

FINANCIAL INSTRUMENT FOR RETURN MANAGEMENT IN THE AREA OF MIGRATION

PREPARATORY ACTIONS

CALL FOR PROPOSALS 2005

1. Background

An effective Community return policy is a necessary complement to a credible legal immigration and asylum policy as well as an important component in the fight against illegal immigration. Considerable budgets are earmarked by Member States in view of implementing return programmes and forced return operations. Common action of the European Union in this field, backed with appropriate financial means from the Community, could support Member States, underline the necessity of the return of illegal residents and contribute to enhanced solidarity among Member States.

Since November 2001, when the European Commission introduced the idea of creation of a specific financial instrument for return purposes and after further inter-institutional debates, a decision on creation of the European Return Fund starting from 2008 has now been generally accepted.

The Commission proposed to start with preparatory actions in 2005 and 2006 in order to gain first practical experience to serve as a basis for the Return Fund in 2008. The Council endorsed this approach in its conclusions of 8 June 2004 and the Budgetary Authority accepted the relevant appropriations for the 2005 budget. The European Council further on, at its meeting in November 2004, reconfirmed its support and took note of the Presidency's report on an analysis of reported best practices of return to specific countries.

The report stated ample possibilities and a need for more practical co-operation between Member States in the practice of return. The report indicated possibilities for a more integrated approach, on both national and community level, of return policy as well as general policies. Best practices identified by Member States regarding the voluntary or forced return of illegally residing third country nationals to their country of origin or transit are for example the promotion of Assisted Voluntary Return Programmes for sustainable return, return counselling, the consideration of the possibilities of chartered flights and the organisation of joint return operations.

The purpose of this notice is to invite proposals for Community actions for the budget year 2005.

2. Objectives

2.1. General objective:

In the light of continuous migration pressure and in order to maintain the credibility of the asylum and migration policy of the European Union, the aim of the preparatory actions shall be to support the efforts made by the Member States to improve the management of return in all its dimensions, taking account of Community legislation and readmission agreements in this field, by co-financing the actions provided for by these preparatory actions. The development of co-operation between Member States with respect to return management as well as the co-operation with countries of return will be particularly encouraged. Beyond that it is necessary to support the efforts of individual

Member States to return illegal residents appropriately based on the assumption that every sustainable return of an illegal resident is in the common interest of all Member States in order to avoid secondary movements. So far projects proposed by an individual Member State should be financed if they contain a real added value such as innovative approaches compared to the practice in the Member States and the countries of return concerned.

2.2. Specific objectives

To achieve the general objective, these Preparatory Actions shall support the following specific objectives aiming at both national and joint actions:

- a) The introduction and improvement of the organisation and implementation of integrated return management.
- b) The introduction and improvement of specific measures in the area of return management.
- c) The increase of knowledge and capabilities in the area of return management.

For the purpose of these preparatory actions Integrated Return Management means but is not limited to the development and implementation by the competent Member States' authorities and/or International and Non Governmental Organisations with proven experience and expertise in the field covered of integrated return plans which

- are based on a comprehensive assessment of the situation in the concerned Member States with respect to the targeted population and the challenges with respect to the operations envisaged (such as those related to obtaining travel documents and other practical obstacles to return), The comprehensive assessment shall be drawn up in co-operation with all relevant authorities and partners; and
- aim to achieve a wide set of measures encouraging voluntary return schemes of third country nationals illegally residing on its territories, and, where necessary, implementing enforced return operations with respect to these persons, in full compliance with humanitarian principles and respect for the dignity of the person; and
- include the choice for a target group based on the relevant caseload but also on other sensible criteria (i.e. vulnerability); and
- include a planning and/or time table and, where appropriate, foresee a periodic evaluation mechanism allowing for adjustment of the planning and assessment of the impact of the plan in practice.

Integrated Return Plans shall focus in particular on effective and sustainable returns through such actions as efficient information at pre-departure stage, travel arrangements, transport in the country of return for both voluntary and enforced return. As far as possible, incentives for voluntary returnees, such as enhanced return assistance, may be foreseen in order to promote voluntary return. Where Member States consider it appropriate, this may include cash incentives and other short term measures involving initial accommodation upon return or reintegration support in the country of return. These measures should not consist of assistance to the third country as such and must be a necessary continuation of activities initiated and in the main carried out in the territory of the Member States under an integrated return plan.

