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Report from the Commission to the European Parliament, the Council, the  
European Economic and Social Committee and the Committee of the  
Regions Ex post evaluation reports for the period 2011 to 2013 of actions  
co-financed by the four Funds under the framework programme 'Solidarity  
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**COMMISSION STAFF WORKING DOCUMENT**

**on the Ex Post Evaluation of the European Return Fund 2011-2013**

*Accompanying the document*

**Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions**

**Ex post evaluation reports for the period 2011 to 2013 of actions co-financed by the four Funds under the framework programme 'Solidarity and Management of Migration Flows'**

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## 1 Introduction

The European Return Fund (RF) was established in 2007 for the period 2008 to 2013. It is one of four Funds (SOLID Funds) set up under the General Programme ‘Solidarity and Management of Migration Flows’<sup>1</sup>. The aim of this General Programme was to address the issue of a fair share of responsibilities between Member States concerning 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.

The Decision establishing the fund requires the Commission to submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions three evaluations reports:

- by 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, based on evaluation reports provided by the Member States by 30 June 2010<sup>2</sup>;
- by 31 December 2012, an *ex-post* evaluation for the period 2008 to 2010 based on national evaluation reports on the results and impact of actions co-financed by the Fund<sup>3</sup>. This *ex-post* evaluation report covered the implementation of the 2008 to 2010 annual programmes implemented by the Member States<sup>4</sup>.
- By 31 December 2015, an *ex-post* evaluation for the period 2011 to 2013 based on national evaluation reports on the results and impact of actions co-financed by the Fund<sup>5</sup>.

The present staff working document reports on this *ex-post* evaluation covering the evaluation for the period 2011 to 2013 and the annual programmes implemented by 27 participating Member States<sup>6</sup> from 1 January 2011 to 30 June 2015. The implementation of the 2008 to 2010 annual programmes is not within the scope of this evaluation. Actions implemented during the 2008-2010 period are, however, considered where relevant, specifically as part of the analysis of complementarity and coherence.

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<sup>1</sup> Communication from the Commission to the Council and the European Parliament establishing a framework programme on solidarity and management of migration flows for the period 2007-2013, COM(2005) 123 final.

<sup>2</sup> Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme ‘Solidarity and Management of Migration Flows’, Articles 50(2)(a) and 50(3)(b). 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 2007-2009, 9 December 2011, COM(2011) 858 final.

<sup>3</sup> Decision No 575/2007/EC, Articles 50(2)(b) and 50(3)(c).

<sup>4</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions on the *ex-post* evaluation of the European Return Fund for the period 2008-2010, 23 April 2014, COM(2014)230.

<sup>5</sup> Decision No 575/2007/EC, Article 50(2)(b) and 50(3)(c).

<sup>6</sup> DK does not participate in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community. Croatia participated from 2013 only, upon accession to the EU.

The present document also covers the evaluation of the Community actions implemented under the 2010 to 2013 annual work programmes with an eligibility period running from 1 January 2011 to 31 December 2016<sup>7</sup>.

The present evaluation builds upon the results of the *ex post* evaluation of the actions implemented under the RF 2008-2010 annual programmes and the intermediate report mentioned above.

This *ex post* evaluation<sup>8</sup> assesses the RF in the light of its relevance (whether its objectives matched with societal needs), effectiveness (to what extent objectives have been achieved), efficiency (to what extent costs were proportionate to the achieved benefits), sustainability of effects after the intervention ended, coherence with and complementarity to other EU financial instruments or national resources of the Member States, and the added value of intervening at EU level.

The results of this evaluation complements the interim evaluation of the Asylum, Migration and Integration Fund (AMIF)<sup>9</sup>, the successor of the RF, Refugee Fund and Integration Fund for the period 2014-2020. The interim evaluation of the AMIF is due in 2018<sup>10</sup>. The Commission will submit an interim evaluation report of the Fund by 30 June 2018 to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. This interim evaluation report will be based on the interim evaluation reports provided by the Member States on the implementation of the actions and progress towards achieving the objectives of their national programmes to be submitted to the Commission by 31 December 2017. The interim evaluation report which the Commission will submit will also include an assessment of the mid-term review carried out by the Member States and of the implementation of the emergency assistance grants and Union actions. The results of the interim evaluation together with the results of the present evaluation will

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<sup>7</sup> As Community actions implemented under the 2010 annual work programme were implemented after 1 January 2011 they are covered by the evaluation.

<sup>8</sup> According to the legal basis the Commission shall submit by 31 December 2015 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2015 an ex-post evaluation report (Article 50(3)(c) of Decision No 575/2007/EC). The deadline was extended as the Commission's ex-post evaluation report had to take account of the national (ex-post) evaluation reports to be submitted by the Member States. The deadline for those, provided in the legal basis was 30 June 2015. Considering that the eligibility period of the 2013 annual programmes for the Return Fund ended on the same day (30 June 2015), it has not been feasible to finalize national ex-post evaluation at the same moment of time as the implementation ended. The national evaluation reports were therefore provided to the Commission by 30 November 2015. Consequently, also the ex-post evaluation report of the Commission has been prepared with a delay in comparison with the deadline set in the legal basis. The targeted date for the submission of the report was 31 December 2016. This date was postponed to the first quarter of 2018 due to the fact that two out of four SWDs (ERF and EBF) were selected by the Regulatory Scrutiny Board.

<sup>9</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund (OJ L 150, 20.5.2014, p. 168).

<sup>10</sup> Part of the interim evaluation is the mid-term review of the AMIF national programmes of the Member States (Regulation (EU) No 514/2014, Article 15) which will take place in 2017 and 2018. The purpose of the mid-term review is for the Commission and the Member States to review the national programmes and assess the need for a possible revision of the programme, in the light of developments in Union and national policies through a questionnaire and bilateral dialogues with the Member States. In addition if the need arises, the results of the mid-term review of the national programmes may support requests for additional funding made by the Commission to the budgetary authorities for the remaining implementation period.

contribute to the shaping of the future policies under DG HOME responsibility, especially to the preparation of the new funding instruments in the framework of the Multiannual Financial Framework (MFF) post 2020.

## 2 Background to the initiative

In the early 2000s, the European Union recorded between 240,000 and 400,000 removals<sup>11</sup> of third country nationals per year<sup>12</sup> and a total of 1,986,139 return decisions<sup>13</sup> were issued in 2002, 2003 and 2004<sup>14</sup>.

The return of third-country nationals who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Member States of the European Union is vital to ensure that admission policy is not undermined and to enforce the rule of law, an essential feature of an area of freedom, security and justice. In practice, however, putting return policy into effect is a considerable challenge, in particular for Member States with relatively low GDP or little experience, or for some Member States that face disproportionate migration flows, due to their geographic situation or attractive economic profile. Return management is a complex process. It requires good working relationships with the countries of return, while balancing individual rights and humanitarian considerations with the state interest in law enforcement.

Reducing irregular immigration through an effective return policy should be the concern of all Member States. In an area without internal borders where people can in principle move without hindrance, tolerance of irregular stays in one Member State may lead to secondary movements and for instance adversely affect the fight against illegal employment throughout the EU, which, in turn, acts as a pull factor for more irregular immigration to the EU. Conversely, effective return policies throughout the EU have beneficial effects on the credibility of the common immigration policy and help to increase the acceptance of legally staying third-country nationals in Member States.

In this context, in the period 2005-2007, preparatory actions, namely the 'Return Preparatory Actions 2005-2006' and the 'Preparatory Action - Migration Management, Solidarity in Action 2007 - return and reintegration of returnees' were launched. The instruments created first-hand practical experience with transnational projects and thus helped the Member States, NGOs and other stakeholders to prepare for the launch of the RF in 2008.

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<sup>11</sup> Removed third country nationals: persons other than those entitled under Community law who, having entered the country illegally, having resided in the country illegally or for other reasons, are returned to a third country. The figures may include voluntary departure where such a departure takes place in order to comply with a formal order to leave.

<sup>12</sup> For example, 393,635 removals were recorded for 2001, 242,225 for 2002 and 298,504 for 2003 (Eurostat and CIREFI data collection as reported in *Annex to the General Programme Solidarity and Management of Migration Flows – Extended impact assessment 2005 – SEC(2005) 435* of 6/04/2005, p. 57.

<sup>13</sup> Return decisions: Administrative or judicial decision or act, stating or declaring the illegality of stay of a third country national and imposing an obligation to leave the territory of the Member State concerned.

<sup>14</sup> Data provided by the Member States and complemented by estimates made by the European Commission when necessary. See *Annex to the General Programme Solidarity and Management of Migration Flows – Extended impact assessment 2005 – SEC(2005) 435* of 6/04/2005, p. 58.

A number of key issues in the field of EU return policy were identified in 2005 in the impact assessment accompanying the setting up of the RF and the other three SOLID Funds<sup>15</sup>. Returns were found to be costly and the cost per person returned varied greatly across Member States depending on the country of return, the length of the flights involved, whether direct flights were available or not, and whether return was voluntary or enforced. Voluntary return was usually found to be less costly than enforced return. However no robust baseline was set in the impact assessment, which proved to be an issue for the present evaluation (See Title 7 on 'Method').

Given the challenges faced by the EU in the area of return, it became increasingly necessary for Member States to cooperate in this field and for a common EU return strategy to be developed. As identified by the 2005 impact assessment, the main problem to be addressed was putting into practice the principle of solidarity between Member States in managing migration flows, including EU return policy.

In this context, the RF was established for the period from 1 January 2008 until 31 December 2013, under the Multiannual Financial Framework 2007-2013 (MFF). In order to make the fight against irregular migration at national level more effective, the RF was created to support the voluntary and, where necessary, forced return of illegally staying third-country nationals within a common framework of 'integrated return management'<sup>16</sup> and in accordance with common standards. In a migratory context where migration flows affect Member States differently, the Fund was aimed at ensuring that the principles of solidarity and fair sharing of responsibilities are observed between Member States by providing financial assistance to support their efforts to improve the management of return in all its dimensions. The distribution of the available EU resources among Member States was based on two criteria that 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 to third countries.

An amount of EUR 676 million was allocated for the implementation of the Fund during the 2008-2013 period. As part of the wider policy framework in the field of return, the Return Directive<sup>17</sup> adopted in 2008 forms the basis of EU return policy, supplying common EU rules for the return of those staying irregularly in the participating Member States including common standards which guarantee that returnees received humane and dignified treatment and the establishment of a two-step approach in the return procedure giving preference to voluntary return.

One of the characteristics of the period relevant for the present evaluation is the uprisings in North Africa of 2011 that contributed significantly to the rise in migratory pressure towards Mediterranean countries and therefore to the overall national efforts in the area of return. In 2011, in the Central Mediterranean area, Member States reported a total of 64 000 detections, compared to only 5 000 in 2010<sup>18</sup>. Detections in the Central Mediterranean massively

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<sup>15</sup> *Annex to the General Programme Solidarity and Management of Migration Flows – Extended impact assessment 2005 – SEC(2005) 435 of 6/04/2005.*

<sup>16</sup> See title 5 for definition.

<sup>17</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>18</sup> Frontex, Annual Risk Analysis, 2012, p.15.



increased in early 2011, due to civil unrest erupting in the region, particularly in Tunisia, Libya and, to a lesser extent, Egypt. As a result, between January and March some 20 000 Tunisian migrants arrived on the Italian island of Lampedusa. In the second quarter of 2011 the flow of Tunisian migrants was reduced by 75% following an accelerated repatriation agreement that was signed between Italy and Tunisia. The flow of Tunisian migrants who crossed the border illegally appeared to be mostly economically-driven, with most migrants heading to France as their final destination. The large number of detections of Tunisians crossing the external border illegally in 2011 increased from under 8 500 in 2010 to more than 22 500 in 2011. In 2011, approximately 8 600 Tunisians were returned, mostly by Italy and France. In addition, large numbers of sub-Saharan migrants were detected in Lampedusa, Sicily and Malta, many having been forcibly expelled from Libya by the Gaddafi regime. The year 2013 saw a second peak of detection of illegal crossings along the EU external borders (107.000)<sup>19</sup> which represents an annual increase of 48% in comparison to 2012. The year 2013 was characterised by three phenomena: a large increase in illegal border-crossings by Syrians on the Eastern Mediterranean route and in the Central Mediterranean, subsequently applying for asylum; a steady flow of migrants departing from North Africa (Libya and Egypt) and a sharp increase, mostly in January-June, in detections reported by Hungary at its land border with Serbia. In 2014, detections of illegal border-crossing reached a new record, with more than 280 000 detections.

### 3 The Return Fund as funding instrument (Objectives and priorities)

The 2005 impact assessment underpinning the setting up of the four SOLID Funds identified as a general need to be addressed by the four Funds the need for solidarity supporting the implementation of EU standards. As a specific need in the area of return, it identified the need to reduce illegal immigration through an effective return policy.

In accordance with the conclusions of the impact assessment, the general objective of the RF was identified as follows: "*to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions to be implemented by Member States or national actions that pursue Community objectives under the principle of solidarity, taking account of Community legislation in this field and in full compliance with fundamental rights*"<sup>20</sup>.

To achieve this general objective, the following three **specific objectives**<sup>21</sup> were identified in the legal basis of the RF:

- the introduction and improvement of integrated return management (**Specific objective a**)). Under **integrated return management**, Member states should develop integrated return plans which covers all phases of the return process, from the pre-departure phase and the return as such to the reception and reintegration in the country of return and should be tailored to take account of the specific situation in different countries. At the basis of an integrated return management plan should be an analysis of the situation in the Member State with respect to the targeted population, a realistic

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<sup>19</sup> Frontex, Annual Risk Analysis, 2014, p. 7.

<sup>20</sup> See Article 2 of Decision 575/2007/EC.

<sup>21</sup> See Article 3 of Decision 575/2007/EC.

assessment of the potential for return and the cooperation with the countries of return, a planning and evaluation mechanism with respect to the return process of the targeted population and cooperation throughout the process with relevant stakeholders at national, European and international level, such as UNHCR and the International Organisation for Migration (IOM). Priority should be given to cooperation between Member States to secure such an approach, given the cost-effectiveness and the synergies involved<sup>22</sup>. Under integrated return management, Member States should give the preference to voluntary return over forced return.

- enhanced cooperation between Member States within the framework of integrated return management (**Specific objective b<sup>23</sup>**), and
- the promotion of an effective implementation of common standards on return (**Specific objective c<sup>24</sup>**).

The specific objectives were further clarified by a list of examples of eligible actions per specific objective<sup>25</sup>.

In accordance with the Decision establishing the RF<sup>26</sup>, the Commission adopted Strategic Guidelines<sup>27</sup> which identified four priorities and eight specific priorities (between 1 to 3 specific priorities per priorities). The specific priorities were defined to target particular actions for which the Member States could request an EU co-financing rate of 75%<sup>28</sup> (See Section 6.1). Each action planned in the annual programme should be programmed under one of the priorities set in the Strategic Guidelines. As the Strategic Guidelines did not set any threshold per priorities, Member States could distribute their annual allocation as they wished provided that the MSs target the available resources to three out of four priorities.

Priorities	Specific priorities (75% EU contribution)
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<sup>22</sup> Article 3.2 of Decision 575/2007/EC: Integrated return plans: (a) are based on a comprehensive assessment of the situation in the Member State with respect to the targeted population or a targeted specific issue concerning return and the challenges with respect to the operations envisaged (such as those related to obtaining travel documents and other practical obstacles to return), taking into account, where appropriate, the relevant caseload. The comprehensive assessment shall be drawn up in cooperation with all relevant authorities and partners; (b) aim to achieve a wide set of measures encouraging voluntary return schemes of third-country nationals, in particular for those who do not or no longer fulfil the conditions for entry and stay on its territories and, where necessary, implementing enforced return operations with respect to such persons, in full compliance with humanitarian principles and respect for their dignity; (c) include a plan and/or time table and, where appropriate, provide for a periodic evaluation mechanism allowing for adjustment of the plan and assessment of the impact of the plan in practice; and (d) include, where Member States consider it appropriate, measures to facilitate cooperation between the competent administrative, law enforcement and judicial bodies, where appropriate at different levels of government.

<sup>23</sup> For examples of actions, see Article 4(2).

<sup>24</sup> For examples of actions, see Article 4(3).

<sup>25</sup> Article 4 of Decision 575/2007/EC.

<sup>26</sup> Article 18 of Decision 575/2007/EC.

<sup>27</sup> Commission Decision of 30 November 2007 implementing Decision 575/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2008 to 2013 (notified under document number C (2007) 5822).

<sup>28</sup> Article 15.4 of Decision 575/2007/EC.

