



SRFP/HCR/RCSEE/2026/010

TERMS OF REFERENCE (ToR) for Developing a Model Standard Operating Procedures (SOP) for Airport Border/Transit Procedure in the Republic of Serbia

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.

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

2. Context and Justification

The project supports the Ministry of Interior (MoI) of the Republic of Serbia 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 Secretariat for Migration 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.

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 material conditions, as well as relevant bylaws 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 international protection,
- ensure relevant procedural safeguards for asylum seekers including access to information in a language they understand and free legal aid from the onset, right to appeal and access to effective legal remedy,
- ensure categories which should not be subject to airport procedures identified at the earliest stages and referred to a regular asylum procedure,
- ensure alignment with UNHCR standards relevant for border procedures, including UNHCR Alternative to detention guidelines,
- are implemented in compliance with international refugee law standards, human rights standards, particularly European Convention on Human Rights (ECHR),
- prevents misuses of asylum and ensures respect for 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 preparing a model SOP. This document will include:

- analysis of the relevant legal framework, including relevant international standards, including UNHCR standards relevant for border procedures, UNHCR Alternative to Detention Guidelines, UNHCR fair and fast asylum procedure guidelines, etc.) as a basis for development of the SOP
- propose operationalization of the provisions of the current LATP through a clear, step by step guidance on the implementation of the border/transit procedures, including all instances of the

asylum procedures, ensuring practices are in line with LATP as well as relevant international standards, including UNHCR standards and the spirit of the 1951 Refugee Convention in line with the Article 3 of the LATP, stipulating that its provisions must be interpreted in accordance with the 1951 Refugee Convention and its 1967 Protocol, as well as generally accepted rules of international law

5. Specific Objectives

The consultant will prepare a document which will include the following elements:

- 1) **Legal framework and international standards review** relevant for border procedures including:
 - Review of the LATP and relevant bylaws governing asylum procedure and airport procedures
 - Analyze how border/transit procedures are regulated and operationalized in other countries in Europe
 - Map applicable international standards, including as a minimum:
 - UNHCR standards on border procedures
 - UNHCR fast and fair asylum processing guidelines
 - UNHCR standards elaborated with the 2022 UNHCR Alternative to Detention Guidelines
 - ECtHR case law
 - Relevant EU acquis (Asylum Procedures Directive, etc.)
- 2) **Suggest a step by step operational guidance- Model SOP** on the implementation of the border/transit zone procedures with clear division of responsibilities, effective implementation of safeguards, exceptions envisaged by the LATP, ensuring practices are aligned with national legislation and international standards

6. Methodological Approach and Planned Activities

The activity will be implemented through a participatory and evidence-based approach that combines analysis of the existing system, consultations with relevant stakeholders, comparative legal research,

Planned steps include:

- **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;
- **Meetings** with relevant stakeholders, aimed at validating preliminary findings, identifying challenges, and considering possible models and solutions;
- **Research of comparative practices** in at least three EU Member States and countries, with a particular focus on models airport/border procedure;

- **Preparation of the document including legal framework review and model SOPs** in Serbian language and presentation of findings and recommendations to the Ministry of Interior and UNHCR
- **Presentation of the document including legal framework review and model SOPs** for validation and finalization of the documents based of the feedback provided by Ministry of Interior and UNHCR

7. Expected Results

1. Inception Report includes explanation of methodology and workplan including meetings/ interviews with relevant staff in the Ministry of Interior, and other relevant stakeholders involved in activities in border zones and airport.
2. Document including legal framework review and model SOPs in a PDF format with clear, reader user friendly design

8. Success Indicators

- **Timeline:** All activities and the final study delivered within the project period (1 September – 30 November 2026):
 - **Inception report by 15 September 2026**
 - **Draft Document including Legal framework review and Model SOPs by 15 November 2026**
 - **Final version of the document approved by Ministry of Interior and UNHCR by 30 November 2026**
 - Payments are made upon UNHCR approves deliverables
 - Reports to UNHCR (at least on monthly basis) Works closely with UNHCR, Ministry of interior and other partners as required
 - Preserves confidentiality and applies do not harm principles

9. Required Qualifications of at least onet team member

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