

UNHCR Representation in Bosnia and Herzegovina

SELECTION OF PARTNERS FOR THE YEAR 2022

CALL FOR EXPRESSION OF INTEREST – CEI/UNHCR/BIH/No. 01/2021	
Project title and Identification:	Project Location:
<i>Provision of free legal aid to all persons of concern¹ to UNHCR in Bosnia and Herzegovina</i>	<i>Country-wide</i>
Brief Background of the Project:	
<p>Since January 2018, BiH has experienced continued pressure from the mixed movement of refugees and migrants transiting through the country as part of the Western Balkan route into the EU and Western Europe. The mixed movement is characterized by a mix of those from refugee producing countries who may need international protection and economic migrants, although the vast majority, regardless of potential protection needs, do not seek to remain in BiH.</p> <p>The closure of borders along the Balkan Route has shifted the migratory flow through BiH and created a bottleneck (particularly in Una-Sana Canton), where between 3,000 -4,000 are concentrated as they attempt to access the EU via Croatia.</p> <p>Even though most do not wish to remain in BiH, for those that do, accessing the asylum procedure is difficult given the limited capacity of the authorities to respond to the current influx. This issue is complicated by the fact that nearly all arrivals are issued an attestation of their intention to seek asylum, as this document formalizes their stay in BiH for a 14-day period and grants access to reception accommodation. As there is no tailored approach to handling genuine asylum-seekers versus other migrants, those wishing to register a claim face often long wait times or are unable to do so altogether depending on where they formally reside. Furthermore, the procedure can take an excessive amount of time, and the recognition rate, is low. Although the legal framework is largely in-line with international and EU standards, the implementation is often problematic, specifically in terms of the ability of asylum-seekers to access basic rights and services, including education, employment, and healthcare, for those staying outside the reception centres. For those not in need of protection, there are currently no comprehensive mechanisms and resources in place to return them, which undermines the integrity of the asylum system.</p> <p>UNHCR is working with the authorities to enhance their capacity to adequately identify those asylum-seekers willing to pursue international protection in BiH, and to ensure efficient procedures and durable solutions for those found to be in need, including through advocacy for the efficient asylum system in law and practice, and implementation of pledges of Bosnia and Herzegovina given at the first Global Refugee Forum in 2019.</p> <p>In 2022, UNHCR will prioritize strengthening access to asylum through enhancing the capacity of the authorities to identify, refer, process and issue quality decisions for asylum-seekers and creating conditions for durable solutions, including integration for those granted international protection.</p> <p>While BiH is a party to the 1954 and 1961 Statelessness Conventions, some gaps remain in law and practice regarding birth registration of children born by nationals as well as children born to refugees and migrants putting them at risk of statelessness. Institutions of Bosnia and Herzegovina have devoted</p>	

considerable efforts to eradicating statelessness including through pledges made at the 2019 High Level Segment (HLS) of ExCom to improve birth registration processes, develop a statelessness determination procedure, enhance access to rights of stateless persons, and develop an action plan to end statelessness by 2024.

For refugees and migrants who give birth in BiH, it can be difficult to register the birth depending on the municipality, and particularly when the parents are not registered asylum-seekers, thus placing those children at risk of statelessness. There is also currently no statelessness determination procedure in law or practice. Additionally, conditions for naturalization of refugees, including the need for certain documents, makes the process difficult for many who would otherwise qualify. Persons granted subsidiary protection face hardship as they cannot access travel document to travel outside BiH nor they can bring close family members residing outside BiH to maintain family unity. They also cannot access permanent residence or naturalize.

For internally displaced persons (IDPs) and returnees, major obstacles remain in terms of access to basic rights, including housing, infrastructure, health, education, and employment. Realization of the 2010 *Revised Strategy for Implementation of the Annex VII of the Dayton Peace Accords (DPA)* is yet to be fully implemented even 26 years after the signing of DPA.

Goal/Objective, Expected Outcome and Main Activities:

Impact Statement: By the end of 2022 persons who wish to seek international protection in BiH have improved access to fair and efficient asylum procedures.

OUTCOME STATEMENT 1.1: Persons who wish to seek international protection are identified, registered, and referred to the asylum procedure by BiH authorities to relevant institutions and service providers, following established harmonized procedures, and supported along the process.

Output 1.1.1: Accurate information provided to persons who wish to seek international protection and to the public and host communities.

