

Terms of Reference

Consultant to prepare a Review of the national Policy, Legislation and Regulations and Best Practices related to inclusion and integration of persons granted international protection and foreigners in North Macedonia

Macedonian Young Lawyers Association (MYLA) for the needs of the project "Advocacy for legal aid, finding solutions and representation of persons who are of interest to UNHCR" and "Advocacy and assistance to end statelessness", supported by the High Commissioner for Refugees at the UN - UNHCR in North Macedonia, conducts a public call for services to hire a Consultant to prepare a Review of national policy, legislation and regulations and best practices related to the inclusion and integration of persons granted international protection and foreigners in North Macedonia

Since 2010, Macedonian Young Lawyers Association has been a partner of the High Commissioner for Refugees at the UN for providing legal assistance to persons under the mandate of the UNHCR in North Macedonia. The project "Advocacy for legal aid, finding solutions and representation of persons of interest to UNHCR" and "Advocacy and assistance to end statelessness" focuses on the protection and promotion of the human rights of refugees, stateless persons and asylum seekers.

1. BACKGROUND

The Republic of North Macedonia has hosted refugees since the country's independence in 1991, with the arrival of refugees from Bosnia and Herzegovina (BiH) and Croatia, followed by influx in 1999 as a result of the Kosovo¹ conflict. In 2015 and 2016, the country faced a sharp increase of number of refugees from outside the region, when close to 800.000 persons, vast majority from the top refugee producing countries, were registered crossing its territory aiming at reaching the Western Europe. Recently, the country has received refugees displaced by the war in Ukraine.

North Macedonia acceded to the 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees (hereinafter 1951 Convention and 1967 Protocol) on 18 January 1994. It is also a party to other major international and regional human rights conventions, such as ICCPR, ICESCR, CRC, CEDAW, as well as to ECHR and its protocols No 1, 4, 6, 7, 12, 13 and 14.

Since then, the country has made legislative improvements and developed policies in support of local inclusion of refugees through the existing systems and in accordance with relevant international standards. The Law on Asylum and Temporary Protection (LATP) was adopted in 2003. The new Law on International and Temporary Protection was adopted in April 2018, superseding the 2003 LATP². The Government adopted the first Strategy for Integration of Refugees and Foreigners in 2008 covering the period until 2015; the new Strategy, initially planned for the period from 2017 - 2027, was prepared but is still pending adoption.

In December 2021, the Government adopted a new Resolution on Migration Policy 2021-2025³, foreseeing opportunities for inclusion and social cohesion of aliens, aiming to improve the established asylum system and increase its efficiency and effectiveness. On 8 August 2023, the

¹ Security Council Resolution 1244 (1999)

² Law on International and Temporary Protection (2018), Official Gazette of the Republic of North Macedonia no. 64 from 11 April 2018, available at: <https://www.refworld.org/docid/5b55e5de4.html>

³ Government of the Republic of North Macedonia (2021), [Resolution on the Migration Policy of the Republic of Macedonia 2021- 2025](#)

Government activated Temporary Protection for Ukrainian refugees for the period of one year (until 8 August 2024).

The Ministry of Labour and Social Policy (MLSP) has been mandated to lead the process of implementation of local inclusion measures. According to the Law on International and Temporary Protection⁴, MLSP prepares (annual) integration programmes for the purpose of facilitating the integration of applicants or persons who have had the right to asylum recognized in the Republic of North Macedonia. These programs concern financial support for housing.

Despite significant progress made in the past period in creating better conditions for greater inclusion, there is still no legislation on integration of non-nationals and strategic approach towards integration of refugees and foreigners, for which the country committed in line with Global Compact on Refugees and Global Compact on Migration. In addition, more needs to be done in establishing effective institutional and coordination mechanisms for implementation of the policies and decision-making processes concerning integration.

The country is also in need of labour force, and considering the shortage in domestic labour force, the government is willing to open the labour market for migrant workers. This will also require assessment on identifying barriers in current laws and administrative processes that may delay effective access to services facilitating socio-economic integration of foreigners, along measures to mitigate those barriers in order to ensue effective inclusion systems.

While many of the areas in need of improvement have been highlighted and documented, there is still a need for more detailed assessment and practical guidance for improvement in local inclusion of refugees and foreigners that might guide the planning and policy development processes.