<p><b>Priority 1:</b> Support for the development of a strategic approach to return management by Member States.</p>	<ul style="list-style-type: none"> <li>▶ <b>Specific priority 1</b> deals with assisted voluntary return programmes;</li> <li>▶ <b>Specific priority 2</b> supports cash incentives and measures to address the specific situation of vulnerable returnees;</li> <li>▶ <b>Specific priority 3</b> promotes integrated return plans supporting the return of persons not covered under Community readmission agreements or national bilateral readmission agreements to countries of origin, former residence or transit with which cooperation in the field of return is particularly difficult.</li> </ul>
<p><b>Priority 2:</b> Support for the cooperation between Member States in return management – This includes setting up and implementing integrated return plans as well as cooperation in specific areas of integrated return management, such as the preparation, enforcement and follow-up of joint flights for removal and joint removals by land.</p>	<ul style="list-style-type: none"> <li>▶ <b>Specific priority 1</b> focuses on integrated return plans designed and implemented in cooperation with other Member States, Frontex, NGOs and International Organisations.</li> </ul>
<p><b>Priority 3:</b> Support for specific innovative (inter)national tools for return management. This includes setting up or improving counselling and return information measures, reintegration measures for returnees in the country of return, modes of cooperation with consular and/or immigration services, including training, and measures to gain information on undocumented third-country nationals or stateless persons.</p>	<ul style="list-style-type: none"> <li>▶ <b>Specific priority 1</b> supports projects proposing particularly innovative means of informing and counselling potential returnees and/or other innovative incentives for increasing the number of voluntary returnees based on respect for the dignity of the individuals concerned.</li> <li>▶ <b>Specific priority 2</b> supports projects which test new working methods to speed up the process of documenting returnees in cooperation with the consular authorities and immigration services of third countries.</li> </ul>
<p><b>Priority 4:</b> Support for Community standards and best practices on return management.</p>	<ul style="list-style-type: none"> <li>▶ <b>Specific priority 1</b> concerns evaluations and missions to measure progress in return programmes, tools and processes;</li> <li>▶ <b>Specific priority 2</b> deals with measures taken at national level to ensure a fair and effective implementation of common standards on return, including the training of practitioners.</li> </ul>

**Priority 1** 'Support for the development of a strategic approach to return management by Member States' can be mainly linked to Specific Objective a).

**Priority 2** 'Support for the cooperation between Member States in return management' can be mainly linked to specific objective b).

**Priority 3** 'Support for specific innovative (inter)national tools for return management' is cross-cutting. This priority is not linked to any of the three specific objectives of the RF in particular.

**Priority 4** 'Support for Community standards and best practices on return management' can be mainly linked to Specific Objective c).

While those priorities aimed to better target EU funding to policy objectives, it also resulted in a complex architecture, with the specific objectives and example of eligible actions on the one hand and priorities and specific priorities on the other hand not always matching

perfectly. As mentioned above, for example priority 3 does not correspond to any specific objective. Also, projects aimed at supporting the cooperation with third countries fall either under Objective a)/Priority 1 (if one MS involved), Objective b)/Priority 2 (if several MSs pool their resources to cooperate with third countries) or Priority 3 (if the project aims at testing new working methods to speed up the process of documenting returnees in cooperation with consular or immigration services of third countries).

As priorities, being more concrete and more operational, were used to guide implementation of the national programmes by MSs, the latter were requested to program their actions and report on their implementation per priority. However, the evaluation methodology, required analysing the extent to which the RF had achieved the objectives as set in the legal base. The complexity of the global architecture of the Fund, combined with the limitations imposed by the reporting format, made the evaluation exercise difficult. Nevertheless, the objectives and priorities of RF are naturally strongly linked and reinforce each other. As a result, the RF has been assessed through the priorities, which, given the interlinkage with specific objectives, enabled the Commission to draw valid conclusions about the overall performance of the RF.

The weaknesses in the architecture of the Fund have been addressed when preparing the subsequent funding instrument: the AMIF includes three specific objectives (Asylum, Integration/legal migration and Return). The specific objective related to return is supported by three national objectives, and Member States are requested to report on the implementation of their national programmes in light of the objectives set out in the legal base.

#### **4 Evaluation questions**

The evaluation assessed the RF against five mandatory evaluation criteria laid down in the Commission Better Regulation Guidelines (effectiveness, efficiency, relevance coherence and EU added value). In addition, the co-financed actions were also assessed for their sustainability and complementarity. To assess these seven criteria, thirteen evaluation questions were defined (see Annex 5).

#### **5 Method**

This evaluation relies on a supporting study carried out between April 2016 and March 2017 by a consulting firm specialising in evaluation. The methodology combined desk research, on-site visits, and qualitative and quantitative analysis. It required a systemic summary of the evidence regarding the implementation of the Fund. Most of the information was taken mainly from the Member States' national evaluation reports (NERs) and annual programmes (APs). The APs set out the operational objectives through actions for each year while the NERs provided information on outputs, results and impacts of the actions.

Targeted consultations took place with a broad range of stakeholders, including 22 Responsible Authorities (RAs), 24 beneficiaries, 7 EU officials and case-study respondents. The methodology combined interviews and case studies<sup>29</sup> (each involving a site visit). The

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<sup>29</sup> Six case studies were carried out, focusing on HU, IT, MT, NL, RO and UK. The MSs selected for the case studies were chosen following an assessment made by the consulting firm carrying out the supporting evaluation study and the Directorate-General Migration and Home Affairs (DG HOME) which sought to ensure a good representation in terms of MS geographical location and size.

case studies illustrate practical examples of projects carried out by MSs with RF support. The results of the case studies were integrated in the replies to the evaluation criteria. An Internet-based open public consultation was also carried out. A detailed analysis of the outcome of consultation activities may be found in Annex 2.

Information was triangulated to the extent possible in order to ensure validity and robustness. The financial data extracted from SFC<sup>30</sup> and ABAC<sup>31</sup> presented in the document was updated in January 2017.

## 5.1 Limitations

The evaluation process has encountered some difficulties that induced methodological limitations (see Annex 3 for more details).

In particular, the assessment of effectiveness and efficiency was hindered, to a certain extent, by the absence of comparable quantitative data. For annual programmes, it is due to the fact that the reporting requirements in the Fund's legal base did not stipulate that RAs should collect the data that would be required to conduct an assessment of effectiveness and efficiency<sup>32</sup>. To mitigate this, the assessment of these criteria had to rely on the qualitative data collected through the stakeholder consultations and the NERs. This, combined with the absence of a baseline, proved to be a limitation in terms of methodology. Also, it should be underlined that some annual programmes were not yet closed when the evaluation was carried out: one 2011 annual programme, three 2012 annual programmes and fifteen 2013 annual programmes were still open

Due to these limitations, it has not been possible to establish causal links between the RF's intervention and observed impacts or results; therefore, effectiveness has been evaluated in terms of outputs – which could be measured and compared across MSs – rather than impacts or results. Furthermore, it has been difficult to measure efficiency (the relationship between the inputs utilised such as time, human and financial resources and the results achieved) because, as the evaluation concluded, it was not possible to compare different types of projects. Hence, no clear trends could be established. Significant differences between Member States were sometimes not directly linked to the efficiency of the return action but to the policy and practice on return management at Member State level<sup>33</sup>. In addition, results could not be measured due to the lack of ex ante targets.

Moreover, indicators and quantitative targets were set by Member States through their Annual Programmes when selecting the actions supported by the programme for each year. For each action proposed, Member States defined independently the expected quantified results. As a result, there was a multitude of indicators across Member States with no harmonisation and a limited assessment on the side of the Commission.

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<sup>30</sup> System for Fund Management 2007 (SFC) is an online monitoring tool managed by the Commission services and used for certain funding programmes, where Member States can upload implementation reports and financial information.

<sup>31</sup> ABAC is the Commission's accrual-based online accounting system.

<sup>32</sup> This is explained by the fact that the Better Regulation agenda, which formalised the criteria of the evaluations to be carried out by the Commission, was adopted after the RF was established.

<sup>33</sup> An example is provided under the section devoted to Unit Costs in section 8.3.

In addition, the absence of convened definitions for benchmarks or units stems from different understandings among Member States of what to record in the NERs<sup>34</sup>. Despite the fact that guidance on the interpretation of the indicators was provided to RAs on an ad hoc basis, upon their request, and answers were made accessible to all RAs, the information recorded in the NERs still proved to be diverse and hardly comparable.

To mitigate to the extent possible the limitations mentioned, different mitigation strategies were taken by the evaluator. For effectiveness and efficiency, the analysis was based primarily on stakeholders' assessments, gathered through interviews with beneficiaries and RAs. In addition, the potentially positive stakeholder bias was corrected by looking at past achievements of predecessor programmes and the judgment of the evaluators. Overall, the availability, robustness and reliability of the data were sufficient to generate findings.

Under the successor fund, AMIF, in order to improve transparency and accountability, the Commission has developed a specific common monitoring and evaluation framework<sup>35</sup> and prepared a document to guide RAs in their evaluation exercises to be carried out all along the life cycle of the Fund.<sup>36</sup>

## 6 Management modes of the RF

The actions co-financed under the RF were implemented through two different management modes:

### 6.1 Shared management: Multiannual and Annual Programmes of the Member States

**Programming:** Under the shared management mode, MSs hold the primary responsibility for the implementation and management and control of the interventions of the Fund. Under this management mode, the Fund is implemented on the basis of strategic **multiannual programmes** adopted for each Member State covering the 2008-2013 programming period. In addition **annual programmes** were negotiated each year with each Member State within the framework set by the multiannual programme to implement the annual financial allocation granted to each of them.

**Calculation of the annual financial allocation**<sup>37</sup> for each Member State: to express solidarity with the Member States who bear, for the benefit of the EU, a heavier financial burden, the Fund basic act lays down the two objective criteria to be taken into consideration

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<sup>34</sup> Some Member States recorded the total compound number relating to an indicator in a given year (i.e. the total for the year in question and all the previous ones), while others provided only the additional number for that year (i.e. the change in the number). In addition some were not consistent in the units used for the indicators.

<sup>35</sup> Commission Delegated regulation (EU) No 2017/207 of 3 October 2016 on the common monitoring and evaluation framework provided for in Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, OJ L33, 8.02.2017, p. 1.

<sup>36</sup> The Guidance on the Common Monitoring and Evaluation Framework was developed in the framework of the evaluation network. It is a living document which is regularly updated, following discussions with Member State authorities and other stakeholders which are held during working group and evaluation network meetings. It is available to the Member States.

<sup>37</sup> Decision No 575/2007/EC, Article 14.

for the calculation of the annual allocation, i.e. **the number of removal decisions affecting third-country nationals over the previous three years**<sup>38</sup> and **the number of returns to third countries over the previous three years**<sup>39</sup>.

The provisional allocations were communicated to the Member States the year before (by 1st July each year<sup>40</sup>) the adoption of the annual programme in question and were based on average figures over the previous three years (e.g. allocation for the 2013 AP were communicated in 2012 and were based on data of 2009, 2010 and 2011). In 2011, an assessment on the annual distribution of resources in the Member States for the SOLID Funds was carried out. The report concluded that despite some minor difficulties in ensuring uniform application of the definitions imposed by the RF basic act, it proved possible to collect the necessary data to apply the criteria in accordance with the RF basic act and to deliver the calculation of the provisional allocations to Member States in time for them to be able to use them for the preparation of their annual programmes. As the application of the criteria have converged the bulk of the EU available resources around those Member States most affected by migratory pressure, the report also concluded that this confirms the purpose of the Fund as an instrument of financial solidarity for return management in the EU<sup>41</sup>.

**Content of the Annual Programme:** The annual programme sets out the **actions** to be implemented in the Member State and indicates their purpose, scope, beneficiaries (public authorities in charge of return, NGO's, international organisations etc), expected results and financial allocation (EU and national co-financing). Each action is then implemented by one or more **project(s)** on the ground. In the shared management context, the projects are selected by the competent national authority (i.e. the Responsible Authority (RA)). Member States are therefore independent and only ex post assessment is carried out by the Commission at the time of submission of the closure report of the AP in question. Under the 2011 – 2013 annual programmes, 912 projects were implemented by Member States. The target group for the Fund comprises all third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State, those who have not yet received a final negative decision in relation to their request for international protection in a Member State and who choose to make use of voluntary return and all third-country nationals enjoying a form of international protection and who choose to make use of voluntary return<sup>42</sup>.

During the eligibility period of each annual programme, Member States were entitled to request a **revision of their annual programme** to adjust the actions to the changing migration flows and/or emergency situations. However Member States were not entitled to request additional funding for the implementation of a specific AP.

The **EU co-financing rate** is set at 50%. This rate may be increased to 75 % for projects addressing specific priorities identified in the Strategic Guidelines as well as for projects implemented by the Member States covered by the Cohesion Fund<sup>43</sup>.

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<sup>38</sup> See footnote 13 for a definition.

<sup>39</sup> See footnote 11 for a definition.

<sup>40</sup> Decision No 575/2007/EC, Article 21.2

<sup>41</sup> Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - The application of the criteria for the 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, 20 July 2011, COM(2011)448, point 3.3.3.

<sup>42</sup> Decision No 575/2007/EC, Article 7.

<sup>43</sup> Decision No 575/2007/EC, Article 15.4.

**Technical assistance:** Member States were entitled to use the funds allocated to the AP to finance "*preparatory measures, management, monitoring, evaluation, information and control measures as well measures for the reinforcement of the administrative capacity for the implementation of the Fund*"<sup>44</sup>. For the AP 2011 to 2013, the technical assistance was set at 4% of the total annual amount of funding allocated plus EUR 30,000.

**Closure of the Annual Programme:** The eligibility period of each annual programme was set at two years and a half (e.g. 2013 annual programme ran from 1 January 2013 until 30 June 2015). After the end of eligibility period, the Member States submitted a final report, which included an audit report. The part of the annual allocation not spent – if any – after the end of the eligibility period was lost for the Member States and for the Commission.

## **6.2 Direct management: Annual Work Programmes of the Commission**

Under this management mode, up to 7% of the RF's available resources could be used to finance transnational actions or actions of interest to the EU as a whole, which were managed by the Commission (**Community actions**).

Each year the Commission adopted an **annual work programme** (AWP) specifying how the objectives of the RF were to be pursued for the implementation period, taking into account the policy context. The AWP's were mainly implemented via grants, for which the Commission then launched calls for proposals defining the eligible actions. Calls for proposals were addressed to public authorities from the Member States participating in the Fund, International Organisations and NGOs registered in one of the Member States. The RF Community Actions were co-financing (up to 90% of the total eligible costs of the action) transnational projects predominantly in the Assisted Voluntary Return (AVR) field<sup>45</sup>. The projects complemented the national programmes and encouraged EU-wide cooperation and experience sharing in different aspects of the AVR process.

In addition, to top up the allocation provided to their annual programmes, the 2011 to 2013 AWP's made it possible for the Commission to grant **emergency assistance** – without a call for proposal - to Member States in duly substantiated emergency situations requiring urgent action. Over the period, the Commission awarded 6 emergency assistance grants.

Finally, the 2013 AWP provided for the signature of two **joint management action grants** with the International Organisation for Migration (IOM) without a call for proposals. The objective of the cooperation with IOM under joint management was to establish continuous, effective support to the Member States in setting up and further development of coordinated, effective assisted voluntary return (AVR) management system.

Overall, an amount of **EUR 32 million** was made available for direct management under the 2010 to 2013 AWP's and thirty-six direct management projects were financed via grants: six in 2010, eleven in 2011 (including two emergency action grants), ten in 2012 (including two emergency action grants) and nine in 2013 (including two Joint Management action grants and two emergency action grants).

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<sup>44</sup> Decision No 575/2007/EC, Article 17.

<sup>45</sup> Assisted Voluntary Return = Voluntary return or voluntary departure supported by logistical, financial and/or other material assistance (European Commission, Communication on an EU Action Plan on Return, COM(2015) 453 final, 9 September 2015, p. 3).



## 7 Implementation status of the two management modes

The RF was launched in 2008 with a total financial allocation of EUR 676 million (2008-2013). For 2011-2013 period, EUR 435 million was allocated to shared management (AP). An amount of EUR 32 million was allocated to Community actions under direct management. Table 1 below shows the EU distribution of financing under the different management modes during the period under assessment<sup>46</sup>.

Table 1: Total programmed EU contribution for RF, 2011-2013 (EUR)

	2011	2012	2013	Total
<b>Shared management (via national programmes)</b>	109,000,000	151,124,999	175,341,241	435,466,240
<b>Direct management (via Community actions, including emergency actions and joint management actions)</b>	8,068,942	12,010,860 <sup>47</sup>	11,861,176	31,940,978
<b>Total programmed RF EU contribution<sup>48</sup></b>	117,068,942	163,135,859	187,202,417	467,407,218

### 7.1 Implementation through shared management (annual programmes)

#### *Finding 1: Absorption rates are good and remain stable at 81%*

Actions under national programmes were implemented from 1 January 2011 to 30 June 2015. It should be underlined that some annual programmes were not yet closed when the evaluation was carried out: one 2011 annual programme, three 2012 annual programmes and fifteen 2013 annual programmes were still open. The final total EU contribution for 2011-2013 closed annual programmes amounts to EUR 200 000 705 and for the open programmes the forecast final total EU contribution amounts to EUR 153218 758, hence the final total EU contribution for both open and closed programmes for 2011-2013 amounts to EUR 353 219 463. The analysis of implementation has thus considered both "closed" and "open" programmes, which means that the final implementation rate might be slightly different from the figures presented below.

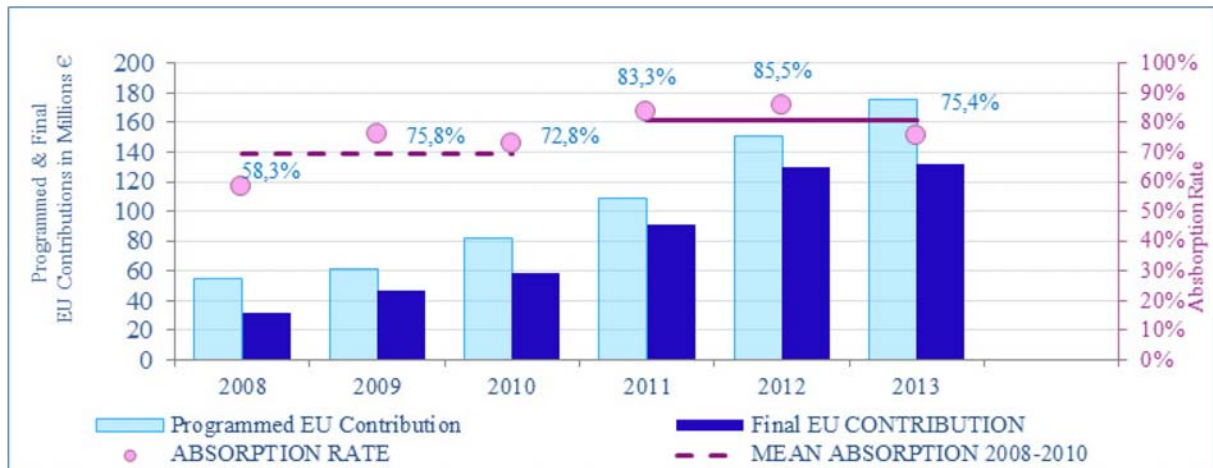
As illustrated by Figure 1, the programmed EU contribution under shared management rose gradually by 61% from EUR 109 000 000 in 2011 to EUR 175 341 241 in 2013.

