment Regulation, international's work permit preparation and issuance procedure related to the process and implementing it on the employing agency. Deficiencies in the law, such as a lack of provisions for the punishments, have prohibited IWP authorities from taking required actions against violators. The inconsistency in the current structure with the reformed process and dependency of contract employees in the current organizational structure also shows vulnerabilities and a need for sustained permanent staff support.

The dependent relationship in the visa process involves issuance by Afghan embassies in foreign countries and renewal by the Ministry of Interior Affairs and this also requires a comprehensive agreement and required cooperation with the relevant governmental entities, which is currently not the case. Additionally, the opportunism of employees in these government entities and their illegal interference in the process of visa and work permit issuance to internationals is very possibly increasing the existence corruption and bribery. The lack of cooperation from those employing international workers with MOLSAMD, and the lackluster monitoring by MOLSAMD provides opportunity for dysfunction and corruption.

For a number of reasons – international organizations not following Afghan laws, weak Afghan law enforcement in the country, relations with neighboring countries, lack of capable human resources in professional and technical areas – Afghanistan is not able to make national and international organizations or even the private sector obey its own laws as they relate to labor and work permits.

Considering the aforementioned vulnerabilities, MEC would propose several recommendations which would remedy many of these critical problems. The Ministry of Labor, Social Affairs, Martyrs and Disabled should establish cooperation through a joint agreement with both the Ministry of Interior Affairs and the Ministry of Foreign Affairs in the process of issuing and extending the entrance and work visas. MEC further recommends that there be an addition to the current internationals' employment regulations which would provide penalties for violations. In addition, MOLSAMD should institute an online application system through the Ministry's web site to decrease the direct interaction between employees and applicants.

2. Introduction

During the last 14 years, Afghanistan was a recipient of substantial amounts of foreign aid, which attracted a flood of foreigners seeking employment. In the past, Afghanistan itself lacked capacity and this was the main reason for welcoming foreign workers to the country. One of the objectives in recruiting foreigners is to transfer their expertise, capacity and skills to Afghans. However, in many cases this objective was not met. There has been progress in terms of building Afghan's human capacity and this can help to replace large numbers of foreigners with qualified Afghans. Having more Afghan experts will also lead to the independence of Afghan markets from foreign human resources. For these reasons, GIRoA established a number of regulations and conditions for granting work permits to foreigners, with the goal of maximizing the benefits of external human resources, and also to replace positions currently employing foreigners with available qualified Afghans. To implement these objectives, the processing of foreign work permits must be done in accordance with the law. The statistics of International Work Permit Directorate of MOLSAMD indicates that from 2005 to 2015 a total of 158,318 foreign citizens have obtained a work permit.

With the reduction of international involvement and foreign aid to the country, the number of foreign workers has also reduced in great numbers and the government has taken serious steps to reform the work permit process. This has revealed bribery and corruption in the process.

With establishment of the National Unity Government's cabinet, the new minister of MOLSAMD (based on the Minister's letter number 1242, dated July 8, 2015) asked the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) to conduct a VCA on the process of issuing work permits for foreigners working in Afghanistan.

3. Methodology:

This VCA has been conducted using the following methods:

- A review of the legal documents, analytical reports and a sample of the process documents;
- Interviews with the International Work Permit Directorate (IWPD) at MOLSAMD;
- Interviews with the government entities, private companies and NGOs that recruit internationals;
- Interviews with other relevant stakeholders including the Afghanistan Investment Support Agency (AISA), Ministry of Interior (MOI), MOFA, Ministry of Finance (MOF) and Ministry of Culture and Information (MOIC).

After the careful assessment, study and analysis of the findings, the VCA Team has identified the main vulnerabilities to corruption and developed recommendations.

4. Legal Framework:

The following is the list of relevant legal documents for the work permit process:

- 2009 Labor Law
- Foreigners Travel and Residence Law – Official Gazette 50, 2015
- Recruitment of Foreigners in Afghanistan's Institutions Regulation – number 36, 2006
- Procedures of Issuing Work Permits for Internationals

4.1. Labor Law - 2009

The 2009 Labor Law is applicable to all who work in Afghanistan, including foreigners. The first component, Article 6, states: “foreigners who receive work permits with or without former contracts or will obtain the contract with the government, NGOs and private entities are obligated to obey this law; and their recruitment conditions will be legalized under a special regulation.” However, findings show that many NGOs, private companies, and international organizations do not follow this law. Rather, they follow their own internal regulations and policies which in many cases contradict the national law. For instance, many NGOs and private companies do not obtain work permits.

