1. **Title: Terms of Reference for Consultant to Spearhead Implementation of Somalia’s Refugee Law**

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| **Part I** |  |
| **Type** | Legal Firm |
| **Title** | Legal Consultant to spearhead the Refugee law implementation. |
| **Objectives of NCRI** | To fully implement the Refugee Law signed by the President of Somalia in May 2023, ensuring its alignment with international standards, particularly the Geneva Convention, and fulfilling Somalia’s human rights obligations. |
| **Overall NCRI outcome** | The establishment of a robust legal and institutional framework for refugee protection in Somalia, including streamlined asylum procedures and enhanced stakeholder awareness of the Refugee Law. |
| **Purpose of this consultancy** | To develop and operationalize regulations, establish the RSD and appeal boards, and processes necessary for the effective implementation of the law. |
| **Outcomes of this consultancy** | Full enjoyment of national and international human rights granted by the law through the establishment of fair and transparent asylum process ensuring full understanding of the laws deliberations by the wider stakeholders including the Police Commission, ICA and MDA’s involved in the Refugee protection. |
| **Duration** | 6 Months |
| **Start Date** | 1st February 2024 |
| **Reproting To:** | NCRI Program Advisor. |
| **Location** | NCRI Mogadishu Office with frequent travel to Somalia’s FMS and the interim SSC administration. |

**Part II:**

1. **Background:**

The Somali government has made significant strides in safeguarding the rights and dignity of individuals fleeing disasters, armed conflict, and persecution by adopting international legal instruments that guarantee protection and assistance to asylum seekers and refugees. In May 2023, the signing of the Refugee Law marked a transformative step in Somalia’s commitment to human rights, effectively domesticating the Geneva Convention. This milestone represents Somalia’s dedication to upholding international instruments and to providing transparent and institutionalized processes for asylum and refugee protection.

To date, Somalia has recognized over 40,000 individuals as asylum seekers and refugees. Asylum is currently granted on a prima facie basis to Yemeni and Syrian refugees through Presidential decrees. The Refugee Law seeks to formalize these arrangements by establishing robust regulations and operational frameworks, including committees tasked with implementing its provisions. These committees will oversee refugee status determination (RSD), appeals, and other critical aspects of the asylum process.

The National Commission for Refugees and Internally Displaced Persons (NCRI), mandated to address the multifaceted needs of displacement-affected communities, is leading the charge in partnership with UNHCR to implement this legal framework. This endeavor also involves developing training manuals for the operational committees, alongside a nationwide sensitization and awareness campaign to ensure all stakeholders, including asylum seekers and refugees, understand the provisions and implications of the new law.

1. **Scope of Work:**

The consultant will be responsible for the following tasks:

1. Conduct desk reviews of IGAD and regional regulations to draft implementation regulations for Somalia’s Refugee Law.
2. Lead the formation of the Refugee Status Determination Committee, ensuring its structure and mandate comply with the Refugee Law.
3. Facilitate the creation of the Appeal Board to address appeals related to asylum decisions.
4. Create comprehensive training modules for committee members and other stakeholders.
5. Conduct capacity building sessions for stakeholders such as the Police Commission, ICA, Ministry of internal security, Minsitry of Interior and other government MDA’s involved in the protection and assistance of Refugees and Asylum Seekers.
6. Develop and execute a strategy to raise awareness of the Refugee Law among stakeholders, including asylum seekers and refugees.
7. Draft SOPs to guide the operations of the RSD Committee and the Appeal Board.
8. Design and implement effective communication channels and reporting mechanisms between NCRI, committees, and other stakeholders.
9. **Deliverables:**

The consultant will deliver the following:

1. Inception report with detailed work plan, methodology, timeline, anticipated challenges and mitigation strategies.
2. Draft Comprehensive regulations for the implementation of the Refugee Law.
3. Documentation reports on the establishment of the RSD Committee and Appeal Board.
4. Developed training modules and documentation of capacity-building sessions.
5. Materials and reports on awareness and sensitization efforts.
6. Approved and validated regulations and SOPs for RSD Committee and Appeal Board.
7. Operational communication channels and reporting mechanisms.

