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# Terms of Reference for Consultant to carry out Technical Assistance –

*Capacity  
Building  
and  
National  
Policy to  
combat  
Migrant  
Smuggling*

<b>Title of TA intervention</b>	Capacity Building and National Policy to combat Migrant Smuggling
<b>Request No.</b>	TA 046/2016
<b>1. Background</b>	<p>The following is a call to carry out technical assistance (TA) for the International Organization for Migration (IOM) in the framework of the ACP-EU Migration Action (hereinafter the “Action”). Background on the Action and its organisational set-up can be found in the Action’s website <a href="http://www.acpeumigrationaction.org.int">www.acpeumigrationaction.org.int</a>.</p> <p>A request for technical assistance (TA) intervention from Trinidad and Tobago (through the Ministry of National Security) has been received by IOM on 13th June 2016 and further approved by the EC and the ACP Secretariat on the 14<sup>th</sup> of July 2016 (see below description). In relation to this, a baseline assessment has also been carried out by a consultant. IOM is now looking for an expert to carry out the TA intervention.</p> <p><i>Context of TA intervention:</i></p> <p>The geography of Trinidad and Tobago makes it predisposed to suffer the ill effects of transnational organised crime, including the smuggling of migrants. The country has thirteen (13) legal seaports of entry and almost as many illegal points of entry along its coastline. It is widely acknowledged that the coastal borders are porous, and that the coastal areas can be utilised to carry out various illicit activities, including smuggling of migrants and contraband. The Government of Trinidad and Tobago has dedicated significant resources to combating transnational organized crime, particularly targeting the illegal trade in drugs and trafficking in persons. Anecdotal evidence suggests that human trafficking and the smuggling of migrants are closely linked, attesting that the same perpetrators are involved in both trafficking and smuggling to the extent that the same vessels, illegal ports of entry and migratory routes are utilised.</p> <p>At present, there are no mechanisms in place to address the smuggling of migrants in Trinidad and Tobago. While the Immigration Act Chapter 18:01 of the Laws of Trinidad and Tobago penalizes the unlawful entry of a migrant to the country, resulting in his/her deportation, the smuggling of migrants is not an offence in the legislation. The Act does not criminalise this activity. This is at odds with the country’s obligations under the United Nations Convention Against Transnational Organised Crime and the Protocols thereto, specifically the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000) which was signed in 2001 and ratified in 2007. This Protocol calls on State Parties to act against the smuggling of migrants through legislation criminalizing this activity; an obligation that Trinidad and Tobago recognises. Accordingly, the development of a national policy on smuggling of migrants is imperative to the security and development of Trinidad and Tobago, especially as a small island developing state. It would be aimed at promoting migrants’ rights, maintaining border security and ensuring that perpetrators are duly penalized. Importantly, the organic progression of a national policy would see the enactment of new legislation or the amendment of existing legislation that defines a new national approach to the smuggling of migrants (bringing it in line with international obligations and best practice). It would also empower law enforcement to act against smugglers. In addition, through a national policy, the country would be able to address the nexus between human trafficking and smuggling of migrants. It would also foster the collection of measurable data on the issue through greater scrutiny in treating with irregular migrants.</p> <p>The Ministry of National Security is, therefore, committed to developing a national policy on migrant smuggling. It is essential to promote an understanding of the intricacies of the issue and the particular experience of Trinidad and Tobago, and by extension the region, in the area of migrant smuggling to relevant stakeholders. The Government of Trinidad and Tobago espouses “a whole of government approach” that promotes inter-agency collaboration. As such, given that migrant smuggling is a cross-cutting issue, the development of a national policy would require the collaboration of a number of government agencies and Ministries. This would promote national ownership of the policy, awareness within the government agencies of the issue and an understanding of the role that each agency plays. In addition, conducting workshops and consultations would be useful in gaining input from agencies directly and indirectly impacted by the smuggling of migrants to inform a robust national policy. It is also critical to the development of a national policy that training is provided to the relevant stakeholders.</p>

<b>2. Description of the TA assignment</b>	
<b>2.1 Objectives</b>	The objective of this TA assignment is to assist the Ministry of National Security in capacity building and the development of a National Policy on the Smuggling of Migrants in Trinidad and Tobago.
<b>2.2 Specific objectives</b>	<p>The objectives to lead to the expected outputs are:</p> <ol style="list-style-type: none"> <li>1. <b>An assessment of the situation of smuggling in Trinidad and Tobago.</b> This will lead to a <b>report on the overview of smuggling of migrants</b>, highlighting synergies and gaps with existing policies and legislation on migration in Trinidad and Tobago.</li> <li>2. A <b>training session for forty (40) officials</b> on the topic of the smuggling of migrants, ensuring that the information is tailored to Trinidad and Tobago. The related output will result in the elaboration of <b>training material</b> on the intricacies of the smuggling of migrants and the role of the Government in treating with this issue domestically.</li> <li>3. Liaising with and assisting the Ministry of National Security in the <b>development of recommendations for a national policy on smuggling of migrants</b> after consultations with national stakeholders.</li> <li>4. Assisting the Ministry of National Security in <b>organizing two (2) workshops dedicated to developing the draft policy.</b></li> <li>5. Assisting the Ministry of National Security in <b>conducting two interagency consultations with national stakeholders</b> and the subsequent development of outcome documents.</li> </ol>
<p><b>2.3 Requested services</b></p> <p>It is envisaged that the assignment will take around <b>60</b> working days with possible field trips.</p>	<p>The TA consultant is envisaged to carry out the following activities:</p> <ol style="list-style-type: none"> <li>1. Upon commencement of the assignment, in consultation with IOM Action' Staff in Brussels, Belgium, develop a brief <b>methodology</b> for the TA activities and the steps to be taken, including proposed <b>work schedule</b> for the delivery of outputs/deliverables;</li> <li>2. Desk review of existing documents, materials, studies, etc. related to the topic of this TA request;</li> <li>3. In close coordination with the IOM staff in Brussels and with the RC in Guyana, ensure the technical assistance is well coordinated with all relevant actors and does not duplicate/overlap with ongoing similar initiatives.</li> <li>4. Closely coordinate and consult with the IOM Action' Staff in Brussels, Belgium, so as to contact the IOM Regional Coordinator (RC) in the Caribbean region based in Georgetown, Guyana;</li> <li>5. Liaise with the local authorities, including the Ministry of National Security, Ministry of the Attorney General and Legal Affairs, Ministry of Foreign and CARICOM Affairs, Judiciary of Trinidad and Tobago, Living Water Community.</li> <li>6. Organize meetings or telephone interviews with the key stakeholders/informants identified in the BA report. When necessary and approved by the IOM Action's Staff in Brussels in close coordination with the RC in Guyana, carry out necessary field visits;</li> </ol>