2. OVERALL PURPOSE AND SCOPE OF ASSIGNMENT:

The consultant will provide a comprehensive legal overview and evaluation of the existing relevant legislation and policies related to the inclusion and integration of persons granted international protection (refugees, subsidiary protection), persons under temporary protection and legally residing foreigners in North Macedonia (later on "refugees and foreigners") and current practices in terms of access to employment, education, health, housing, socio-economic inclusion. The consultant will liaise with relevant stakeholders to develop the assessment report on policy and legislation on inclusion and integration.

It will compare existing policies and legislation with their practical implementation. It will consider the capacities of institutions, social partners and civil society in implementing these policies, including what are the coordination structures and their effectiveness. This will provide understanding of the current status of these frameworks, how they are being applied (or not); and what should be done in short and mid- term period.

The Consultant will work closely with MLSP, MYLA and UNHCR and be supported by relevant focal point from the respective entities and is expected to fulfil the following key tasks and responsibilities:

- Develop consultancy workplan in consultation with MLSP, MYLA and UNHCR

⁴ Law on International and Temporary Protection, Official Gazette of the RoM, no. 64 from 11.4.2018

- Conduct a comprehensive desk review to gather information on existing national policies, legislation, coordination and monitoring mechanisms and best practices related to integration and inclusion, and assess their implementation.
- Map out the roles and responsibilities of stakeholders in charge of policy, coordination and implementation of the integration process, as well as other actors that may support the process (including business, academia, CSOs).
- Based on the results from the desk review, conduct consultations and interviews to collect data and assess the practical implementation of the policies and legislative framework.
- Prepare and submit a final report summarizing the main findings and evaluating the legislation and policies related to integration of refugees and foreigners taken into consideration best European practices, EU, CoE and UN related international standards, and separated per different subject groups as appropriate – persons under international protection, temporary protection, foreigners (taken possible differences into account – Balkan citizens, EU citizens, and other nationalities)
- Develop recommendations in terms of updating/improving the policies and legislation across analyses themes/questions and in relation to addressing other identified issues/gaps related to integration. Recommendations are following the logical sequencing from the findings and analyses, additionally providing specific reference to the EU legislation, specific Directive where applicable to link recommendation directly to the international and EU standards.

3. ANALYSES CRITERIA AND INDICATIVE/GUIDING QUESTIONS

3.1. Access to residency

3.1.1. To what extent refugees and foreigners have access to procedures regulating residence according to national legislation on international protection, residency, citizenship and acquisition of nationality, including residency regulating for family members and/or family reunification procedures, considering legislative and practical parameters.

3.2. Access to Employment and Vocational Training

3.2.1. To what extent refugees and foreigners can participate in the labour market, including access to personal work permits, registration of businesses, entering work contracts, entering business contracts, owning personal/business property, considering opportunities and limitations from legal and practical aspect.

3.2.2. To what extent refugees and foreigners can access state funded vocational trainings, obtain state recognised vocational certifications, obtain recognised vocational and skills certification from another country, enter private vocational training program, obtain vocational/skills certification from private provider, obtain driving licence or have driving licence recognised from another country, considering legal and practical framework.

3.3. Access to Education

3.3.1. To what extent can refugees and foreigners access formal education, enter state funded and privately funded preschool education, primary and secondary education, university education; considering enrolment testing, primary/secondary/university diploma recognition procedures; obtain health or vaccination certificate, access state funded scholarships or local/municipal funded education support/scholarships, obtain any other assistance such as free/subsidised transport costs,

access to student homes, access to student kitchen and similar, considering legal and practical framework.

3.4. Access to learning Macedonian language

3.4.1. To what extent country has developed system for refugees and foreigners to learn Macedonian language, obtain language certification for different needs (education or work), have access to state funded programs to learn the language.

3.5. Access to social protection and pension system

3.5.1. To what extent refugees and foreigners can access social protection services prescribed by the Law on Social protection, including access to all services and material support; extend to access pension system.

3.6. Access to Health Insurance

3.6.1. To what extent refugees and foreigners have access to health insurance system and under which conditions; access to health services including primary, secondary and tertiary care; access to emergency services, access to epidemical protocols or other public health related services, access to pre-school vaccination system, etc.

3.7. Access to integration services

3.7.1. To what extent refugees and foreigners can access integration facilitation services, access to integration programs.

3.8. Access to Housing and Accommodation

3.8.1. To what extent refugees and foreigners have access to state/municipal funded housing assistance, access to housing market, access to state owned housing/flats, entering rent contracts, owning housing property.

3.9. Policy Review

3.9.1. To what extent country has policies developed in support of refugees and foreigners' inclusion and integration, including legal, policy and strategy framework.