Figure 1: Programmed and final EU contributions and absorption rates by year for RF shared management (2008-2013)

<sup>46</sup> The data used was updated in December 2016. Given that some programmes were still open at the time of the evaluation, both open and closed programmes are taken into consideration.

<sup>47</sup> This includes EUR 4,129,915 which is the estimated expenditure for a project under emergency actions which started in 2012 and was not yet closed at the time of writing.

<sup>48</sup> These figures are the sum of the shared management programmed EU contribution and the direct management programmed EU contribution.



Source: European Commission data as of 31.01.2017 (SFC2007)<sup>49</sup>

The RF absorption rate ranged from 58% in 2008 to 85.5% in 2012. The average absorption rate was higher in 2011-2013 (81%) than in 2008-2010 (70%), which suggests that stakeholders developed greater expertise over the course of the period studied. The absorption rate remained stable during 2011-2013

No strong correlation could be identified between Member State implementation rates and the number of projects or the size of the projects implemented. For example, Finland, Ireland and the United Kingdom had a low number of projects and higher than average implementation rates, which could suggest that they were better able to target fund usage; however, Germany, Poland and Hungary had a higher number of projects and also had higher than average implementation rates, which shows that the number of projects does not necessarily have an effect on the implementation rate. Regarding project size, Finland had the smallest project size and it had a high implementation rate (91%), while France had very large projects (an average of EUR 3 million) and had the highest implementation rate; this again shows that there is no strong link between these factors.

While the *ex post* evaluation of the RF (2008-2010) found for that period that Member States with a high implementation rate were often those which received high financial allocations, the same pattern could not be established for the implementation of the RF in 2011-2013.

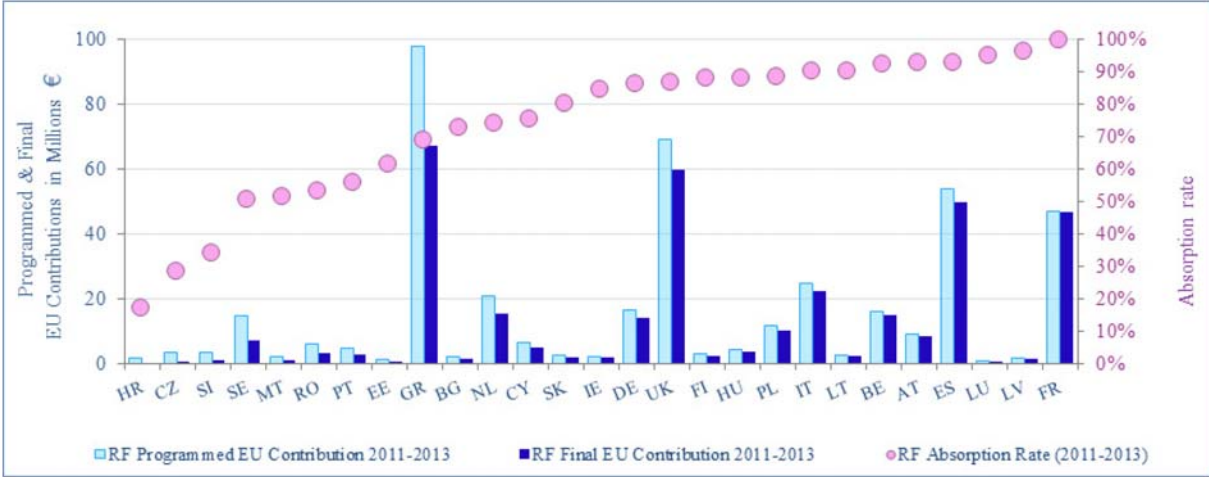
As can be seen in Figure 2, there are large differences between Member State implementation rates, which for 2011-2013 range from 17% for Croatia to 99.6% for France. A positive trend can be seen in the fact that most Member State implementation rates over 2011-2013 were higher than for 2008-2010. The exceptions to this trend were Malta (-21%), Romania (-10%), Portugal (-4%), Slovakia (-7%), Spain (-5%) and Slovenia (-2%)<sup>50</sup>. One of the main factors influencing implementation rates was the reduction of migration flows to some Member

<sup>49</sup> System for Fund Management 2007 (SFC) is an online monitoring tool managed by the Commission services and used for certain funding programmes, where Member States can upload implementation reports and financial information. These data were aggregated manually.

<sup>50</sup> The negative percentages reflect the fact that these Member States had lower implementation rates in 2011-2013 compared to the 2008-2010 period.

States, which meant that a lower number of persons were returned than initially planned for, and this in turn resulted in an adjusted lower need for funding for such projects.<sup>51</sup>

Figure 2: Programmed and Final EU contributions and absorption rates by Member State for RF shared management (2011-2013)



Source: European Commission data as of 31.01.2017 (SCF2007)<sup>52</sup>

*Finding 2: 'Sharing the burden' – the distribution of RF funding follows partially the trends in arrivals and return of irregular migrants*

The total RF contribution varied significantly across Member States. Four Member States<sup>53</sup> account for almost 62% of the total programmed and the total final EU contributions. Funds were allocated on the basis of the methodology set out in the legal basis of the Fund (See Section 6.1). The largest allocations were granted to the Member States with the highest influxes of irregular migrants and the highest number of returnees: Greece, the United Kingdom, Spain and France.

However, the allocated budget for the Member States shows a delay of three years compared to the trend in return decisions and effected returns. This weakness was mitigated to some extent by the allocation of emergency assistance actions to support Member States in case of situations requiring urgent action (see Section 8.2.4). Some flexibility was also provided under shared management by the fact that Member States could revise their annual programmes and shift funding from areas where there would have been an underspend to areas faced with a potential overspend, thereby taking into account new or changing needs and unforeseen events.<sup>54</sup>

*Finding 3: Due to the absence of a threshold, EU funding was concentrated on Priority 1*

<sup>51</sup> This was the case for Malta and Romania, which experienced a peak in effected returns in 2011 and 2012 respectively and then saw a decrease in 2012 and 2013, given lower numbers of arrivals. See European Commission (2017) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex A: Case Study Reports.

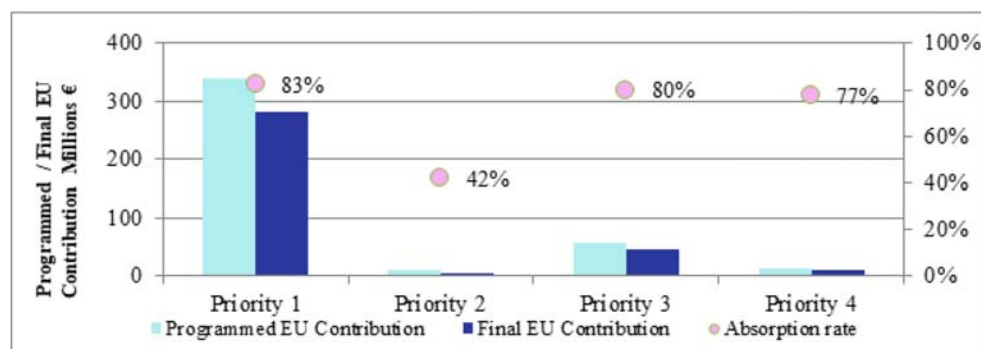
<sup>52</sup> These data were aggregated manually.

<sup>53</sup> EL (22.5%), ES (12.4%), FR (10.8%), UK (15.9%).

<sup>54</sup> As provided by Article 19 of Decision 2008/458/EC, amended by Decision 2011/177/EU.

Under the 2011-2013 APs, funds were allocated to four funding priorities unequally<sup>55</sup>. Over 81% of funding was allocated to priority 1; 3% under priority 2; 13% under priority 3; and 3% under priority 4. Member States thus tended to prioritise the development of a strategic approach to return management (priority 1) over all other priorities.

Figure 3: Programmed and final EU contribution by priority, 2011-2013



Source: European Commission data as of 21.03.2017 (SCF2007)<sup>56</sup>

## 7.2 Implementation through direct management

Under the 2010 to 2013 AWP, 28 Community actions (with the exclusion of joint management actions and emergency assistance) were implemented for a total amount of more than EUR 16.5 million (commitment), and with an implementation rate of 78% for 2010-2012. For the 2013 AWP, at the time of the evaluation, data was not available on the final EU contribution for four out of five Community actions, so the implementation rate has only been calculated up to 2012. The total final EU contribution for Community Actions under the 2010 to 2012 AWP was of EUR 6,377,248.

In addition, 2 Joint Management actions were implemented under the 2013 AWP with a granted EU contribution of EUR 2 million.<sup>57</sup>

Finally, six emergency assistance projects were financed with a granted EU contribution of EUR 13,436,067.44 million. The applications submitted by Member States for these projects were not subject to calls for proposals<sup>58</sup>, in order to increase the speed at which these projects could be implemented. The absorption rate of these projects was very high, ranging from 93% to 100%, with the exception of one project which had a 48% absorption rate<sup>59</sup>. The high

<sup>55</sup> Priorities (1) Support for the development of a strategic approach to return management by Member States; (2) Support for the cooperation between Member States in return management; (3) Support for specific innovative (inter)national tools for return management; (4) Support for Community standards and best practices on return management.

<sup>56</sup> These data were aggregated manually.

<sup>57</sup> IOM was the beneficiary of both of these actions. As the projects were not yet closed at the time of writing the report, the implementation rate is not available.

<sup>58</sup> As provided in Article 168(1) of the Rules of Application (Regulation No 2342/2002).

<sup>59</sup> The lower implementation rate of this project is due to the fact that the initial allocated budget was under spent. The initial planned number of UAMs to be returned by the project was not met (only 5 UAMs out of the 50 initially foreseen wished to return voluntarily); this meant that the reintegration grants budget line was not used and that the fees linked to the reintegration monitoring of assisted UAMs were not spent. The

absorption rates suggest that the EU funding provided was very necessary and that the project beneficiaries had the capacity to implement it.

## 8 Answers to the evaluation questions

### 8.1 Relevance

*EQ10: To what extent did the RF objectives correspond to needs in the field of return management?*

*EQ11: To what extent did the objectives of the actions under the RF 2011-2013 correspond to the needs in the field of return management?*

**Main conclusions:** Overall, the majority of Member States and all respondents to a survey found that the RF objectives corresponded to their needs in the field of return management. The development of a strategic approach to return management (Integrated return management) (Specific Objective a)/Priority 1) was highlighted as the most relevant specific objective/Priority of the RF.

As reflected by the very low amount allocated by MSs to the second specific objective (b)/Priority 2 'Cooperation between Member States in return management', the latter was considered less relevant to most Member States' needs. The same conclusion can be drawn for Specific Objective c)/Priority 4 on support for Community standards and best practices.

As for the evolution of the needs, the continued relevance of the RF was ensured by the fact that MSs were entitled to revise their AP to adjust actions according to their changing needs.

Some shortcomings were identified as to the eligibility rules, which were all addressed in AMIF.

The majority of Member States<sup>60</sup> and all respondents to a survey<sup>61</sup> found that the RF objectives corresponded to their needs in the field of return management<sup>62</sup>.

The development of a strategic approach to return management (Integrated return management) (Specific Objective a)/(Priority 1) was highlighted as the most relevant specific objective/Priority of the RF<sup>63</sup>. A number of Member States indicated that they lacked experience prior to their accession to the EU, and thus considered particularly relevant Priority 1 as it addressed their need to develop their return management system, including in relation to assisted voluntary return and reintegration (AVR(R))<sup>64</sup>. In addition, in this area,

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funding allocated for the service fees for the contribution of partner organisations to national reports on family tracing was also largely under spent.

<sup>60</sup> AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, IE, LT, NL, PL, PT, RO, SI, SK.

<sup>61</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C.

<sup>62</sup> 100% of respondents to a survey considered that project objectives were relevant to the needs of their specific MS, while 88% found them relevant to the needs of the EU as a whole (European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C).

<sup>63</sup> Indeed, 63% of all projects under the RF were implemented under this Priority.

<sup>64</sup> BG, CY, EE, HU, LT, PL, SK.

several Member States<sup>65</sup> and the majority of respondents to a survey<sup>66</sup> defined the support of assisted voluntary return (AVR(R)) programmes and reintegration measures (specific priority 1 of Priority 1) as their key need.

In addition, in the context of specific objective a)/Priority 1, the funding by the EU of activities aiming to develop and enhance cooperation between a Member State and countries of origin (Priority 1 - specific priority 3) to facilitate the organisation of returns and their effectiveness and sustainability was deemed particularly relevant by a significant number of Member States<sup>67</sup>. However, the evaluation showed that bilateral cooperation with third countries could be less relevant than a multilateral approach which provided EU Member States with a stronger influence<sup>68</sup>. The second specific objective (b)) (and Priority 2) 'Cooperation between Member States in return management' was considered less relevant to most Member States' needs. This is reflected by the fact that only 5% of the number of projects funded under the 2011-2013 annual programmes were implemented under Specific Objective b)/Priority 2 and that the final eligible costs of these projects represented only 1%. Some Member States indicated that they preferred to improve return policies at the national level before engaging with others<sup>69</sup>.

Specific Objective c)/Priority 4 on support for Community standards and best practices in the field of return management were declared very relevant by only three Member States<sup>70</sup>. This is reflected by the fact that the projects implemented under Priority 4 represented 14% of the total number of projects funded by the RF under the 2011-2013 annual programmes and represented just 2% of the total final eligible costs.

As for the evolution of the needs, the continued relevance of the RF was ensured by its flexibility: the possibility of adjusting actions during the eligibility period of each AP enabled the provision of a response to the changing migration flows and emergency situations observed during that period. For instance, Italy indicated that they revised their AP in order to reallocate funds from the organisation of a communication campaign to forced return actions, in response to the emergency situation arising from instability in Northern Africa during the evaluation period.

Finally among the shortcoming raised by beneficiaries, including by beneficiaries of Community action grants, regarding the relevance of Specific Objective a)/Priority 1 was that the RF's target audience was not sufficiently broad as it did not include some categories of migrants, such as those residing legally on the territory of Member States but wishing to return to their country of origin. This has been addressed in the subsequent funding instrument, AMIF, as the target group has been expanded to include third-country nationals enjoying the right to stay, legal residence and/or international protection or temporary protection who wish to voluntarily return to their country of origin.

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<sup>65</sup> AT, BG, CY, CZ, DE, FR, HU, LU, MT, PT, SK, UK.

<sup>66</sup> 88% of the stakeholders consulted through the survey also mentioned the need to facilitate voluntary return through AVR(R) programmes or reintegration measures (European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C).

<sup>67</sup> AT, CY, CZ, DE, EE, EL, ES, FI, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK.

<sup>68</sup> For example, the Benelux countries preferred to negotiate multilateral readmission agreements.

<sup>69</sup> SE and AT.

<sup>70</sup> AT, CY, LT.

In addition, some Member States provided examples of needs that were not addressed by the Fund. Estonia and Spain provided examples of needs which could not be addressed through RF funding, such as the upgrading of IT systems (EE), increasing the accommodation capacity of detention centres (EE), and the initial reconstruction of detention centres (ES)<sup>71</sup>. This has been addressed in the AMIF which covers 'the establishment, maintenance and improvement of accommodation, reception or detention infrastructure, services and conditions'<sup>72</sup> and 'the setting up of administrative structure and systems, including IT tools'<sup>73</sup>.

## 8.2 Effectiveness

*EQ1: To what extent did the RF 2011-2013 actions contribute to the achievement of the objectives defined in the Articles 2 and 3 of Decision No 2007/575/EC and to the priorities defined by the strategic guidelines (Decision No 2007/837/EC)?*

**Main Conclusion:** Globally, the evaluation found that the RF was mainly effective in reaching the objectives laid down in the legal basis, although the degree of effectiveness varied greatly across the different types of priorities and actions and some problems were encountered by Member States, RAs or beneficiaries.

Several sources suggest that the overall contribution of the RF to the achievement of the Fund's objectives was positive. The global results and achievements of the RF were assessed as positive by 23 Member States<sup>74</sup> and this is confirmed by the results of a survey of beneficiaries under Member States' Annual Programmes (APs).<sup>75</sup> The large majority (93%) of projects carried out by respondents to the survey were implemented as planned, and 80% of these did not encounter major implementation obstacles. Over 90% of respondents considered that reaching planned results and objectives was highly effective. **Areas in which the RF made a significant contribution were** ensuring a better balance between voluntary and forced returns; the development of an integrated management approach and system; providing support to Member States dealing with situations of particular pressure; and the enhancement of Member State return capacity. The RF also made a positive contribution to the provision of support to Member States in emergency situations requiring urgent action, in particular given the limitations of the distribution key to cope with changing migratory pressure.

