**TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANT**

|  |  |  |
| --- | --- | --- |
| **Title** **A NATIONAL CONSULTANT ON REFUGEE AND MIGRATION LAW** | **Type of engagement****CONSULTANT** *Please note that consultants are considered non-staff and do not represent UNICEF in any capacity.* | **Duty Station:**Home based |
| **Purpose of Activity/Assignment:** UNICEF Refugee Response Office in Poland is hiring a child protection consultant to support Child Protection team in legal analysis and advocacy on refugee and migrant law and policies, especially concerning children and other vulnerable groups of refugees.  |
| **Background:**Since the escalation of the conflict on 24 February 2022, there have been approximately 9 million border crossings from Ukraine into Poland. In total, over 1.7 million refugees from Ukraine registered for temporary protection in Poland, majority of them women and children. As of May 2024, there are over 950,000 refugees with active PESEL registration in the country. UNICEF Refugee Response Office (RRO) in Poland was established as early as in March 2022, to support families and children displaced by the war and to ensure refugee children have access to essential services, including quality care, health and education. In accordance with the core commitments for children, strengthening child protection systems has been an important part of UNICEFs response to the Ukrainian refugee crisis. Working in close collaboration with the Government, Municipalities and CSOs, UNICEF RRO in Poland has taken measures to address gaps and strengthen the capacity of the national child protection system to respond to the needs of refugee and host community children and to protect them from violence, exploitation, and abuse. Poland also faces another humanitarian crisis since 2021 – on its second eastern border, the border with Belarus. As reported by the independent civil society organizations, there are severe breaches of the international human rights concerning refugees crossing or trying to cross this border. Additionally, in May 2024 the new EU Pact on Migration and Asylum was adopted, which will surely influence the role of Poland governing and securing European external border and subsequently – influence the rights and situation of the refugees trying to get access to the Polish territory. The Polish government prepares and develops new strategies and legal acts to respond to the ongoing migration crisis (ongoing work on Migration Policy for 2025-2030, legislative procedure on Act on Foreigners). Additionally, in May 2024 new legal provisions were adopted, introducing serious changes to support for Ukrainian citizens, which will also influence the situation of the most vulnerable groups, including children. **Scope of Work:**To contribute to this work and to ensure the proper response of RRO in Poland to the ongoing migration issues and problems, RRO is hiring an experienced child protection consultant, with an in-depth practical and technical knowledge of migration and refugee law (Polish, international and European) and case-law of Polish and international/European courts. The consultant will be specifically responsible for the following scope of work:* Analyze the regulations of the Pact on Migration and Asylum from child rights and human rights perspective and analyze its consequences for migrant or refugee children, their families, other vulnerable groups in Poland and prepare the written report on the outcomes of this analysis.
* Analyze the legal situation, the role of the involved authorities (local, regional, country-level) and available support for the children and families staying in the accommodation centers for migrants or refugees (reception centers, shelter for Ukrainian citizens, open camps for other migrants and refuges etc) in Poland and prepare a report on the outcomes of this analysis including child rights and human rights perspective;
* Prepare an analytical report on the detention of children and their families for migration reasons in Poland, including data on detention, Polish law and policies, European and international regulations, case-law of Polish and international and European courts, and recommendations for change;
* Obtain relevant data on issues connected with refugee children in Poland, including children in detention, (e.g. by the preparation of relevant applications for receiving public information);
* Propose, develop, or review the agenda and materials of capacity building activities concerning migration and refugee issues for judges, prosecutors, officers of the Border Guard, Police or other institutions or professionals;
* Propose, develop, or review the information, leaflets, and other types of informative materials on prevention of risks associated with migration such as human trafficking, the exploitation of children for sexual purposes;
* Monitor the ongoing legislative work concerning the situation of migrant and refugees, especially children and other vulnerable groups, prepare analysis of the proposed or adopted changes from child rights and human rights perspective;
* Develop draft advocacy letters concerning ongoing or planned amendments or developments of policies, laws, regulations concerning migration and refugee law, Special Act on support for citizens of Ukraine in connection with the armed conflict on the territory of that country and other relevant documents;
* Participate in the internal or external meetings with the team or the key stakeholders on migration and refugee law and policies;
* Conduct internal meetings or learning sessions on migration and refugee law and case-law for members of the Refugee Response Office in Poland;
* Participate in the meetings, visits or trainings concerning refugee children and their families and other vulnerable groups, including in detention centers, integration centers or open camps for refugees;
* Other analysis, visits and consultations for members of the team concerning mentioned topic – according to the needs of the team.

 All materials created by the Consultant which bears a direct relation to, or is made in order to perform, the Contract and any intellectual property rights thereof, including but not limited to patents, copyright, and trademarks, shall be solely owned by UNICEF. The Consultant may not distribute any materials (e.g., photography, video) without written consent from the Head of Office of UNICEF office engaging the Consultant and subject to the conditions set out in such written consent. The Consultant may not communicate at any time to any other person, entity, Government or authority external to UNICEF, any information known to the Consultant by reason of his/her/their association with UNICEF that has not been made public, except with the prior written authorization of UNICEF; nor will the Consultant at any time use such information to private advantage. The Consultant agrees that all UNICEF Data, together with all rights (including intellectual property and proprietary rights), title and interest to such UNICEF Data, will be the exclusive property of UNICEF, and the Consultant has a limited, nonexclusive license to access and use the UNICEF Data as provided in the Contract solely for the purpose of performing its obligations under the Contract. The Consultant will use its reasonable efforts to ensure the logical segregation of UNICEF Data from other information to the fullest extent possible. The Consultant will comply with any guidance or conditions on access and disclosure notified by UNICEF in respect of UNICEF Data. Throughout the contract duration, the consultant will have regular contact with UNICEF Refugee Response Office in Poland to review progress, challenges, and next steps. Ad-hoc calls may take place as deemed necessary.   The consultant will collaborate with RRO staff and other consultants recruited by UNICEF Refugee Response Office in Poland where needed. All reports and analysis should be submitted in electronic format by email in English.  |

