

IDRL and Auxiliary Role Advocacy Fact Sheet, Turkey



6 February 2023 Earthquake Response

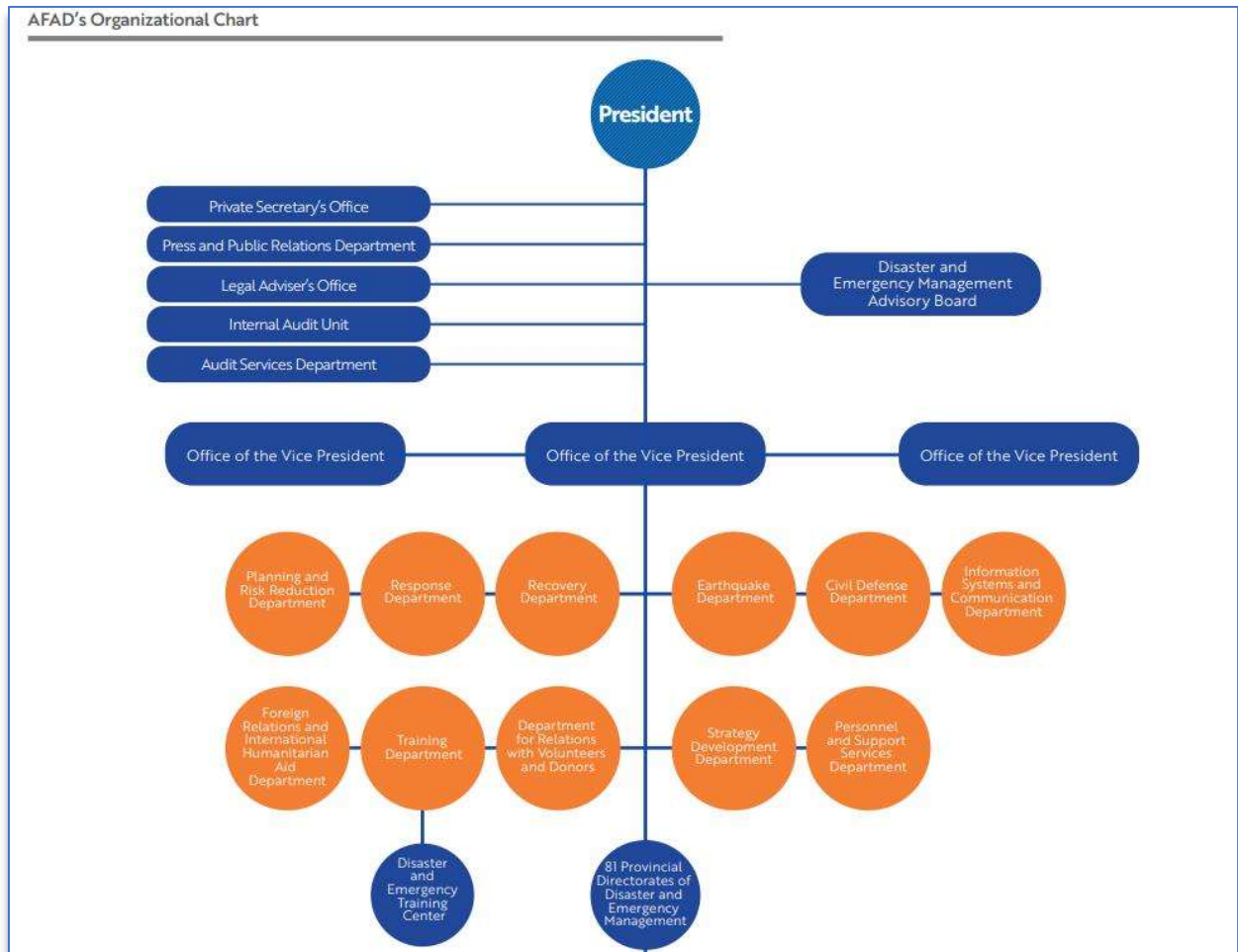
Version 9, 10 February 2023

This document has been superseded by IDRL Emergency Fact Sheet, Türkiye Update No.1 published on 12 February 2023. The latest version of this document can be found here: <https://disasterlaw.ifrc.org/media/4149>.

This document is intended to provide key information to the Red Cross and Red Crescent Movement network and Operations relating to the regulatory and policy environment applying to the entry of incoming disaster relief (IDRL) in Türkiye to respond to the strongest in a century (7.8 in Türkiye and 7.5 in Syria magnitude) earthquake that devastated portions of Southern Türkiye and Northern Syria on 5 February 2023. This massive disaster exacerbates a context marked by a decade of humanitarian and migration crisis in the region where millions of vulnerable and displaced people are already relying on humanitarian aid and assistance.

