

Pro Bono Efforts in Afghanistan Touch Individuals and Organizations in a Humanitarian Crisis

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Jenner & Block has teams of lawyers assisting individuals and organizations navigate the humanitarian crisis in Afghanistan. One team is helping NGOs navigate US sanctions laws so they can continue to work in Afghanistan, while another team is helping at-risk individuals leave the country. This work is part of the firm's pro bono program.

Helping NGOs Provide Assistance in Afghanistan

When the Taliban took control of Afghanistan in mid-August, we provided guidance to non-governmental organizations about how US sanctions could affect their ability to work in Afghanistan under the Taliban, which the US government has designated as a terrorist group. We helped the NGOs identify which of their humanitarian assistance programs were not prohibited by counterterrorism laws, allowing those programs to continue, and also identify other programs for which additional US government guidance or authorization was necessary.

The firm's efforts also included conducting outreach to the US government on behalf of various organizations, helping to explain how the situation in Afghanistan affected their employees, their operations, and the programs they implement. Among other outreach, the team drafted and submitted requests for authorization to carry out programming in Taliban-controlled areas.

On September 24, the US Department of the Treasury issued two general licenses to support the continued flow of humanitarian assistance to the people of Afghanistan and other activities that support basic human needs there. As a result, NGOs can now carry out their work to help the people of Afghanistan without running afoul of US sanctions laws. Jenner & Block will continue working with organizations there and elsewhere to help provide lifesaving assistance consistent with US sanctions requirements.

The team is led by Partner Rachel K. Alpert and includes Associates Umer M. Chaudhry and Garrett J. Salzman. An article published by Ms. Alpert in *Just Security* proposes solutions to some of the challenges that the NGO sector faces in situations like Afghanistan.

Helping At-Risk Individuals Emigrate from Afghanistan

After the fall of Kabul, it was widely reported in the news (and confirmed by sources on the ground) that the Taliban had been delivering death threats to those seen as enemies or traitors to its regime. In these final chaotic days of the Islamic Republic of Afghanistan a vast swathe of society – many of whom had spent years supporting Western state and civil society building endeavors - were suddenly trapped. Owing to the swift advance of the Taliban, these at-risk individuals were unable to flee the country. The international response to the growing refugee crisis has been disjointed and inadequate.

In response to this humanitarian crisis, we currently have nearly 50 lawyers, led by Partners Debbie L. Berman, Ishan K. Bhabha, and Michael W. Ross and Of Counsel Richard J. Gray, from offices on both sides of the Atlantic working collaboratively to help those in mortal danger emigrate from Afghanistan and third-party countries. The firm's efforts have taken the form of providing legal assistance, and where necessary engaging in lobbying efforts, to help identify US and UK entry requirements. We are also leveraging our international contacts to identify lawyers in Canada and Australia who are willing to undertake similar work in their respective jurisdictions.

At present, the firm is working to help 30 at-risk individuals, as well as their family members, who are seeking to leave Afghanistan. The list includes several academics, a female high-ranking former judge, a senior female police officer, a pregnant journalist, an interpreter, a government contractor employee and numerous other members of civil society. All these individuals are at-risk from violent reprisals at the hands of the Taliban, on the basis of their gender, education, or perceived support for the international intervention in Afghanistan.

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