These violations have also not been assessed with any resulting fines or punishments as per the law. This has made the work permit process more vulnerable to corruption. The lax enforcement by the monitoring teams at MOLSAMD, and disregard of the national law by the international and national entities are other reasons for the weaknesses in the implementation of this law.

4.2. Foreigners Travel and Residence Law

One of the preconditions for issuing a work permit is to obtain an entry visa which is processed under the Foreigners Travel and Residence Law. According to this law, some organizations and individuals are exempted from visas charges, a stipulation which can be vulnerable to corruption. For instance, Article 32 states that “experts, professors and those foreigners - including their families - who work voluntarily with international charity organizations and institutions in Afghanistan are exempted from visa payments according to the signed contract with Afghanistan.”

Based on this Article, some organizations, especially educational institutions, invite foreigners as volunteers so that they are exempted not only from related taxes but also from needing a work permit or paying for a visa.

Furthermore, Article 50 of this law states, “if the foreigner who has a visa under Articles 10-19 without any justifiable reasons did not extend her/his visa, he/she is to pay USD 10 per day for a period of one month, USD 15 per day for a period of two months, or the equivalent in AFN (local currency).” It is worth noting that Article 11 of this law is related to the work visa and Article 50 is responsive only to those who do not extend their residence visa and there is no such obligation in regard to work visas.

4.3. Recruitment of Foreigners in Afghanistan’s Institutions Regulation

The Labor Law was approved in 2009, whereas the Recruitment of Foreigners Regulation was ratified in 2006. The Labor Law is more updated but the Regulation has not been revised. Therefore, the Regulation has to be revised in accordance with the newer law. Also, the basis for the Regulation is referred to in Article 4 of the Labor Law, however in the updated law the basis for foreigners’ work permits is explained in Article 6. This means the Regulation needs to be revised according to Article 6. Weak alignment in the legal framework can result in vulnerabilities to corruption.

Article 14 of the Regulation assigned MOFA and MOLSAMD to prepare and establish the Foreigners Recruitment Procedures. The one-page procedure provided to the VCA Team by MOLSAMD was found to lack comprehensiveness and effectiveness. Taking into account that the procedure is not precise it can be vulnerable to corruption. Experts believe that these two ministries do not have the capacity to prepare a comprehensive document.

In addition, the procedure has some weaknesses regarding administrative processes, education documents and criminal records that should be revised. For instance, to ease the processing of a work permit, some steps, such as the approval of education documents, medical checkup and existence of criminal records may be processed in the applicant’s home country, instead of Afghanistan.

4.4. Procedures of Issuing Work Permits for Internationals

Articles 14, 15 and 16 of this Procedure describe work permit procedures for obtaining permits for three categories of foreigners as follows: Blue Cards for experts for AFN 10,000, extendable for a period of five years; Yellow Cards for skilled and mid-skilled workers for AFN 10,000, extendable for a period of two years; and White Cards for short-term consultants for a period of three months for AFN 10,000. The flat fee of AFN 10,000 applies not only to different skill levels and periods of time worked, but the flat fee is applied to all levels of income as well.

Furthermore, Articles 15 and 16 of the law contradict Article 6 in the Foreigners Recruitment Regulation. Article 6 states, "In case both foreigners and Afghan workers are available in the market, the priority should be given to Afghans." While conversely Articles 15 and 16 allow skilled and mid-skilled workers to receive a work permit. Providing a work permit to foreign mid-skilled workers exacerbates the unemployment crisis in the country. Findings show that many foreigners have been recruited for positions which require normal or mid-level skills, where Afghans have the same capacity, such as cooks, guards, nurses and midwives. For example; we observed these kinds of recruitments in BRAC Organization.