Institutional and policy framework

- The governmental authority responsible for DRM in Türkiye is the **Disaster and Emergency Management Authority (AFAD)** which falls under the Ministry of Interior (Law No. 5902 of 2009 establishing AFAD).
 - It is governed by its **Strategic Plan 2019-2023**: https://en.afad.gov.tr/kurumlar/en.afad/e_Library/plans/AFAD_19_23-StrategicPlan_Eng.pdf
 - Government's response regular updates can be found on the AFAD website: <https://en.afad.gov.tr/announcements>. The Plan provides for a specific section on International Relations and Humanitarian Aid (p. 57) but the focus is placed on the country as aid provider rather than recipient.
 - **Useful contacts within AFAD: Department of Earthquake:** 0 312 258 23 23 Extension: 1202; 0 312 287 93 70; depem@afad.gov.tr; **Legal Consultancy:** 0 312 258 23 23 Extension: 1402; 0 312 287 36 41; hukuk@afad.gov.tr; *Foreign Relations & International Humanitarian Aid Department – TBC (<https://en.afad.gov.tr/afad-contact-list>)
- Türkiye is a party to the [Revised Kyoto Convention](#) on customs procedures. It requires parties to simplify and expedite the processing of relief consignments.
- Türkiye is a participating state of the [EU Civil Protection Mechanism \(UCPM\)](#) and has requested the activation of the UCPM for this emergency. Activation implies speedy entry of humanitarian goods, equipment and personnel coming from EU member states and non-EU UCPM participating states to another member / participating state such as Türkiye.
- AFAD is Türkiye's focal point for [INSARAG](#).
- The **Turkish Red Crescent Society (TRCS)** is recognized as an autonomous, independent and impartial organization, auxiliary to the public authorities in the humanitarian field, under its [2022 TRCS Charter](#) and international law.
- The **International Federation of Red Cross and Red Crescent Societies (IFRC)** supporting TRCS has a legal status agreement (LSA) in Türkiye.



AFAD Organizational Chart

State of Emergency and request of humanitarian aid and assistance

- **State of Emergency** declared by President Tayyip Erdogan on **Tuesday 7 Feb. 2023**, as per art. 119 of the Turkish Constitution: [Presidency Of The Republic Of Türkiye : Home \(tccb.gov.tr\)](https://www.tccb.gov.tr/); [Presidency Of The Republic Of Türkiye : “We have decided to declare state of emergency in order for search and rescue operations to be carried out rapidly” \(tccb.gov.tr\)](https://www.tccb.gov.tr/)
- It applies for a **three-month period** and covers Türkiye’s **10 southern provinces hit by devastating earthquakes** (Kahramanmaraş, Hatay, Osmaniye, Adıyaman, Gaziantep, Şanlıurfa, Diyarbakır, Malatya, Kilis and Adana).
 - The Government of Türkiye (GoT) Ministry of Interior Disaster and Emergency Management Presidency (AFAD) issued a **level four disaster alert for Türkiye, the country’s highest disaster alert level, which included a request for international assistance on 6 February**, as per local media report. AFAD is coordinating international assessment and response efforts, with approximately 70 countries offering support for search and-rescue operations in Türkiye as of 7 February. Approximately 25,000 national and international emergency responders, including search-and-rescue personnel ([Türkiye](https://www.turkiye.gov.tr/)

– [Earthquakes Fact Sheet #1, Fiscal Year \(FY\) 2023 \(February 7, 2023\) - Türkiye | ReliefWeb](#)). USAID is providing on Wednesday 8 February search and rescue teams of 160 people, 12 dogs and 170,000 pounds of specialised tools and equipment.

➤ **Potential issues:**

- **NO OFFICIAL LIST OF NEEDS** based on rapid / post-disaster needs assessment seems to have been issued by the Government while 70 countries would have unprecedentedly offered aid to Türkiye. It is unclear how AFAD is coordinating these offers from international donors. Uncoordinated efforts may lead to the receipt of unsolicited goods (unsolicited bilateral donations or UBD).
- **NO SPECIAL IDRL FACILITIES** for eligible international humanitarian actors seem to be provided under the Turkish legislation and so far, while requesting international support, the government does not seem to have planned for the granting of IDRL facilities. So far the only clear exception is in terms of customs duty exemptions for EU and non-EU UCPM participating states, and TRCS which has a special charter.
- **IMPLEMENTING TRCS CUSTOMS PRIVILEGES:** TRCS is entitled to be exempted from importation fees based on the [2022 TRCS Charter](#), but it is not clear what customs and tax officers will require from TRCS to implement this (e.g. duty-free certificate), and how often these requirements will be requested.
- If these facilities do exist (under the law or special announcements), **THE INFORMATION IS NOT CLEARLY AVAILABLE TO DONORS.**

Cash donations

- On its website, AFAD provides that citizens who want to support the donation campaign can send an SMS to 1866 by typing "DEPREM" or can make **donations through the bank account numbers indicated on their webpage:** <https://en.afad.gov.tr/earthquake-humanitarian-aid-campaign>; <https://en.afad.gov.tr/earthquake-donation-accounts> (published on Tuesday 7 February).
- President Erdoğan said that transfers to the Turkish Lira and foreign currency accounts of the AFAD at the prominent banks and participation banks in Türkiye will be free of cost ([Presidency Of The Republic Of Türkiye : "We have decided to declare state of emergency in order for search and rescue operations to be carried out rapidly" \(tccb.gov.tr\)](#)).