	<ol style="list-style-type: none"> <li>7. Provide the TA Intervention - related deliverables (as per point 2.4 below and the agreed methodology) by the deadlines set in the work schedule.</li> <li>8. Report writing and presentation of results to the requesting entity in close coordination with the IOM RC in the region and the IOM Action's staff in Brussels.</li> </ol>	
<p><b>2.4 Required outputs</b></p>	<p>As detailed in the TA Fiche for the intervention (to be shared with the selected TA expert), the TA expert is required to provide the following deliverables as per designated templates:</p> <ol style="list-style-type: none"> <li>1. As per point 2.3.1, <b>brief methodology</b> and <b>work schedule</b> by the <b>5<sup>th</sup> of May 2017</b> (template available in Annex A);</li> <li>2. Draft a report on the overview of the smuggling of migrants in Trinidad and Tobago by the <b>5<sup>th</sup> of June 2017</b>.</li> <li>3. Preparation of training materials and delivery of training/awareness raising on SoM to around forty (40) participants (officials and other stakeholders) by the <b>5<sup>th</sup> of July 2017</b>.</li> <li>4. Drafting recommendations for a National Policy on Smuggling of Migrants in Trinidad and Tobago and delivery of workshops dedicated to the draft policy and to paving the way for the further development of the National Policy by the T&amp;T Government by the <b>5<sup>th</sup> of August 2017</b>.</li> <li>5. The Expert will compile a <b>TA Intervention Report</b> (please see Annex B) and by no later than the deadline set in this ToR and also reflected on the Contract. The report should include an overall analysis of the implementation of the TA intervention, of the results achieved, difficulties encountered, lessons learnt, etc. The report must be accompanied by <b>photographic documentation</b> of events, meetings, conferences, etc. organized during the implementation of the TA and sample of products (if applicable). A draft of the TA Intervention Report will have to be submitted by the <b>14<sup>th</sup> of August 2017</b>. The final TA Intervention Report will have to be submitted by <b>21<sup>st</sup> of August 2017</b></li> <li>6. If requested, <b>present by 21<sup>st</sup> of August 2017 the final results/findings of the TA intervention</b> to the requesting entity. Prepare a short <b>Dissemination Report</b> or other requested documentation for distribution to the audience during the event.</li> </ol> <p>The above deliverables should be submitted to IOM. IOM will consequently instruct the TA expert on when and how to share the above with the requesting entity and/or other partners/stakeholders.</p>	
<p><b>3. Consultant's profile</b></p>		
<p>No</p>	<p><b>XX</b> working days in total</p>	<p>Key qualifications</p>

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<b>4. Location and duration</b>		
<b>4.1 Start Date</b>	The starting date for the assignment will be the <b>21<sup>st</sup> of April 2017</b> .	
<b>4.2 End Date</b>	The assignment should be completed no later than the <b>21<sup>st</sup> of August 2017</b> .	
<b>4.3 Location and Foreseen Field Visits</b>	<p>It is foreseen that part of this assignment will be performed in <b>Port of Spain, Trinidad and Tobago</b>, in close coordination with the relevant authorities, IOM Action's staff in Brussels, the IOM personnel present in <b>Port of Spain, Trinidad and Tobago</b>, and the Action's Regional Coordinator for the Caribbean in Guyana; another portion of the assignment will be carried out from the <b>home-base station of the expert</b>.</p> <p>The exact distribution of the work (field and home-based) will be further detailed in the agreed methodology and work schedule.</p>	
<b>5. Reporting</b>		
<b>5.1 Language</b>	All reports, deliverables and communications under this assignment <b><u>will be written in English</u></b> .	
<b>5.2 Submission timing</b>	The <u>draft</u> TA Intervention Report is due on <b>14<sup>th</sup> of August 2017</b> and the final report is due by the <b>21<sup>st</sup> of August 2017</b> .	
<b>5.3 Format</b>	The draft and final TA Intervention Reports should be submitted electronically by email to <a href="mailto:ACPEUmigrationaction@iom.int">ACPEUmigrationaction@iom.int</a> .	