



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 June 2012**

**18508/1/11  
REV 1**

**ASIM 140**

**COVER NOTE**

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No Cion doc.: COM(2011) 858 final/2

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Subject: Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the results achieved and on qualitative and quantitative aspects of implementation of the European Return Fund for the period 2008-2009 (report submitted in accordance with Article 50 (3) (b) of Decision No 575/2007/EC of the Parliament and the Council of 23 May 2007)

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Delegations will find attached revised version of Commission document COM(2011) 858 final.

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Encl.: COM(2011) 858 final/2



EUROPEAN COMMISSION

Brussels, 11.5.2012  
COM(2011) 858 final/2

CORRIGENDUM:

Annule et remplace le document COM(2011)858 final du 9/12/2011

Concerne toutes les versions linguistiques (correction d'une erreur dans le titre)

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE  
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE  
COMMITTEE OF THE REGIONS**

**on the results achieved and on qualitative and quantitative aspects of implementation of  
the European Return Fund for the period 2008-2009 (report submitted in accordance  
with Article 50 (3) (b) of Decision No 575/2007/EC of the Parliament and the Council of  
23 May 2007)**

# REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

**on the results achieved and on qualitative and quantitative aspects of implementation of the European Return Fund for the period 2008-2009 (report submitted in accordance with Article 50 (3) (b) of Decision No 575/2007/EC of the Parliament and the Council of 23 May 2007)**

## 1. INTRODUCTION

For the period 2007-2013 the European Union established the General Programme "Solidarity and Management of Migration Flows" with a total allocation of 4.032,23 million Euros, as currently programmed. It consists of four Funds and its aim is a fair share of the responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders and from the implementation of common policies on asylum and immigration<sup>1</sup>.

One of the four Funds is the European Return Fund<sup>2</sup>, established for the period 2008 – 2013 with a total envelope of 676 million Euros.

The basic act establishing the Fund requires the Commission to submit an intermediate report on the results achieved and on qualitative and quantitative aspects of the implementation of the Fund<sup>3</sup>.

The report presents results achieved by the annual programmes 2008-2009 as collected on the basis of reports from Member States in the second half of 2010<sup>4</sup>, completed with information available with the Commission in the first quarter of 2011. These results are intermediate pending the approval of the final reports on the implementation of the programmes<sup>5</sup>.

## 2. THE SCOPE AND PURPOSE OF THE FUND

The **objective** of the Fund is to support the efforts made by Member States to improve the management of return in all its dimensions ("integrated return management"), including through cooperation between Member States for the purpose of economies of scale.

The **target groups** under the Fund include third-country nationals having received a negative decision in asylum or immigration procedures and irregular migrants apprehended at the border or in the territory of Member States. To enhance efficiency in return management at

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<sup>1</sup> COM(2005)123 final

<sup>2</sup> Decision No 575/2007/EC, OJ L144, 6.6.2007, p.45

<sup>3</sup> Article 50(3)(a) of the basic act

<sup>4</sup> A compilation and the country reports are available at [http://ec.europa.eu/home-affairs/funding/return/funding\\_return\\_en.htm](http://ec.europa.eu/home-affairs/funding/return/funding_return_en.htm)

<sup>5</sup> Article 51 of the basic act

national level, the Fund also covers the voluntary return of those who are not under an obligation to leave the territory, such as applicants for asylum who have not yet received a negative decision or beneficiaries of international protection. Here the Fund has taken over a category of action which was supported by the European Refugee Fund till 2007<sup>6</sup>.

The Fund also aims to support the correct and harmonised application of the **EU acquis on return**, in particular the Directive 2008/115 on common standards and procedures in Member States for returning illegally staying third-country nationals ("Return directive")<sup>7</sup>.

The Fund is mainly implemented by the Member States, in the **shared management method**. Through annual programmes from Member States, the EU budget seeks to support in Member States a structured intervention (capacity building), as well as activities specific to the national or local circumstances in the field of return. These actions are co-financed within an **EU strategic framework of four priorities on return**<sup>8</sup>. The priorities are (1) the development of a strategic approach; (2) co-operation between Member States; (3) specific innovative tools and (4) EU standards and best practices. Member States have to implement at least three out of four priorities but many Member States have chosen to implement all four of them. The resources are distributed among 26 Member States as, in accordance with its Protocol, Denmark is not participating in the Fund.

The Fund's contribution to projects in Member States is set at 50 % of the total costs of an action and at 75 % for Member States covered by the Cohesion Fund and for actions reflecting specific priorities mentioned in the strategic guidelines.

Besides the programmes, annually up to 7% of the EU available resources can be implemented directly by the Commission for transnational projects, studies or other types of action of EU interest through the "**Community actions**" concerning return policy and measures applicable to the target groups.

For the budget years **2005-2007** there were preparatory actions under the EU budget, namely the "Return Preparatory Actions" 2005-2006 and, the "Preparatory Action – Migration Management, Solidarity in Action 2007 - return and reintegration of returnees". The instruments created first hand practical experience with transnational projects and thus helped Member States prepare for the launch of the Return Fund in 2008<sup>9</sup>.

### **3. THE INPUTS FROM THE UNION IN 2008 – 2009**

#### **3.1. EU resources for Member States and matched national funding**

The reporting period covers **18% of the overall reference amount of the Fund**. In the period 2008-2009 122 M € in EU appropriations was committed for both shared and direct management actions

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<sup>6</sup> See inter alia the final evaluation of the European Refugee Fund for the period 2005-2007, COM(2011)2 final

<sup>7</sup> OJ L348, 24.12.2008, p.98

<sup>8</sup> OJ L330, 15.12.2007, p.48

<sup>9</sup> The evaluation of the preparatory actions is available at [http://ec.europa.eu/home-affairs/funding/2004\\_2007/solidarity/funding\\_solidarity\\_en.htm](http://ec.europa.eu/home-affairs/funding/2004_2007/solidarity/funding_solidarity_en.htm)

**Table 1 – EU budget Return Fund 2008-2013**

Euros	2008	2009	2010	2011	2012 (*)	2013 (*)	Total
<b>MS totals</b>	<b>55.500.000</b>	<b>61.845.000</b>	<b>81.725.000</b>	<b>109.000.000</b>	<b>151.125.000</b>	<b>179.025.000</b>	<b>638.220.000</b>
<b>Community</b>							
<b>Actions</b>	-	4.655.000	5.775.000	4.500.000	11.375.000	13.475.000	39.780.000
<b>TOTAL</b>	<b>55.500.000</b>	<b>66.500.000</b>	<b>87.500.000</b>	<b>113.500.000</b>	<b>162.500.000</b>	<b>192.500.000</b>	<b>678.000.000</b>

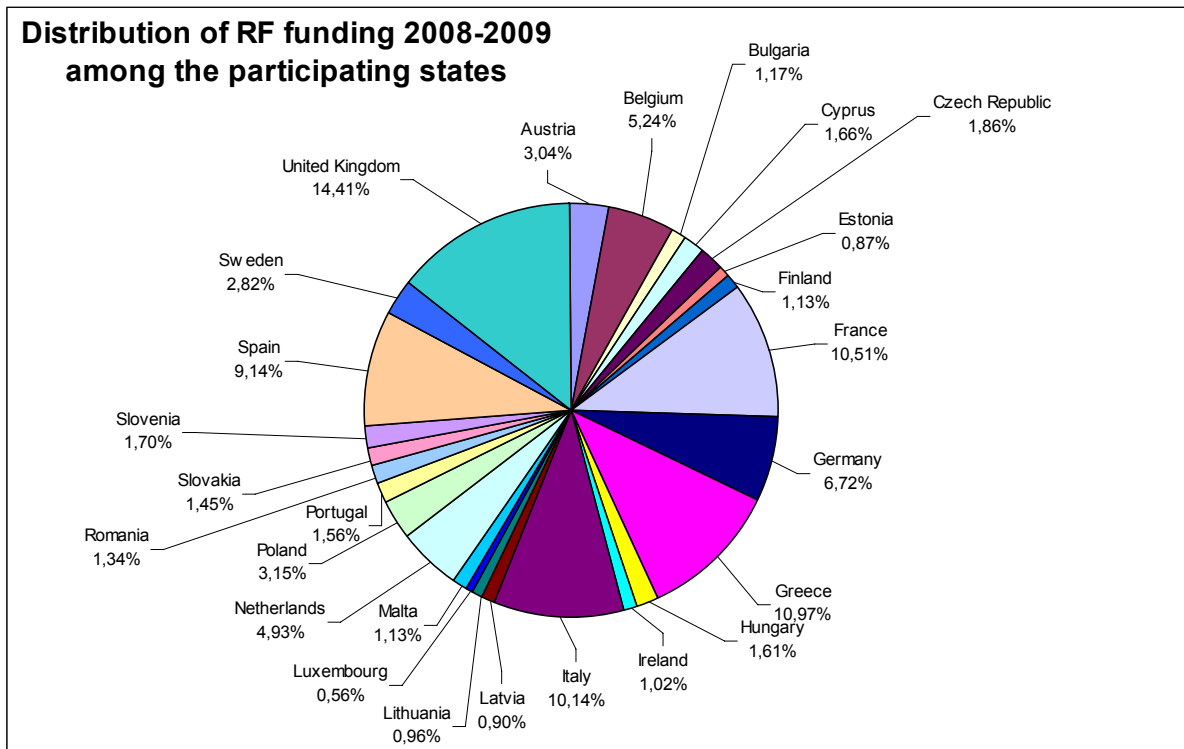
(\*) The 2012 and 2013 are estimates.