At a project-specific and action-specific level, some problems or limitations regarding effectiveness were found. **The RF had a moderate impact on** the enhancement of Member State cooperation, the implementation of EU standards and best practices, the development of innovative (inter)national tools for return management, and the improvement of cooperation with third countries. **The RF had a limited impact on** the improvement of cooperation

<sup>71</sup> In 2012 the purchase, construction or renovation of detention centres became eligible under the RF, see Article 1 of Commission Implementing Decision (EU) No. 2012/718 of 20 September 2012 amending Decision 2008/458/EC laying down rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 to 2013 as part of the General programme Solidarity and Management of Migration Flows as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund, OJ L 326, 24.11.2012, p. 17–18

<sup>72</sup> Article 11(f) of Regulation (EU) No 516/2014.

<sup>73</sup> Article 11(g) of Regulation (EU) No 516/2014.

<sup>74</sup> AT, BE, BG, CY, CZ, DE, EE, ES, FI, HR, HU, IE, IT, LT, MT, NL, PL, PT, RO, SE, SI, SK, UK

<sup>75</sup> European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C.

between different governance levels at the national level. The effectiveness of the RF in these different areas is discussed in more detail below in response to the relevant specific evaluation questions.

### *8.2.1 Specific Objective a): The contribution of the Fund to the introduction and improvement of integrated return management*

**EQ2:** *To what extent did the actions under the RF 2011-2013 contribute to the development of integrated return management and in particular to the balance between forced and voluntary returns and to the setting up of a return procedure based on the situation of the potential returnees?*

**Main conclusion:** The RF has contributed to the development of an integrated return management system (under specific objective (a) of the RF Decision and Priority 1 of the Strategic Guidelines) to a large extent, although the planned numbers of returns were not always achieved. This was mostly due to changing migratory pressures, to difficulties in planning a realistic number of returns that could be attained, as well as to scheduling constraints and limited cooperation with partners countries and potential returnees. The fund was moderately effective in the implementation of forced returns and assistance to vulnerable groups, in particular unaccompanied minors. However, it contributed to raising the standards of the return management system as a whole. The RF has particularly contributed to the achievement of a better balance between voluntary and forced return, with a considerable increase in voluntary returns in 2011-2013.

The RF **has been effective in supporting the development of an integrated return management system** (Specific Objective a)/ Priority 1) at both the national and EU levels.

**At the national level**, most Member States<sup>76</sup> stressed the important contribution that the RF made by introducing and enhancing the implementation of integrated return management. Member States highlighted the positive impact of the RF in terms of contributing to the planning and strategy of an integrated return management system (BE and HU<sup>77</sup>); the comprehensiveness and coherence of national activities in the area of return (EE and ES); the governance of return activities and the possibility to manage them in an integrated manner (IT). Some Member States highlighted specific challenges in relation to the development of an integrated return management system<sup>78</sup>. Bulgaria for instance saw the development of integrated return management as a long-term process which could not be completed in the period 2011-2013.

In addition, nine Member States<sup>79</sup> specifically mentioned the importance of the RF contribution to reintegration support as a complement to their Assisted Voluntary Return programmes. Reintegration services provided with the support of the Fund included, for

<sup>76</sup> AT, BE, BG, CY, DE, EE, FR, HU, IE, IT, MT, PL, RO, SI, SK and UK.

<sup>77</sup> For instance, in HU the MAP drafted for the purpose of implementing the RF at the start of the funding period had, to a high extent, played the role of an integrated return management plan.

<sup>78</sup> BG, CZ.

<sup>79</sup> AT, BE, DE, FI, HU, IT, MT, PL, UK.



example: complementary financial support (AT, HU, IT, PL); pre-departure trainings to improve the skill set of returned (DE, HU, IT); assistance in identifying and seizing potential (self-) employment opportunities (DE, IT, PL); assistance in obtaining travel documents and transit to target locations (PL).

**At EU level, the Community actions 2010-2013** funded several return and reintegration programmes, such as the European Integrated Approach on Return towards Third Countries – (EURINT), the European Reintegration Instrument (ERI), and the European Reintegration Network – ERIN) which helped to fill gaps in national return policies by enabling practical cooperation among Member States and between Member States and third countries.

The Fund has proven to be effective in contributing to the different components of integrated return management.<sup>80</sup> Below, the RF's contribution to each component is assessed.

#### – The promotion of voluntary return over forced return

The share of voluntary returns out of the total number of returns has gradually increased in the EU over the past years. In 2013, it is estimated that around 40% of returns were voluntary departures, from just 14% in 2009<sup>81</sup>. To promote the voluntary return of persons, in particular persons who are under no obligation to leave the territory, provision should be made for incentives for such returnees, such as preferential treatment by providing enhanced return assistance. This kind of voluntary return is both in the interests of a dignified return of returnees, as well as of the authorities in terms of cost-effectiveness.

The RF was particularly effective in contributing to a better balance between forced and voluntary returns. While Member States had a propensity to finance forced return over voluntary return operations<sup>82</sup>, the financial contribution of the RF sought to bring a balance between these through the provision of a slightly higher allocation to voluntary returns<sup>83</sup>. This was not necessarily followed by a general shift in approach or policy at Member State level... However, in terms of outcomes, the number of persons returned voluntarily under the RF was significantly higher than the number of unilateral forced returns in 2011 (73% higher) and 2013 (157% higher)<sup>84</sup>. Currently, all the Member States that made use of the RF over 2011-2013 have at least one Assisted Voluntary Return (and Reintegration) programme (AVRR) in place.<sup>85</sup>

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<sup>80</sup> For a definition of integrated return management and of its components, see Article 3(2) of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows'.

<sup>81</sup> (COM(2015)453).

<sup>82</sup> For the wider return area spending on forced return accounted for a higher ratio than spending on voluntary return (33% versus 20% respectively).

<sup>83</sup> Under the RF, allocated spending on voluntary returns was slightly higher than on forced return (36% versus 32% respectively).

<sup>84</sup> Overall, the number of persons returned voluntarily gradually doubled over the years, from 21,057 in 2011 to 45,077 in 2013. Data taken from the National Evaluation Reports, see also European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B. Data was not available for CY, HR, and SE.

<sup>85</sup> This does not include Croatia, as it only participated from 2013 onwards, upon accession to the European Union.

Despite these positive outcomes, a few Member States<sup>86</sup> reported that their RF-funded projects on AVR(R) had not reached the planned number of persons returned. Underperformance was attributed to difficulties in estimating the number of voluntary returns accurately at the moment of drafting the annual programmes (EE, ES); insufficient cooperation with the International Organisation for Migration (IOM); or the time taken to develop an outreach programme and to build trust with potential returnees (UK).

The RF was moderately effective in supporting the implementation of forced returns. Over 68 000 forced returns were implemented with RF support in 2011-2013 out of an estimated 195 117 conducted by Member States through unilateral forced return operations.<sup>87</sup> In six Member States<sup>88</sup> the outputs achieved with forced returns were lower than planned. Reasons mentioned for this were the impact of changing migration pressures which made it difficult to predict the number of implemented returns (EL, PL, ES); a lower number of returns eligible under the RF (CY); problems in identifying returnees held in detention centres due to the high numbers involved and to delays in the procurement process which hindered the organisation of charter flights (EL); and a lack of cooperation from countries of origin (FI, EL, UK). Nevertheless, overall, while the actions supported by the Fund may not have directly contributed to increase the number of third-country nationals returned, they were found to have raised the standards of the forced return management system as a whole. For example, authorities in Hungary emphasised the importance of providing professional escort services (including medical escorts) whilst authorities in Poland expressed the view that capacity-building measures in the areas of forced return and detention had led to improvements in the quality of the return management system. For the next programme of funding, Article 12 of the AMIF Regulation now seeks to foster a continued improvement of EU standards in this area<sup>89</sup>.

– **A return procedure based on the situation of the potential returnees (assistance to vulnerable persons in particular)**

The effectiveness of RF actions in the set-up of a return procedure based on the situation of the potential returnees **varied across Member States on a case-by-case basis**. With regards to the provision of assistance to meet the potential needs of vulnerable persons in the framework of return procedures, on average 4 000 vulnerable persons were assisted during their voluntary return each year with a short spike in 2013 when this number reached 5 610.<sup>90</sup> Belgium, Hungary and Sweden had particular success stories in this area for specific projects, meeting or even exceeding set targets.<sup>91</sup> Other projects were less successful, such as in Belgium<sup>92</sup> and Estonia<sup>93</sup>. A shortcoming of the RF regulatory framework in this area was

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<sup>86</sup> CZ, EE, ES, MT and the UK.

<sup>87</sup> Data was not available for BG, CY, DE, IE, SE. See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B.

<sup>88</sup> CY, EL, ES, LU, PL and UK.

<sup>89</sup> Article 12 of the AMIF Regulation provides that actions on AVR(R) and removal operations should receive support, with an emphasis on the standards laid down in EU law. It excludes the funding of coercive equipment.

<sup>90</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B, Figure 41.

<sup>91</sup> For details regarding these success stories, see *ibid*, pp. 50-51.

<sup>92</sup> Belgium, for instance, only managed to assist one unaccompanied minor (UAM) in returning to Morocco in 2011-2013, instead of the ten initially planned, under a project implemented by IOM. Another UAM-related

the lack of coverage of the costs related to the reception of unaccompanied minors (UAMs). This was seen by authorities in France as a particular weakness since this group could not be returned.<sup>94</sup> Under AMIF, according to Regulation (EU) No 516/2014 Article 15(1)(b), EUR 360 million, may be allocated to Member States wanting to implement actions in the area of return which entail intra-EU cooperation. One type of Specific Action which may be implemented is 'Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin'.<sup>95</sup>

Complementing national initiatives, **ten Community actions and one Emergency action** concerned the provision of assistance to vulnerable persons. The Emergency action aimed to address the needs of unaccompanied minors in Greece<sup>96</sup>, while Community actions included projects monitoring the return of minors to Kosovo and Albania,<sup>97</sup> enhancing the capacities of EU Member States and third countries to promote durable solutions for UAMs,<sup>98</sup> enhancing the AVR(R) of migrants with a chronic medical condition,<sup>99</sup> or coordinating approaches for the reintegration of victims of trafficking (CARE).<sup>100</sup>

#### – **The Contribution of the RF to Cooperation between Member States and Third Countries**

*EQ4: To what extent did the actions under the RF 2011-2013 contribute to the cooperation between Member States and third countries in return management?*

The RF had a **moderate impact in this area**, partly due to a lower share of projects in this area: eleven Member States reported not having carried out any returns in cooperation with third countries.<sup>101</sup> Despite this, available data from six Member States which did implement projects in this area shows that the number of persons returned forcefully further to cooperation with third countries increased from 8 665 in 2011 to 11 709 in 2012, and 11 715 in 2013.<sup>102</sup> This is supported by the reports of 12 Member States highlighting that the RF helped to improve their relationship with third countries, speeding up identification procedures, and increasing the number of both voluntary and forced and voluntary returns<sup>103</sup>.

Member States reported some factors which undermined the effectiveness of the actions implemented in this area, such as the reluctance of some authorities in partner countries to

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project (STAVR(R)), implemented by Caritas, also failed to achieve its set targets as the preparatory work of a case was underestimated and the project period proved to be too short.

<sup>93</sup> In Estonia, the number of vulnerable persons assisted in their return was three in 2011 but zero in both 2012 and 2013 due to the fact that no vulnerable persons applied for support.

<sup>94</sup> Interview with the French RA.

<sup>95</sup> Other types of Specific Actions, as outlined in Annex II to the AMIF Regulation, also include 'Joint return operations' and 'Joint reintegration projects in the countries of origin with a view to sustainable return, as well as joint actions to strengthen third countries' capacities to implement Union readmission agreements'.

<sup>96</sup> Project HOME/2011/RFXX/CA/EA/4002.

<sup>97</sup> Project HOME/2011/RFXX/CA/1004.

<sup>98</sup> Project HOME/2011/RFXX/CA/1007.

<sup>99</sup> Project HOME/2011/RFXX/CA/1014.

<sup>100</sup> Project HOME/2012/RFXX/CA/1015.

<sup>101</sup> AT, BE, EL, EE, ES, HU, IT, NL, PT, SK, SI.

<sup>102</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B, Figure 40. Data is not available for 11 Member States (BG, CY, CZ, DE, FI, HR, IE, LT, LU, LV, SE).

<sup>103</sup> BE, BG, CY, FU, DE, IT, MT, NL, PL, PT, RO and SE.

cooperate in the field of return and reintegration, the short timeframe, and unrealistic expectations sometimes set for the projects, given that the establishment of contacts and the agreement of mutual goals with third countries took a significant amount of time.

For these reasons, some Member States preferred to participate in Community actions such as the European Initiative on an Integrated Return Management Network (EURINT)<sup>104</sup> and European Return Liaison Officers (EURLO) Networks<sup>105</sup>, which facilitated a multilateral approach to return and were more attractive to third countries, focusing on improving operational cooperation rather than on concluding cooperation agreements per se. Some Member States<sup>106</sup> implemented cooperation activities within the framework of AVR(R) programmes and involved not only the authorities of third countries, but also international organisations and other local partners. The subsequent fund gives importance to Community actions in this area.<sup>107</sup>

– **Cooperation between all stakeholders at different levels of each Member State**

*EQ7. To what extent did the actions under the RF 2011-2013 contribute to the cooperation between different levels (national, regional, local and urban)?*

The projects implemented under the 2011-2013 APs focused on developing modes of cooperation between different levels of public authorities in this field and fell under objective a)/Priority 1<sup>108</sup>. These projects aimed to enable officials to swiftly gain information on return experiences and practices elsewhere and, when possible, to pool resources. These projects **made a limited contribution to cooperation between different levels of authority in the Member States because it was only seen as relevant or desirable by a small number of Member States**. This finding is supported by the responses to a survey of the beneficiaries conducted by external evaluators: while 26% of respondents found that projects implemented under the RF had contributed to this goal "Fully" or "Fairly", 33% replied they had "Somewhat" contributed, 20% replied "Not at all" while 20% found this goal less relevant to their projects.<sup>109</sup> This is due to the fact that in the vast majority of Member States it is a national-level authority who has ultimate control over return policy and implementation, so that cooperation with other levels of authority is seen as less necessary (according to NERs). Given such low perceived relevance, projects under this action were only implemented in Belgium, Germany, Italy and Sweden.

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<sup>104</sup> EURINT sought to contribute to the development and sharing of Member State best practices in the area of return.

<sup>105</sup> EURLO aimed to foster operational cooperation with countries of origin through the appointment of Return Liaison Officers in key countries.

<sup>106</sup> EL, FI, MT, NL, PT, SE and UK.

<sup>107</sup> Under AMIF, according to Regulation (EU) No 516/2014 Article 15(1)(b), EUR 360 million, may be allocated to Member States wanting to implement actions in the area of return which entail intra-EU cooperation.

<sup>108</sup> Article 4.1 d) of RF Decision.

<sup>109</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C, Figure 88.

Despite this limitation, the projects implemented in the four Member States led to increased collaboration. In the cases of Germany and Italy, these cooperation projects facilitated the pooling of resources for return.

In addition, RF funding allocated under other priorities provided the opportunity to fund actions of local stakeholders, such as NGOs and authorities, which led to improvements in the capacity of stakeholders at a local level, and thus ultimately to an increase in the resources available at the national level (e.g. NL). In several Member States (BE, CZ, EL, FR, LT, PO, RO, UK) funding was used to increase the capacity of local NGOs and civil society stakeholders implementing or contributing to AVR(R), or of judiciary and law enforcement stakeholders, many of them operating at regional or local levels.

#### 8.2.2 *Specific Objective b) Contribution of the RF to Cooperation between Member States in Return Management*

*EQ3: To what extent did the actions under the RF 2011-2013 contribute to the cooperation between Member States in return management?*

**Main conclusion:** The RF has been moderately effective in supporting cooperation between Member States, as demonstrated by a low share of projects implemented under Specific Objective b). A positive impact of the RF in this area can be seen in the increase in joint return operations and cooperation partnerships agreed. In addition, Community actions, particularly the European Re-integration Instrument (ERI), the European Reintegration Network (ERIN) and the European Integrated Approach on Return towards Third Countries (EURINT) also contributed to enhancing cooperation. Room for improvement was identified in enhancing joint return mechanisms, which has been addressed under the successor fund, AMIF.

The RF has been moderately effective in supporting cooperation between the Member States in return management (**Specific Objective b) / Priority 2**). This is demonstrated by the fact that the lowest share of projects was implemented under this specific objective, representing 5% of the number of projects implemented under shared management and 1% of the final RF contribution. Nine Member States did not implement any projects under this Specific Objective under the 2011-2013 annual programmes.<sup>110</sup> However nine Member States<sup>111</sup> found that their actions under this priority had enhanced their cooperation with other Member States.

The main results of the improvement of the cooperation between Member States were as follows:

- increase in the number of RF-funded joint return operations carried out (from 17 in 2011 to 22 in 2013, with a total of 57 carried out over the evaluation period).
- increase in the number of persons returned via joint return operations (from 86 in 2011 to 284 in 2013, with a total of 539 persons returned through joint return operations over the evaluation period).<sup>112</sup>

<sup>110</sup> ES, FI, FR, HR, HU, LU, SE, SK and UK.

<sup>111</sup> BE, BG, DE, EE, IE, IT, NL, PL and SI.

