

Notice of call for expressions of interest from members of courts and tribunals

Revision, update and further development of the EASO Professional Development Series for members of courts and tribunals

1. Objective

The International Association of Refugee Law Judges (IARLJ) is inviting members of courts and tribunals in EU+ countries (EU 28 Member States plus Norway and Switzerland) to register an interest in participating in an Editorial Team to be established by IARLJ to provide expert services for the revision, update and further development of the European Asylum Support Office (EASO) Professional Development Series (PDS) for members of courts and tribunals.

2. Background

In line with its mandate under its founding Regulation (EU) 439/2010 and in close cooperation with courts and tribunals of EU Member States as well as other key actors, EASO has been developing the Professional Development Series (PDS). The PDS is a set of materials, specifically tailored to the needs of members of courts and tribunals in EU+ countries, aimed at providing a full overview of the Common European Asylum System (CEAS) on a step-by-step basis. The PDS contains, for each subject, an analysis of the legal situation in the subject at hand; a compilation of relevant sources including, but not limited to, jurisprudence, legislation and academic writings; a guidance note for judicial trainers based on the EASO common professional development methodology to be used during facilitators' workshops and such other didactic tools as may be appropriate, such as case studies, training exercises etc. The materials are intended to be of use both to those with little or no prior experience of adjudication in the field of international protection within the framework of the CEAS as well as to those who are experienced or specialist judges or tribunal members in the field. The aim is to set out clearly and in a user-friendly format the current state of the law.

EASO and IARLJ have agreed a four-year 'Framework Contract for Services' for the provision of expert services for the revision, update and further development of the PDS.

3. Application procedure

Interested persons should complete in English the application form accompanying this call and provide the information requested therein. The application form should be sent to Hugo Storey, President, IARLJ-Europe (hugohs30@aol.com), with the IARLJ Secretariat [info@iarlj.org] in copy **by 6 July 2018**.

After this date, a selection process (see below point 10) will take place and you will be informed of the outcome. IARLJ reserves the right to issue further calls for expressions of interest as may be required in order to ensure that a sufficient number of suitable candidates can be identified.

4. Protection of personal data

The processing of the expressions of interest involves the recording and processing of personal data (such as contact details and CV). Such processing will be performed in accordance with relevant safeguards on the protection of individuals with regard to the processing of personal data.

5. Subjects covered by the call for expressions of interest

- [Introduction to the Common European Asylum System \(CEAS\) for Courts and Tribunals – A Judicial Analysis](#) (produced by IARLJ-Europe under contract to EASO)
- [Qualification for International Protection \(Directive 2011/95/EU\) – A Judicial Analysis](#) (produced by IARLJ-Europe under contract to EASO)
- [Article 15\(c\) Qualification Directive \(2011/95/EU\) – A Judicial Analysis](#)
- [Exclusion: Articles 12 and 17 Qualification Directive \(2011/95/EU\) – A Judicial Analysis](#)
- [Ending International Protection: Articles 11, 14, 16 and 19 Qualification Directive \(2011/95/EU\) – A Judicial Analysis](#)
- Evidence and Credibility Assessment in the Context of the Common European Asylum System (CEAS) – A Judicial Analysis (produced by IARLJ-Europe under contract to EASO)¹

¹ Pending publication and, therefore, not available on the EASO website at time of writing.

- Asylum Procedures and the Principle of *Non-Refoulement* – A Judicial Analysis (produced by IARLJ-Europe under contract to EASO)²
- Judicial Practical Guide on Country of Origin Information³

EASO plans to further develop materials on other subjects. Subjects currently under consideration include:

- Vulnerability in international protection cases.
- Legal standards for the reception of applicants for international protection under the recast Reception Directive.
- The content of international protection under the recast Qualification Directive.

The need for a stand-alone Judicial Analysis on the Dublin III Regulation will also be considered in light of progress in current legislative negotiations.

6. Description of services

The Editorial Team of judges and tribunal members will assist IARLJ with the provision of the following services:

- Service 1: Review of EASO professional development material

Provide judicial expertise on the content and quality of the published PDS materials from both a content and didactic perspective and deliver recommendations to EASO in the form of a report on the need for their update including the scope, the extent and the timeliness of a possible update.

- Service 2: Update of EASO professional development material

Provide judicial and didactic expertise to update the content of the materials on specific subjects according to terms of reference defined by EASO in consultation with IARLJ.

- Service 3: Development of EASO professional development material

² Pending publication and, therefore, not available on the EASO website at time of writing.

³ Pending publication and, therefore, not available on the EASO website at time of writing.

Provide judicial and didactic expertise to deliver a comprehensive judicial analysis and judicial trainer's guidance note on a new subject for the PDS.

It is not possible, at this stage, to state the precise services that EASO may commission IARLJ to undertake or the concerned subjects as these will be specified in the specific contract(s) which are yet to be agreed. However, it is known that the first specific contract will commission IARLJ to undertake the review of the PDS materials on Article 15(c) and Exclusion.