The **distribution of the available EU resources among Member States** is based on two criteria which reflect the situation of the Member State with regard to the obligations undertaken on behalf of - or for the overall benefit of the Union in this area: the number of removal decisions affecting third-country nationals and the number of returns effected to third countries. For the first two years of the implementation of the Fund, **52 programmes** were approved, committing a total of **107 M €**.

- The **six main beneficiaries** were the United Kingdom (16,9 M €), Greece (12,8 M €), France (12,3 M €), Italy (11,8 M €), Spain (10,7 M €) and Germany (7,8 M €). They received 68% of the total amount in the reporting period. For the period 2008-2011, they remain the main beneficiary Member States, although Greece is replacing the United Kingdom as the number 1 beneficiary as of the 2010 allocations.
- The **three medium range beneficiaries** are Belgium (6,1 M €), the Netherlands (5,8 M €) and Poland (3,7 M €)<sup>10</sup>.
- All **other beneficiaries** receive on average less than 3% of the annual total amount available. In the period 2008-2009 the allocations for these 18 Member States ranged from 318.475 € (Luxembourg, 2008) to 1.817.335 € (Austria, 2008).

<sup>10</sup> For further information see COM (2011)448 and SEC (2011)0940 on the application of the criteria for distribution of resources among the Member States under the External Borders Fund, the European Fund for the Integration of third-country nationals and the European Return Fund

Graph 1: 2008-2009 total national and EU resources for programmes MS



For 2008 and 2009, Member States planned **matched funding** for respectively 50,4 and 65,2 M €. The resources allocated to technical assistance for the management of the Fund in the Member States amounted respectively to 3,9 and 4 M €.

According to the **spending rate as reported at the end of 2010**, the overall consumption of the appropriations by the Member States for these two first years has been fairly high (around 85% for 2008 and 80% for 2009). Several main beneficiary Member States, such as Spain and the United Kingdom, have consistently committed the entire allocation.

### 3.2. EU resources reserved for Community actions

For 2008 no resources were allocated. During the budgetary procedure for 2008 the European Parliament put the credits for the Fund for 2008 in the reserve with the condition that the amount would be released when the Return Directive was adopted. Following its approval by the European Parliament the reserve on the Fund was lifted in November 2008. It was then considered inappropriate to still launch a call for proposals and the 2008 resources were distributed in full to Member States, allowing them to concentrate solely on the preparation of their programmes.

For 2009 4,6 M € was allocated for:

- three **transnational pilot projects**: one on co-operation on methods for tracing and facilitating the return of unaccompanied minors, and two on structural co-operation between Member States and consular services of third countries on return (including exchange of best practice on forced return monitoring); and

- three **comparative studies on best practices**: on return of minors, the link between pre-departure reintegration measures and short- and long-term reintegration measures in the countries of return (after an amendment by the EP to the EU budget) and forced-return monitoring.

The pilot projects should reinforce the exchange of information between Member States, while the studies will enhance the knowledge base of the Union as a whole on return practices and support an optimal preparation in Member States of the Return Directive.

The 2010 call focuses on the creation of an EU network on voluntary return and co-operation in the field of pre-departure and post-arrival reintegration activities. For 2011, resources are being mobilised primarily to support emergency measures in the Southern Mediterranean.

## **4. PREPARING IMPLEMENTATION IN THE MEMBER STATES**

### **4.1. Launching the Fund in Member States**

The Commission adopted **implementing rules** for the Fund<sup>11</sup>, common to all four Funds, in order to ensure a harmonised application and establish common templates for programming and reporting. The rules set out selection procedures and criteria for eligibility of expenditure incurred under the Fund. Another important part of the guidance consisted in the preparation, in close cooperation with Member States, of a **manual on eligibility**, with practical examples and best practices on project management. Information sessions on the rules on eligibility of expenditure were organised and the manual was regularly updated. Further general guidance was provided at meetings of the "**SOLID Committee**" and in three **conferences** on the Funds (in 2008 on the Funds in general and in 2009 for audit authorities and on programming and evaluation).

Moreover, the Commission provided specific guidance on how the Fund can support the **correct and harmonised application of the Return Directive**. Its application can be fully supported by the Fund, provided that the main objective and scope of the Fund is respected: actions must clearly be linked to a return procedure and address the target groups. For instance, while emergency health care is eligible during the period for voluntary departure and in periods for which removal is postponed, the Fund should not finance general or routine health care or any kind of health care of third-country nationals which is already financed by national health care systems. Likewise, actions related to care and support services in detention centres for such persons can be charged to the Fund if directly linked with an imminent return operation. In light of the specific requirements in the directive, more general measures such as the separation of returnees from ordinary prisoners and separate accommodation for families are also eligible.

### **4.2. Putting in place assurances on the regularity and legality of spending**

While Member States are in charge of the management of the funds under the programmes, the Commission bears ultimate responsibility for the implementation of the EU budget. This responsibility is exercised by delegating certain tasks to the Member States, subject to the

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<sup>11</sup> Decision No 458/2008/EC, OJ L167, 27.06.2008, p.135

necessary supervision and reporting. To that end, Member States are responsible for setting up a **national management and control system for the Fund**.

Member States have designated a (1) Responsible Authority, responsible for the management of the programme, where appropriate supported by a delegated authority, (2) an Audit Authority, responsible for verifying the effective functioning of the management and control system, and (3) a Certifying Authority, in charge of certifying the declarations of expenditure before they are sent to the Commission. Jointly, these authorities are in charge of assuring **sound financial management of the funds allocated to the Member State**.

For this Fund, the 26 Member States set up their system in 2008. 20 systems are common with other Funds. The descriptions of the systems were examined on compliance with the basic act before the first payments were made. Moreover, between 2008 and 2010, system audits were carried out in 16 Member States. Most systems appeared to function adequately, but for some improvements were necessary. This concerned in particular the **selection procedures**: the need for transparency and an appropriate justification for the choice on the method in compliance with the implementing rules of the Fund. The preferred option is the "awarding body method" (open competition and selection as a general rule through an open call for proposals), and the exception, the "executing body method" (when the characteristics of an action/project leave no choice as to who will implement it, i.e. in case of *de iure* monopoly). For the Return Fund, the latter method is in principle applicable to public authorities responsible for forced return operations or state to state co-operation on identification and issuance of travel documents. In some cases, Member States were requested to split activities by method to safeguard the principle of competition for those activities which can be implemented by other than specific public bodies.

From the examination of the descriptions, the system audits and the other available information on the implementation of the Fund, it emerges that most of the Member States have robust systems in place. At the end of 2010, "unqualified opinions" were issued for 83% of the systems. For another 15%, weaknesses were identified, but with limited impact. Only one system, covering one annual programme in one Member State required major improvements, which have been enacted for future annual programmes.

#### **4.3. Defining national strategies for using EU resources smartly**

In multiannual programmes Member States have presented the national situation in terms of institutional set-up, policy and national resources available at the baseline situation (2007). On the basis of a gaps analysis, Member States invariably identified the following **strategic objectives**: (1) more effective removal proceedings, including through joint return flights; (2) more efficient co-operation with third countries on identification, including through concerted efforts among Member States, and (3) an increase in the number of voluntary returns.

To achieve more voluntary returns in particular, Member States committed themselves to use the Fund to enhance outreach activities, improve individual and tailor-made counselling and case management and introduce and/or extend assisted voluntary schemes, cash incentives and reintegration measures.