<sup>112</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B. It should be noted that the NERs do not specify whether the data includes or excludes Frontex

- Increase in the number of new cooperation partnerships agreed with third countries in the field of return management (from 23 in 2010 to 34 and 43 in 2012 and 2013 respectively, with a total of 124 over the evaluation period).<sup>113</sup>

As mentioned above, the effectiveness of the RF was inhibited by the limited number of projects implemented in this area; on several cases, this was a result of cancellations of projects which had been initially planned.<sup>114</sup> Member States reported that they had given more importance to other priorities because of a lack of capacity to implement actions in this area (HR, LT); or because similar actions were funded through other sources (e.g. Frontex or national sources) (ES, HU).

Nevertheless, the impact of the RF on intra-EU cooperation goes beyond the effects of the actions funded under specific objective b). Some Member States that gave less importance to actions under this specific objective nonetheless expressed the view that the RF overall had greatly contributed to improving their cooperation with counterparts by enhancing the exchange of experience.<sup>115</sup> Community actions such as ERI/ERINT and EURINT<sup>116</sup> contributed to enhancing cooperation. The success of these initiatives is evidenced in the increase in the number of partners taking part in the relevant networks: from five Member States participating in ERI, to seven participating in ERIN, and over twenty cooperating in EURINT.

Further intra-EU cooperation could be fostered by enhancing joint return mechanisms to increase the number and scale of Joint Return Operations. An increase in the involvement of FRONTEX in return operations would also foster Member State cooperation, which would particularly benefit those Member States with limited diplomatic and consular networks. Under AMIF, a separate budget has been earmarked for the implementation of specific actions focusing on the cooperation between Member States, such as 'Joint return operations', 'Joint reintegration projects in the countries of origin with a view to sustainable return, as well as 'joint actions to strengthen third countries' capacities to implement Union readmission agreements', and 'Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin'<sup>117</sup>.

### 8.2.3 *Specific objective c): The Contribution of the RF to the Implementation of EU Standards and Best Practices in Return Management*

*EQ6: To what extent did the actions under the RF 2011-2013 contribute to the implementation of EU standards and best practices in return management?*

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Joint Return Operations and that data is not available for 12 Member States (CY, CZ, DE, ES, FR, EL, HR, LT, LU, LV, SE, UK). Data from Italy has been considered not reliable and disregarded.

<sup>113</sup> *Ibid.* Data is not available for Member States that indicated N/A and 0 for the reference period 2011-2015 (MS missing: AT, BG, CY, DE, EE, ES, HR, IE, LT, LU, LV, NL, PT, SI, SK, UK). Therefore the data reflects the evolution in 11 Member States.

<sup>114</sup> BG, CY, ES, FI, HR, HU, RO, SI, SK and UK.

<sup>115</sup> Information taken from interviews with the RAs of Bulgaria, Malta, Romania and Slovenia, from the United Kingdom case study and from France's ex-post evaluation report.

<sup>116</sup> See footnote 104.

<sup>117</sup> Regulation (EU) No 516/2014 Article 15(1)(b) and Annex II.

**Main conclusion:** The RF had a moderate impact on the implementation of EU standards and best practices given the relatively low amount of funding and low number of actions carried out under this specific objective compared to actions under other specific objectives. Particularly effective actions in this area concerned the improvement of detention conditions, the monitoring of returns, and the training on and exchange of best practices. Under AMIF, several provisions seek to ensure the continued and enhanced compliance of return practices with EU standards and best practices.

The RF had a moderate impact on the implementation of EU standards and best practices given the relatively low amount of funding and low number of projects carried out in this area under specific objective c)/priority 4 compared to projects under other specific objectives/priorities. Actions implemented under Priority 4 received 2% of RF programmed funding and financed 14% of the total number of RF actions under the 2011 to 2013 APs. Six Member States<sup>118</sup> did not implement at all actions in support of the implementation of EU standards and best practices on return management during the evaluation period. This was either due to cuts in national funding which meant that the focus was shifted to other priorities, or because this type of project was already directly or indirectly financed by other EU or national funds.

Even if a low amount of funding was allocated to this Priority, the majority of Member States expressed positive views on the contribution made to their efforts in the implementation of EU common standards and best practices on return<sup>119</sup>. Furthermore, 60% of respondents to an online survey<sup>120</sup> considered that their project had "Fully" or "Fairly" contributed to the development of research and best practices in the field of return.<sup>121</sup>

The main results achieved under this specific objective were as follows:

- improvement of detention conditions as well as the provision of legal assistance and other services such as psychological and social support and access to education for detained children<sup>122</sup>,
- Investments in alternatives to detention for families by providing special housing facilities<sup>123</sup>,
- Improvement of the monitoring of forced returns to ensure compliance with Article 8(6) of the Return Directive<sup>124</sup>,
- measures related to research, training and the exchange of best practices<sup>125</sup>, such as the provision of training to officials working in detention centres (e.g. EE, HU), to escorts

<sup>118</sup> AT, CY, CZ, ES, IE and UK.

<sup>119</sup> BE, BG, DE, EE, EL, FI, HR, HU, IE, IT, LT, LV, LU, MT, PL, RO, SE, SI, SK (views expressed in Member State ex-post evaluation reports or interviews with RAs).

<sup>120</sup> There were a total of 24 respondents to this survey, most from non-governmental or civil society organisations and international organisations.

<sup>121</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C.

<sup>122</sup> Particularly in BE, CZ, HU and SI.

<sup>123</sup> BE.

<sup>124</sup> Particularly in EE, FI and PL.

<sup>125</sup> Particularly in EE, HU, IT, LV and SE.

participating in forced return operations (e.g. IT, LV), to judges and prosecutors (e.g. HU) and to legal aid providers (e.g. LV).

Under **Community actions**, the Forced Return Monitoring project (FReM), implemented in 2012, set the foundation for the establishment of a pool of independent return monitors, trained to help ensure that the rights of returnees are respected in forced return operations. It contributed to an increased coordination of stakeholders involved in return and encouraged Member States to update their policies on forced returns in accordance with the Return Directive.<sup>126</sup>

In order to further ensure an enhanced implementation of EU standards and best practices in the field of return management, it is provided in the legal base of AMIF that this Fund should support measures accompanying return procedures, including the funding of alternatives to detention, the provision of assistance and legal aid, specific assistance for vulnerable people, and the establishment, maintenance and improvement of accommodation, reception, or detention facilities.<sup>127</sup> It is also provided that actions relating to assisted voluntary returns and to removal operations in general should be particularly supported with an emphasis on the standards laid down in EU law<sup>128</sup>.

#### 8.2.4 *Effectiveness of the principle of solidarity: The Contribution of the RF to the Support Services Provided to Member States in Emergency Situations*

*EQ7a: To what extent were the RF 2011-2013 actions, and in particular the RF Community actions, effective in providing support services to Member States in duly substantiated emergency situations requiring urgent action in the field of return management?*

**Main conclusion:** A generally high absorption rate and the positive perceptions of Member States suggest that RF actions made a positive and often crucial contribution to supporting Member States in emergency situations in the field of return management in particular in a framework in which the distribution key based on historical data showed its limitations to cope with changing migratory pressures.

As shown in Section 6.1, the distribution key of the annual allocation of funds to APs was designed in such a way that it helped support Member States most affected by migratory pressure and bearing the heaviest burden in the area of return of irregular migrants. In 2011, an assessment on the annual distribution of resources in the Member States for the SOLID Funds concluded that the key helped confirm "*the purpose of the Fund as an instrument of financial solidarity for return management in the EU*"<sup>129</sup>.

However the distribution key, and in particular the reference period of the data on which it was based, showed its limitations in the context of the crisis and the following unforeseen

<sup>126</sup> Particularly AT, BE, EL, HU and LU.

<sup>127</sup> Regulation (EU) No 516/2014, Article 11.

<sup>128</sup> Regulation (EU) No 516/2014, Article 12(c) and Article 12(d).

<sup>129</sup> Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions "The application of the criteria for the 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", COM (2011) 448.



circumstances. The yearly revision of the allocation of EU funds to the annual national programmes has been key to ensure that the funds available have targeted the most affected Member States. However, given the fact that the allocations provided in a given year to the Member States were calculated on the basis of data from previous years (See Section 6.1), the funding could not – for obvious practical reasons – take into account sudden and unforeseen circumstances. Consequently, the use of emergency measures proved to be crucial for those Member States which were subject to acute and urgent migration pressure. Hence, Emergency measures partially counter-balanced the limitations of the distribution key.

For example, in late 2013, when Bulgaria was faced with increased migration flow mainly due to the crisis in Syria, the AP2013 was being implemented. The financial allocation to the 2013 AP of Bulgaria was based on the number of return decisions issued during the years 2009 to 2011 (1 465 (2009), 1 705 (2010), 1 355 (2011)). Bulgaria's allocation for the 2013 APs was among the smallest. However, the number of third country nationals ordered to leave increased to 5 260 in 2013 and to 12 870 in 2014. The emergency allocation of around half a million<sup>130</sup> implemented in 2014<sup>131</sup> helped support Bulgaria in time of emergency situation as the annual allocation could not take into consideration these unforeseen circumstances.

In total six Emergency Assistance projects were financed under the 2010 to 2013 Community Action Annual Work Programmes, with the aim of providing support services in cases of duly substantiated emergency situations<sup>132</sup>. Overall, the absorption rate of these projects was very high, ranging from 93% for the AVR project implemented for Bulgaria (above), to 100% for a project aimed at returning irregular migrants implemented in Italy and a project on identification capabilities in Ceuta and Melilla for Spain. A project on AVR(R) of UAMs in Greece is the exception, where only 56% of the granted EU contribution was implemented<sup>133</sup>. The high absorption rates suggest that the EU funding provided was really needed and that the project beneficiaries had the capacity to implement it. The Italian project can be considered a success story, as the objectives of its two emergency actions were exceeded, and 1 636 irregular migrants were returned to their countries of origin.

Responses from RAs suggest that Emergency Assistance grants was seen as an essential means of providing support to Member States in emergency situations. The RA of Spain indicated, for example, that the funding received as Emergency Assistance had been essential to cope with the migratory crisis in Ceuta and Melilla.<sup>134</sup> RAs also highlighted that the design of the funding mechanisms for this kind of project was particularly appropriate for emergency situations, as it offered high flexibility to national authorities thanks to the provision of advance funding and the dispensation from programming requirements.

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<sup>130</sup> EMAS grant of 543 589 EUR while the 2013 AP allocation was 841.694 EUR.

<sup>131</sup> The one year grant (January 2014 to December 2014) allocated to the International Organisation for Migration (IOM) aimed at developing and implementing a programme facilitating the voluntary return of TCNs to the countries of origin.

<sup>132</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, see section 6.1.8 for an overview of emergency assistance projects funded under RF 2011-2013.

<sup>133</sup> The project notably aimed at developing 350 individual reintegration plans for UAMs but only 133 could be achieved. This is due to several factors such as the difficulty to identify UAMs, security restrictions for IOM staff in the areas in the country of origin to conduct effective family tracing exercises and lack of cooperation from the family regarding the return of the minor.

<sup>134</sup> Reported in an interview with the Spanish RA.

## 8.2.5 Specific objective d): The contribution of the RF to Specific Innovative Tools for Return Management

*EQ5: To what extent did the actions under the RF 2011-2013 contribute to specific innovative (inter)national tools for return management?*

**Main conclusion:** Overall, the RF made a moderate contribution in this area, leading to the development of several innovative tools at both national and EU levels. The number of return cases addressed or affected by the use of new return management tools or initiatives in 2011-2013 increased from 2 543 in 2011, to 21 181 in 2012 and 33 274 in 2013. However, some projects implemented in this area under priority 3 were not effective, either because they failed to provide solutions to problems faced or involved methods which had already been used before and thus could not truly be considered innovative. With AMIF, under shared management Member States define the objectives of the calls for proposals, so they may choose to implement projects focused on innovation if they see a need for this. Several innovative tools or projects may also be financed under Union actions.<sup>135</sup>

Under shared management, all Member States except five<sup>136</sup> implemented actions under Priority 3, which represented 18% of all actions funded and 13% of total RF funding. The Netherlands and the United Kingdom also used funding from other priorities to innovate in their return practices. Although in several Member States<sup>137</sup> the allocated funding under Priority 3 clearly contributed to the development of tools which were original within an EU-wide context, most actions tended to focus on addressing national problems and were thus innovative at a national level but not necessarily so at an EU level.<sup>138</sup>

Actions in this area had a positive effect. The EU total number of return cases addressed or affected by the use of new return management tools or initiatives in 2011-2013 increased from 2 543 in 2011, to 21 181 in 2012 and 33 274 in 2013.<sup>139</sup> Additionally, the number of new return management tools or initiatives introduced across the EU increased from 29 in 2011, to 160 in 2012 and 186 in 2013. The number of persons returned thanks to such new tools/initiatives also increased from 2 523 in 2011 to 7 022 in 2012 (a 178% increase), and 8 123 in 2013 (a 15% increase).<sup>140</sup>

However, some projects selected for funding under Priority 3 were not effective in contributing to the development and/or use of innovative tools.<sup>141</sup> For example, Lithuania and Romania stated that their projects could not be considered innovative because they did not

<sup>135</sup> Regulation (EU) No 516/2014, Article 20(b) includes under 'Union actions' linked to innovation, such as 'the setting-up of transnational cooperation networks and pilot projects, including innovative projects, based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation and to facilitate exchanges of experiences and best practices'.

<sup>136</sup> EE, HR, LV, PT and UK.

<sup>137</sup> BE, FI, FR, IE, IT, MT, NL and SE.

<sup>138</sup> IT, NL, SE.

<sup>139</sup> See *European Commission (2016) External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B. Data is not available for BG, CY, DE, ES, FR, HR, IE, and LU.

<sup>140</sup> See *European Commission (2016) External Ex-post evaluation of the European Return Fund 2011-2013*, Annex B, Figure 53. Data is not available for BG, CY, DE, ES, FR, HR, IE, LU, and LV.

<sup>141</sup> As reported for projects implemented by ES, HU, LT, RO.

lead to the solution of the problems faced. In Hungary, two projects funded under Priority 3 involved methods which had already been tested during the 2008-2010 programming cycle.

In addition, no definition of what could be considered as innovative tool was provided to the Member States.

Although focused on a wider range of issues, Community actions generated tools that were innovative from an EU perspective. New standards, guidelines or evidence-bases were developed<sup>142</sup>, or new forms of cooperation between Member States were created on topics where there had previously been less or no cooperation, such as reintegration and the return of UAMs.<sup>143</sup>

The innovative dimension of emergency actions implemented during the evaluation period was also noted as effective in addressing unusual migratory pressures. Two emergency assistance projects carried out by Spain in Ceuta and Melilla, for example, included the setting up of immediate identification missions in mass arrival situations, innovative practices to improve accommodation for migrants who had received a deportation order, and attention to adults and children adapted to their profiles.

With AMIF, Member States may choose to carry out innovative actions. Under shared management, Member States define the objectives of the calls for proposals, so they may choose to implement projects focused on innovation if they see a need for this. Several innovative tools or projects may also be financed under Union actions.<sup>144</sup>

### 8.3 Efficiency

**EQ8: To what extent were the effects of the RF 2011-2013 actions achieved at a reasonable cost in terms of financial and human resources deployed?**

**Main conclusion:** Overall, most Member States reported that RF actions implemented under 2011-2013 APs had been achieved at a reasonable cost in terms of the financial and human resources deployed. However, it is difficult to draw clear conclusions regarding efficiency because the quantitative assessment of unit costs across Member States is very limited and relies on qualitative data, due to a lack of comparability across projects, the varying reporting methods used by Member States, and the limited quantitative data available in NERs. With these limitations in mind, the evaluation showed that unit costs of return varied greatly across Member States, depending on factors such as the number of returnees, the accessibility of the destination country of return, the number of countries collaborating in return operations and the amount of financial assistance provided to returnees. Several Member States and beneficiaries provided examples of less efficient projects or actions in relation to management

<sup>142</sup> For example, a project aiming to better inform on durable solutions and protection for children (project reference HOME/2012/RFX/CA/1004).

<sup>143</sup> For example a project addressing the needs of UAMs in Greece (project reference HOME/2011/RFX/CA/EA/4002).

<sup>144</sup> Regulation (EU) No 516/2014, Article 20(b) includes under 'Union actions' linked to innovation, such as 'the setting-up of transnational cooperation networks and pilot projects, including innovative projects, based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation and to facilitate exchanges of experiences and best practices'.

costs and administrative burden. Voluntary return was found to be generally more cost-efficient than forced return.

Efficiency was evaluated in terms of staff and management costs, administrative burden and unit costs where possible, with the available quantitative data<sup>145</sup> supplemented by qualitative data<sup>146</sup>. It should be noted that the quantitative data is limited by the fact that only 20 Member States provided information on management and staff costs in their NERs<sup>147</sup>, and that these reports do not distinguish between staff costs and management costs. **Overall, most Member States<sup>148</sup> reported that RF actions implemented under 2011-2013 APs had been achieved at a reasonable cost in terms of the financial and human resources deployed**, but in many cases individual examples of less efficient projects were highlighted. 80% of beneficiaries surveyed agreed to some extent that the resources allocated were reasonable in comparison to similar activities<sup>149</sup>. 93% of respondents reported having realised the planned outputs, results and impacts within the available budget and time limits<sup>150</sup>. However 20% of respondents had concerns regarding the cost-effectiveness of actions funded under the RF.

#### – Staff and Management costs

Staff and management costs varied from one Member State to another depending on the nature of the projects, the profiles of the staff carrying out the projects, the size of the implementing organisation, and Member State cost reporting practices. On average, staff and management costs represented 10% of project costs reported for the period covered by the 2011-2013 AP, and ranged from representing 1%-5%<sup>151</sup>, 20%-30%<sup>152</sup>, or even up to 47% in Germany and 49% in Belgium, due to the labour-intensive nature of some projects implemented in these two Member States.