3.10. Coordination Mechanisms

3.10.1. To what extent the country has national and local coordination mechanisms facilitating inclusion and integration of refugees and foreigner, what are the formal mechanisms for collaboration in the area of interest; what are the mechanisms ensuring complementarity in the area of interest; what is the institutional structure in place for coordination; who are the stakeholders, etc

Consultant shall take age and gender perspective into consideration wherever applicable and needed for the analytical purposes to ensure equal access for all beneficiaries of integration services.

4. DELIVERABLES:

- I. A brief inception report including the initial findings (desk review), the methodology, work schedule with task specifics, time frames and deliverables, list of proposed interviewing partners, with evaluation and assessment questions presented as annex (list of questions –

questioner), separate if needed for desk review, and personal interviews, list of institutions and organisations to be interviewed.

- II. Consolidated draft report, in English and Macedonian, based on desk review and stakeholder consultation
- III. Final report, in English and Macedonian, in word format. Main body text in one language should not exceed 25 pages in total (additional details if needed could be presented in annexes).
- IV. Executive Summary, in English and Macedonian, in word format, containing the main points of the report, including the purpose of the assessment, the methodology used, the findings, the conclusions, and recommendations.

5. **DURATION AND TIMELINE OF THE ASSIGNMENT:** This consultancy shall be completed in thirty (30) working days spread over the period from 10th June 2024 to 31st July 2024.

6. **PAYMENT SCHEDULE:**

Following submission of deliverable I: 20%

Following submission of deliverables II: 40%

Following submission and supervisor certification of deliverables III and IV: 40%

7. **QUALIFICATIONS:**

- Previous experience in carrying out analytical work and legal reviews.
- Degree in law, political science, social science, human rights and recovery or/and development is considered as an added value.
- Relevant working experience with displaced persons or migration.
- Excellent communications and interpersonal skills;
- Proven excellent analytical and writing skills, good knowledge of the context in North Macedonia.

8. **TO APPLY:**

- All interested candidates are required to submit a letter of interest and curriculum vitae listing relevant qualifications and background;
- Financial offer for the engagement in MKD denars;
- All interested candidates should submit their application to contact@myla.org.mk by Tuesday, **31 May 2024, 17:00 hrs CET**
-

9. **SCORING**

The following methodology will be used to evaluate the applicants (Ratio technical / financial offer: 80/20 %

Criteria	Scores
Graduate degree in law, political science, social science, human rights and recovery or/and development.	10 points
Relevant working experience with displaced persons or migration	10 points
Previous work experience in the region and in particularly in the country on a similar assignment	30 points
Proven expertise with analysis and assessments in the areas of displacement or migration	10 points
Excellent communications and interpersonal skills	10 points
Proven excellent analytical and writing skills	10 points
Financial offer	20 points

The shortlisted candidates may be invited for an interview before concluding the contract.

Appendix 1: Development Roadmap

Activity Output	Deliverable	No. of consultancy days	Deadline
Inception meeting/call and preparation of the inception report	Inception report	2	By 14 th June: call By 21 st June: report
Desk review to determine existing legal framework; implementation in practice; identify areas of improvement; identify good practice models	Desk review will examine issues relevant to: <ul style="list-style-type: none"> • Access to work, education and training, including mechanisms in place for work permits and the regulations and procedures applying to these systems, including quotas and fees. • Issue of recognition of education, vocational, academic and professional qualifications of refugees and foreigners 	5	By 5 th July

	<ul style="list-style-type: none"> • Access to integration facilitation services and support • Access to learning Macedonian language and certification • Access to regulation of residency, including access to family reunification in Macedonia • Access to social protection services, including social support/pension system • Access to health services • Access to housing • National Coordination Mechanisms 		
Interviews with relevant in country stakeholders on central and local level	Summary of the interview information, examining how established rights are exercised in practice (for example: language barriers, lack of information, lengthy procedures, limited capacities of the institutions...)	8	By 8 th July
1 st draft document	A draft document of the desk review of the national legislation related to integration of refugees and foreigners, including access to health, education, employment, housing;	10	By 17 th July
Completion and submission of the final document and the Executive Summary	<ul style="list-style-type: none"> • Final Assessment Report, as a revised version of draft report, including comments provided from MLSP and UNHCR, in English and Macedonian • Executive Summary, containing the main points of the report, including the purpose of the assessment, the methodology used, the findings, the conclusions, and recommendations, in English and Macedonian 	3	By 31 st July
Translation of the report (first draft and final report)		2	