Besides these more general objectives, **specific national targets** were set, such as



- creating return plans for particular target countries and/or categories of potential returnees (i.e. Latin-Americans for Spain, return schemes for prisoners in the United Kingdom and Austria);
- filling organisational gaps in the national set-up (i.e. improving information exchange and coordination on voluntary return between the stakeholders and competent authorities in Germany, setting up a readmission office in Greece, boosting consular coverage and establishing a roving ambassador to enhance identification methods in Malta);
- acquiring equipment to enhance capabilities specific to return management (i.e. buses for transporting returnees from centres to the airports in Spain; air craft to expand flight capacity in France; measures for vulnerable people in detention centres in Sweden and Estonia);
- developing ICT tools to underpin efficient case management among the competent bodies or setting up on line services and/or country data bases for returnees and organisations working with them (notably in Belgium, Finland, France, Italy and Spain);
- doing research on return possibilities (for instance mapping the target population and the most appropriate measures to reach them in Portugal and Italy); and
- increasing the active involvement of non-governmental organisations, migrant communities and/or local authorities in return processes (notably in the Netherlands, Slovenia and Sweden).

All but four Member States programmed actions under priority 3 (**specific innovative tools**). Generally, under this priority the following objectives were set: (1) improving co-operation with third countries on identification (nearly all Member States); (2) improving information to and counselling of returnees, including through on line websites for the returnees themselves (notably Austria, Cyprus, Germany, Hungary, Italy, Malta, the Netherlands and Portugal) and (3) developing post-return reintegration measures beyond existing target groups, countries of return and/or kinds of assistance (notably Belgium, Czech Republic, France, Germany, Hungary, Spain and Sweden). While these objectives correspond more or less to the three specific priorities enabling higher co-financing from the EU, in the implementation individual Member States have genuinely sought to develop new practices.

On the basis of the programmes approved by the Commission to date, the following trends can be observed in the **breakdown of EU resources among the priorities** in 2008-2011<sup>12</sup>:

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<sup>12</sup> 2011 figures based on draft programmes in the process of being approved

**Table 2: EU contributions in programmes broken down by priority 2008-2011**

year	allocations	PRIORITY 1		PRIORITY 2		PRIORITY 3		PRIORITY 4	
2008	55.500.000	71,5 %	39.700.000	10,6 %	5.900.000	13,3 %	7.400.000	4,5%	2.500.000
2009	61.845.000	80,7 %	49.908.468	3,7%	2.303.791	12,5 %	7.710.554	3,1%	1.922.186
2010	81.725.000	79,2 %	64.726.200	5,4%	4.413.150	11,5 %	9.398.375	3,9%	3.187.275
2011	109.000.000	88,9 %	96.868.300	1,9%	2.038.300	6,92 %	7.542.800	2,34 %	2.550.600
TOTAL	308.070.000	81,5 %	251.202.968	4,8%	14.655.241	10,4 %	32.051.729	3,3%	10.160.061

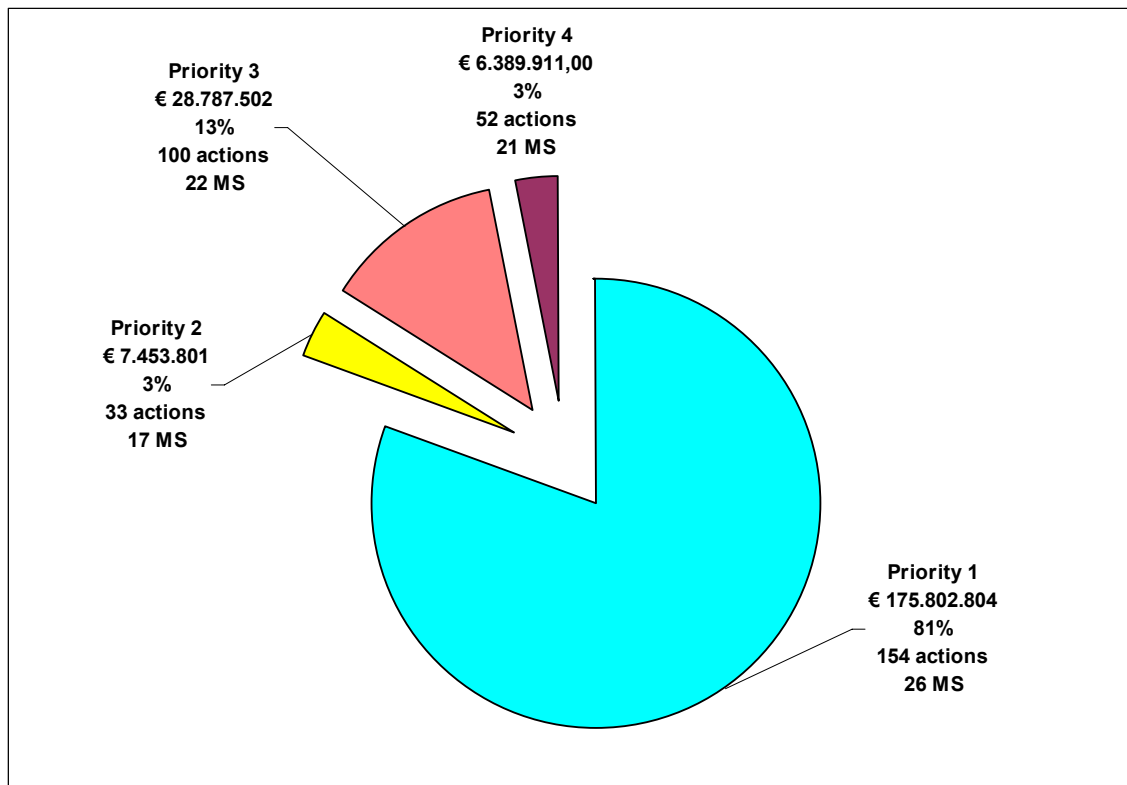
## 5. IMPLEMENTATION OF 2008 AND 2009 PROGRAMMES

This chapter presents and compares the facts and figures on the implementation of the 2008 and 2009 annual programmes as reported by the Member States in 2010. The overview is not based on results of projects completed and accounted for financially, as the 2008 final reports are under examination and the 2009 annual programme is still ongoing, with final reports only due by 31 March 2012. Moreover, as the deadline for requests for revision of the actions in the 2009 annual programme was 31 March 2011, the overview figures on programmed actions may not correspond exactly with the actions actually implemented in the Member States.

## 5.1. Quantitative aspects of the implementation by Member States

### 5.1.1. The breakdown of resources over the four EU priorities

Graph 2: 2008-2009 total national and EU resources by priority and number of actions



For 2008-2009 the bulk of EU and national resources under the Fund went to support for national **individual return operations**: actions under priority 1 (assisted voluntary return programmes, reintegration measures, identification and removals), priority 2 (basically joint return flights) and priority 3 (i.e. new working methods to speed up the return process, new ways of counselling potential returnees, tailor-made measures to reinforce reintegration and a sustainable return).

- All Member States have chosen priority 1 in the multiannual programme and budgetted for it both in 2008 and 2009, except for Ireland. Malta budgetted its entire resources in this period for priority 1.
- Seventeen Member States implemented priority 2, focusing mainly on joint return flights. Several Member States, however, chose not to budget in the period concerned (Austria, Germany, Hungary, Malta, Netherlands, Portugal). In general, such actions are perceived as complicated to carry out; emphasis was put on launching national actions first and securing consumption of the resources.
- While nearly all Member States have chosen to implement priority 3, in the period 2008-2009 three Member States in particular devoted a significant part of their budget for actions to this priority: Germany (43%), Sweden (60%) and Belgium (62%)

- Twenty-three Member States programmed actions for priority 4. By their nature the actions have a relatively low financial impact, although four Member States budgetted a relatively large share of their allocation to this priority (about 30% or more in Hungary, Latvia, Lithuania and Slovakia under one or two of the programmes). As they are not taking part in the Return Directive, the United Kingdom and Ireland have not chosen to implement this priority; like the Czech Republic they may programme training and research activities under other priorities.