#### – Administrative Burden

Although Member State authorities tended to perceive costs relating to administrative burden<sup>153</sup> as reasonable, 26% of respondents to a survey considered that the administrative burden relating to the implementation of the Fund was excessive or not reasonable, and some Member States highlighted that the high administrative requirements of the Fund could have

<sup>145</sup> The quantitative assessment was carried out on the basis of the financial information presented in the National Evaluation Reports of the Return Fund and additional clarifications received from Member States following a request made by the evaluation team.

<sup>146</sup> The qualitative assessment is based on the evidence from the National Evaluation Report's information in response to questions on efficiency, interviews with key stakeholders and as well as the survey of beneficiaries.

<sup>147</sup> 20 Member States provided information on management costs of actions. No data was provided in National Evaluation Reports (NERs) for EE, ES, FI, IE, PT, SE and SI.

<sup>148</sup> BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, MT, PL, PT, RO, SI, SK, UK.

<sup>149</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C for an analysis of the survey results.

<sup>150</sup> See European Commission (2016) *External Ex-post evaluation of the European Return Fund 2011-2013*, Annex C for an analysis of the survey results.

<sup>151</sup> NL, EL, AT, BG, IT, LV and the UK.

<sup>152</sup> CY, HU, LT, CZ, MT.

<sup>153</sup> Administrative burden includes costs related to planning, programming and reporting on the actions implemented.

had a negative impact on its efficiency<sup>154</sup>. For example, beneficiaries in Austria found the administrative burden of the SOLID Funds heavy compared to other funding instruments; authorities in Estonia found it heavy compared to the actual effects of the RF interventions; authorities in Spain attributed the need to hire external expertise for the provision of technical assistance to the large administrative burden of RF programming and reporting procedures; and authorities in the Slovak Republic reported that projects on a larger scale had been preferred in order to reduce administrative burden. Sweden pointed out the negative impact that the RF had on programming, mainly due to the fact that the rules on eligible costs under RF and their interpretation were not agreed upon in advance by the Commission and the RAs. Improvements were made for the 2014-2020 programming period by the creation of only one Fund that covers all migration matters (AMIF), the adoption of one single multiannual programme and the alignment of the eligibility rules on the national rules of the Member States.

### – Unit Costs

The evaluation made a tentative comparison of assisted voluntary return versus forced return within the same Member State. It is important to keep in mind that comparisons between Member States must be interpreted with caution given differences in the number of returnees and the type of destination countries. A few indicative conclusions may be drawn regarding the factors influencing differences between Member States in unit costs for voluntary and forced return<sup>155</sup>. A key factor was the number of persons returned: with a higher number of persons returned through assisted voluntarily return, the unit cost incurred tended to decrease<sup>156</sup>. The destination country of return was another important influencing factor: returning persons to a neighbouring Member State cost significantly less than returning them to a third country, given the remoteness of the latter.<sup>157</sup>

In terms of unit costs per type of return, several Member States reported that unit costs for forced return were higher than those of voluntary return.<sup>158</sup> In Hungary, for example, forced return costs more than twice the cost of AVR per returnee. Indeed, the financial assistance provided to persons returning voluntarily tends to be lower than the cost of enforced returns, which includes escorting costs, charter flight costs, and accommodation costs.<sup>159</sup>

However, significant differences in costs between Member States were sometimes not directly linked to the efficiency of the return action but to the policy and practice on return

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<sup>154</sup> AT, EE, ES, and SE NERs.

<sup>155</sup> The main factors influencing the cost of voluntary and forced return were the number of returnees; the accessibility of the destination country of return; the number of countries collaborating in return operations; and the amount of financial assistance provided to returnees.

<sup>156</sup> This was found to be the case for MT, RO and UK.

<sup>157</sup> Portugal, for example reported that only one air carrier offered charter flights to Brazil, the country to which it implemented most of its returns; this made return costs very high for this Member State. Estonia, on the other hand, reported that the use of the IOM network has provided opportunities to reduce costs, as IOM has contracts with travel companies that offer flexible flights at significantly cheaper prices than the common market prices.

<sup>158</sup> AT, ES, HU, UK.

<sup>159</sup> Among the Member States for which data were available, Portugal was the only one to report that forced return is less expensive per returnee.

management at Member State level. A good example of this is the large variation across Member States in the financial assistance provided to those returning voluntarily.<sup>160</sup>

## 8.4 Sustainability

*EQ9: To what extent have the positive effects of the RF 2011-2013 actions lasted after the interventions were terminated?*

**Main conclusion:** Overall, the majority of Member States found that most of the RF actions had long lasting effects after the projects ended. However, there was no strong evidence to demonstrate the long-term sustainability of the action as many Member States highlighted that further funding was required to be able to continue return activities launched with RF funding. This was also confirmed by the survey results (80% of the respondents).

The most sustainable type of actions were those which had structural effects, such as the creation of new structures within return management institutions or authorities, improvements to the infrastructure of detention facilities, and actions which improved cooperation between Member States or Member States and third countries. To better measure the sustainability of AMIF, specific indicators and evaluation questions on sustainability have been included in the common monitoring and evaluation framework of AMIF.<sup>161</sup>

Over half of Member States found that the majority of the RF actions had long lasting effects even after the interventions were terminated<sup>162</sup>. Member States reported that some actions generated sustainable effects more than other actions:

- capacity-building activities (training, courses, workshop, seminars) to staff working in the field of return<sup>163</sup>;
- the creation of new structures within the institutions or authorities in charge of return management which produces effects as long as the new structure remains in place<sup>164</sup>;
- improvements to the infrastructure of detention facilities which by definition have long lasting effect;
- the purchase of material, depending on the product's life-span<sup>165</sup>; and

<sup>160</sup> For example, in the United Kingdom around GBP 750 - GBP 1,500 are provided per person for Facilitated Return Schemes (FRS) and up to GBP 2,000 for AVR, while Bulgaria provides EUR 100 per voluntary return, and Belgium provides EUR 700 per adult and EUR 350 per minor with EUR 500 complementary assistance for a vulnerable person.

<sup>161</sup> Commission Delegated Regulation (EU) 2017/207 on the common monitoring and evaluation framework provided for in Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

<sup>162</sup> BG, CY, DE, ES, FI, FR, HU, LT, LU, MT, PL, PT, SE, SI, SK, UK.

<sup>163</sup> CY, EE, IT, LT, MT, PL, SK. For example, EE indicated that the majority of trained officials were still employed in the relevant organisations where they continued to apply their acquired skills. The latter was put forward as a good indication of sustainability.

<sup>164</sup> For instance, CY and SE created new bodies and /or organisational structures which were expected to be maintained in the years following the end of the project.

<sup>165</sup> CY, ES, FR, LT, PL reported having continued to use and maintain purchased equipment such as cars, computers, software, the development of information systems, websites, reports, leaflets, etc. after the closure of the project.

- actions resulting in improved cooperation at a national level, between Member States, or between Member States and third countries<sup>166</sup>.

Several Member States and respondents to an online survey indicated that further funding was required to guarantee the results obtained and to continue RF return activities on the same scale and for the same duration after the intervention ended. The extent to which further funding was required varied across Member States, depending on the type of activity and the desired result or effect. Voluntary returns<sup>167</sup>, the provision of counselling and reintegration assistance, and actions related to the provision of assistance to vulnerable persons and to support for innovative tools were found to be less sustainable as highly dependent on future funding. Projects covering the operational costs of return activities, such as the procurement of interpretation services or legal services, were also less likely to produce sustainable results in the long-term.<sup>168</sup> Despite the various means through which the sustainability of the RF 2011-2013 actions' output and outcomes were secured (see below), overall there is no strong evidence to demonstrate that the results of the projects were not only continued, but indeed proved to have sustainable positive impacts in the long-term. This was also supported by the survey results, which indicated that 80% of stakeholders who implemented return operations projects could not have achieved the planned objectives without further funding or continuation of the project under the AMIF 2014-2020.

Member States used different means for achieving the sustainability of RF actions, such as the continued use of outputs and/or continuing project activities after the closure of the project; the transfer of results into national legislation, policy or procedures; and the dissemination of project results. Other ways of increasing the sustainability of actions were through the transfer of outputs of successful actions or projects<sup>169</sup> and the dissemination of results at the end of projects.

To encourage the sustainability of future actions in the area of return, some RAs include it as a selection criterion of projects funded by AMIF. To measure the sustainability of this Fund, specific indicators and evaluation questions on sustainability have also been included in the common monitoring and evaluation framework of AMIF.<sup>170</sup>

## 8.5 Coherence and Complementarity

*EQ12a: To what extent were the Return Fund 2011-2013 actions coherent with and*

<sup>166</sup> Examples of success stories in these areas were provided by DE, NL, PL, RO, and SE.

<sup>167</sup> CY, EE, IT, MT and SK stated that it was unlikely that their AVR(R) programme would continue in the existing format and volume without EU funding.

<sup>168</sup> LT, SK. Slovakia, for example, found the sustainability of the provision of services (i.e. legal, social and psychological help) to be weak, as it was not able to sustain such activities without additional funding (*Ex-Post Evaluation of Actions co-financed by the European Return Fund under the 2011-2013 Annual Programmes for the Slovak Republic*, p. 27).

<sup>169</sup> FI, NL, SK, UK reported having carried out successful transfers of outputs into, for example, national legislation, national policy, and procedures.

<sup>170</sup> Commission Delegated Regulation (EU) 2017/207 of 3 October 2016 on the common monitoring and evaluation framework provided for in Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, OJ 33, 8.2.2017, p. 1.

*complementary to other EU financial instruments or from national resources of the Member States, including the activities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) providing EU Member States with the necessary support in organising joint return operations?*

**Main conclusions:** The evaluation concluded that actions funded by the RF were coherent and complementary to other national actions in the area of return and generally coherent with and complementary to other EU Funds in the area of return. However, low complementarity was found between RF-funded actions and reintegration policies funded by other EU instruments, with a potential for overlaps. In order to avoid potential overlaps in this area, there should be a more regular and consistent dialogue between different DGs involved in reintegration measures. In order to improve the processes of monitoring and evaluation of the Fund, under AMIF indicators for the better monitoring and evaluation of coherence and complementarity were introduced.<sup>171</sup> Member States are also asked to outline in their AMIF national programmes how they ensure coherence and complementarity.

#### – Complementarity and coherence at national level

Many Member States<sup>172</sup> ensured coherence between the RF and national interventions, programmes or actions, by aligning the RF Multiannual programmes (MAPs) and Annual Programmes (APs) with the national priorities included in national strategies or action plans<sup>173</sup>. On the whole, actions funded via the RF were coherent with and complementary to national-level interventions in the area of return and no overlaps were identified. The RF supported areas of return policy which generally received limited national funding or were not considered as a high priority by national governments, such as reintegration support or specific assistance to vulnerable returnees.

#### – Coherence and complementarity at EU level

Over the period of evaluation, the RF supported efforts by Member States to implement a standardised EU return policy. Several Member States<sup>174</sup> found the RF actions to be coherent with the EU funding instruments under the SOLID programme and other types of EU funding<sup>175</sup>. Despite an identified potential for overlaps between the actions of the RF and those funded through Frontex in the field of return, in practice, complementarity between these was found. In some Member States<sup>176</sup>, the RA for the RF was also responsible for enforcing other EU Funds, which contributed to ensuring coherence between the RF and other EU legal, financial, or policy instruments.

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<sup>171</sup> Commission Delegated Regulation (EU) 2017/207.

<sup>172</sup> AT, BE, BG, CY, CZ, EE, EL, NL, PL, PT, RO, SI.

<sup>173</sup> CZ, FI, PL, PT, RO, SE.

<sup>174</sup> AT, CY, EE, EL, FI, FR, IT, NL, PL, PT, UK.

<sup>175</sup> This included EEA grants (BG, EL, RO), the Schengen and the Transition Facility (RO, BG, HR), and the European Social Fund (EL, RO).

<sup>176</sup> AT, BG, HR, HU, FR, MT, SK, UK.



However, limited complementarity was found between RF-funded actions and reintegration policies funded by other EU instruments, such as the Development Cooperation Instrument (DCI)<sup>177</sup> and IPA II. The risk for overlap can be nevertheless considered as relatively low, as there was a decline in the number of reintegration measures financed by externally-funded actions of the EU during the evaluation period, in contrast to the period before the evaluation, when the RF was in its early stages.

The evaluation concluded that, in order to avoid potential overlaps, a more consistent dialogue between different DGs with a role in reintegration measures would ensure a more unified approach towards the application of EU funding in this area. The European Parliament has also observed that the processes of monitoring and evaluation of the Fund, particularly ex-ante or interim monitoring mechanisms, should be improved to further ensure transparency and accountability of EU migration Funds.<sup>178</sup> In this regard, under AMIF indicators for the better monitoring and evaluation of coherence and complementarity were introduced.<sup>179</sup> Member States are also asked to outline in their AMIF national programmes how they ensure coherence and complementarity. Certain provisions of the AMIF legal basis also state that the Commission and the Member States shall ensure the consistency and complementarity of actions under AMIF with European Union priorities and instruments,<sup>180</sup> with European Union external action and foreign policy, as well as with development aid financial instruments<sup>181</sup>.

## 8.6 EU added value

*EQ13: What is the additional value resulting from the RF 2011-2013 actions compared to what the Member States would be able to carry out through investments necessary for the implementation of the EU policies in the field of return management without the support of the RF 2011-2013 actions?*

**Main conclusions:** Member States were of the opinion that the Fund added value in different ways: It provided Member States with the means to fund new actions or to enhance those already in effect (with the exception of forced return activities); the introduction of reintegration activities in voluntary return policy; it facilitated the involvement of new

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<sup>177</sup> AT, DE.

<sup>178</sup> European Parliament (2015) *Working Document on EU internal and external funding related to its migration and asylum policy*, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FNONGML%2BCOMPARL%2BPE-571.741%2B02%2BDOC%2BPDF%2BV0%2F%2FEN>.

<sup>179</sup> Commission Delegated Regulation (EU) 2017/207.

<sup>180</sup> Article 3(2), Regulation (EU) No 514/2014 provides that the Commission and the Member States 'shall ensure that the support provided under the Specific Regulations and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments, while taking into account the specific context of each Member State'.

<sup>181</sup> Recital 8 of Regulation (EU) No 514/2014 states that measures taken in relation to third countries which are supported by the AMIF fund 'should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments' and that when such actions are implemented 'full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question'. It further provides that measures under AMIF should, when appropriate, complement financial assistance provided through external aid instruments and that emergency assistance provided should be consistent and complimentary to Union humanitarian policy. Recital 35 of Regulation (EU) No 516/2014 makes similar provisions.

stakeholders in return management; and contributed to the achievement of EU standards and requirements<sup>182</sup>. However, there is less evidence of EU added value in the area of cooperation between member States and between member States and third countries under shared management actions. Under AMIF, the introduction of Specific Actions for return under shared management has sought to encourage cooperation between Member States and Member States and third countries in the area of return.

The RF added value to the existing capacity and the operational activities at national level in five different ways:

- It had an impact on the dimension of projects as it enabled Member States to fund actions which would not have been funded under national systems and/or to scale-up actions already in place: The RF enabled over half of Member States to fund parts of their return systems which would not have been possible without this source of funding.<sup>183</sup> The extent to which the RF brought EU added value varied depending on the national spending on return. In some Member States where cuts in public expenditure reduced national capacity to fund return operations, the RF had a greater EU added value.<sup>184</sup> By contrast, Luxembourg and France (except for reintegration projects) reported that projects would also have been implemented without the RF.

The Fund encouraged the recourse to voluntary return over forced return. Regarding assisted voluntary (AVR(R)), **eleven Member States<sup>185</sup> reported that, despite the fact that assisted voluntary return operations were in place well before the RF, the RF had the effect of developing their AVR(R) system to an extent which would have not been possible in its absence.** This was achieved, for instance, by implementing systematic reintegration grants, by monitoring the return to third-countries, by building supporting networks for reintegration and disseminating information and by raising awareness on return-related issues. During the evaluation period, the number of voluntary returns overall increased across Member States by 114%, going from 21 057 in 2011 to 45 077 in 2013. This may be explained by the additional financial capacity provided by funding under the RF over this period. Indeed, twelve Member States<sup>186</sup> reported that the RF had increased the financial capacities of the stakeholders involved, leading to an increase in results (i.e. increase in the number of countries for AVR(R) to which people could be returned and the number of actual returnees), which would not have been possible without the RF funding. Regarding forced return, **most Member States reported that forced**

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<sup>182</sup> However these last types of actions were found to have had a moderate impact (effectiveness) given the relatively low amount of funding and low number of actions carried out under this specific objective compared to actions under other specific objectives.

<sup>183</sup> In addition a survey conducted among beneficiaries of RF funding shows that 100% of the respondents agreed or strongly agreed with the claim that the results of their projects, specifically in terms of return operations carried out, would have not been possible without the RF. However, the response rate was very low, and therefore the conclusions were not very robust.

<sup>184</sup> CY, EL, FR (on reintegration), LT, SI, UK.

<sup>185</sup> CZ, DE, EE, EL, ES, HU, IE, IT, PL, PT, SK.

<sup>186</sup> AT, EE, EL, FI, FR, HU, IE, IT, MT, PL, PT, SK.

**returns as such would have been carried out also in the absence of the RF probably to the same scale.** In general, therefore, the RF did not add as much value in terms of scale of forced returns, as it did for voluntary returns.