- Provision of accessible, timely, and accurate information to persons of concern on asylum procedure, their rights and obligations Strengthening of established channels for Communication with Communities.
- Implementation peer-to-peer education project where peer educators, selected from the targeted population, will be trained, and engaged to facilitate sharing of information to the persons of concern on asylum issues and COVID-19 related regulations.

Output 1.1.3: Free legal information, counselling and representation provided to persons who wish to seek asylum.

- Provision of free legal aid and individual counselling to persons who wish to seek asylum in BiH.
- Delivery of group information sessions and individual counselling in all key locations where persons who wish to seek asylum in BiH reside (reception centres, shelters, and private accommodation).
- The support will include: legal aid in the asylum procedure, access to rights of asylum-seekers, legal aid in detention and expulsion procedures, legal information and counselling in the reception and immigration/detention centres, filing submissions in support of individual cases and legal representation before the Ministry of Security and the Court of BiH, appeals to

the Ombudsperson in BiH, Constitutional Court of BiH and submissions to the international human rights bodies and mechanisms, when applicable.

- Provision of free interpretation services.
- Trainings to support the capacities of the Governmental free legal aid provider within the BiH Ministry of Justice.

OUTCOME STATEMENT 1.2: Persons who wish to seek international protection benefit from a more efficient and fairer asylum system and are supported throughout the process.

Output 1.2.1: Quality of asylum procedures improved.

- Provision of written analysis of the relevant legislation affecting the rights of all population of concern.

Output 1.2.2: Free legal aid and representation provided to asylum seekers.

- Provision of free legal aid in the asylum and other associated procedures. The services will include legal aid in the asylum procedure and access to rights of asylum seeker, legal information, and counselling in the reception centres, filing submissions in support of individual cases and legal representation before the Ministry of Security and the Court of BiH; appeals to the Ombudsperson in BiH, Constitutional Court of BiH and submissions to the international human rights bodies and mechanisms, when applicable.
- Provision of free interpretation services.

OUTCOME STATEMENT 2.2: In line with commitments made at the high-level segment on statelessness, BiH authorities and partners improve the legal framework and practice relevant to stateless persons and at risk of statelessness.

Output 2.2.2: Individual support provided to persons of concern to address statelessness issues (documentation, birth registration).

- Provision of individual support to some 70 persons at risk of statelessness to confirm birth and citizenship.
- Provision of assistance to new-born children of undocumented asylum seekers and migrants born on the territory of BiH to register birth and obtain necessary documentation.
- Provision of assistance to some 80 former refugees/habitual residents of Croatia at risk of statelessness who mainly reside in RS to resolve their residence and documentation as well as to naturalize in BiH.
- Provision of free legal aid and financial support to cover the administrative fee costs enabling those persons at risk of statelessness to obtain necessary documentation, to prove their residence and naturalize.
- Provision of information to persons at risk of statelessness on birth/citizenship registration, encouraging them to initiate the procedure, raising awareness of the general public and sensitizing local authorities to change the attitudes and practice.

OUTCOME STATEMENT 2.3: BiH authorities and partners resume their joint work on implementation of Annex VII

Output 2.3.2: Free legal aid provided to IDPs enabling them to access their rights under the Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter “Annex VII”).

- Provision of free legal aid and information to IDPs and returnees. The services will include legal information and counselling, filing submissions in support of individual cases and legal representation before the administrative bodies and relevant courts and appeals to the Ombudsperson in BiH in selected and strategic cases to resolve their remaining problems caused by displacement and the remaining problems faced by IDPs and returnees concerning access to rights, which are vital for their sustainable durable solutions.
- Follow up on individual cases referred by IDP and returnee communities and forums, alternative/collective accommodation centres, NGOs, relevant national and international organizations, and institutions.
- Advocacy for improved legal framework for resolution of remaining displacement issues, completion of free legal aid legal framework at all levels and functional free legal aid system in practice is available to IDPs and returnees.

Intended Population of Concern:

Asylum-seekers, refugees, persons granted subsidiary protection, internally displaced persons (IDPs), returnees, stateless and persons at risk of statelessness

Project Period [estimated start and end dates of project]:

From 1 January 2022 until 31st December 2022. Extension for an additional year is possible, subject to availability of resources and changes in the Operational context.