**Table 3: Number of Member States by priority**

Priority	2008-2013 period	2008 programme	2009 programme
<b>1. Strategic return management</b>	26 Member States	25 except Ireland	26
<b>2. Co-operation with other Member States</b>	23 except Lithuania, Slovakia, Sweden	13 except Austria, Estonia, Germany, Greece, Hungary, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Spain and, Sweden	15 except Austria, Finland,, Germany, Hungary, Lithuania, Malta, the Netherlands, Portugal, Slovakia, Spain and Sweden
<b>3. Specific innovative tools</b>	25 except Estonia	20 except Cyprus, Estonia, Ireland, Latvia, Luxembourg and Malta	22 except Cyprus, Estonia, Latvia and Malta
<b>4. EU standards and best practices</b>	23 except Czech Republic, Ireland and the United Kingdom	15 except Austria, Bulgaria, Czech Republic, Estonia, Ireland, Luxembourg, Malta, the Netherlands, Poland, Spain and the United Kingdom	17 except Czech Republic, France, Finland, Ireland, Luxembourg, Malta, Spain, Sweden and the United Kingdom

### 5.1.2. The number of actions

In terms of the **number of actions implemented**, priority 1 is less dominating. This means that the budgeted expenditure per action under priorities 2, 3 and 4 is on average much smaller than under priority 1.

**Table 4: Number of actions by priority**

Priorities			Total	Percentage
	2008	2009	2008-2009	2008-2009
1. Strategic return management	75	79	154	45,4%
2. Co-operation with other MS	14	19	33	9,7%
3. Specific innovative tools	46	54	100	29,5%
4. EU standards and best practices	19	33	52	15,3%
Total	<b>154</b>	<b>185</b>	339	100,0%

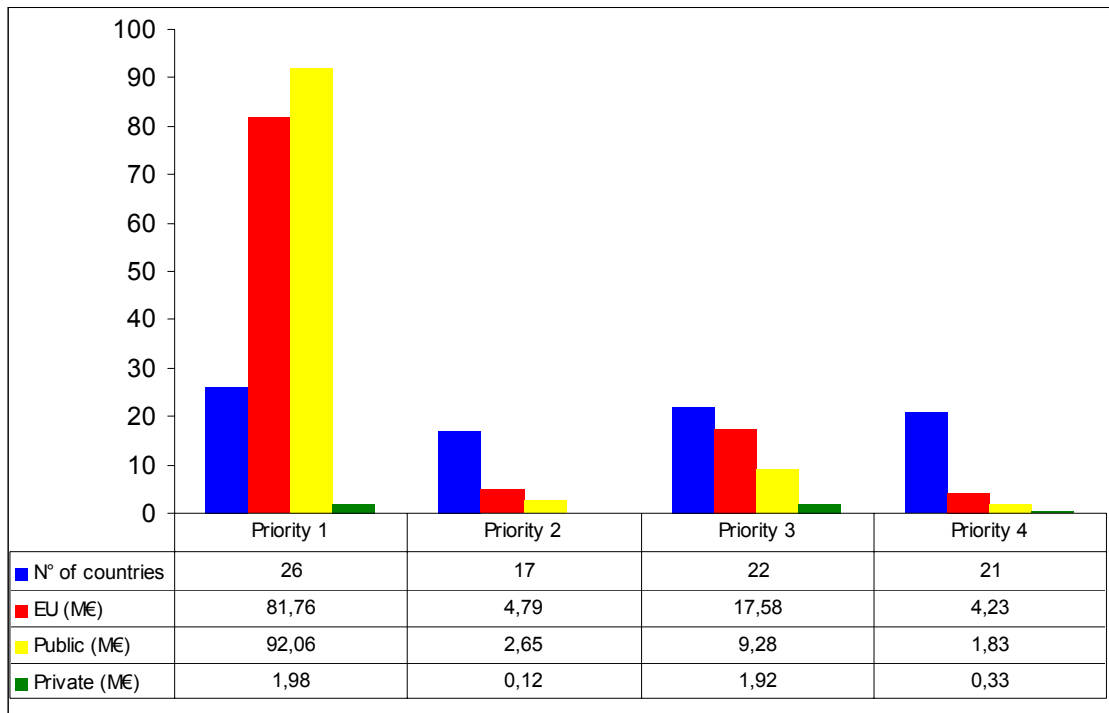
### 5.1.3. Co-financing rates

Cohesion Fund countries have all used to the full extent the possibility to have a 75% co-financing rate from the EU. There is one important exception: Spain, where the cofinancing percentage for the annual programmes 2008 and 2009 is less than 25%, actions being presented against the backdrop of the total national budget on return.

For the other Member States the cofinancing rate varies yearly. It ranges between 38% to 73%. In Germany, Belgium, Finland and Sweden co-financing rates are invariably above 60%, due to the high number of actions responding to specific priorities (notably under priority 3).

For 2008 and 2009 the average rate came at 50%. If Spain were excluded though, the overall rate amounted to over 68%.

**Graph 3: 2008-2009 breakdown of total resources by origin of resource**



### 5.1.4. The selection processes used in 2008 and 2009

Programmed actions are implemented through (one or more) projects, chosen either under the awarding body method or the executing body method.

Under the **awarding body method**, nearly all Member States organised at least **one open call for proposals for each annual programme**. In Cyprus, France, Ireland and Luxembourg, however, there was no such call for the 2008 programme. On the other hand, several Member States had to launch more than one call due to a lack of interest or a need for new project applications.

Most of the Member States received less than 10 proposals for each call. Only in Spain and Germany there was much more interest (for 2008 respectively 26 and 60, for 2009

respectively 36 and 33). For 2008, in 15 Member States all proposals were selected for funding. For 2009, in 4 Member States all proposals were selected and in three others more than 2/3 of the proposals were selected. No Member State indicated to have funded any project without a call for proposals.

**Table 5: Selection under the awarding body method**

Annual programme	project proposals received	projects selected for funding	success rate
2008	185	146	80%
2009	134	97	72%

Under the **executing body method**, at least **one call for interest to the public authorities competent in the area of return** was common among nearly all Member States, although some Member States, following consultation of the main stakeholders on the draft annual programme, either had no separate call (notably Greece and Italy) or generally selected projects outside the framework of a call (Spain). Some Member States launched a number of consecutive calls for interest (notably France and Cyprus).

For 2008, in 10 out of the 16 Member States which organised calls, all projects were selected. This was the case in 12 out of the 14 Member States for 2009.

**Table 6: Selection under the executing body method**

Annual programme	project proposals received	projects selected for funding	success rate
2008	72	55	76%
2009	43	39	91%

In addition, in 9 Member States (Estonia, Finland, Germany, Greece, Italy, Malta, Luxembourg, Romania and Spain) projects were funded without a call for interest for a total of 81 projects, with the highest number of such projects in Greece (47).

As for the **importance of the executing body method in programmes as a whole**, according to (incomplete) information provided by Member States, for **2008, 49%** of the actions were under the executing body method. For **2009** this decreased to **slightly less than 40 %**.

The **share for such government-run projects as part of the Member State's EU contribution varies significantly** from country to country:

- In two main beneficiary States there is a very low percentage of such projects: in the United Kingdom, where on average 93% of the allocations were channelled to assisted voluntary return and reintegration measures, selected on a wide, open basis, and Germany, where more than 95% of the allocations were devoted to projects run by non-governmental organisations on counselling, reintegration and voluntary return plans.
- In most other Member States the share is between 10 – 50%, while in a limited number of Member States the average is higher (above 70% in Bulgaria, Italy,

Poland, Slovenia and Spain and even above 90% in France and Greece), given in particular the focus on forced returns and the high expenses of such projects.

- In some cases, it varies significantly from one year to the other. For example, in Romania in 2008 there were only such projects whereas in 2009 nearly 37% were awarding body method projects.

Other factors than a preference for forced return projects may come into play as the share of the number of projects funded in the awarding body method usually depends on the number of applications received each year. In case the response rate is low or few applications qualify, the responsible authority may choose to do another call but could also be inclined, to accept a larger share of executing body projects (from the reserve) instead, to secure a feasible time table for effective implementation.

Lastly, it should be borne in mind that in some Member States the executing body method was not only used for forced return projects but also for governmental projects of particular strategic value for the national return system such as studies, co-operation, network building or training schemes.

## **5.2. Qualitative aspects of the implementation by Member States**

### *5.2.1. The categories of actions identified under the Fund*

To have a comprehensive picture of the nature of the actions under the Return Fund, the Commission developed a **analytical model** to classify the interventions. It has a two-tier structure:

1. It establishes first whether the interventions target primarily either voluntary or forced return. Where necessary, a category of "mixed" is used, in case an action cannot be classified predominantly as one or the other (for instance certain training activities). Projects relating to identification and travel documents are considered to be targeting forced return.
2. It then classifies the action according to its nature: from research and/or strategy development to operations, capacity building, co-operation etc. Where it appears that an action was multifunctional, up to three categories were indicated, including an estimated weighting attached to the action concerned.

