

## Terms of Reference

### **Title: Legal Services and Counselling to Refugees and Asylum-Seekers**

UNHCR launches a tender for project proposals in the field of provision of legal services and counseling to Refugees and Asylum-Seekers in Azerbaijan. The tender is open for lawyers, law firms, and other commercial legal entities able to provide legal services.

### **Background information**

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The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to assist stateless people.

UNHCR established its presence in Azerbaijan in December 1992 and launched an emergency and humanitarian relief operation to assist persons fleeing the conflict in Nagorno Karabakh. While remaining engaged with IDPs in partnership with the Government, UNHCR exercises its international mandate to protect and identify durable solutions to the plight of asylum seekers and refugees and reduce statelessness in Azerbaijan. Azerbaijan is a State Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol, as well as to the 1954 and the 1961 Statelessness Conventions. UNHCR's strategy for Azerbaijan focuses on further enhancing the implementation of international legal instruments, improvement of the national legislative framework and Government policies.

1778 refugees and asylum seekers were registered with UNHCR at the end of September 2021 (823 cases), including 1218 Afghan nationals, 341 Russian nationals from the Chechen Republic and 219 individuals from other countries. The Government of Azerbaijan adopted the Law on IDP and Refugee Status and established a Refugee Status Determination Department in the State Migration Service. However, only 4% of the total number of refugees in Azerbaijan have been recognized as such by the government.

Asylum seekers and refugees continue to approach UNHCR with requests for legal counselling and assistance related to specific issues of government refugee status determination procedure, migration legislation, as well as general issues pertaining to their rights and access to services in Azerbaijan. New arrivals also require a briefing on the asylum and migration legislation and relevant procedures.

A total of 26 interventions at the administrative level, 46 cases of court interventions and 4 cases of interventions with the law-enforcement authorities on criminal/ administrative offence were recorded during the nine months of 2021. Due to Covid restrictions state borders were closed which also had impact on new arrivals and interventions at court level.

**Duration or contract:**

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The duration of the contract is 12 months (01 January – 31 December 2022).

**General conditions:**

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Language: All correspondence between the parties will be in English language.

Court representation: The Contractor will have the capacity to represent individuals in courts at all stages, no additional payments for BAR member fees will be made by UNHCR.

Case Management:

- The Contractor will manage legal cases with professionalism and with client-oriented, rights-based approach throughout the whole duration of the assistance.
- The Contractor will record all activities, actions, correspondence, documents, and outcomes of each intervention in a database or information management system, as well as physical files.
- Upon completion of the project, the Contractor will hand over all collected information, including the compiled database and physical files to UNHCR Office in Azerbaijan.

Reporting:

- The Contractor will share monthly financial and analytical reports in English with UNHCR Azerbaijan no later than 07<sup>th</sup> of the following month.
- The reports should include expenditures, trends, actions taken to address the identified problems, as well as quantitative and qualitative data on the assisted cases.

**SCOPE OF WORK OF THE CONTRACTOR:**

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The Contractor will provide the below mentioned services. The proposal should include the description and detailed budget for the requested services:

**I. Legal counselling and advice**

The Contractor will provide legal counseling to persons of concern to UNHCR (PoCs) at the premises defined by UNHCR. Counseling sessions will take place three days a week (**Monday, Tuesday, and Wednesday**) from 10:00 to 13:00 hrs. The Contractor will provide legal advice to asylum seekers at all stages of the national asylum procedure, by explaining to them their rights and duties in the country. The Contractor will provide legal advice and guidance on a wide range of other protection and durable solution issues relating to the refugees and asylum seekers. Interpretation during the counselling will be provided by UNHCR as needed. The Contractor will share with UNHCR monthly reports in English language on the conducted counselling sessions. Informative reports on cases with specific vulnerabilities (survivors of SGBV, persons with mental disorders, vulnerable elderly, and cases of unaccompanied or separated children, trafficking or labor exploitation cases) shall be shared with UNHCR's Focal Point promptly, without delay.

Price for Legal counselling and advice should be included per day of the counselling. Payment will be on monthly basis

## **II. Legal assistance**

II.1. The Contractor will provide quality legal assistance to refugees and asylum seekers before the relevant government bodies to assist them in exercising their rights, including, but not limited to:

- Right to seek asylum (access to the territory and government asylum procedure; protection from refoulement, obtaining refugee status, appeals against rejections of granting refugee status)
- Access to social and economic rights (employment; social assistance; disability status)
- Access to civil rights (obtaining birth registration and certificates; assistance in marriage registration/dissolution; guardianship)
- Access to healthcare services (hospitalization, disability identification process; treatment and surgery)
- Access to education (school admission, home-schooling; access to tertiary education; placement in child-care facilities)
- Local integration efforts (assistance with obtaining/extension of temporary or permanent residence permit; application for naturalization; employment issues)

II.2. Where UNHCR deems necessary to proceed with a legal intervention through court, the Contractor will provide quality legal representation of refugees and asylum seekers.

II.3. Where UNHCR deems necessary, the Contractor will provide refugees and asylum seekers with necessary assistance and legal representation before law enforcement bodies in cases involving criminal incidents (mainly SGBV related).

To ensure preparation of the quality submissions UNHCR may share with the contractor advice, guidelines and country of origin information pertinent to the assigned case. Prior to the submission, the draft applications shall be shared with UNHCR for review not later than one week before the due date for submission. The Contractor will share with UNHCR periodic updates in English language on the interventions at the administrative level.