Submission Deadline:

20th October 2021

Date Decision Results to be Communicated to Applicants:

Approximately by 3rd November 2021

Selection Criteria

<i>Choose relevant criteria</i>	Criteria Description	Assigned Weighting (optional)
	Sector expertise and experience: the required specific skills, sector specialists, knowledge and human resources.	30
	Project management: ability to deliver project objectives, accountability mechanisms and sound financial management, taking into account the audit results of the previous UNHCR-funded projects, past performance and the external audit of partners' financial statements, where applicable.	20
	Local experience and presence: ongoing programme in the area of operation; local knowledge; engaging refugees and other persons of concern; trust from local communities; local presence; partner policy on community relations; complaint mechanisms for persons of concern; self-organized groups of persons of concern; and other factors that would facilitate access to and better understanding of the persons of concern and that would reduce administrative difficulties.	15

	Contribution of resources: evidenced and documented contribution of resources to the Project in cash or in-kind (e.g. human resources, supplies and/or equipment) by the partner that are presently available (or potentially mobilized by the partner) in order to supplement UNHCR resources.	5		
	Cost effectiveness: level of direct costs and administrative costs imposed on the Project in relation to project deliverables.	10		
	Partner's capacity to undertake procurement: ability to undertake large scale procurement, prior procurement experiences and value of procurement. Functioning procurement unit in the country of operation. Established effective internal-controls and PQP status (when procurement is US\$100K and above).	10		
	Experience working with UNHCR: global and/or local partnerships including knowledge of UNHCR policies, practices and programmes, including an understanding of and ability to work within UNHCR's funding limitations and associated inherent risks. Partners that have three consecutive qualified audit opinions for UNHCR-funded projects may not be considered.	10		
	<p>Other:</p> <ul style="list-style-type: none"> - When describing Sector expertise and experience in the Concept Note, the applying Agency should indicate its possible membership in relevant regional networks, as this would be considered to be an asset in this case. - When describing Partner's capacity to undertake procurement in the Concept Note, the applying Agency should bear in mind that all procurement under the Agreement with UNHCR needs to be in accordance with UNHCR Policy "Procurement by Partners with UNHCR funds" (available on UNHCR Partner Portal). For procurement exceeding USD 100,000, all UNHCR Partners should have a valid Pre-qualified for Procurement (PQP) status, which represent an asset in case of this Call; in case an Agency which does not have the PQP status responds to this Call and gets selected, by signing the Agreement with UNHCR it will commit to adjust its procurement procedures in line with UNHCR's standards and apply for this status within six months after signing of the Agreement. - When describing its Cost Effectiveness in the Concept Note, applying Agency should provide the following overview of expected administrative costs, expressed as percentage of direct costs: <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="text-align: center;">(A) Direct project costs</td> <td style="text-align: center;">(B) Administrative costs as % of direct project costs (A)</td> </tr> </table>	(A) Direct project costs	(B) Administrative costs as % of direct project costs (A)	
(A) Direct project costs	(B) Administrative costs as % of direct project costs (A)			

BAM 0 - BAM 50,000	x %
BAM 50,001 - BAM 100,000	x %
BAM 100,001 - BAM 200,000	x %
BAM 200,001 - BAM 300,000	x %
BAM 300,001 - BAM 400,000	x %
BAM 400,001 - BAM 500,000	x %
> BAM 500,001	x %

Other information (optional):

Please fill in the **PSEA Self-Assessment form** you will find attached to the Call for Expression to Interest and submit it together with the Concept Note (either through UN Partner Portal or printed version in an envelope).

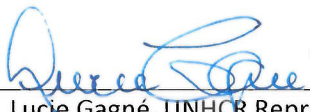
The Agencies responding to this Call need to demonstrate their capability to implement all listed activities **as a single package**. Partial applications for individual activities will not be considered. However, since UNHCR BiH budget for 2022 will be confirmed only in the coming months, UNHCR retains the right to adjust/cancel some of the planned activities at that time. Selected Partner needs to be ready to develop the detailed budget in two weeks upon receiving the notification from UNHCR.

Issuing UNHCR Office
Contact Address

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Signature, Head of Office

Full name and title, Head of Office
Name of UNHCR Office
Date


Lucie Gagné, UNHCR Representative for B&H
UNHCR CO Sarajevo, Bosnia and Herzegovina
23rd September 2021

¹ Asylum-seekers, refugees, persons granted subsidiary protection, internally displaced persons (IDPs), returnees, stateless and persons at risk of statelessness