



Quality Evaluation and Development in Stateless Determination (QEDS) Project

Terms of Reference for National Project Officer Consultant HUNGARY

Summary of UNHCR Operational Objectives for the Central Europe sub-region, including Hungary

The broad operational objectives of the UNHCR Regional Representation for Central Europe (covering Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovenia and the Slovakia) are as follows:

- Access to the territory of States and asylum procedures;
- Adequate reception conditions in accordance with international standards;
- Quality refugee status determination (RSD);
- Effective integration of recognized refugees;
- Protection of stateless.

Summary of the Quality Evaluation and Development in Stateless Determination (QEDS) Project

The Project, covering the stateless determination procedure in the Republic of Hungary, is founded on the UNHCR mandate responsibilities accorded by the UN General Assembly (A/RES/50/152). Its purpose is to play an active role in achieving one of the core protection goals of UNHCR in the European Union, which is to support, in a harmonised trans-national manner, the continuous development and enhancement of fair and efficient procedures that are based on the full and inclusive application of the 1951 and 1954 Conventions. To this end, the project intends to promote adherence to established common international protection standards.

Hungary is one of the very few states of the World which not only acceded to the universal and regional international legal instruments on statelessness but also introduced national legislation and operational implementing mechanism since July 2007.

Hungary has successfully carried out projects to establish an in-house quality assurance mechanism applicable to asylum procedures in the period of 2008-2011 (see “Asylum Quality and Evaluation Mechanism” and “Further Developing Quality” projects). The current project shall build greatly on the achievements and lessons learnt through those projects.

The project will focus on how the Republic of Hungary from a transnational perspective, is undertaking the assessment of claims for stateless status in conformity with the 1954 Convention and other relevant human rights instruments. It will after a process of independent and objective evaluation have specific actions designed to improve the quality, fairness and efficiency of first and second instance stateless determination decision making. In addition, the project will have a capacity building component to ensure an in-house quality assurance mechanism. To this end, the project will have the following actions at the first instance: an independent and objective evaluation through close proximity monitoring of the current methods in the

stateless procedure to determine the level of application of the 1954 Convention and other relevant instruments, especially the applicable UNHCR Guidelines; one on one coaching based on individual case evaluation and analysis in order to identify gaps and train concerned decision makers on how to close them; thematic training of decision makers focusing on assessment of claims and the use of country information. For sustainability, the project will train first instance internal evaluators to generate a quality assurance capacity within the aliens policing systems. At the second instance, the project will identify the specific decision making challenges present and how best to overcome them. Regular evaluation of the project at the first and second instances will be done by a Project Implementation Executive Board comprising of UNHCR and Office of Immigration and Nationality senior staff.

Approach and methodology

The National Project Officer will be embedded within the institution responsible for the consideration and determination of stateless claims at the first instance. Qualitative and quantitative research methods shall be used. An independent and objective gap analysis and evaluation of the decision making process for applications for stateless status shall be conducted. A systematic audit of first and second instance decisions shall be carried out. Thereafter, the project will train and coach decision makers on how best to close identified gaps using best practice procedures which are in line with international protection standards and that demonstrate the full and inclusive interpretation and application of the 1954 Convention. For sustainability purposes, a national quality assurance capacity (internal and external) shall be developed.

Detailed description of the National Project Officer's activities which are to be carried out in close coordination with UNHCR's Hungary Unit:

Administrative (first instance) procedure:

1. An independent and objective evaluation through close proximity monitoring of the current methods and procedures in the stateless status determination procedure (SSDP), inclusive of the quality of interview techniques and adequate interpretation services available for the applicants as well as through systematic audit of first (and second instance) decisions to determine the level of application of the 1954 Geneva Convention and other relevant instruments especially the relevant UNHCR Guidelines;
2. Assess the level and quality of supervision of SSD officers;
3. One on one coaching based on random individual case evaluation and analysis in order to identify gaps and train concerned individual adjudicators on how to close identified gaps;
4. Thematic training of SSD officers focusing on case assessment and the use of Country Information in SSDP;
5. Elaboration of protection information materials for applicants;
6. Follow-up recommendations of previous research (Hungarian Helsinki Committee upon request by UNHCR, 2010);
7. Report to UNHCR on activities carried out and on recommended follow-up inclusive of the establishment of a central pool of internal Evaluators to generate an internal Quality Assurance Capacity for quality assurance.