**Deliverables, Timelines, and Payment Schedule:**

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|  | **Deliverable** | **Timeline** | **Payment schedule** |
| **A1** | Inception report | 2 Weeks from the start date | 5% |
| **A2** | Draft regulations | 9 Weeks from the start date | 25% |
| **A3** | Documentation of the establishment of RSD committee | 12 Weeks from the start date | 15% |
| **A4** | Documentation of the establishment of the appeal boards | 14 Weeks from the start date | 10% |
| **A5** | Training manuals and materials and training sessions report | 15 Weeks from the start date | 10% |
| **A6** | Awareness materials and awareness sessions held report | 16 Weeks from the start date | 15% |
| **A7** | Final SOP and Frameworks | 18 Weeks | 10% |
| **A8** | Final grand report on the laws implementation. | End of consultancy | 10% |

1. **Qualifications and Experience:**

* Advanced degree in law, international human rights, or a related field.
* Extensive experience in legal drafting, refugee protection, and humanitarian law.
* Proven experience in stakeholder engagement and capacity-building.
* Strong knowledge of IGAD frameworks and regional asylum practices.
* Excellent facilitation and communication skills.

**Stakeholder Roles and Responsibilities:**

**NCRI Role:**

* Provide oversight and coordination for the consultancy activities, ensuring alignment with the overall objectives of the Refugee Law implementation.
* Guide the consultant in engaging stakeholders and communities to identify training needs and priorities.
* Provide necessary resources and support to facilitate the successful implementation of the consultancy activities, including logistical support and access to relevant stakeholders.
* Provide feedback and guidance to the consultant throughout the consultancy period, ensuring that training and consultation initiatives align with NCRI’s strategic goals and objectives.
* Monitor the progress of the consultancy activities and provide input into the evaluation of their effectiveness, contributing to ongoing learning and improvement.

**UNHCR Role:**

* Collaborate with NCRI in reviewing applications and validating key deliverables, ensuring alignment with international refugee protection standards.
* Provide technical support on refugee law, RSD processes, and appeal mechanisms to enhance implementation quality.
* Support the development of training materials and provide expertise during capacity-building sessions.
* Assist in the design and dissemination of awareness and sensitization campaigns for stakeholders, including refugees and asylum seekers.
* Regularly monitor progress and provide updates on the implementation to ensure accountability and transparency.

1. **Evaluation Criteria:**

**Technical Evaluation (70 points):**

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| **Item** | **Criteria** | **Max Points** |
| **Overall Response** | Completeness of the proposal in addressing the TOR requirements. | 15 |
| Alignment between the proposal and TOR objectives and scope. | 10 |
| **Technical Experience** | Demonstrated experience in legal drafting and refugee protection. | 20 |
| Previous involvement in similar projects and outcomes achieved. | 15 |
| Expertise in engaging diverse stakeholders, including vulnerable groups. | 10 |
| **Proposed Methodology** | Clarity and coherence of the proposed methodology for achieving outcomes. | 10 |
| Feasibility of the proposed approach within the timeline and budget. | 10 |

**Minimum Technical Pass Mark:** 49 points (70% of total technical score)

**Financial Evaluation (30 points):**

Financial proposals will be evaluated based on clarity, appropriateness, and competitiveness. The lowest-priced proposal will receive the maximum score, and other proposals will be scored in inverse proportion.

**Total Combined Score:** Technical (70%) + Financial (30%) = 100%

1. **Reporting Requirements:**

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| **Report** | **Timeline** | **Details** |
| Inception Report | 2 weeks from start | Detailed work plan and challenges identified. |
| Draft Regulations Report | 6 weeks from start | Draft regulations submitted for feedback. |
| RSD/Appeal Documentation | Throughout consultancy | Updates on committee establishment progress. |
| Training Reports | As per schedule | Documented training sessions and evaluations. |
| Final SOP and regulation framrworks | End of consultancy | Finalized and validated SOPs and frameworks. |

**Application Submission:**

Applications must be submitted with the required documents to Admin@ncri.gov.so before 15 January 2025, 12:00 AM. Late submissions will not be considered.