In addition, component 2 of Article 5 of the Regulation, regarding a foreign worker's educational background states, "(the) recruitment of foreigners in expert areas without the related education background and relevant skills is not allowed." But there are many cases where foreigners have been recruited in government or private entities for a position which is different than their educational background. This shows that the process is vulnerable to corruption and there is collusion between the recruiters and the work permit staff to overrule the rules and regulations.

5. Organizational Structure and Human Resource Process

5.1. Relevant Stakeholders and Their Roles

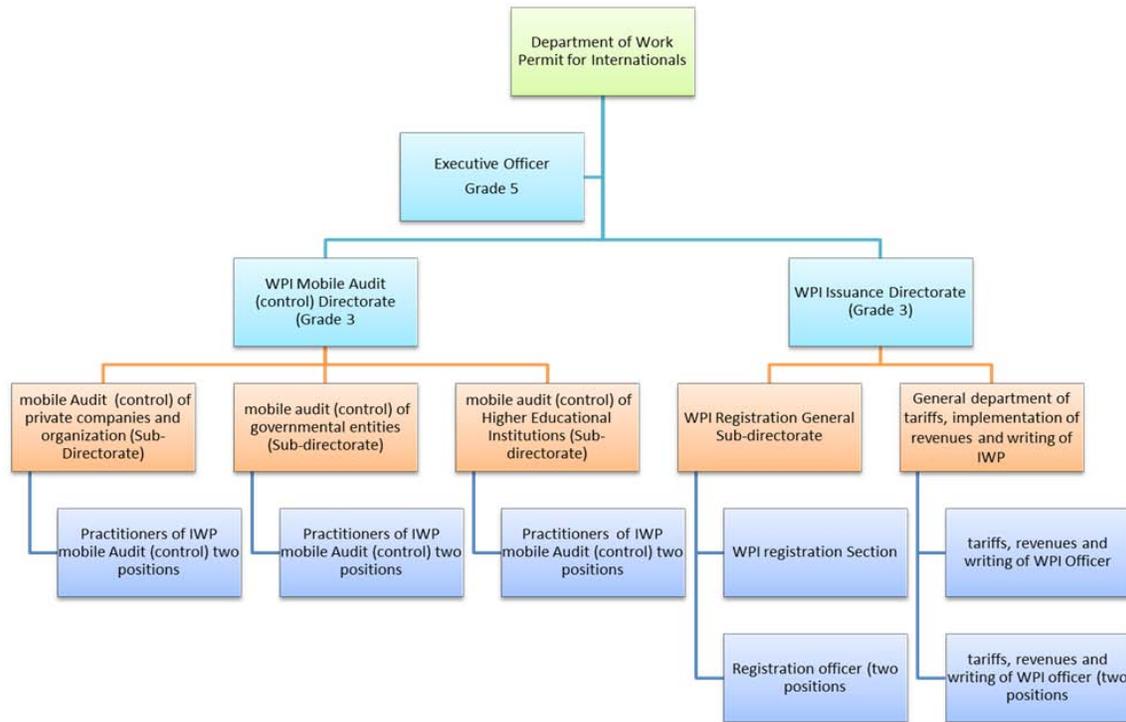
There are a number of different stakeholders involved in the work permit issuing process. The International Work Permit Directorate (IWPD) plays the key role, as well as Afghan embassies and consulates worldwide, which issue visas to foreigners. The MOI, after the work permit is issued, extends the visa based on the existence of the work permit ID card. In addition, the Interpol Department at MOI conducts an investigation to examine if the visa applicant has a criminal record. Also, the Afghanistan Investment Support Agency (AISA) is involved in private companies' recruitment process, the MOEC for NGOs, MOIC for tourist companies, Ministry of Commerce and Industry (MOCI) for business private companies, and the Ministry of Justice (MOJ) for social and civil organizations.

Each of the government entities mentioned above has an existing procedure for their involvement in the work permit issuance process. They also requested that the MOFA not issue any visa without their consent. This has made the process vulnerable to corruption by providing opportunity for interference of high ranking officials from all these ministries. For instance, recruiting companies can be issued a visa for their foreign staff by interference of MOFA's high ranking officials. Interviewees believe that the role of relevant government entities should be strictly limited to their internal procedure and there is no legal base to any coordination role between the recruiting companies and the MOFA.

