



SRFP/HCR/RCSEE/2026/009

Task Description for Project Development

TERMS OF REFERENCE (ToR)

Consultant on Material Conditions and Safeguards for Airport Border/Transit Procedure

1. Contracting Authority: United Nations High Commissioner for Refugees (UNHCR)

2. Context and Justification

The project supports the Ministry of Interior (MoI) in operationalizing border/transit procedures at international airports, in line with the Law on Asylum and Temporary Protection ("Official Gazette of RS", No. 24/18) and international standards. This is an activity envisaged under the project "Strengthening Migration Governance and Asylum Systems in Serbia: Enhancing policies, Protecting Rights" funded by the Swiss Government aimed at enhancing migration governance and rights of persons in need of international protection and vulnerable individuals in the mixed movement. The Project is implemented within the Switzerland and Serbia Migration cooperation and implemented by project partners IOM and UNHCR and national partners Ministry of Interior of the Republic of Serbia and Commissariat for Refugees and Migration.

The Law on Asylum and Temporary Protection (LATP) in Article 41 envisages that asylum procedure could be implemented at the borders/transit areas of international airports. However, due to the lack of material conditions, border procedure was not implemented in Serbia.

In view of the forthcoming asylum reforms and further alignment of Serbia with EU asylum acquis, including within the Pact of Asylum and Migration, Serbia needs to develop its own procedures, that would facilitate its subsequent alignment with EU acquis in view of the EU accession process.

It aims to ensure that procedures at airport transit zones:

- enable effective access to asylum,
- allow timely identification of persons in need of international protection, and other vulnerabilities

This activity was developed within the project *"Safe Procedures. Rights for All. Strengthening Migration Management and the Asylum System in Serbia"*, implemented by UNHCR Serbia in partnership with the Ministry of Interior, the Commissariat for Refugees and Migration, and IOM Serbia, with the support of the Government of Switzerland.

- are implemented in compliance with international human rights standards, particularly: UN Convention against Torture (CAT), European Convention on Human Rights (ECHR), CPT standards on detention and material conditions
- prevents misuses of asylum and ensures respect for the national legislation

3. Project Duration: 1 September – 30 November 2026

4. Overall Objective:

The consultant will support the development and operationalization of airport border/transit procedures by:

- Assessing material conditions and physical infrastructure in transit zones and related facilities,
- Ensuring alignment with CAT and CPT and other relevant international and national standards,
- Developing practical standards, SOP inputs, and recommendations to ensure conditions are compatible with prevention of torture and ill-treatment, effective access to asylum procedures and identification of vulnerable persons.

5. Specific Objectives

The consultant will prepare an analysis/ document which will include the following elements:

1) Legal framework and international standards review - Review the LATP and relevant bylaws governing airport procedures, analyze how border/transit procedures are regulated and operationalized in other countries in EU; map applicable international standards, including CAT (including non-refoulement and conditions of detention), UNHCR standards elaborated with the 2022 UNHCR Detention Guidelines, CPT standards (especially on airport holding facilities and short-term detention), ECtHR case law (e.g. M.S.S., Ilias and Ahmed, airport detention cases), relevant EU acquis (Asylum Procedures Directive, Reception Conditions Directive – where applicable) List of minimum standards for material conditions for border procedure.

2) Assessment of the existing facilities within the transit zones and those planned (in consultation with MoI), including the following elements, non-exhaustive: 1. Physical and Material Conditions, 2. Space, overcrowding, sleeping arrangements, 3. Ventilation, lighting, temperature, Sanitation and hygiene facilities, 4. Access to food and drinking water, 5. Access to outdoor space or movement, 6. Cleanliness and maintenance, 7. Safeguards linked to prevention of ill-treatment, Suitability of facilities for duration of stay, 8. Risks of de facto detention in substandard conditions, 9. Privacy (e.g. for interviews, personal needs), 10. Gender-sensitive arrangements, 11. Availability of separate and appropriate accommodation where required, 12. Access to services - health care (including mental health), interpretation and information provision, access to asylum procedure (registration, lodging applications, access to free legal aid, access to effective remedies, etc.

3) Identify gaps between current/planned conditions and relevant international standards (CAT obligations, CPT standards, UNHCR detention guidelines) and will also highlight structural gaps (infrastructure), procedural gaps linked to material conditions and risks of ill-treatment or degrading conditions

4) List minimum standards for material conditions for border procedure in the Republic of Serbia including:

- infrastructure benchmarks,
- occupancy thresholds,
- sanitation and hygiene standards,
- safeguards for short-term stays,
- requirements for vulnerable groups
- Practical guidance on: use of facilities during border procedures, maximum holding durations, referral pathways (health, protection), coordination between border police and the Asylum Office

5) Suggestion of 2-3 potential solutions including indicating appropriate locations for transit zones in line with relevant international standards applicable in the Republic of Serbia. The Report should include proposal for monitoring indicators for ongoing compliance.

6. Methodological Approach and Planned Activities

- **Inception Report** including explanation of methodology and workplan including meetings/ interviews with relevant staff in the Ministry of Interior;
- **Analysis of the legal and institutional framework**, including a review of applicable regulations, strategic documents, and existing support and assistance mechanisms, as well as the identification of normative and institutional constraints;
- **Assessment of the existing facilities:** physical visit of the relevant infrastructures, stakeholder interviews.
- **Meetings** with relevant stakeholders, aimed at validating preliminary findings, identifying challenges, and considering possible models and solutions;
- **Draft Report** on material conditions in Serbian language including all elements outlines in point 5.
- **Presentation of the document including legal framework review and model SOPs** for validation and finalization of the documents based on the feedback provided by Ministry of Interior and UNHCR

7. Expected Results

Report on material conditions should include:

- Overview of national legal framework and relevant international standards
- Minimum standards for material conditions based on the international standards (including concrete benchmarks, as explained above)
- Suggestion of 2-3 potential solutions for transit zones and their locations in line with relevant international standards applicable in the Republic of Serbia
- SWOT analysis of identified solutions to assess their strengths, weaknesses, opportunities, and risks

8. Success Indicators

- **Timeliness:** All activities and the final study delivered within the project period (1 September – 30 November 2026)
 - Inception report (by 15 September 2026) (milestone 1)
 - Draft Report on material conditions and safeguards for airport border/transit procedure and formulation of concrete recommendations to improve the efficiency and accessibility of the system, with and without legislative amendments, within the envisaged project timeframe (by 15 November 2026) (milestone 2)
 - Finalization and sharing of the report for approval by MoI and UNHCR with incorporated feedback from MOI and UNHCR by 30 November 2026 (milestone 3)
- **General Principles**
 - Payments are made upon UNHCR upon approval of deliverables
 - The consultant must report to UNHCR (at least on monthly basis)
 - The consultant must work closely with UNHCR, Ministry of interior and other partners as required
 - The consultant must preserve confidentiality and apply the do not harm principles

9. Required qualifications for at least one Team member

- Advanced degree in law, human rights, or related field
- At least 7–10 years of relevant experience in: human rights, detention conditions / monitoring, prevention of torture, asylum and border procedures
- Strong knowledge of international standards CAT and CPT standards, ECtHR jurisprudence, migration/asylum frameworks and international protection standards
- Experience with airport or border contexts is a strong asset