Having applied this model to the financial data available on the actions under the 2008-2009 annual programmes as reported by 2010, the following conclusions were drawn about the qualitative aspects of the implementation of the Fund under these programmes, regardless of the 2009 revisions that remained to be approved by the end of the eligibility period on 30 June 2011:

- Based on the first level of analysis: nearly 53% of the resources were budgetted for the implementation of forced return measures, 43 % were taken up for supporting voluntary return activities and 4% consisted of activities conducive to either type of departure;
- Based on the second level of analysis: about 77% of the resources were put into concrete and individual return operations and assistance to the target groups

(voluntary return operations, forced return operations, counselling and information, assistance to vulnerable persons); co-operation with third countries, aiming at setting the pre-conditions for removals and/or repatriation (identification and obtaining travel documents), amounted to 3 %, co-operation between Member States to 2% and general capacity building measures (strategy development, staff, infrastructure and tools, research/best practices) accounted for the remainder (18%).

**Table 7: 2008-2009 first level analysis (by resources)**

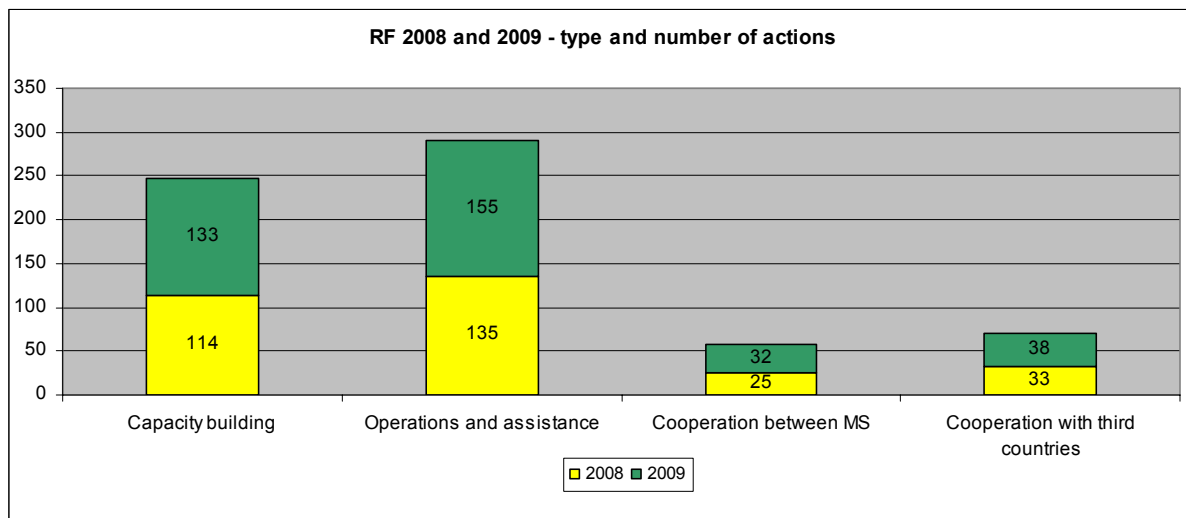
Typology level 1	2008	percentage 2008	2009	percentage 2009	average 2008-2009
<i>voluntary return</i>	44.156.100	42,6 %	47.333.822	41,2 %	41,9% (91.489.922)
<i>forced return</i>	55.685.887	53,7 %	59.236.649	51,6 %	52,6% (114.922.536)
<i>mixed category</i>	3.770.382	3,6 %	8.251.176	7,2 %	5,5% (12.021.558)
total	103.612.369		114.821.647		218.434.016

**Table 8: 2008-2009 second level analysis (by number of actions)**

Typology level 2	2008		2009		2008+2009
	Number of actions	percentual share	number of actions	percentual share	overall average
<i>1. return management (strategy)</i>	23	4	22	1	45
<i>2. voluntary return (operations)</i>	41	24	51	26	92
<i>3. forced return (operations)</i>	32	42	36	33	68
<i>4. counselling and information</i>	38	12	43	12	81
<i>5. assistance to vulnerable persons</i>	24	3	25	4	49
<i>6. capacity building of staff</i>	42	3	45	3	87
<i>7. capacity building – infrastructure and tools</i>	18	3	19	11	37
<i>8. capacity building – research / best practices</i>	31	4	47	4	78
<i>9. co-operation between Member States</i>	25	2	32	2	57
<i>10 co-operation with third countries</i>	33	2	38	3	71



**Graph 4: 2008-2009 second level analysis – breakdown of actions by four main categories**



### 5.2.2. *Types of beneficiaries of the EU contribution*

Respectively 54,5% and 53,2 % of the 2008 and 2009 EU contributions under the Fund were allocated to actions implemented by public authorities, 19,8% and 19,2% to non-governmental organisations and 25,7% and 27,6% to international organisations (in particular the International Organisation for Migration, hereafter IOM).

### 5.2.3. *Examples of projects carried out under priority 1*

#### A. Assisted voluntary return programmes

The Stockholm programme calls upon Member States to encourage voluntary return, including through the development of incentive systems, training, reintegration and subsidies and by using the possibilities offered by EU financial instruments.

About 55,5 M € was budgetted to this purpose according to the programmes.

Member States are at different levels of the development of assisted voluntary return, as evidenced by a recent study of EMN<sup>13</sup> and the baseline description in the multi-annual programmes. Accordingly, the efforts in this area could be classified as follows:

1. In the absence of any (permanent) schemes, the **development** of pilot projects and/or the introduction of an assisted voluntary return programme (i.e. in Cyprus, Estonia, Finland, Greece, Latvia, Lithuania, Malta and Slovenia);
2. The **consolidation** of recently established (basic) services or programmes by extending the duration and/or gradually increasing the number of persons who can avail themselves of the assistance (i.e. in Slovakia);

<sup>13</sup> <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=3%2E%20EMN%20Studies>

3. The (systematic) **extension** of well-established programmes by including a higher target population, new (specific) target groups such as vulnerable persons and/or broadening the nature of the assistance provided (in particular in four of the main beneficiary Member States, namely France, Italy, Spain and United Kingdom);

4. The **introduction of specific and innovative tailor made measures**, in particular with a view to more sustainable return and the development of a distinct reintegration component (i.e. in Belgium, the Netherlands and Germany).

In **Latvia**, within the context of developing a long term strategy on return management, several research projects were funded under the 2008 programme to develop models for voluntary return and reintegration best suited to Latvia, taking into account the size of the target population, EU legislation and best practices in other countries. In the same vein, in **Estonia**, thanks to a number of projects in the 2008 and 2009 programmes the first steps were set towards the introduction of an assisted voluntary return programme and a consultation and support structure for returnees. In **Malta** two projects under the 2008 and 2009 programmes served to boost activities on assisted voluntary return. Another project sought to strengthen Malta's long term management capabilities on return. In all three countries, IOM was among the project beneficiaries.

In **Finland** one multi-annual project, having started in 2009, aimed to establish a comprehensive voluntary return system. There is no national assisted voluntary return programme to date in this country and the project's purpose is to provide travel assistance and financial aid for reintegration, to enhance co-operation between operators dealing with voluntary return and boost the availability of information for potential returnees.

Many countries benefited from the experiences of IOM to provide a more general package of return measures. For instance, in **Slovakia**, as part of an action on assisted voluntary return and reintegration, IOM organised a campaign to reach the non-registered migrants, targeting areas where they were expected to live. As a result of the campaign, 47 such persons were returned, whereas the year before none were. In the **Netherlands**, IOM ran a project to inform and counsel detainees, whilst also enhancing the capacity for assisted voluntary return in detention centres in general. In **Portugal**, under the 2008 programme, IOM helped set up a network of national and international partners, essentially NGO's in Latin-America, to develop further the structure for assisted voluntary return. In a successor project, besides maintaining basic services and providing support packages for about 550 persons, IOM further enhanced the network, developed a clear communication strategy and reinforced the services for reintegration and post-arrival monitoring and support. In **Poland** IOM provided a full array of services with 2008 and 2009 funding: promotion, travel and reintegration assistance, trainings for staff of reception centres, support to vulnerable persons, registration and the maintenance of a database, and the organisation of a conference to promote the idea of voluntary return among non-governmental organisations and authorities.

In many other countries, in parallel to actions to consolidate or extend the existing schemes, the Fund was used to test or introduce new specific elements. In **Slovakia**, actions consisted in expanding the existing schemes by including, besides the usual cost, also support for the preparation of reintegration plans, and assistance with reintegration in the country of return. In **Italy**, following an action supporting the regular scheme in 2008, focus was put on reintegration measures in 2009.