5.2. Organizational Structure of for the International Work Permit Directorate (IWPD)

The IWPD works within the framework of Deputy Minister of Labor of MOLSAMD. This Directorate had 16 positions in their Tashkil in 1394, with seven full-time employees working there. The rest of the employees are temporary, provided with the support of the World Bank. The interviews and observations show that the 16-employee Tashkil has caused organizational inflation and conflicts in responsibilities.

The IWPD transactions require 10 qualified employees to process and analyze the documents properly. However in addition to seven permanent employees, there are also 21 contract employees. Thus a total of 28 employees are in place, far exceeding what is necessary.



In addition the VCA Team's assessment shows that the employees of this directorate are facing a lack of coordination. The documentation obtained shows that in some cases where documents have been initially rejected by the responsible assessment officials, the Director of this Directorate has forced the employees to later process the rejected documents. The VCA Team also learned through interviews that the Director has been unsuccessfully pressuring some of the employees to leave their jobs.

In addition, at times the Director has been influenced by some governmental officials and has processed improper documents. In one of the documents assessed by the VCA Team, the Director bypassed the correct process altogether and sent the documents directly to the departments. This shows not only a clear lack of coordination and cooperation between the officials in this Directorate, but also the improper influence on employees. This situation provides a good opportunity for corruption in the process.

This Directorate has a Mobile Control Team in the Tashkil which is responsible for monitoring the entities that employ internationals. Based on the statements by interviewees and some of the entities employing internationals, the performance of the Audit Office is also questionable and vulnerable to corruption. However, this office was separated in the 2015 Tashkil from this Directorate, but it still continues its monitoring activities in the framework of Labors' Audit Directorate.

The assessments of the records show that the Terms of Reference (ToR) of some of the positions are too similar and have caused conflicts of responsibilities. For example, the ToR of the IWPD Issuance Director, which is a Grade 2 Position, has 80% similarity with the ToR of the Issuance Officer, which is a Grade 3 position.

In general, the assessments show three vulnerabilities in the structure and human resources of this Directorate that can lead to corruption:

- The structure has too many employees which lead many of them to be idle and the organizational structure should be established based on the work requirements.

- A lack of coordination, conflicting responsibilities and lack of trust has provided challenges for administrative order.
- An over-reliance on contract employees and a lack of a clear vision for establishing permanent internal capacities.

5.3. IWPD staff capacity

After conducting extensive interviews, and by direct observations by the VCA Team, it is apparent that most of the current employees in the IWPD have good capabilities. Many have the proper training and experience which is project related. But this situation is vulnerable because they are working on temporary contracts. It is possible that their contracts will not be renewed at the end of this project in 2017. In order to maintain the current capacities, the Ministry should have a plan to maintain skillful workers of the process. This could be done by making temporary contractees permanent or by transferring their skills to IWPD's permanent staff.

6. The Work Permit Issuance Process

6.1. The relationship between work permits and visas

In the execution of this process there are other fundamental steps such as issuance of temporary visa to Afghanistan, and then the issuance of work permit from MOLSAMD, than can impact it indirectly. However these steps are separate from each other and other ministries are mainly responsible for them; but there are unbreakable ties between the process of obtaining a work permit and a visa.

Currently, a person requesting a work permit must receive an entrance visa from the Afghan embassy in his/her home country before applying. The next step is for the employing agency to request MOLSAMD to process the work permit for the international employee. This happens while the employee is employed and working without a work permit in Afghanistan. Most often the international employee can continue working if he/she is able to obtain a six-month or one-year visa from the Afghan embassy in his/her home country. The VCA Team has identified cases where embassies have issued one-year visas with double or multiple entries for workers who do not have a work permit. The main discussion of the experts is regarding the primacy and decency of the entrance visa before issuance of work permit. Currently it is possible to avoid obtaining a work permit by instead taking advantage of the primacy of entrance visa. Thus the current situation (primacy of issuance of the entrance visa over the work permit) is one of the issues that have made the visa issuance process vulnerable to corruption and has allowed the non-payment of work permit fees in the IWP issuance process.