Entry of humanitarian personnel

- Migration and immigration is governed by Law no. 6458 on "Foreigners and International Protection" (Ministry of Interior) of 2013: [ingilizce-2.pdf \(goc.gov.tr\)](#). The complete list of foreign visa regime can be found [here](#).
- Türkiye does not categorically provide for humanitarian visas on the basis of a disaster. However, Law No. 6458 provides for **three provisions that can be invoked to support requests for an expedited visa issuance** for this emergency:
 - Art. 11 (6) which provides that in view of the national interests of Türkiye, **a visa may exceptionally be issued ex officio by the ambassadors of the Republic of Türkiye.** Visas issued for such purposes **shall immediately be reported to the Foreign Ministry** in accordance with the general visa procedures. These visas are **not subject to fee.**
 - Art 18 which provides that the **Council of Ministers** related to visa and passport procedures is **authorised to unilaterally waive the visa requirement** for citizens of certain states; facilitate visa procedures, including exemption from visa fee; and,

determine the duration of visas. It can also **introduce terms and conditions** for [the use of] passports belonging to foreigners [with regard entry into or stay in or exit from Türkiye], in case of war **or other extraordinary circumstances to cover a region of or the entire country.**

- Art 46 which grants a **humanitarian residence permit** with a **maximum duration of one year at a time** may be granted and renewed by the governorates x x x e) **in cases when foreigners should be allowed to enter into and stay in Türkiye, due to emergency or in view of the protection of the national interests as well as reasons of public order and security**, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit; x x x f) **in extraordinary circumstances.**
- Note: If these provisions cannot be usefully invoked, and until special visa facilities be announced by the Government (e.g. through adoption of an IDRL Emergency Decree), then **common visa requirements should apply:**
 - Humanitarians may enter the country **with a tourist visa valid for up to 90 days within a maximum period of 180 days, provided that their passport or travel document do not expire sixty days prior to the expiry date of the visa** (Art. 7).
 - The visa **should indicate the purpose of their visit** and be required at the consulate of the Republic of Türkiye in their country of citizenship or legal stay.
 - The applicant must show that he has sufficient resources and that he is covered by a **valid medical insurance** for the duration of his stay.

Recognition of professional qualifications

- No information on legal framework available at the moment.

Customs

- All **relief exports from EU and non-EU UCPM participating States** to Türkiye are also exempted from duties since Türkiye is a participating state in the UCPM.
- All **relief importations by Türkiye public benefit organizations** (e.g. TRCS) are exempted from duties. (Source: [IMPACCT Bulletin No.1 Turkey EQ](#)).
- **Most importation from the EU** should be exempted from duties based on the Türkiye-EU Customs Union, subject to presentation of ATR.1 or other certificates by consignee. (Source: [IMPACCT Bulletin No.1 Turkey EQ](#))
- “The **customs clearance** process usually takes about **5 working days if the process does not face any obstacle**. The most important documents required for exporting from Türkiye: The goods' commercial invoice; Certificate of origin (some authorities may request it to be approved by specific ministries and embassies in some cases); Bill of lading.” (Source: [Customs clearance in Türkiye, how-to, and the required documents | Tebadul](#)).
- Official website: [Republic of Türkiye - Ministry of Trade](#) (See: [Türkiye - Import Requirements and Documentation \(trade.gov\)](#))

Importation of medicines

- Imports of **food and medicines** should be accompanied by relevant sanitary and phyto-sanitary (SPS) certificates issued by respective Türkiye government offices. (Source: [IMPACCT Bulletin No.1 Turkey EQ](#))

Entry of search and rescue dogs

- Various international assisting states have exported search and rescue dogs to Türkiye. See news on [EU](#) , [UK](#), [Mexico](#) .
- No information on legal framework available at the moment.

Importation of telecommunication

- No information on legal framework available at the moment.

Flights

- In his Statement, the President announced that **some of the airports in the region had been earmarked only for flights of aid supplies** ([Presidency Of The Republic Of Türkiye : “We have decided to declare state of emergency in order for search and rescue operations to be carried out rapidly” \(tccb.gov.tr\)](#) – but it is unclear which and how. Flagship carrier Turkish Airlines has been reported to organize flights for transportation of relief goods and rescue personnel and the evacuation of affected citizens. <https://www.aerotime.aero/articles/airlines-in-turkey-mobilize-to-aid-earthquake-victims>

Disclaimer: Some legislation cited here are publicly available only in Turkish and have been translated to English unofficially.

For further information on the IDRL and Auxiliary Role Advocacy Fact Sheet , please contact:

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