Moreover, in several Member States (for instance **Austria, Bulgaria, Finland, Italy, Spain and Poland**) projects were financed on specific assistance to vulnerable persons, such as families, minors or victims of trafficking. In **France**, support is provided for emergency medical care, appropriate accommodation within the meaning of the Directive and return arrangements for unaccompanied minors who have remained in the transit zone at the airport Roissy. In **Hungary** there was the "Home again" project, in which a small number of Bosnians with health problems were repatriated in close co-operation with appropriate Bosnian counterparts, with all due diligence and care.

In the **Netherlands**, a small non-governmental organisation assisted migrants with developing an economic activity in the country of return. Volunteers developed toolkits and supported the return of 23 third country nationals with a budget of 120.000 €.

**France** used its EU contributions in a strategic manner to undertake a series of complementary actions in this area, ranging from counselling and information to financial incentives to specific information and reintegration measures. One action extended financial allowances to encourage return to illegally staying third-country nationals, beyond the framework of its existing programme (3,5 M €, 39% of the 2008 programme). Another action assisted persons in the Calais region to return to their country of origin, inter alia by raising awareness of the risks of attempted passage to the United Kingdom, the precarious conditions they may find there and the risks inherent in maintaining their illegal residence in France (0,9 M €). In general, the Fund enabled France to increase the uptake of financial incentives (in 2008 2227 migrants benefited from the scheme, a 9% increase compared to 2007) as well as to increase the size of the incentives per capita.

In the reporting period the **United Kingdom** allocated the highest EU contribution from the Fund, 14 M €, to assisted voluntary return measures. The Fund supported the Voluntary Assisted Return & Reintegration Programme (VARRP), the Voluntary Return and Reintegration of Detained Migrants (VRRDM) and the Facilitated Return Scheme (FRS) (cash payments). The VARRP, as implemented under the 2008 programme, has already been evaluated as successful: monitoring data indicated important increases, compared to previous years, in the number of applications, actual departures and the use made of reintegration assistance. In particular, the development of individual return plans and the delivery and contents of reintegration assistance was positively assessed by respondents.

## B. Counselling and information

About 25,8 M € was budgetted to this purpose according to the programmes. Many Member States developed actions on information and counselling (e.g. **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Greece, France, Germany, Italy, Malta, the Netherlands, Poland, Slovakia and Spain**)<sup>14</sup>.

Some examples of actions in this area impacting on a significant proportion of the target population are the following:

- The 2009 programme of **Greece** paid for the deployment of interpreters, social workers and psychologists to provide services to returnees, including in Athens and Crete, for an EU contribution of 1 M €.

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<sup>14</sup> Some of these projects, however, are innovative projects under priority 3.

- In the **Netherlands**, 2009 support was provided for extending the geographical coverage of the "native counsellors" network beyond the major cities and reinforcing co-operation with local authorities, with an EU contribution of about 1 M €.
- In **Austria**, four non-governmental organisations counselled third-country nationals both in and outside detention facilities, reaching, in detention, more than 6.000 third country nationals of whom about 19% decided to return voluntarily, and, outside the facilities, more than 6.000 third country nationals of whom about 58% decided to return voluntarily. The EU contribution for the 2008 and 2009 projects combined came to 1,8 M €.
- In **Germany** the 2008 and 2009 programmes enabled various non-governmental organisations to provide counselling and information in different Länder in about 25 projects to the tune of 2,2 M € (EU contribution). Thanks to the 2008 projects, 10.402 counsel sessions took place and 1382 persons repatriated voluntarily. Certainly as far as the 2008 programme was concerned, the activities have reinforced the structures for counselling and the co-operation and networks between the various actors for that purpose. Moreover, due to the complementarity with the services available under the REAG /GARP programme, those activities under the Fund have increased the success of this assisted voluntary programme for refugees and (rejected) asylum seekers.

### C. Forced returns

About 81 M € was budgetted to this purpose according to the programmes. All Member States co-financed forced returns (i.e. flight management, travel and subsistence costs of escorts and travel expenses for the returnees) except Austria, Finland, Germany, Portugal, Sweden and the Netherlands. In the **United Kingdom** there was only a small project aiming to encourage greater working with other Member States in the field of enforced returns the model of which is being capitalised on, *inter alia* through joint return flights; the bulk of the programme concerned voluntary return.

In most Member States the share for forced return expenditure in relation to the total budget is between 10-30%. Certainly in absolute terms, a considerable part of the EU contribution was spent for such operations under the two programmes in four main beneficiaries, namely **France** (2,8 M €), **Greece** (7,8 M €), **Italy** (6,9 M €) and **Spain** (6,3 M €). In relative terms, the share of expenditure budgetted was also high in countries with lower allocations such as **Cyprus**, **Luxembourg** and **Poland**.

Besides regular return operations, a few innovative projects were funded, among which the following:

- In **Belgium** two projects ("Return of families" and "Return of persons with special needs") were carried out by the authorities to develop alternatives to detention. Both projects consisted of the adaptation of the family houses / reception facilities so that the families / persons with special needs would be cared for separately from the other residents of closed centres. In order to prepare the return and a possible reintegration in the countries of origin, trained coaches were employed who guided the persons through the return procedure and assisted them on a daily basis. At an early stage, the possibility of voluntary return is still offered. The second project also comprised

provision of tailored medical and psychological assistance. The first project was already positively evaluated by some non-governmental organisations.

- In **Spain**, first aid courses were given for police escorts involved in return operations on charter flights, regular shipping lines and commercial flights where they travel alone.

#### 5.2.4. *Examples of projects carried out under priority 2*

The share of expenditure regarding this priority was usually very small, except in **Ireland**. This Member State used 70% of its resources to pay for joint return flights, including the entire allocation in 2008.

Member States either financed exclusively joint return flights (**Belgium, Cyprus, France, Ireland, Italy, Luxembourg, Romania**), a mixture of joint flights with co-operation and capacity building measures (**Bulgaria, Poland, Slovenia**) or primarily focused on exchange of best practices with other Member States, including preparatory measures for better co-operation with third countries (**Czech Republic, Latvia and United Kingdom**).

##### A. Joint return flights

Generally Member States financed one or a handful of flights only. The total EU contribution for joint flights budgetted amounted to about 3,6 M €. These flights were complementary to the flights coordinated by Frontex.

##### B. Other forms of co-operation

In **Estonia** a project was financed to increase the operational co-operation on obtaining travel documents between the consular services in Latvia, Lithuania and Estonia on the one hand, and immigration services in third countries on the other.

#### 5.2.5. *Examples of projects carried out under priority 3*

##### A. Innovative ways and means of counselling and informing potential returnees

Thanks to two 2008 projects **Bulgaria** carried out an information campaign to promote voluntary return (video clips, a documentary, 53.000 information material (flyers, bill boards, and brochures) and improved the co-operation between non-governmental organisations, IOM and the authorities in this area. Similarly, in the **Czech Republic** a nationwide campaign took place, using 2008 and 2009 resources.

Having acknowledged that the possibilities of information and counselling on return was never systematically shared throughout **Italy**, the Fund was used to set up a "referral network" of local authorities and non-governmental organisations throughout its territory, to organise information and awareness raising sessions and to develop and distribute widely information material in many languages. Moreover, in a successor project in the 2009 programme, trainings of staff in the referral network were undertaken and seminars with representatives of third countries organised. Together with a mapping exercise of the migrant communities to set up more effective dissemination methods to the target population and sessions to exchange practices and experiences on return between all different actors under priority 4, these projects helped lay the foundations for the development of assisted voluntary return in Italy.

In **Greece**, further to study visits to other Member States, the 2009 programme supported the strategic development of assisted voluntary return by cofinancing an information campaign and providing travel assistance to 300-400 persons. Following the positive results of this pilot project, resources freed under the revised programme were redirected to provide an additional few hundred people with similar support as well as with some post-return assistance in the form of pocket money. The intentions of the Greek authorities are to increase significantly, with the help of the Fund, the public support for such voluntary return operations in the years to come.

**B. Innovative incentives for increasing voluntary return based on the dignity of the persons involved (in particular reintegration)**

Under priority 3, projects on reintegration assistance (including training, setting up business projects, start-up support and follow-up assessment in the country of return etc) were funded in **Austria, Belgium, Czech Republic, France, Germany, Hungary, Lithuania and Spain**.

In **France** reintegration measures were supported under each programme to enhance the sustainability of returns to some African countries. Following individual intakes and return plans, returnees had the opportunity to develop economic activities and receive support in setting up businesses *in situ*.