The other serious issue is the importance of a work permit for obtaining a long-term visa from the MOI. Many of the interviewee's expressed their personal opinion that the MOI Passport Directorate is providing long-term visas without the consideration of work permits by obtaining bribes. This provides more chances for avoiding the use of work permits. One question is why the national and international companies and organizations illegally pay the Passport Directorate and not pay that money to obtain a work permit. The interviewees believe that the reason is that most internationals employed by national and international organizations are not qualified to work in the country based on the regulations and laws, and therefore cannot obtain a work permit.

The experts believe that if the relevant ministries agree to make obtaining a work permit mandatory before obtaining the visa, then the government will achieve the following goals:

- Corruption opportunities related to issuing visas from Afghan embassies will be decreased.
- By enforcing current laws and regulations, this will prevent the entry of internationals that are not qualified, and more employment opportunities will be available for Afghans.

- The current state of confusion regarding work permits will decrease significantly and governance in general will improve.
- The amount of bureaucracy will decrease, as will the work load of the MOI Passport Directorate through the issuance of work visas in foreign countries.

If these proposals are accepted, the only requirement will be to digitize the system with all processing done via the internet. By digitizing the system, the work load of the IWP Directorate and Passport Directorates will decrease, services will be provided in a shorter period of time, costs will be reduced, and corruption will be minimized.

6.2. IWP issuance procedure:

According to the observations, the reform of this process will result in a decrease of some unnecessary steps. Also, another positive change would be the establishment of booths where customers can interact with employees of the IWP. Applicants are currently not able to get in contact with the officials easily to discuss the progress of their applications. And the existence of employees whose contracts are annually renewed has made the process vulnerable since these employees have no confidence in guaranteed future employment and thus are more likely to leave the organization or extort bribes.

6.2.1. Steps to obtain a work permit:

To obtain a work permit, the following steps are required:

1. Request of employing entity
2. Directive of Authorized Official/Authority (MOLSAMD Deputy Minister)
3. Referring to IWP issuance officer by the Director
4. Analysis of applicant's documents by IWP issuance officer
5. Referring to department of tariff issuance
6. Payment of fee at the bank
7. Registration in the database
8. Printing the work permit card
9. Registration of the card
10. Issuance of work permit card to the applicant

Step One - Request of employing entity:

The first step is that the company representative, organization or governmental entity that is asking for a work permit for an international employee will prepare an official request letter on their letterhead. This letter is then submitted to the respective section in MOLSAMD; however, there is considerable confusion for applicants, since at this stage of the process many are unsure as to where in MOLSAMD this application letter should go. The vulnerability of this phase is the multiplicity of possible authorities, which is confusing to the applicant and can only lead to misplacing the application letter or significant delays in the processing of the work permit request. One solution for the applicant is to pay an outside source (broker) which can then expedite their application through the process. However, this is a form of corruption since brokers should not act on the applicant's behalf with the ministry during this process, since in most cases the broker is merely paying a bribe to the employee in MOSLAMD to process the application. This process starts only after the international employee enters the country with a one-month visa and actually starts working.

Step Two - Directive of Authorized Official

Once the application letter reaches the correct Authorized Official of MOLSAMD, then a request letter is referred to the IWPD in order to have the letter processed, and therein lies inefficiency, since there is a top-down approach in this phase.

Step three: Review of the Required Documents

This process usually happens through a checklist by two officials in the IWPD: the Director of IWP and an IWP officer. The details of the checklist are as follows:

- Official application of the entity
- Receipt of original Passport
- Original and copy of the company/corporation or entity's license
- Reference letter of the company director/deputy or authorized official, and a reference for the representative of the company
- Applicant's completed application

The observations of the VCA Team show that in some instances high-ranking officials, especially the Director of the IWP, have processed documents without all checklist items, thus misusing their authority. It has also been observed that in some cases insufficient or incomplete documents which were rejected by an officer were later processed by a special order.

Step four - Referring to the Office Tariffs

Once the company documents are verified and approved, they are forwarded to the Tariffs Department. The two employees of this Department will then issue a bank tariff in the amount of AFN 10,000, which applies to all three cards.

Step five - Registration in the Database (Data Entry)

In this step the documents presented by the applicant organization, which are already approved and verified by IWPD officials, are entered into the database after confirming that the tariff has been paid. In this office there are four people working to register documents into the database.