- With the evaluation limitations in mind (see chapter on Method), the evaluation found that the RF encouraged Member States to take different new approaches to return than they would have done have they been using national funding: Not being constrained by the same priorities and short term objectives as national funding, the RF encouraged the implementation of more varied approaches, such as the introduction of the reintegration component in Member State voluntary return policies. Several Member States<sup>187</sup> introduced this component for the first time under the RF and were of the opinion that without EU funding it would have been difficult to do so.
- The RF provided a guaranteed funding stream for the implementation of EU legislation and standards: As shown in Section 7.1, Priority 4 was relatively unimportant in terms of the percentage of funding (3%) allocated to it. However, fifteen Member States reported that the RF made a positive contribution to their efforts in the implementation of EU common standards and best practices on return<sup>188</sup>. Whilst most Member States had by 2011 transposed the Return Directive<sup>189</sup>, several clearly used RF funding to implement aspects introduced into national legislation through this transposition. For example, some Member States felt that the Fund improved the quality of the standards of forced returns, in a way that would not have been possible by relying only on national funding. Czech Republic noted that legal counselling in detention centres, as foreseen by Article 16 of the Return Directive, would not have been implemented, or implemented to a lesser extent, in the absence of the RF. No or very little support to vulnerable persons, as per Article 14(a)(d) of the Return Directive, would have been provided in Estonia and Hungary.
- The RF targeted stakeholders other than the ministries and agencies responsible for national return decisions, thus empowering new stakeholders to contribute to return: The Commission’s insistence on **empowering a plurality of beneficiaries and the partnership principle**<sup>190</sup> provided the opportunity for new stakeholders (mainly, (small) NGOs and international organisations) to participate in the field of return. As a consequence, more NGOs could gain visibility and influence to ensure that (especially forced) returnees were treated in ‘a humane and dignified manner’, as established in the Return Directive. Moreover, since NGOs are better placed to communicate with potential returnees and encourage voluntary returns, their involvement increased the visibility of voluntary return and thus voluntary return operations. Particular success stories regarding the involvement of new stakeholders were highlighted by EE, ES, IT, NL, PL.

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<sup>187</sup> DE, FR, HU, PL, RO.

<sup>188</sup> BE, BG, DE, EE, FI, HR, HU, IT, LT, LV, MT, RO, SE, SI, SK

<sup>189</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>190</sup> Article 12 of Council decision 575/2007/EC.

- The Fund fostered synergies between stakeholders implementing return: The RF fostered synergies between stakeholders implementing return (i.e. between national authorities, between Member States and by directly funding cooperation activities through its Community actions). **At the national level**, five Member States<sup>191</sup> reported that the RF had created unprecedented synergies between the beneficiaries of RF actions and the responsible authorities. In particular, in France and Italy, networks of beneficiaries were established that could implement and provide feedback to the Member States on their return strategy. **Among Member States**, cooperation was mainly achieved through the Community actions since few actions and a relatively low share of the allocated funds were dedicated to the corresponding priorities (see Section 7.1). Cooperation between Member States was instead mostly fostered through Community actions such as European Re-Integration Instrument (ERI), European Reintegration Network (ERIN), European Integrated Approach on Return towards Third Countries (EURINT) Network, European Return Liaison Officers Network (EURLO), Forced Return Monitoring (FREM), and MAGNET<sup>192,193</sup>. Some national actions however contributed to fostering cooperation between Member States, especially in joint return operations (with Frontex’s support)<sup>194</sup> and in delivering trainings to practitioners. However, **there is less evidence of EU added value in the area of cooperation between Member States and third countries**. Few actions under shared management were dedicated to cooperation between Member States and third countries (See Section 7.1). Under AMIF, the introduction of Specific Actions for return under shared management has sought to encourage cooperation between Member States and Member States and third countries in this area.<sup>195</sup>

## 9 Conclusion

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<sup>191</sup> FI, FR, HU, IE, IT.

<sup>192</sup> MAGNET was an IOM pilot project designed to provide Iraqi returnees with information on existing potential job opportunities as well as to liaise with employers in the Kurdistan region of Iraq. After the successful completion of the pilot phase in 2012–2013, MAGNET II was launched in 2014. The overall objective of MAGNET II was to contribute to the establishment of a common approach for the reintegration of rejected asylum-seekers – and irregular migrants when applicable – returning to the Kurdistan Region of Iraq from Belgium, Finland, France, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

<sup>193</sup> ERI, ERIN and MAGNET encouraged cooperation between Member States on voluntary return and reintegration; FReM and EURLO fostered cooperation between Member States on forced return; the creation of networks under EURINT and EURLO also gave Member States more influence in their cooperation with third countries, particularly those Member States with limited diplomatic and consular networks.

<sup>194</sup> Poland noted that the efficiency of forced return increased thanks to the joint return flights organised in cooperation with other Member States financed by the RF.

<sup>195</sup> Under AMIF, according to Regulation (EU) No 516/2014 Article 15(1)(b), EUR 360 million, may be allocated to Member States wanting to implement actions in the area of return which entail intra-EU cooperation. The types of Specific Actions, as outlined in Annex II to the AMIF Regulation, include, 'Joint return operations', 'Joint reintegration projects in the countries of origin with a view to sustainable return, as well as joint actions to strengthen third countries' capacities to implement Union readmission agreements', and 'Joint initiatives aimed at restoring family unity and reintegration of unaccompanied minors in their countries of origin' (Regulation 516/2014, Annex II articles 5).

This report provides an evaluation of the extent to which the different RF actions contributed to the **relevance, effectiveness, efficiency, sustainability, complementarity and coherence, and EU added value** of the Fund. This chapter summarises these findings and provides an assessment of the RF's overall role in the field of return management. For each of the evaluation criteria as well as at a general level, conclusions and relevant lessons learned are presented below.

**Relevance:** Overall the majority of Member States found that the RF objectives corresponded to their needs in the field of return management. The development of a strategic approach to return management (Integrated return management) was highlighted as the most relevant Priority of the RF. As reflected by the very low amount allocated by Member States to Priority 2 'Cooperation between Member States in return management', the latter was considered less relevant to most Member States' needs. The same conclusion can be drawn for Specific Priority 4 on support for Community standards and best practices. As for the evolution of the needs, the continued relevance of the RF was ensured by the fact that Member States were entitled to revise their annual programme to adjust actions according to their changing needs. Some shortcomings were identified as to the target eligibility rules, which were all addressed in AMIF.

**Effectiveness:** Globally, the RF was effective in reaching its objectives, although the degree of effectiveness varied and some problems were encountered by Member States, RAs or beneficiaries. With regard to the principle of solidarity, the RF's performance in this area was effective. The distribution key was found to have limitations when faced with unforeseen crises, given that it was based on a past reference period. However, a high absorption rate and positive perceptions of Member States suggest that the Emergency Assistance grants played an important role and compensated for this, allowing the Fund increased flexibility for the provision of often crucial support in case of emergency situations. The RF was particularly effective in reaching specific objective a), making a significant contribution to the introduction and improvement of an integrated return management system, to a better balance between voluntary and forced return, and to the enhancement of Member State return capacity in general, although the planned numbers of returns were not always achieved, mostly due to difficulties in planning a realistic number of returns that could be attained, as well as scheduling constraints. In addition, the effectiveness of actions aiming to foster cooperation between Member States and third countries was undermined by external factors such as the willingness of the authorities in partner countries to cooperate in the field of return and reintegration. The RF was moderately effective in reaching specific objective b), enhanced cooperation between Member States within the framework of integrated return management, largely due to the limited number of projects implemented in this area. The Fund was also moderately effective in reaching specific objective c), the promotion of an effective implementation of common standards on return, given the relatively low amount of funding and low number of actions carried out under this specific objective compared to other specific objectives. Nonetheless, particularly effective actions in this area were the improvement of detention conditions, the monitoring of returns, and the training on and exchange of best practices.

**Efficiency:** Overall, Most Member States reported that RF 2011-2013 actions were achieved at a reasonable cost in terms of the financial and human resources deployed. Member States and survey respondents highlighted that the implementation of the actions was efficient as a whole, although individual examples of less efficient projects were also highlighted in many

cases. However, it has been difficult to draw clear conclusions on efficiency due to methodological challenges encountered such as the limited comparability of available data, including the different types of projects implemented across Member States and reporting methods used by them. Furthermore, the evaluation showed that unit costs varied greatly across Member States, depending on factors such as the number of returnees, the accessibility of the destination country of return, the number of countries collaborating in return operations, and the policy and practice on return management at Member State level.

**Sustainability:** Overall, the majority of Member States were of the opinion that most of the RF actions had long lasting effects after the projects ended. However, there was no strong evidence to demonstrate the long-term impact of the action as many Member States highlighted that further funding was required to be able to continue return activities launched with RF funding. The most sustainable type of actions were those which had structural effects, such as the creation of new structures within return management institutions or authorities, improvements to the infrastructure of detention facilities, and actions which improved cooperation between Member States or Member States and third countries.

**Complementarity and coherence:** The evaluation concluded that actions funded by the RF were coherent and complementary to other national actions in the area of return and generally coherent with and complementary to other EU Funds in the area of return. However, low complementarity was found between RF-funded actions and reintegration policies funded by other EU instruments, with a potential for overlaps.

**EU added value:** Member States were of the opinion that the Fund added value in different ways. It provided Member States with the means to fund new actions or to enhance those already in effect. The Fund encouraged the recourse to voluntary return over forced return. Regarding assisted voluntary return (AVR(R)), Member States reported that, despite the fact that assisted voluntary return operations were in place well before the RF, the RF had the effect of developing their AVR(R) system to an extent which would have not been possible in its absence, for instance by implementing systematic reintegration grants, by monitoring the return to third-countries, by building supporting networks for reintegration and disseminating information and by raising awareness on return-related issues. However, most Member States reported that forced returns as such would have been carried out also in the absence of the RF probably to the same scale. Additionally, the Fund facilitated the involvement of new stakeholders in return management and contributed to the achievement of EU standards and requirements. However, there is less evidence of EU added value in the area of cooperation between Member States and between Member States and third countries under shared management actions.

### **Lessons learned:**

Key lessons have been drawn from the experience gained with the RF and as a result of this evaluation. Some corrective measures have already been adopted under AMIF:

- The architecture of the RF was rather complex, as it consisted of one general objective, three specific objectives and numerous examples of eligible actions on the one hand and four priorities and eight specific priorities on the other hand. The

priorities were subsequently formulated by the Commission in an effort to make the Fund more concrete and operational but they did not fully match the objectives.

*The architecture of AMIF was simplified as it includes four specific objectives, one of which is dedicated return. The specific objective related to return is then supported by three national objectives.*

- Some difficulties linked to evaluation limitations emerged when it came to assessing the overall effectiveness of the RF at EU level, given the lack of an initial baseline and the fact that the RF monitoring and evaluation system did not allow for detailed monitoring and assessment of the performance of the Fund. Set indicators were rather weak and monitoring data were not fully reliable. The same goes for sustainability and complementarity and coherence.

*This issue has been addressed for AMIF, as the Commission has included a list of common indicators in the legal base of the instrument. In addition, a Delegated Regulation (EU) 2017/207 was adopted in October 2016 on the common monitoring and evaluation framework for AMIF (covering also ISF Police and ISF Borders and Visa). It provides evaluation questions and a set of indicators to be used by all MSs for evaluation purposes. To better measure the sustainability and complementarity and coherence of AMIF, specific indicators and evaluation questions on these criteria have been included in the common monitoring and evaluation framework of AMIF. The Commission has also developed a guidance document on the monitoring and evaluation framework for MSs<sup>196</sup> and is organising regular workshops on this matter, and a common template for the evaluation reports to be submitted by the MSs, to ensure consistency. Furthermore, regular workshops in regard to the guidance document are being organized. To raise awareness and develop skills and knowledge within the responsible authorities in charge of the implementation of AMIF (and also ISF), the Commission has set up an evaluation network composed of staff appointed by MSs, who meet and discuss regularly with the Commission on evaluation-related matters. For complementarity and coherence, Member States are also asked to outline in their AMIF national programmes how they ensure coherence and complementarity.*

- The Fund had eligibility limitations that prevented the implementation of some actions that could have addressed the identified needs such as the scope of the target group which did not include third country nationals residing legally on the territory of Member States but wishing to return to their country of origin or the costs related to detention centres or IT tools.

*This shortcoming has been addressed under AMIF as the target group has been expanded to include third-country nationals enjoying the right to stay, legal residence and/or international protection or temporary protection who wish to voluntarily return to their country of origin. The scope of the AMIF also includes ‘the establishment, maintenance, and improvement of (...) detention infrastructure, services and conditions’ as well as ‘the setting-up of administrative structures and systems, including IT tools’.*

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<sup>196</sup> The Guidance on the Common Monitoring and Evaluation Framework was developed in the framework of the evaluation network. It is a living document which is regularly updated, following discussions with Member State authorities and other stakeholders which are held during working group and evaluation network meetings. It is available to the Member States.

- Member States showed little interest in developing projects related to cooperation between themselves and with third countries.

*The Commission has decided to incentivise this area through a 90% co-financing rate in national programmes under the AMIF (Specific actions).*

- Although the costs relating to administrative burden<sup>197</sup> were perceived as reasonable by most Member States, 26% of respondents to a survey considered that the administrative burden relating to the implementation of the Fund was excessive or not reasonable, and some Member States highlighted that the high administrative requirements of the Fund could have had a negative impact on its efficiency.

*The 2014-2020 programming period saw some improvements, as a single fund covers all migration matters (AMIF), Member States adopt multiannual programmes and the eligibility rules are aligned to the national ones. Member States have also been encouraged to use the simplified costs options.*

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<sup>197</sup> Administrative burden includes costs related to planning, programming and reporting on the actions implemented.



10 ANNEX 1 — Procedural information

Leading DG	DG HOME
Participating Units of DG HOME	A2 – Legal Affairs C3 – Asylum C4 – Migration management support E1 – Union Actions E2 – National programmes for South and East Europe, evaluation, AMF/ISF Committee E3 - National programmes for North and West Europe, budget, MFF, agencies
Participating DGs	Secretariat General DG BUDG DG JUST Legal service (SJ)
Roadmap approval	December 2015
External consulting firm specialised in evaluation	Contract signed in April 2016 with consortium of: Ernst & Young Special Business Services (lead partner) Center for International Legal Cooperation Rand Europa Community Interest Company
Number of steering group meetings	6
Last deliverable handed in	March 2017
Approval of the final report by Steering Group	March 2017
Decide planning reference	2016/HOME/082

### *Overview*

In order to inform the ex-post evaluation of the European Return Fund (RF) 2011-2013, several stakeholders were consulted through an open public consultation conducted by the European Commission and other stakeholder consultations conducted by the ICF Consulting Services ("the external evaluators") in the framework of their contract with the Commission to provide a study on the ex-post evaluation of the implementation of the RF. An overview of the consultation processes and the types of stakeholders consulted is provided in this section, along with the results of these consultations. The results presented here have been compiled and summarised from the responses received by the European Commission to its public consultation, and from the final ex-post evaluation report of the RF submitted to the Commission by the external evaluators. The stakeholder consultations presented below have met the European Commission's general principles and minimum standards for stakeholder consultation.

### *The Open Public Consultation Conducted by the European Commission*

The European Commission held an internet-based open public consultation on the ex-post evaluation of the RF 2011-2013 in the form of an online questionnaire between 10 May 2016 and 9 August 2016. Contributions were sought in particular from individuals (experts, beneficiaries), local and national Member State authorities, intergovernmental and non-governmental organisations, social partners and civil society, academic institutions, international organisations, and EU institutions and agencies. The final number of respondents was small (seven participants from six Member States), which means that contributions cannot be considered as being representative of the targeted stakeholders. The results may provide additional insights nonetheless and will be presented below together with the findings from the other consultations. Another limitation is the fact that the information available on the identities of the participants is based on self-reported values which cannot be verified.

### *The consultations conducted by the external evaluators*

The external evaluators conducted four different types of consultation with varied types of stakeholders. This section provides an overview of each consultation and the consultation process that took place in each case, as well as possible limitations.

#### **1. Targeted consultations in the form of interviews with all Member State Responsible Authorities (RAs):**

All RAs were contacted and twenty-two were available for interviewing<sup>198</sup>. Member States were offered the possibility to part in an interview in a variety of ways, i.e. face-to-face, via video conference or Skype, and by telephone. The evaluation team also met and interviewed

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<sup>198</sup> Interviews were carried out with RAs from At, BG, CY, CZ, DE, EE, EL, ES, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, SK, UK.

stakeholders during external events when possible, such as on the margins of meetings with the European Commission in Brussels, in national ex-post evaluation conferences, and in European Migration Network-related meetings. Furthermore, evaluation team members in charge of interviewing specific RAs sent interviewees a short list of focused follow-up questions in advance to ensure that the interview was conducted in an efficient manner.

## **2. Targeted consultations in the form of interviews with Member State RAs and beneficiaries of RF funding between 2011 and 2013:**

These interviews were carried out for six Member States<sup>199</sup>, which were examined as part of case studies. Interviews were also conducted with twelve RF beneficiaries from the six case study countries: one in Hungary (IOM – Budapest), two in Italy (IOM Italia; Italian Council for Refugees), three in the Netherlands (IOM NL; Stichting WereldWijd; Stichting Nieuwkomers en Vluchtelingenwerk Brabant Centraal), one in Malta (IOM Malta), four in Romania (General Inspectorate for Immigration; Romanian Council for Refugees; Jesuit Refugee Service; IOM), and two in the United Kingdom (UK Border Agency Home Office; Refugee Action).