In **Sweden** 9 out of 13 projects under the two programmes supported priority 3. They have in common a focus on new ways of co-operation between different entities. In one project, co-operation was set up between a Chamber of Commerce and an immigration authority in an African country. Information and training sessions were organised for 200 nationals of the country concerned; individual business plans were developed, and a visit was organised for 15 persons to prepare themselves *in situ*. As part of the project support was given to educational facilities in the country concerned.

In **Belgium** 22 out of 35 projects under the two programmes supported priority 3. Some projects sought to improve the return strategies and boost capacity building in general in the country, for example a learning programme for individual return counsellors. Across the two programmes, under this priority specific reintegration measures were supported for a total budget of 2,5 M € consisting of:

- Capacity building measures (in the context of the development of new methodologies, a research project on best practices in return and reintegration of persons with mental and physical disabilities in six Member States, on the one hand, and projects to remedy weaknesses in the capabilities of non-governmental reintegration partners playing a role in the national assisted voluntary return strategy, on the other); and
- Support to individual return operations extending current approaches on reintegration, combined with the development of new methodologies (four IOM projects to develop tailor made assistance packages as an innovative addition to the existing, generic reintegration programme and two Caritas projects for specific target groups/ countries on a more comprehensive assisted voluntary return programme, including reintegration support and follow-up in the destination country).

In **Germany** 44 out of 99 projects under the two programmes supported priority 3 for a total of 5,6 M € (about 41 % of the total budget assigned to the Fund). With the exception of two

projects on travel documents, innovative return plans and other measures to increase voluntary return were co-financed. For some projects emphasis was put on particular target groups and/or countries of return, for others on new forms of reintegration assistance.

#### C. Testing new working methods to speed up the process of documenting returnees

About 5,5 M € was budgetted for co-operation with third countries according to the programmes, but this amount relates also to projects under the other priorities. Under priority 3, many Member States undertook projects to build an effective, stable and lasting operational co-operation with authorities in third countries, with a view to obtaining travel documents and ensuring speedy and successful removals. By way of illustration some examples of the extent to which the financial support was used in an innovative way and brought direct results:

- In **Romania** a new mechanism of co-operation with diplomatic missions of third countries which have no embassy in the country was developed. In about 15 missions, for the first time, staff of the authorities could discuss concrete cases with the immigration authorities of the third countries. The discussions led to faster procedures and improved work relations.
- In **Poland** resources under the 2008 and 2009 programmes were used to develop a special programme for facilitating work relationships with the immigration authorities from one key third country, based on regular visits from experts from those authorities to Poland and visits back by Polish authorities. Travel cost and allowances were covered, as well as the transport of potential returnees from detention facilities to the venues used for identification. By establishing direct and regular contacts, the readmission process was greatly facilitated and the foundation was laid for an effective, stable and long-term co-operation.
- In **Slovenia**, as part of an action to improve co-operation with third countries on identification, co-operation with non-governmental organisations and a network of translators were established to provide assistance to the authorities in communicating with potential returnees.
- In **Spain**, the Fund was used to systematically support a series of training seminars for immigration authorities from about ten different African countries of origin, both in their countries and in Spain. As a result of the mutual trust created in an easy operational setting, communication and co-operation has improved.
- In **Sweden** one project aimed to increase the ways of identifying third-country nationals through meetings between the authorities and the immigration authority based at the international airport of a key country of origin for Sweden for which readmission had been difficult so far.

#### D. Other innovative measures

The authorities in **Greece** undertook, with 2009 funding, study visits to other Member States to inspire a national approach to promote voluntary return.

In **Hungary** two fact finding missions were carried out to a third country of particular importance to establish a comprehensive and topical country report to improve quality of the

counselling. The missions were prepared together with experts from other Member States and IOM.

In some countries actions focused on information management under this priority. In **Belgium** IT tools were developed for case management in closed centres, to speed the co-operation between immigration and police authorities and for the central collection and analysis of data on irregular stay. In **Spain** it concerned an integrated IT system to manage the voluntary return programme.

#### 5.2.6. *Examples of projects carried out under priority 4*

##### A. Evaluation and research

Under this priority quite some Member States undertook studies:

- **Austria** funded a project to compare the national existing voluntary return activities in terms of target population, costs, co-operation mechanisms and to develop synergies and economies of scale.
- **Bulgaria** developed an integrated strategy, serving as the basis for its national strategic programme for integrated return management 2011-2013. An action plan was developed to implement it and further research on best practices in other Member States was undertaken through a working group involving also non-governmental organisations.
- **Portugal** mapped the immigrant communities and their means of acquiring information, on the basis of interviews with stakeholders, in order to better disseminate the possibilities of its return programme among migrant communities.

##### B. Training and exchange activities

Training projects generally paid either for training of police officers (escorts) on standards and best practices regarding forced return (**Cyprus, Italy, Lithuania, Romania, Slovakia**), staff of various national authorities on return management in general (**Poland, Latvia, Lithuania, Slovakia**); language training (**Latvia, Slovenia, Slovakia**) or concerned human rights standards and/or standards on return (**Bulgaria, Hungary**). In **Greece** a series of training seminars took place for police officers on various aspects of return management, including escort practices, readmission procedures, human rights standards and the treatment of vulnerable persons. While it concerned a relatively small amount, the systematic and comprehensive approach was innovative. In Poland a foundation organised staff trainings to improve the service in small centres in a specific region bordering Ukraine and published a guide of good practices.

Member States used the Fund to enable staff to learn from experiences in other Member States. **Hungary** funded study visits to several Member States for staff of both executive and judicial bodies working on return, whereas **Lithuania** funded such visits for escorts and staff of return authorities. **Latvia** spent 53 % of its 2008 resources to three projects under this priority: one on seminars on best practices and visits to other Member States, another one on training on return management for border guards and immigration authorities and a third one on language training for employees involved in return management. In addition, various training projects included participation or input by experts from other Member States.



So far the Fund was not used to organise specific national trainings for practitioners on the application of the Return directive, although **Hungary** organised a conference between Member States on the directive. It was probably too early, given the deadline of transposition of 24 December 2010.

## **6. OVERALL PRELIMINARY ASSESSMENT ON THE IMPLEMENTATION**

### **6.1. Observations made by the Member States**

#### *6.1.1. As concerns the results achieved*

Member States gave a (partly) positive overall assessment on the implementation of the Fund. They report that at least for the 2008 programme, completed in the reporting period, the desired results, as defined in the multiannual strategy, were generally achieved.

Several Member States highlight in this context particular achievements regarding voluntary return: the development of a holistic approach in national policies supporting voluntary return (Italy); the increased capacity to carry out assisted voluntary return activities (Estonia, Malta and Romania); the implementation of assisted voluntary return programmes, including the introduction of new tools, a website and a free telephone service, as well the evaluation of the programmes (Hungary); the enhancement of the counselling structures, rendering more effective the existing assisted voluntary return programme (Germany); the fact that the Fund simply made it possible for a greater number of migrants to return voluntarily (Spain) or for many third-country nationals to make a dignified, orderly and sustainable return and to receive reintegration assistance once there (United Kingdom).

Moreover, quite a few Member States referred to the usefulness of the Fund in assisting civil society to contribute to voluntary return. Poland underlined that without the Fund non-governmental organisations would not have had sufficient resources to undertake voluntary return activities, while Romania referred to the first steps in developing partnerships with non-governmental organisations under the Fund and Portugal to the possibility to continue to improve the voluntary return network in its country thanks to the Fund.

#### *6.1.2. As concerns the challenges encountered during the implementation*

At the same time, many Member States emphasized the challenges encountered during the implementation of the first two programmes.

- Firstly, certainly for the 2008 programme, the delays in the approval of the annual programmes affected the implementation period and in some Member States, the size of the allocation actually committed and spent. Activities for the first two programmes often ran in parallel and in a condensed implementation period. Member States which planned well and/or ahead managed to spend the entire EU contribution.
- Secondly, the implementing rules and in particular the rules for the eligibility of expenditure, were perceived as too complicated. For many Member States the resulting administrative work load, in terms of guidance, management verifications and audits, was deemed not proportionate to the aim of running an efficient funding programme, in the light of the size of their allocations.

- Thirdly, open and wide selection procedures did not always lead to pertinent project applications. This may have been due to national factors such as a limited number of potential entities qualified and/or willing to run projects for the Fund, specific administrative and reporting constraints imposed under national rules, the time frame for effective implementation of projects etc. However, EU rules may also have been perceived by potential applicant organisations as cumbersome, in particular the requirements on audit trail and documentation or the limitations on eligibility. For instance, the cost incurred for post-return reintegration assistance was limited to six months and this occasionally impeded tailor-made solutions.