Step six - Printing the Card

After the data entry is completed, the printed work permit is then referred to the registration section of the IWP Directorate for registration. There are two employees working in this section, however one person is able to carry out this task sufficiently.

Step seven - Registration of Work Permit

The number and other specifications of the card are recorded in the book and the card is finally provided submitted to the applicant. There are two employees in this office as well.

6.2.2. IWP Permit Procedure – Conclusions

The interviewees believe that there are still some steps in the process which can be eliminated. However, there is no doubt that if the process becomes one which is only bottom-up (and not top-down), this would be a significant improvement. The first step of document analysis should eliminate the role of the leadership and should start with the front-line employees. This provides more facility to applicants and enabling processing in a shorter period time. Not only a bottom-up system, but adding controls on the Director would reduce their ability to interfere in the process. Long delays are a common

complaint which has many causes: lack of constant electricity; participation of officials in prayers; and funeral ceremonies, weddings and other events.

6.3. Process monitoring:

The vulnerability to corruption in this process is one of weak monitoring and lack of attention in the verification of legal documents. For example, despite the lack of supporting documentation and the rejection by the professional employees of that office, in some cases application paperwork is often still processed. High-ranking officials, who are responsible for monitoring the transparency of the process, instead abuse their authority and disregard the legal documents.

The MOLSAMD officials believe that the objective of the top down management approach is to ensure that monitoring of the process is done according to the legal documents in a transparent way; however, this approach stands to achieve the aforementioned purpose, but the interviewees believe that it is ineffective. Public administration experts, specifically in this process, are critical of how time consuming and vulnerable to corruption it is. The bottom-up approach does not have the aforementioned vulnerabilities and supports the involvement and monitoring of higher authorities, since after processing the documents the last person who observes the documents and executions of the officers is the higher authority. In this case in addition to providing a chance for the authority to correct any mistakes, he/she will also be provided a chance to monitor the process.

The documents and items that are obtained regarding the executions of the IWPD show weak, costly, time consuming and ineffective monitoring, which in fact has caused the existence of opportunities for corruption.

According to the MOLSAMD officials and interviewees, there are thousands foreign citizens illegally working in Afghanistan, while at the same time thousands of Afghans find themselves unemployed. The weak monitoring and inability of the Afghanistan Government to effectively control the issuance of work permits to foreign citizens has not only led to this employment disparity, but the uncollected fees associated with issuance of permits results in a loss in revenue to the government of millions AFN annually.

6.3.1. WPI Monitoring and assessment mechanisms

Considering that the IWPD has multiple purposes, the government is obligated to make work permits mandatory for all international employees working in Afghanistan to achieve those goals. These goals are the proper management of the process, support of the national employees, effective use of identified capacities and finally, the prevention of suspicious activities and any actions which threaten national security. That is why the IWPD has a Mobile Control Team monitoring those who employ internationals, which is currently working under the structure of the Labor Audit Directorate.

Despite the existence of this office, thousands of internationals are still employed in very basic jobs and there has not been an increase of non-professional Afghans working in the labor market. This fact points out the inability of the IWPD to achieve its goals, and many ascribe this failing to the level of corruption existing in this directorate. The interviewees believe that internationals are employed in international organizations, NGOs, private companies and civil society organizations in a variety of very ordinary positions, such as nurses, midwives, masons and cooks.

Interviewees in this department stated that some of the companies do not allow them to be monitored. For instance, Habib Gulzar Company is one of the companies which violated Article 152 of the Labor Law. Unfortunately, MOLSAMD has not taken any serious steps against the company and this inaction can pave the way for corruption and misuse by sending a signal that misdeeds will not be punished.

Work Audit Department reports are not processed by MOLSAMD and this leads to ineffectiveness in the process. For example, an audit of the BARAK Organization from 2013, has yet to be processed (as of December 2015). One of the reasons why these reports are not followed up is the lack of criminalization

and gaps in the legal framework. Inspectors identify the companies violating the law and identify their type of violation. However, due to an absence of a legal basis for punishment the responsible entity cannot address the issue accordingly.