7. Editorial Team

In order to ensure the integrity of the principle of judicial independence and to guarantee that the three services of reviewing, updating and further developing the PDS are carried out under judicial guidance, IARLJ will establish an Editorial Team comprised of 16 judges and tribunal members who will work, under the direction of the IARLJ members of a Joint Monitoring Group (JMG), in one of two sub-committees:

- (i) the **Review and Update Subcommittee (RUS)** will ensure the quality and judicial character of review and update services; and
- (ii) the **Development Subcommittee (DS)** will ensure the quality and judicial character of the development service.

Each subcommittee will be composed of five to eight members, including a Chairperson⁴. The Chairperson of each subcommittee will be appointed by the IARLJ members of the JMG, following consultation with the relevant subcommittee (RUS/DT), the IARLJ President, the Project Manager and the Human Resources and Finance Administrator.

For further details on the likely duration of the work involved for the members of each subcommittee, please see section 9 below on 'Duration'.

Recognising the constraints of time and availability under which serving judges could be involved in the review, update and drafting of the professional development materials, IARLJ intends to commission expert researchers to do much of the preparatory work. IARLJ, on advice from the Editorial Team, will seek to identify suitable experts from amongst a wide range of possible eligible persons, for example: part-time judges, ex-judges, judicial assistants, eligible staff of international organisations, academics, and lawyers.

The key tasks for the Editorial Team for each set of materials on a subject will be:

⁴ Note that for specific contracts for the review service, the Review and Update Subcommittee may work in subgroups of 3 or more per subject.

- (i) To identify and select external (an) expert researcher(s) to be commissioned to prepare the draft review reports and draft materials in accordance with the directions of the Editorial Team.
- (ii) To draw up Terms of Reference for the expert researcher(s).
- (iii) To review initial draft interim reports to ensure the direction and quality of the work being undertaken by the expert researcher(s);
- (iv) To rigorously scrutinise drafts, taking into account when available any feedback from external consultation, and provide proposed amendments, case-law references, and guidance to the expert researcher(s) for any necessary revision of the drafts.
- (v) To participate in Editorial Team meetings to discuss issues such as content, structure, format, and points of legal interpretation arising from the draft materials.
- (vi) To approve the final draft, making any amendments as necessary, and ensuring the quality of the final deliverable to EASO.

The Editorial Team will be assisted by the Project Manager in its execution of these tasks. The Project Manager will assist with the preparation of a schedule of work; the preparation of terms of reference for researchers and didactic experts; the preparation, in consultation with the Chairperson(s) of the Editorial Team, of the agendas and materials for Editorial Team meetings and any preliminary ‘kick-off’ meetings for drafting teams of researchers and didactic experts; and in consultation with the Chairperson(s) of the Editorial Team, the preparation and provision of the Editorial Team’s guidance to researchers and didactic experts.

In specific situations, an Editorial Team member may, upon agreement, be commissioned on an ad hoc basis as an expert researcher to carry out a specific task for a number of hours to be agreed in advance.

8. Place and mode of work

Much of the work will be carried out at the Editorial Team member’s own premises through electronic communication requiring knowledge of the use of Word and the ability to use its editorial and review features such as ‘New Comment’ and ‘Track Changes’. However, one to three face to face meetings requiring travel within the EU may take place, as necessary, for the update and development services per subject. Such meetings typically take place over two days requiring an overnight stay. IARLJ will cover travel, accommodation and subsistence costs, in accordance with EU guidelines, incurred in the attendance of Editorial Team meetings.

The working language is English.

9. Duration

The work will be carried out within four years of the entry into force of the Framework Contract on 18 April 2018⁵. A schedule of work will be drawn up once specific contract(s) are concluded. Based on the EASO Tender Specification, the approximate duration for the completion of services per subject are as follows:

Review of materials per subject: 5 months

Update of materials per subject: 8 months

Development of materials per subject: 12-14 months

It should be noted that when duly justified, these periods may be extended.

Extent and nature of commitment

IARLJ welcomes expressions of interest from judges and tribunal members able to commit to the Editorial Team for the entire four-year period. Such commitment provides invaluable continuity and experience to the work of the Editorial Team and facilitates coherency across the PDS subjects.

However, we recognise that this may not be possible for some and, therefore, we also welcome expressions of interest from those who are able to commit to the review and update of materials on, at least, one subject or to the development of materials on, at least, one subject. The separate form attached allows applicants to indicate any specific preference.

With a view to mitigating the risk of certain members of the Editorial Team being unavailable during the editorial process, a number of alternates will also be identified. If a member of the Editorial Team cannot attend a meeting or is unable to perform other tasks for a certain period of time due to other commitments an alternate will attend in his/her stead.