Accordingly, Member States felt constraint to revise the annual programmes to secure the optimal use of the EU contribution. For the 2008 annual programme, the Commission approved 10 revised programmes of which at least five were primarily meant to adjust the programme taking into account the result of the open call for proposals, while three others resulted from revisions in the national budget planning.

To mitigate these challenges and upon feedback from the Member States, the Commission considerably simplified the overall framework for eligibility rules for expenditure, extended the duration for financing of post-return reintegration assistance to one year and extended the eligibility period from 2 to 2½ years and allowing for more time for submitting revisions of the programmes, thus allowing for a better absorption of the EU contribution. Moreover, the Fund being a new EU financial instrument, those individual Member States with starting difficulties have consistently received more guidance from the Commission. The effects of these changes will surely be more visible for the implementation of 2010 programmes and onwards.

## 6.2. Assessment by the Commission

Having reviewed the reports from Member States, and taking into account other information, including from monitoring missions, the Commission finds that, despite starting difficulties and some specific issues with the rules and implementation, the Fund is living up to its promise to boost the implementation of integrated return management in Member States.

- In a number of Member States thanks to specific information campaigns, further information on return possibilities was made available and disseminated widely to migrant communities in Member States. In some cases, these **outreach efforts** were based on the practical experiences of persons who have returned and are enjoying a successful reintegration in their countries of origin.
- The Fund supported the introduction or consolidation of return management practices which had been almost non-existent in many Member States beforehand. Projects successfully enhanced the capabilities of government services, in co-operation with non-governmental organisations and/or the IOM, to encourage the voluntary return of migrants and asylum seekers. **Assisted voluntary return programmes were consolidated or extended** to cater for aid to more third-country nationals. Several projects on counselling and reintegration supported the **development of innovative and more tailor-made tools for return management that can be rolled out more comprehensively in the coming years.**

- In addition, thanks to the Fund, Member States were able to offer more or higher **financial incentives and/or support to returnees for setting up income-generating activities, thus resulting in sustainable returns.**
- In the area of **forced return, the Fund was consistent with the activities of the Frontex Agency on the coordination of joint return operations.** Member States have successfully used the resources under the Fund for national and joint return flights which complemented the efforts made by the Agency.
- Moreover, the cooperation projects between Member States and countries of return have resulted in an increase in the number of removals by **improving working arrangements with third countries on the identification and issuing of travel documents.**
- Finally, the Fund has also generated opportunities for **further exchange of experience between Member States.** Less experienced Member States are making use of this funding to learn from the Member States that have long standing experience.

In terms of results, the Fund has therefore already undoubtedly led to the optimisation of the measures for assisted voluntary return, a reduction in the length of stay in reception and/or detention centres, improved dissemination of information to the target population on return options and an increase in the number of third-country nationals actually taking advantage of the opportunity of voluntary return, benefiting from more dignity and better prospects than they would have encountered, if they had been subject to a forced removal.

## 7. CONCLUDING REMARKS AND RECOMMENDATIONS

### 7.1. Possible improvements for the remainder of the multiannual period

The above assessment was based only on the first two programming years of the Fund, with no closure reports available. The submission of this report was timed to assist the European Parliament and the Council with the preparation for the next multiannual financial framework and not yet to provide a comprehensive and final evaluation.

The results are not necessarily representative. The first two annual programmes were drafted and implemented under considerable time pressure and with limited experience in shared management, with voluntary return projects for specific target groups under the ERF programmes (2000-2007), as well as some experiences with transnational projects under direct management (2005-2007).

The 2010 programming exercise went much faster. With the experiences gained in this first phase, and capitalising on the changes in the implementing rules, Member States are in a good starting position to optimise further the use of funds.

In the future, programmes could promote a more strategic focus on EU standards and more systematically seek to enhance co-operation between Member States. Implementation of actions would benefit from a more stable financial and long term planning and efforts to communicate more effectively results among stakeholders and to the outside world.

- With the deadline for transposition of the Return Directive expired, the two main building blocks of the EU return policy, the Fund and the Directive, are in place. Thanks to the increase in allocations in the coming period, the **Fund will endow Member States with the means to make compliance with the key requirements under the Directive and the twin principles of the primacy of voluntary return and the humane and dignified treatment of potential returnees as cornerstones of return management a concrete reality throughout the EU.** Thus, Member States can step up efforts on voluntary return, refurbish and modernise detention facilities for minors and families, develop training programmes on EU standards, new monitoring and evaluation tools and accompany better the period for voluntary departure set by the Directive and, where appropriate, beyond, with the best possible services on counselling and assisted voluntary return.
- **Using the Fund, Member States could do far more to promote practical co-operation and reduce duplication of efforts in co-operation with third countries, training activities, and the gathering of information on the situation in countries in return.** In general terms, time and again Member States are insisting on more co-operation regarding travel documents, contacts with third countries, readmission processes etc. The relatively small size of the allocations devoted to priority 2 does not do justice to the challenge. So far no Member States have implemented projects which jointly set up tailor-made return plans, reintegration policies, monitoring missions or co-operation with consular services for specific countries of return. While such projects may require some more coordination and/or balancing different national funding schemes, co-operation needs cannot be addressed exclusively through the Community actions and the budget of Frontex on joint return flights. Member States are invited to explore better all the possibilities of the Fund to co-operate more actively. Thus, economies of scale will ensue and justify further the added value of EU resources in this area.
- It is acknowledged that the delivery mechanism of the Fund, annual programmes to be approved each year, does not necessarily lend itself well to support recurrent activities such as voluntary and forced (joint) return operations. **Member States could explore more extensively the possibilities to set up multiannual projects,** e.g. assisted voluntary return programmes with a reintegration component, in accordance with the regulatory framework, thus reducing also the incidence of selection processes and establishing a stable financial multiannual planning.
- **The learning effects of the Fund can be further boosted.** To inspire innovative and successful projects and promote the potential for exchange of information Member States should share more information on projects on both bilateral and multilateral basis. This should become a responsibility of the Ministries concerned and go beyond the remit of the designated "responsible authorities" and/or the project beneficiaries. In particular in the field of reintegration, a lot is to be gained from information exchange, since the more successful projects are those which are moving away from purely cash incentives (lump-sums) towards a more individual, tailor-made approach in rebuilding the lives of returnees. To facilitate this process, the Commission shall inter alia establish a network on voluntary return using the 2010 Community actions, set up a database for Member States on projects funded and develop communication material and events on the Fund by 2012.

- Finally, recognising the important role IOM plays in supporting activities in Member States under the Fund, the Commission will continue its efforts to **strengthen its working relations with IOM in the framework of the ongoing dialogue on migration policy** and the development of the Global Approach on Migration.

## 7.2. Preparing for the first ex-post evaluation (2012)

The next milestone for the Fund is the ex-post evaluation report for 2008-2010<sup>15</sup>. According to the basic act the Commission report is due by 31 December 2012.

The preparations for this exercise are ongoing. Unfortunately, Member States cannot reasonably be expected to report on the outputs of the 2010 annual programme by 30 June 2012, as indicated in the basic act, since the eligibility period for 2010 runs till the second half of 2012. In order to provide complete data on 2010, Member States will be asked to submit their contributions by end October 2012 instead.

To build upon this intermediate report, the ex-post evaluation for 2008-2010 could present a more comprehensive picture of the Fund's intervention at national and EU level as regards outputs, results and its overall impact on the application of EU standards on return and integrated return management in Member States. To that end, its overall aim would be as follows:

- To identify concrete results such as the number of third country nationals reached directly through actions on operations and assistance under the Fund and the number of third country nationals affected directly and indirectly by all the funding activities (i.e. including the general capacity building measures, co-operation with third countries and co-operation with other Member States), using a common methodology;
- To distinguish clearly the results achieved under forced and voluntary return operations and also for the different categories of the target group, e.g. distinguishing between (rejected) asylum seekers and refugees on the one hand and irregular migrants, including overstayers, on the other;
- To assess the degree to which the Fund's intervention contributed to the overall development of each national return system, taking into account the strategy established in the multi-annual programme and specific national targets identified;
- To assess the extent to which the Fund's intervention contributed to the application of EU standards, in particular the Return Directive; and
- Finally, to measure the values obtained in relation to the share of EU allocations under the Fund to the overall national (financial and other) inputs and to identify any other relevant factors having had an impact on the intervention.

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<sup>15</sup> Article 50(3) c) basic act RF