## **3. Targeted consultations in the form of interviews with four beneficiaries of Community Action:**

These four beneficiaries are: the Organisation of Ibero-American States (on OSS-LAC, OSS II), Repatriation and Departure Service (two interviews focusing respectively on ERIN, EURINT), the International Centre for Migration Policy Development (on FREM) and the International Organisation for Migration (IOM) (on MAGNET I and II).

## **4. Targeted consultations in the form of a general survey addressed to all RF beneficiaries under the 2011-2013 Annual Programmes (APs):**

A total of eighty stakeholders representing twenty-five Member States were identified as potential respondents. The survey was open to participants from 30 May 2016 to 20 July 2016 and received twenty-four responses, of which thirteen were complete (all questions were answered) and eleven partial. In order to mitigate the risks of a low response rate common to surveys, respondents were offered the possibility of answering the survey online or in Word format. They were also provided with a specific email address which they could use to contact the evaluation team with any queries. Initially, there was a low response rate nonetheless (only 17 respondents of 63 potential respondents identified), so one week prior to the initial deadline for closure of the consultation, the evaluation team requested the Directorate-General Migration and Home Affairs (DG HOME) to send a reminder to all respondents. The deadline for responding was also extended by twenty days.

### ***Results***

The most relevant results of the consultations carried out by the external evaluators and the European Commission are grouped in this section and presented according to the following six evaluation criteria: relevance, effectiveness, efficiency, sustainability, coherence and complementarity, and EU added value.

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<sup>199</sup> HU, IT, MT, NL, RO, UK.

## Relevance

The majority of the Member States<sup>200</sup> consulted considered the RF's objectives to be relevant to their individual needs in the area of return. The most relevant priority as identified by the Member States was the development of a strategic approach to return management (priority 1) - primarily activities promoting voluntary over forced return - especially as some Member States<sup>201</sup> lacked experience in dealing with voluntary return. Objectives relating to cooperation in return management were felt to be particularly relevant by those Member States<sup>202</sup> with little experience in this area as they encouraged the exchange of knowledge and best practices. More experienced Member States found them to be less relevant.

6/7 respondents reported that the projects funded in their country targeted the needs of beneficiaries. For example, actions aimed at helping individuals to set up their own business in their country of origin made the process of reintegration smoother. However, some issues were highlighted. Beneficiaries consulted indicated that the RF could have been made more relevant if other categories of migrant were included in the target groups.

On the whole, national programmes were found to be in agreement with RF objectives. Member States<sup>203</sup> and beneficiaries were interested in being able to adjust the margins of actions in accordance with their changing needs, particularly in emergency situations.

## Effectiveness

A total of 23 Member States<sup>204</sup> reported that the RF had achieved positive results. Projects were also implemented very effectively, with 93% of those put into effect by respondents to the survey being carried out as planned. 80% of these met with no significant difficulties in their implementation. Interviews carried out with RAs from the Member States show that the RF has been particularly effective in developing an integrated return management approach, with over half of the Member States<sup>205</sup> consulted noting the significant contribution made by the RF to the completion of voluntary returns. The majority of Member States<sup>206</sup> also made overt reference to the importance of the role played by the RF in the introduction and improvement of integrated return management. Although only 2% of RF funding was put towards projects contributing to the application of EU standards and best practices in the field of return management, and only 14% of the total number of projects related to this objective, a large majority of Member States found the RF to be effective in this area. The majority of Member States who responded reported that cooperation between all parties had been enhanced (Member States, third countries and national administrations). In addition, several Member States<sup>207</sup> reported that the RF had improved their relations with third countries. In some Member States<sup>208</sup>, however, results were lower than expected; this was attributed to

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<sup>200</sup> AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, IE, LT, NL, PL, PT, RO, SI, SK.

<sup>201</sup> BG, CY, EE, HU, LT, PL, SK.

<sup>202</sup> CY, UK.

<sup>203</sup> CY, EL, FR, HU, IT, LU, PL, RO, SE, SI, SK.

<sup>204</sup> AT, BE, BG, CY, CZ, DE, EE, ES, FI, HR, HU, IE, IT, LT, MT, NL, PL, PT, RO, SE, SI, SK, UK.

<sup>205</sup> AT, BE, CY, DE, EE, FR, HU, IE, IT, LU, NL, MT, PL, RO, SI, UK.

<sup>206</sup> AT, BE, BG, CY, CZ, DE, EE, FR, HU, IE, IT, MT, PL, RO, SI, SK, UK.

<sup>207</sup> BE, BG, CY, DE, IT, MT, NL, PL, PT, RO, SE.

<sup>208</sup> CY, EL, ES, LU, PL, UK.

several challenges faced by the Member States, including lack of cooperation from countries of origin<sup>209</sup> and a lower number of returns eligible under the RF.<sup>210</sup>

The RF was effective in providing appropriate assistance to vulnerable persons in relation to return procedures, with Belgium, Hungary and Sweden pointing to particular successes.

The majority of respondents to the public consultation reported that cooperation had improved between Member States, Member States and Third Countries, and national administrations. Actions have indirectly facilitated an increase in the number of both forced and voluntary returns of third-country nationals, with several Member States reporting that the RF had improved their relationship with third countries.

### **Efficiency**

Most of the interviews and survey responses<sup>211</sup> indicated that RF actions were achieved at a reasonable cost. 80% of respondents reported that the amount of funding was reasonable when compared to similar projects. 20% were unsure about the cost-effectiveness of actions funded via the RF. Those beneficiaries of Community Actions who were interviewed also found the projects to be cost-efficient. Several factors which affected the efficiency of the RF were suggested, such as the difficulties of implementing European administrative standards when working in third countries, and the obligation of applying on paper.

Several Member States<sup>212</sup> highlighted the administrative burden which came with the implementation of funded actions; it was suggested that this could have impacted the RF's efficiency. By contrast, the public consultation generated generally positive responses, with 5/7 participants reporting that the RF had "generally" and "to a great extent" had a positive impact on activities dealing with return.

### **Sustainability**

The evaluation concluded that the RF had been somewhat sustainable between 2011 and 2013, but there was no convincing evidence to suggest that actions had brought about any long-term impact. However, a considerable number of Member States<sup>213</sup> reported that most RF actions had generated a lasting impact after they had ended, with reference to several factors which may have improved the sustainability of RF actions, such as development and implementation of projects involving self-sustainable activities. However, only two Member States successfully disseminated project results and only four transferred outcomes into national legislation, both of which were reported as factors which could have improved sustainability.

Five Member States<sup>214</sup> reported that AVR(R) programmes were less likely to continue on the same scale without EU funding. Assistance to vulnerable persons and the development of innovative approaches were also likely to be limited in the absence of the RF. Forced returns,

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<sup>209</sup> FI, EL, UK.

<sup>210</sup> CY.

<sup>211</sup> BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, MT, PL, PT, RO, SI, SK, UK.

<sup>212</sup> AT, BG, CZ, EE, ES, NL, SE.

<sup>213</sup> BG, CY, DE, ES, FI, FR, HU, LT, LU, MT, PL, PT, SE, SI, SK, UK.

<sup>214</sup> CY, EE, IT, MT, SK.

however, were likely to be carried out via national budgets as Member States have a legal obligation in this respect.

Some actions were felt to be more sustainable than others, including the creation of new organisational structures and improvements to the infrastructure of detention facilities.

In response to the public consultation, 4/7 participants suggested that the improvement of services and procedures would continue to a certain extent without EU financing.

### **Coherence and Complementarity**

The evaluation found that actions funded via the RF were generally coherent with and complementary to other EU financial instruments and national policies and needs in the area of return. RF-funded activities did not usually overlap with national actions as the RF was often used to fund areas of return policy which were in receipt of limited national funding. Only 6% of survey respondents reported overlaps.

Several Member States<sup>215</sup> found that the RF was complementary to other EU financial instruments. Some<sup>216</sup> pointed to particular links between the RF and the EBF, as one intercepted and the other returned members of the same target group (irregular migrants).

Austria and Finland, however, highlighted the potential for overlaps between actions funded via the RF and those funded via the ERF/EIF. The evaluation indicates that there was little complementarity between RF-funded actions and other EU instruments funding reintegration policies.

### **EU Added Value**

With the help of the RF, more than half of Member States were able to fund aspects of the return system which would not otherwise have received funding; most RF stakeholders reported that the same results would not have been achieved in the absence of the RF. 100% of survey respondents agreed or strongly agreed when asked if the outcomes of their projects would have been possible without the RF, whilst only 50% reported the same regarding structural changes and capacity-building. This suggests that the RF primarily brought added value to return operations, although the low response rate means these conclusions are not well-founded.

National spending on return had an impact on the EU added value of the RF. The fund had particular added value in Member States that had experienced cuts in public expenditure.<sup>217</sup> Member States also highlighted innovation as one of the RF's contributions; those practices which were not in effect before the RF was introduced were considered to be innovative by Member States. 7/7 respondents to the public consultation felt that the RF had some impact on the implementation of EU return policies in their country.

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<sup>215</sup> AT, CY, EE, EL, FI, FR, IT, NL, PL, PT, UK.

<sup>216</sup> AT, CY, EE, EL IT.

<sup>217</sup> CY, EL, FR (on reintegration), LT, SI, UK.

### ***Study conducted by external evaluators***

The evaluation relied on a supporting study conducted by an external company. It was decided to rely on an external study so as to obtain a robust and impartial overview of the Fund. A number of elements ensured the high quality of the study:

- A regular and transparent dialogue took place between the European Commission and the external evaluator;
- The terms of reference of the contract were clearly set out and respected;
- The Fund's management modes were clearly distinguished in the methodology;
- The evaluation applied a mixed-methods approach in order to address the evaluation questions more fully and to ensure all relevant stakeholders were consulted;
- All data sources were assessed for validity and presented data are clearly labelled.

### ***Communication between the European Commission and the external evaluator***

The study's progress was followed by an Inter-service Steering Group (ISSG) comprised of officials from the Secretariat General (SG), Legal Service (SJ), DG Budget (DG BUDG), DG Regional Policy (DG REGIO), DG Migration and Home Affairs (DG HOME (particularly Units A2, C1, C3, E1, E2 and E3)) as well as the contractor with their partners and experts. Four meetings took place between the contractors and the ISSG and structured feedback (in both directions) was provided on a weekly basis throughout the contract. This two-way dialogue was enriched by the active participation in the ISSG of policy and implementation units and shadowed by horizontal units and the Secretariat General. The final report delivered by the external company was subject to a Quality Assessment conducted by the ISSG.

### ***Management modes and phases***

Shared and direct management modes are clearly distinguished in the external study's methodology and in the presentation of findings. Shared Management comprises actions co-financed by the RF under the 2011-2013 Annual Programmes implemented by the Member States as well as Emergency Measures. The scope of Direct Management in the study was the RF Community Actions supported under the 2010, 2011, 2012 and 2013 annual work programmes<sup>218</sup>.

Another structuring feature of the external evaluation was the segmentation of the tasks into clearly defined phases which were closely observed by all parties. These phases had been determined in the Terms of Reference. Adherence to the Terms of Reference made the study itself more efficient and transparent.

### ***Data sources and quality***

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<sup>218</sup> Actions supported under the 2008-2010 RF programmes of the Member States should be outside the scope of the evaluation. However, they were considered when deemed relevant to the evaluation, in particular within the context of the analysis of the complementarity and coherence criteria.

The information analysed by the contractors can be regrouped into two categories:

1. Documentation relating to implementation – legal acts; high-level contextual documents; programme documents (Annual Work Programmes) and additional evaluation documents (National evaluation reports for shared management and technical implementation reports for direct management);
2. Statistical data – this includes:
  - Official statistics from Eurostat, EASO and UNHCR;
  - Financial data extracted from ABAC for RF and all SOLID Funds in order to present Programmed and Net EU contributions and absorption rates;
  - Financial data extracted from SFC2007 to present the breakdowns by Priority and Specific Priority;
  - Financial data extracted from SFC2007 to present Programmed and Net EU contributions and absorption rates for Annual Programmes;
  - Financial data for direct management were provided by the European Commission. Figures presented are the sum of the cost claims minus the ineligible costs.

### *Analysis*

Three different levels of analysis were undertaken by the evaluator:

1. Descriptive analysis, at two levels, to provide context and a basis for the development of other types of analysis:
  - EU level: Different official documentation, such as the Decision establishing the RF, as well as interviews with DG HOME were analysed and used to describe the context of the RF, such as the objectives it was aiming to achieve and the type of actions eligible for funding under the RF.
  - Case studies: The analysis of the data collected relating to the national actions as part of the case studies (all programmatic documents, national evaluation reports and interview notes) was carried out and described according to the intervention logic elements, as well as all the evaluation criteria in the case study reports. The case studies were selected according to four fixed criteria to improve representativeness (Objectives, Priorities, types of intervention); relevance (external borders and migratory pressure); solidarity (where investments exceed input) and coverage of the evaluation questions in the national evaluation reports.
2. Thematic analysis: For this analysis, N-vivo, a qualitative analysis tool, was used to encode and subsequently analyse the information from the national evaluation reports and relevant interviews (EU level and interviews with RAs). The encoding was done according to a Coding Framework which included all the different intervention logic elements, as well as all the evaluation criteria, and allowed for the creation of “sub-nodes” as further themes emerged from the analysis. Through the encoding, trends and themes emerged across the participating countries under the different evaluation criteria and RF objectives and priorities. In addition, quantitative data collected was analysed, such as the context and effectiveness indicators from the final closure reports submitted by the Member States (as presented in the SFC 2007 database) and



national evaluation reports. This quantitative analysis also allowed for key messages to emerge from the data (such as type of priority receiving the most funding).

3. Comparative analysis: Building on the descriptive and thematic analysis, a comparative analysis was undertaken, comparing the findings from different participating countries under each of the evaluation criteria. The comparative analysis allowed the study team to assess the extent to which the research findings were coherent. The case studies were also included in the analysis and used to illustrate certain findings.

### ***Assessing the Impacts of the RF***

Evaluating the impacts of the RF at national level is more complicated as it requires experiment conditions with a matched control where RF was not utilised. In order to mitigate this, the study used information from the case studies and interviews, as well as the evaluators' own judgment.

### ***Public Consultation***

Between 10 May 2016 and 9 August 2016, the European Commission also held an Internet-based open public consultation on the RF 2011-2013 in the form of an online questionnaire. The types of stakeholder invited to participate in this consultation were: individuals (experts, beneficiaries), local and national Member State Authorities, intergovernmental and non-governmental organisations, social partners and civil society, academic institutions, international organisations, and EU Institutions and Agencies. The results of the open public consultation fed into the analysis developed to answer the evaluation questions.

***Theme 1 Effectiveness***

1. To what extent did the RF 2011-2013 actions contribute to the achievement of the objectives defined in the Articles 2 and 3 of Decision No 2007/575/EC and to the priorities defined by the strategic guidelines (Decision No 2007/837/EC) ?
2. To what extent did the actions under the RF 2011-2013 contribute to the development of integrated return management and in particular to the balance between forced and voluntary returns and to the setting up of a return procedure based on the situation of the potential returnees?
3. To what extent did the actions under the RF 2011-2013 contribute to the cooperation between Member States in return management?
4. To what extent did the actions under the RF 2011-2013 contribute to the cooperation between Member States and third countries in return management?
5. To what extent did the actions under the RF 2011-2013 contribute to specific innovative (inter)national tools for return management?
6. To what extent did the actions under the RF 2011-2013 contribute to the implementation of EU standards and best practices in return management?
7. To what extent did the actions under the RF 2011-2013 contribute to the cooperation between different levels (national, regional, local and urban)?
- 7.a. To what extent were the RF 2011-2013 actions, and in particular the RF Community actions, effective in providing support services to Member States in duly substantiated emergency situations requiring urgent action in the field of return management?

***Theme 2 Efficiency***

8. To what extent were the effects of the RF 2011-2013 actions achieved at a reasonable cost in terms of financial and human resources deployed?

***Theme 3 Sustainability***

9. To what extent have the positive effects of the RF 2011-2013 actions lasted after the interventions were terminated?

***Theme 4 Relevance***

10. To what extent did the RF objectives correspond to needs in the field of return management?
11. To what extent did the objectives of the actions under the RF 2011-2013 correspond to the needs in the field of return management?

***Theme 5 Coherence and complementarity***

12a. To what extent were the Return Fund 2011-2013 actions coherent with and complementary to other EU financial instruments or from national resources of the Member States, including the activities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) providing EU Member States with the necessary support in organising joint return operations?

***Theme 6 EU added value***

13. What is the additional value resulting from the RF 2011-2013 actions compared to what the Member States would be able to carry out through investments necessary for the implementation of the EU policies in the field of return management without the support of the RF 2011-2013 actions?

ABAC	Accrual Basic Accounting
AMIF	Asylum, Migration and Integration Fund
AP	Annual Programme
AWP	Annual Work Programme
CA	Community Action
CEAS	Common European Asylum System
COI	Country of Origin Information
EAC	European Asylum Curriculum
EASO	European Asylum Support Office
EBF	European Borders Fund
EC	European Commission
EIA	Extended Impact Assessment
EIF	European Integration Fund
EQ	Evaluation Question
ERF	European Refugee Fund
IOM	International Organisation for Migration
ISF	Internal Security Fund
ISSG	Inter Service Steering Group
MPI	Migration Policy Institute
NGO	Non-Governmental Organisation
RA	Responsible Authority
RF	European Return Fund
SFC	System for Fund Management
SOLID	Solidarity and Management of Migration Flows

***List of country codes***

AT	Austria
BE	Belgium
BG	Bulgaria
CH	Switzerland
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France

HR	Croatia
HU	Hungary
IE	Ireland
IS	Iceland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
NO	Norway
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom