



International Federation of Red Cross and Red Crescent Societies
Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

Background information sheet

Entry of International Disaster Relief Personnel

One of the first legal issues that may arise in an international disaster relief operation is that of obtaining permission for foreign personnel to enter and remain in an affected country (usually by means of a visa application). In some cases, similar issues arise with regard to transit through another state to arrive at the site of a disaster. Rules in this area vary, of course, depending on the laws of the particular states involved, but can also depend on the nationality of the particular aid worker, the international status of their employer and/or on the country from which they begin their travel.

Basics of international entry

There is no single global regime controlling how persons temporarily cross borders. In most cases, national law requires that any non-national wishing to enter a country must show a valid passport or equivalent travel document. There is frequently an additional requirement that the person obtain a visa prior to entry. Before granting a visa, states usually require information



Photo: Falko Siewert/German Red Cross

about the purpose of the visit and may also demand information about the itinerary and ability of the person to support themselves in the country, evidence of the intention to return home and health information (such as proof of certain vaccinations). Visa application processing times can range from several hours to several weeks and fees also vary. It is common for persons of particular nationalities to be subjected to additional scrutiny or summarily rejected for security, political or other policy reasons. Once granted, visas are generally time-bound and may restrict the type of activity (for example, work for hire) permitted during the stay in the country.

Visa waiver regimes

A number of states have, by bilateral or multilateral¹ agreement, waived certain visa requirements for nationals of each other's state. Thus, tourists or short-term business visitors from these countries will normally not need to obtain visas prior to travel. In other cases, visas can be obtained at the port of entry on payment of a fee. In many disaster settings, relief workers have been able to take advantage of these provisions to

¹ E.g. among members of the European Union, Caribbean Community, ECOWAS, MERCOSUR, CAN, and the Eurasian Economic Community.

travel as 'tourists' to the affected country. Problems only generally arise when time-limits for such visa-free travel require them to leave and re-enter the country.

Pursuant to the Schengen Agreement, the member-states of the European Union have not only waived visa requirements, but have also abolished internal passport controls. Accordingly, those from outside states who have obtained a visa for entry into one EU country may likewise freely enter another. However, legal issues may arise with regard to permission for non-EU relief personnel to work in the affected country.

International standards for disaster situations

In 1977, both the International Conference of the Red Cross and Red Crescent and the United Nations Economic and Social Council adopted a set of '[Measures to expedite international relief](#)', including the recommendation that "all Governments waive requirements for transit, entry and exit visas for relief personnel acting in their official capacity as representatives of internationally-recognized relief agencies" (Recommendation E).² In the numerous bilateral borderland rescue and relief treaties that have been concluded (mainly in Europe), states have generally agreed to waive visa requirements and even passport controls for government emergency personnel from the counterpart state under appropriate circumstances (see, for example, the [Agreement between Denmark and the Federal Republic of Germany on Mutual Assistance in the Event of Disasters or Serious Accidents](#) of 1985, art. 4).

Other international instruments speak in terms of facilitating entry without expressly calling for a complete waiver of visa requirements. For example, UN [General Assembly Resolution 57/150](#) of 2002 calls on states to "simplify or reduce, as appropriate, the customs and administrative procedures related to the entry, transit, stay and exit of international urban search and rescue teams and their equipment and materials" (para. 3). Similar language can be found in the recently adopted [ASEAN Agreement on Disaster Management and Emergency Response](#) of 2005 (arts. 14-16), the [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations](#) of 1998 (art. 9(2)(c)) and the [Inter-American Convention to Facilitate Disaster Assistance](#) of 1984 (art. VII). [General Assembly Resolution 46/182](#) on coordinating humanitarian assistance also calls on both affected and transit states to facilitate the access of humanitarian organizations (paras. 6-7).

Privileges and immunities

Officials of many intergovernmental and international organizations benefit from a set of privileges and immunities guaranteed by international law (see generally the IDRL Background Information Sheet on Privileges and Immunities). Among these is exemption from immigration-related restrictions and fees. This does not necessarily entail automatic exemption from visa application requirements, but does imply that any such procedures be expedited. (See, for example, art. 25 of the [Convention on Privileges and Immunities of the United Nations](#) of 1946, indicating that visa applications for officials should be "dealt with as speedily as possible"). The United Nations is entitled to issue travel documents known as a laissez-passer to its officials. These documents do not reveal the nationality of the holder and restrictions on this basis may thus be averted.

Many UN agencies and other international organizations, including the International Federation of Red Cross and Red Crescent Societies, have concluded status agreements with states in which they operate which usually re-emphasize that any visa procedures required for their officials be speedily undertaken. Similarly, certain multilateral and

² At that same Conference, a resolution was passed calling on national societies to urge their governments to facilitate the granting of visas to Red Cross personnel (Resolution V).

bilateral agreements between states concerning the status of military forces (which may sometimes be called upon to provide disaster relief-related assistance) call for exemptions from passport and visa requirements for troops under specified circumstances (see, for example, the [Agreement between the Parties to the North Atlantic Treaty on the Status of their Forces](#) of 1951, art. 4).

National standards for disaster situations

At the national level, it is still rare to find specific laws relating to visas procedures for international relief personnel. In many cases, ad hoc procedures are created soon after a disaster. There are sometimes more general types of exceptions that might also be invoked. For example, section 113 of the [Norwegian Immigration Regulations](#) of 1990 provides for an emergency visa that may be granted at passport control at the point of entry rather than prior to travel, "where strong grounds so indicate that the reason that the visa is lacking is deemed excusable".

For more information

See the IDRL web site and online legal database at www.ifrc.org/idrl or contact us at:

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