

## Terms of Reference

### EXPERT

#### To prepare a training curriculum and provide training on free legal assistance in immigration detention cases

#### 1. BACKGROUND

In response to the increased cross-border migration in the region, immigration detention has become a growing phenomenon in Macedonia in the past few years. This phenomenon has caused an increase in concerns surrounding the possible violations of human rights for those held in detention within Macedonia's borders.

According to the statistics of the Macedonian Young Lawyers Association (MYLA), in 2016 at least 438 persons were detained for immigration related purposes in Macedonia. According to the detention decisions the persons are being held for the purposes of establishing identity and forced removal. On the other hand, according to interviewed detainees, they were apprehended while using the services of migrant smugglers and had been released after giving statements at the trial hearings of the smugglers. The majority of refugees and migrants interviewed by MYLA claimed that they had not been informed of their rights upon their apprehension by the police (let alone in a language they could understand) and that all the documents they had received since their entry into the country were in Macedonian. As a result, only one detention decision was challenged in 2016.

Effective legal assistance and the opportunity to adequately challenge the legality of detention are fundamental safeguards against arbitrary detention. It is important to ensure access to legal aid to everyone, including migrants and refugees affected by immigration detention. Legal aid is central in providing access to justice both as a basic human right and as a means to protect other human rights.

In consequence, migrants and refugees need proper access to effective remedies, an increased sensitivity on the part of attorneys, access to legal aid and effective appeal rights.

#### 2. OBJECTIVE AND SCOPE OF WORK

This assignment aims to train the attorneys who are registered or interested to provide free of charge legal assistance to detained migrants and refugees. The training will cover the topic of immigration detention and the relevant domestic and international standards, and will address the need of free legal assistance and representation in immigration detention cases, both on national and international level.



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Well-selected domestic and foreign experts will be engaged to develop a comprehensive training program with a quality application. During the development of the training curriculum each expert will closely cooperate with the Project team. Based on the training curriculum each expert will provide training to a total of 20 attorneys.

The project team will publish a call for participants and from the applications will select 20 attorneys who are registered or interested to provide free legal assistance to detained migrants and refugees. The trained attorneys will be part of the pool of attorneys which will provide legal assistance to migrants and refugees in facilities where persons can be held. The participants' knowledge will be assessed by completing a knowledge evaluation before the training and at the end of the training.

**The selected experts will have the following specific assignments:**

- Participate in regular coordination meetings with project staff and other experts;
- Develop training curriculum on the topic "Free legal assistance in immigration detention cases";
- Provide training on selected topic for 20 attorneys;
- Participate in the evaluation process for the participants.

**3. DURATION OF THE ASSIGNMENT**

In coordination with the expert and the project team.

**4. COMPENSATION**

The remuneration for the assignment will be additionally determined in accordance to MYLA's policies for selection of experts.

**5. QUALIFICATIONS:**

- Educational background in law, social science or human rights;
- Experience in working on asylum, refugee and migration issues;
- Relevant working experience in legal protection and human rights issues;
- Previous work experience on a similar assignment in the country or abroad;
- Proven expertise with analysis and assessments in legal protection;
- Excellent communications and interpersonal skills;
- Excellent analytical and writing skills;
- Highly proficient in written and spoken English.

**6. HOW TO APPLY:**

All interested candidates are required to submit a letter of interest and a Curriculum Vitae, listing all relevant qualifications and background, to the Macedonian Young Lawyers Association at: [mmartinova@myla.org.mk](mailto:mmartinova@myla.org.mk) by **Wednesday, 01 November 2017, 17:00 hrs. CET** with subject line: **Application for expert – Preparation of a**



Migrant  
and Refugee Human  
Rights Protection  
Project  
A | str. Donbas  
No. 14/1-6, 1000  
Skopje, Republic of  
Macedonia

[www.myla.org.mk](http://www.myla.org.mk)



training curriculum and training on free legal assistance in immigration detention cases.

### 7. SCORING

The following methodology will be used to evaluate the applicants:

Criteria	Scores
Previous work experience in the country or abroad on a similar assignment	30 points
Relevant working experience with legal protection and human rights issues	20 points
Proven expertise with analysis and assessments in legal protection	20 points
Excellent communications and interpersonal skills	10 points
Excellent analytical and writing skills	10 points
Postgraduate degree in law, social science and human rights	10 points

\*Please be informed that only shortlisted candidates will be contacted.