|  |  |  |
| --- | --- | --- |
| Tasks/Milestone: | Deliverables/Outputs: | Timeline |
| Analysis of the regulations of the Pact on Migration and Asylum from child rights and human rights perspective and its consequences for migrant or refugee children, their families, other vulnerable groups  | Written report on the outcomes of the analysis. |  10 days  |
| Analysis of the legal situation, the role of the involved authorities (local, regional, country-level) and available support for the children and families staying in the accommodation centers for migrants or refugees (reception centers, shelter for Ukrainian citizens, open camps for other migrants and refuges etc)  | Written report on the outcomes of the analysis including child rights and human rights perspective; |  3 days  |
| Analysis of the detention of children and their families for migration reasons in Poland, including data on detention, Polish law and policies, European and international regulations, case-law of Polish and international and European courts, and recommendations for change | Written analysis of detention for migration reasons with recommendations | 3 days |
| Propose, develop, or review the agenda and materials of capacity building activities and informative materials on prevention of risks associated with migration  | Agendas and materials reviewed | 4 days |
| Monitoring of the ongoing legislative work concerning the situation of migrant and refugees and developing draft advocacy letters  | Draft advocacy letters | 8 days |
| Participate in the internal or external meetings with the team or the key stakeholders on migration and refugee law and policies; | Minutes/summary of the meetings | 2 days |
| Preparation and conducting internal meetings or learning sessions on migration and refugee law and case-law for members of the Refugee Response Office in Poland | PPT presentation and training materials | 4 days |
| Participate in the meetings, visits or trainings concerning refugee children and their families and other vulnerable groups, including in detention centers, integration centers or open camps for refugees | Report from the visit | 4 days |
| Other analysis, visits, consultations for members of the team concerning mentioned topic – according to the needs of the team. | Report or analysis | 2 days |

Child Safeguarding:

Direct contact role: ⌧ YES 🞏 NO

If yes, please indicate the number of hours/months of direct interpersonal contact with children, or work in their immediately physical proximity, with limited supervision by a more senior member of personnel:  **3 hours/duration of the contract**

This assignment has some risk role for Child Safeguarding purposes as it is: a role with direct contact with children, works directly with children, or is a safeguarding response role. Additional vetting and assessment for elevated risk roles in child safeguarding (potentially including additional criminal background checks) apply.

More information is available in <https://www.unicef.org/documents/safeguarding-policy>

|  |  |
| --- | --- |
| **Minimum Qualifications required:** | **Knowledge/Expertise/Skills required:** |
| [ ]  Bachelors [x]  Masters [ ]  PhD [ ]  Other Enter Disciplines* A relevant Master’s degree in the following field is required: law
 | * At least 6 years of proven experience in migration and refugee law, including providing legal consultations for migrants and refugees, required;
* Demonstrated experience in preparation of legal analysis, developing reports and preparation of advocacy letters, required;
* Demonstrated work experience in the area of international protection, detention for migration reasons, protection of vulnerable groups, including children highly desirable;
* Demonstrated knowledge in the field of child rights, and human rights, required;
* Knowledge of the Polish legal system and international and European acts concerning migrants and refugees required
* Demonstrated work experience in working with a range of stakeholders including governmental partners and public agencies, required;
* Demonstrated experience in providing trainings or workshops on migration law highly desirable;
* Professional legal training completed, highly desirable;
* Excellent analytical and writing skills;
* Excellent interpersonal and communication skills;
* Ability to be flexible and deliver results under tight deadlines.
* Fluency in Polish and English (oral and written).
 |
|  |  |
|  |

Final rate shall follow the “best value for money” principle, i.e., achieving the desired outcome at the lowest possible fee. Consultants will be asked to stipulate all-inclusive fees, including lump sum travel and subsistence costs, as applicable.

Payment of professional fees will be based on submission of agreed deliverables. UNICEF reserves the right to withhold payment in case the deliverables submitted are not up to the required standard or in case of delays in submitting the deliverables on the part of the consultant.

Individuals engaged under a consultancy will not be considered “staff members” under the Staff Regulations and Rules of the United Nations and UNICEF’s policies and procedures and will not be entitled to benefits provided therein (such as leave entitlements and medical insurance coverage). Their conditions of service will be governed by their contract and the General Conditions of Contracts for the Services of Consultants. Consultants are responsible for determining their tax liabilities and for the payment of any taxes and/or duties, in accordance with local or other applicable laws.

The selected consultant is solely responsible to ensure that the visa (applicable) and health insurance required to perform the duties of the contract are valid for the entire period of the contract. Selected consultant are subject to confirmation of fully-vaccinated status against SARS-CoV-2 (Covid-19) with a World Health Organization (WHO)-endorsed vaccine, which must be met prior to taking up the assignment. The vaccine mandate, does not apply to consultants who will work remotely and are not expected to work on or visit UNICEF premises, programme delivery locations or directly interact with communities UNICEF works with, nor to travel to perform functions for UNICEF for the duration of their consultancy contracts.

UNICEF offers [reasonable accommodation](https://www.unicef.org/careers/unicef-provides-reasonable-accommodation-job-candidates-and-personnel-disabilities) for consultants with disabilities. This may include, for example, accessible software, travel assistance for missions or personal attendants. We encourage you to disclose your disability during your application in case you need reasonable accommodation during the selection process and afterwards in your assignment.

Sample Contents of Technical Proposal



Sample Financial Proposal

