

## CALL FOR EXPRESSIONS OF INTEREST

### External Advisor to Support PICUM's Development of a Strategy on Supporting Litigation on the EU Pact on Migration and Asylum, in the context of its work on detention and returns

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#### Summary

PICUM is seeking an external consultant to support the development of PICUM's strategy on how to support effective litigation on the EU Pact on Migration and Asylum, in the context of its work on detention and returns. This includes drafting an internal briefing for PICUM and its members and partners for discussion, the organisation of a meeting in March 2025, and the drafting of a final report with key suggestions for PICUM and its members' ongoing work.

#### Context and background

PICUM is a Brussels-based network of 160 organisations spread across more than 30 countries. In just over twenty years, it has developed into a complex, purpose-driven organisation committed to achieving social justice for undocumented people and people seeking to come to Europe. It does so through research; advocacy; strategic communications; network building; and work with and support to its members.

PICUM has intervened as a third-party in a case before the European Court of Human Rights, and is one of 60 international NGOs with standing to bring collective complaints before the European Committee of Social Rights

#### PICUM's work on detention and returns

Over the past years, PICUM has conducted extensive research on immigration detention and returns, working closely with its members and partners. Our [publications](#), translated into different languages, have covered (among others) [detention of children](#), [alternatives to detention](#) and [case management](#), [EU policies](#), [permits for people with barriers to returns](#), [vulnerabilities](#), and the international [legal framework](#). We have also contributed to several global and regional processes, provided regular [inputs](#) to UN and EU consultations and advocated for stronger safeguards in relevant EU directives and regulations as well as UN documents.

In 2011, PICUM created a members' group on detention and returns to promote exchange and peer-learning, and facilitate the participation of national organisations in EU, regional and global processes. The group meets regularly to discuss developments related to immigration detention and migration policies at national and EU levels and discuss synergies and joint actions.

Over the past years, PICUM has been closely monitoring and, to the extent possible, tried to influence the negotiations on the EU Pact on Migration and Asylum, by publishing a broad range of [briefings and analyses](#). After the entry into force of the Pact in June 2024, PICUM is continuing to explore different strategies for engagement on the Pact, in order to minimize its harmful impact on undocumented people.

## Objectives of the assignment

The objectives of this assignment are to:

- (1) Draft a 10-page internal document for PICUM members and allies on opportunities for strategic litigation in the context of the Pact, and what the role of PICUM and its members could be.
- (2) Design and facilitate an online meeting (March 2025) to discuss opportunities for strategic litigation in the context of the implementation of the EU Pact for Migration and Asylum
- (3) Prepare a final report (5 to 7 pages) on next steps

**The work should focus in particular on two areas:**

1. [Access to permits beyond asylum](#) in the context of the Pact, and how to ensure the respect of the principle of non-refoulement and international obligations.
2. Challenging [automatic detention and de facto detention, including child immigration detention and detention of people with vulnerabilities](#), in the context of the Pact, with a focus on the screening phase and the return border procedure

It should explore different litigation fora including the Court of Justice of the European Union, the European Court of Human Rights, the European Committee of Social Rights and UN treaty bodies.

**Methodology** (including proposed project phases)

The assignment should take place between **October 2024 – April 2025**.

PICUM proposes a process with three phases:

- **Phase 1:** October 2024 -January 2025  
**Drafting of a 10-page internal document for PICUM members and allies on opportunities for strategic litigation in the context of the Pact.**
  - The briefing will identify concrete areas for strategic litigation clarifying which fora could be addressed and which concrete steps PICUM and its partners and members could undertake, to challenge automatic detention and *de facto* detention, including child detention, in the context of the Pact and ensuring access to residence permits beyond asylum and the respect of the principle of *non-refoulement*.
  - **The preparation of this briefing will draw on at least 10 bilateral interviews with PICUM members and partners**, to map out existing initiatives and gaps, identify opportunities and discuss which role could PICUM play without duplicating existing work by partners organisations.
- **Phase 2:** January – March 2025  
**Design and facilitate an online meeting** to discuss opportunities for strategic litigation in the context of the implementation of the EU Pact for Migration and Asylum (**March 2025**).
  - This involves selecting and inviting the participants in close collaboration with PICUM's Advocacy Officer, preparing a first draft of the agenda (in close collaboration with PICUM's Advocacy Officer) and facilitating the meeting. The meeting will explore concrete actions that can undertaken by PICUM and its members and partners with regard to the two areas outlined below.
- **Phase 3:** March - April 2025  
**Draft a final report listing new actions that can be implemented by PICUM and its members based on the results of the meeting and the internal briefing.**
  - The final report should be between 5 and 7 pages long. The report should include between five and ten distinct actions that can be implemented by PICUM and its members with regard to the two areas outlined below, taking into consideration the outcomes of the meeting (phase 2) and of the bilateral interviews (phase 1). The report should also include a list of priority countries for litigation, and an estimated budget that such litigation could require.

During the implementation of the project, the advisor will hold regular meetings with PICUM's Advocacy Officer.

The advisor is invited to further specify or recommend data collection methods and to set out the different phases of the assignment and activities within each phase.

## Outputs

- **By November 2024:** Draft outline of the internal briefing
- **By December 2024:** First draft of the internal briefing
- **By January 2025:** Final draft of the internal briefing

- By January 2025: Draft participants' list and agenda for the meeting.
- By February 2025: Final participants' list and agenda for the meeting
- By April 2025: Final report with new actions that can be implemented by PICUM

## Application process

Please send a cover letter (max. 1 page), explaining how your previous work qualifies you for this consultancy, your CV and a proposed budget, including the estimated time needed and daily rate. Send to Marta Gionco at [marta.gionco@picum.org](mailto:marta.gionco@picum.org) by 6 September 2024.

Our estimation for the project is: 20 working days.