Legal review (court procedure):

1. The evaluation of the challenge the Court procedure places on applicants, inclusive of interview techniques and adequate interpretation services made available, through systematic audit of court decisions and attendance of court hearings;
2. Intensive coaching on how best to address the challenge;
3. Random individual case evaluation and analysis to identify gaps and train concerned on how to close identified gap;
4. Report to UNHCR on activities carried out and on recommended follow-up.

Coordination and Evaluation Obligations

1. Produce monthly and quarterly monitoring reports to ensure regular real time evaluation of the project;
2. Produce gap analysis evaluation reports;
3. Production of practice improvement reports and recommendations every three months for consideration and action guidance by the Project Implementation Executive Board.

Delivery Indicators and Benchmarks that the National Project Officer shall meet under the Project

1. Quality of decision making in stateless procedures strengthened and the development and enhancement of quality oriented fair and efficient procedures supported;
2. Interview techniques sensitive to the situation and circumstance of applicants developed;
3. Recording of processes and techniques for the gathering of facts and events forming the basis of the claim for stateless status sensitive to the situation and circumstance of persons of concern developed;
4. Quality of interpretation services facilitates the accurate communication of the claim to the adjudicator;
5. Credibility assessment of the application for international protection is fair;
6. Quality and process of assessing and applying country information is fair and efficient;
7. Relevant laws and procedural safeguards in the decision making process are duly applied;
8. The approach of the competent authorities in the interpretation of the stateless definition and inclusion criteria under the 1954 Convention is in conformity with established guidelines and recommendations;
9. Appeal and review process offer effective remedies through a process that analyses court decisions identifying gaps and elaborating training material for judges to consider in roundtables workshops;
10. Easy-to-understand protection information material is available for applicants;
11. A Manual is available with quality criteria to assess interview records and decisions;
12. Sustainability of in-house quality assurance arrangement is ensured.

Consultancy Period:

January – June 2012 in accordance with the following time table:

1. During the course of the first month, a Work Plan shall be concluded in close cooperation with the supervising UNHCR Hungary Unit, following assumption of duties in accordance with the terms of

reference contained herein and any subsequent amendment of the same, to ensure that they are properly contextualised in the protection environment currently prevailing in the Republic of Hungary.

2. During the course of the first two months, the *in situ* independent and objective gap analysis and evaluation of the existing practices for the assessment of applications for stateless status will commence in accordance with the focus outlined in the activities section of these terms of reference, and any other areas that the project coordinators may deem necessary.

4. Also starting in the first month continuous monitoring and auditing of decisions at the first and second instance will be undertaken for the duration of the project until the last project activity month (i.e. June 2012). Concurrently, assessment of the training and coaching needs, elaboration and implementation of an on-the-job training and coaching programme will be undertaken as continually informed and calibrated by the gap and analysis and evaluation process. Similarly, intensive thematic training will also be implemented if needed.

5. After a three month implementation period, a mid term review of the project will be undertaken at a country review meeting during which the project's *in situ* independent and objective gap analysis and evaluation reports and amalgamated summary audit reports of the decisions will be presented for discussion and exchange of information and harmonised approach identification.

6. Follow-up activities of the recommendations articulated by the report of the Hungarian Helsinki Committee as a result of research conducted upon request by UNHCR in 2010 shall be carried out during the entire project period. Charts with information on the implementation status of each recommendation shall be submitted to UNHCR after three months and at the end of the project period.

**UNHCR Regional Representation, Hungary Unit
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