7. Conclusion and Recommendations

Regardless of enforced reforms, the work permit issuance process is still fraught with numerous challenges and vulnerabilities to corruption. There are legal framework weaknesses such as the absence of criminalization for violators; no standard procedures; a lack of coordination between the current structures; and the overuse of service contract-based staffers. In addition, a lack of coordination between relevant entities in the process and weak cooperation of beneficiaries are other challenges that pave the way for corruption in the process of work permits for internationals.

7.1. Recommendations

| Indicator | Recommendation | Baseline (date) |
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| Clarification of the employment conditions of foreigners in accordance with the new Labor Law. | MOLSAMD drafts the new Regulation of Employment of Foreign Citizens in accordance with Article 6 of the new Labor Law and refers it to the Council of Ministers for approval. | (2016/05/07) The new Labor Law was adopted in 2009, and the current Regulation of Employment of Foreign Citizens was adopted in 2005, based on the former Labor Law. The basis for the current Regulation of Employment of Foreign Citizens is Article 4 of the former Labor Law. However, the current Labor Law stipulates Foreign Citizens in Article 6. |
| Draft and endorsement of a comprehensive procedure for hiring foreign citizens. | MOLSAMD in collaboration with the MOFA drafts and endorses a comprehensive procedure in accordance with the new Regulation of Employment of Foreign Citizens. | (2016/05/07) Article 14 of the current Regulation of Employment of Foreign Citizens, assigned the MOFA and MOLSAMD to draft the procedures for hiring foreign citizens in government offices. But MOLSAMD only prepared one-page procedure, and this is not a comprehensive procedure |
| Disciplinary measures and fines enshrined in the new Regulation of Employment of Foreign Citizens and the procedure for hiring foreign citizens. | MOLSAMD incorporates disciplinary measures and fines in the new Regulation of Employment of Foreign Citizens and the procedure for hiring foreign citizens. | (2016/05/07) There are no disciplinary measures and fines in the current legal documents of the issuance of work permit for foreign citizens which paves the way for violation of the legal documents. |
| Reform of the organizational structure of the process for issuing work permits for foreign citizens in accordance with the electronic system. | MOLSAMD aligns the organizational structure of International Work Permit Directorate (IWPD) with the new electronic system. | (2016/05/07) Although the process of issuing work permits for foreign citizens has been computerized, the organizational structure has not changed. |

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| Hiring permanent employees in the process of issuing work permits for foreign citizens. | MOLSAMD hire permanent technical staff in the IWPD. | (2016/05/07) The majority of technical staff are contractors, if their contracts are terminated the IWDP will face shortage of technical human resources. |
| Online distribution of work permits. | MOLSAMD activates the online issuance of work permits for foreign citizens. | (2016/05/07) Online issuance of work permits for foreign citizens has not yet started. The application, document verification, approval and payment of the fee are conducted manually. |
| Enhanced coordination between MOLSAMD and MOFA. | MOFA issues work visa after the foreign employee receives his work permit from MOLSAMD. | (2016/05/07) Afghan embassies issue annual and six-month visas to foreigners without coordination with MOLSAMD. This is a violation of Afghan Law. |
| Downgrading the International Directorate of Work Permit to a sub-directorate. | MOLSAMD eliminates IWPD and transfer its authority to International Sub-Directorate of Work Permit. | (2016/05/07) The parallel existence of IWPD and Sub-Directorate of International Work Permit causes bureaucracy. The ToRs of these two positions are 80% identical. |

8. Sources

- Interviews with employees of the IWPD at MOLSAMD
- Interviews with entities who recruit foreigner workers such as Ministry of Agriculture, Etisalat, MSF, NGO's other private companies.
- Interviews with relevant stakeholders, including the Afghanistan Investment Support Agency (AISA), Ministry of Interior (MOI), Ministry of Foreign Affairs (MOFA), Ministry of Finance (MOF) and Ministry of Culture and Information (MOCI).
- Visits to different NGOs and governmental entities that hire international experts
- Consultation meeting with experts and staffers in the process
- Labor Law - 2009
- Foreigners Travel and Residence Law - Official Gazette 50, 2015
- Recruitment of Foreigners in Afghanistan's Institutions Regulation – number 36, 2006
- Procedures of Issuing Work Permits for Internationals