⁵ The Framework Contract is concluded for a period of 24 months with effect from the date of entry into force on 18 April 2018, automatically renewable one time for a further 24 months unless there is formal notification by one of the parties to the contrary.

10. Selection process

The selection process will be presided over by a judge of the Court of Justice of the EU (CJEU). Members will be selected from the list of those who have expressed an interest and according to criteria agreed between IARLJ and EASO.

Essential criteria

Members of the Editorial Team must:

- Be a serving judge or tribunal member or a retired judge or tribunal member able to demonstrate up to date knowledge and expertise.
- Have advanced knowledge of the subject matter of the professional development materials and practical experience of the asylum process/topics related to the materials.
- Have a proficient working knowledge of both spoken and written English.
- Be proficient in the use of Word and have the skills to use its editorial and review features such as 'New Comment', and 'Track Changes'.

Desirable criteria

- Previous experience of revising/preparing/editing professional development materials on asylum related topics for relevant professional associations or judicial training bodies.
- Publications in the field of asylum law.
- Knowledge of didactics and/or professional development methodology.
- Experience in delivering professional development workshops to judges and/or members of tribunals

Selection will seek to achieve a team that constitutes a cross-section of judges and tribunal members from different Member States as well as judges and tribunal members at different levels of domestic judicial hierarchies i.e. appeal and/or judicial review/cassation systems. The selection process will also seek to ensure that each subcommittee is representative of the differing national legal and appeal systems in the EU+ countries (EU 28 Member States plus Norway and Switzerland). Moreover, cognisance will be had during the selection procedure of the desire to ensure, where possible, an appropriate gender balance within the Editorial Team. Selection will also take into account, to the extent possible, particular expertise in any specific subjects of the CEAS. Whilst every effort will be made to take into account any preferences expressed by applicants concerning subjects they would wish to work on, the final decision will be subject to the immediate need to fill the positions within the relevant Subcommittee. With regards to the Review and Update Subcommittee, if

possible, membership will have at least one person who was involved in the editorial development process of the PDS materials chosen for review and/or update, to strengthen the subcommittee's familiarity with their content, methodology, and development process.

The selection process will also identify a number of court and tribunal members able to act as alternates in the event that anyone selected to be on the Editorial Team has to withdraw.

11. Fixed compensation for unspecified costs

In recognition of the fact that it is increasingly difficult for members of courts and tribunals, given the demands of their national judicial duties to participate fully in projects concerned with professional development at a European level, IARLJ considers that there should be some compensation possible for judges and tribunal members selected to act as Editorial Team members.

Whether individual members will be able to avail themselves of such compensation will vary depending on whether they are full-time, part-time or retired as well as national financial rules. Such variables however will have no bearing on criteria for selection.

By virtue of the limited project funding available to cover Editorial Team work, the compensation can only be notional and in the form of a fixed lump sum for unspecified costs.

In respect of the review service, compensation would be available for each member up to a maximum of €500 Euro per subject. This figure is based on full participation in all the requisite tasks and would be reduced pro rata if the individual concerned was not able to participate fully (e.g. because of unforeseen national commitments or joining the Editorial Team late). In respect of the updating service the same figure would apply subject to the caveat that IARLJ may decide to increase the amount if the work required is not commensurate with that for reviewing each subject.

For the development service, the amount will be specified once a specific contract for this service is agreed with EASO.

12. Date of publication of notice

6 June 2018

Form

Expressions of Interest for participating in the IARLJ Editorial Team to provide expert services for the revision, update and further development of the EASO Professional Development Series for members of courts and tribunals

Please fill in this short form, bearing in mind that the limited number of characters permitted.

Name:

Email address:

Telephone number:

Country:

Court or Tribunal:

1. What is your current **professional position**? (500 characters)
2. Please provide some brief information on your **professional experience** in relation to European asylum law and, more specifically, regarding the subjects composing the PDS. (1,000 characters)
3. Please outline your **expertise** in relation to European asylum law and, more specifically, regarding the subjects of the PDS. References should be made to, e.g., contributions to previous preparation of training materials for the IARLJ, other organisations or national training institutes, decisions written, reported cases, and any publications (books or articles) in the field of asylum law. (1,000 characters)

4. Please outline any **experience** you might have in relation to **didactics** and/or methodologies used with regard to professional development. (1,000 characters)

5. Do you:
 - (a) Have a preference to be a member of the Review and Update Subcommittee
 - (b) Have a preference to be a member of the Development Subcommittee
 - (c) Have no preferenceIf you have a preference, please state why.

6. If you were selected to be a member of the Review and Update Committee would you:
 - (a) Be prepared to tackle any of the subjects in the Professional Development Series;
 - (b) Wish to be considered to work on one or more specific subjects. If yes, please specify the particular subjects.

7. Please state the period during which you would be available to participate in the Editorial Team.

8. Please confirm that you have proficient knowledge of written and spoken English as well as Word IT skills.

9. Any other information you wish to provide as to your suitability.