This call for proposals aims at providing financial support to actions which contribute to the realisation of the general objectives stated above.

Actions must be practical in nature, with tangible and measurable results.

3. Access to the programme

The Call for proposal is addressed to the national, regional and local authorities of the Member States and to Non Governmental Organisations registered in one of the Member States, as well as International Organisations and Community Agencies, all of them working on a strictly non-profit basis and with proven expertise and experience in the fields covered. Project proposals may include partners and participants from countries of return.

The applicant should confirm that he has not received another grant for the same project from a European Community institution, and should furthermore undertake not to receive another such grant in the future.

Total recovery of the grants will be effected in the event of European Community financing from more than one European Community source for the same project.

4. Activities of the Programme

4.1. Eligible actions in 2005:

To achieve these objectives, the following three main strands of action will be pursued:

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| Strand A | Actions relating to the introduction and improvement of the organisation and implementation of integrated return management |
| Strand B | Actions relating to the introduction and improvement of specific measures in the area of return management |
| Strand C | Actions relating to the increase of knowledge and capabilities in the area of return management |

Preparatory actions must:

- demonstrate innovation in their development and implementation and ensure the possibility of cooperation with and participation of illegally residing third country nationals in all phases of the project;
- ensure programmes are developed and implemented in cooperation with relevant stakeholders such as private enterprises, regional or local authorities, representatives of civil society, social partners or others;
- include trans-national cooperation or in the case of projects proposed by a single Member State contain a real added value such as innovative approaches compared to the practice in the Member States and the countries of return concerned;
- include an element which will ensure that the programmes' transferability to other Member States or regions is examined and promoted;
- not be targeted on the immediate (local, regional, national) geographical environment but also contribute to bringing about change in Europe. The project must offer genuine value added for the European Community.

Strand A: Actions relating to the introduction and improvement of the organisation and implementation of integrated return management

- (a) Design and implementation of voluntary return programmes on specific countries or regions of return, including the promotion and facilitation of voluntary returns, in particular through assisted voluntary return programmes (this kind of action shall also be eligible in conjunction with actions under Strand A (b));
- (b) Design and implementation of plans for enforced return, including the simplification of forced returns taking fully into account the respect for human rights and fundamental freedoms of the persons illegally residing on the EU territory, i.e. overstayers, illegal entrants etc. (this kind of action shall also be eligible in conjunction with actions under Strand A (a));
- (c) Design and implementation of integrated return plans taking into account the specific situation of vulnerable persons.

Strand B: Actions relating to the introduction and improvement of specific measures in the area of return management

- (a) Establishment or improvement of an effective, stable and lasting operational co-operation of competent Member States' authorities with consular authorities and immigration services of third countries, including cost of travel and accommodation in the Member States for the staff of the authorities and services responsible for the identification of third country nationals and for the verification of their travel documents, with a view to obtaining travel documents for the return of illegally residing third country nationals and ensuring speedy and successful removal procedures;
- (b) Organization and execution of joint flights for removal from the territory of two or more Member States of third country nationals who are the subject of individual removal orders;
- (c) Joint training for escort staff assisting forced return operations;
- (d) Co-operation in the gathering and provision to potential returnees of information on the country of return, including the development of a mechanism for the dissemination of this information through a reliable common system in all languages available to migrants and social workers.

Strand C: Actions relating to the increase of knowledge and capabilities in the area of return management

- a) Studies on state of play and possibilities for enhancing administrative co-operation among Member States in the field of return and/or on the structure and elements of integrated return management as well as on the role of International and Non Governmental Organisations to be played in this context;
- b) Studies and pilot projects with a view to collecting, analysing and comparing statistics from all Member States in the area of return policy in addition to existing data collections;
- c) Organisation of seminars for practitioners from several Member States on best practices focusing on specific third countries/regions or the return of particularly vulnerable groups;
- d) Studies on the impact of EU return management on relevant communities in the European Union and in third countries.

Activities supported by these preparatory actions may include the following measures in the case of voluntary or forced return:

- (a) In all cases of return, the provision of pre-return information, procurement of indispensable travel documents, costs of necessary pre-return medical checks, costs of travel and food for returnees and escorts, accommodation for escorts, including medical staff, specific assistance to vulnerable groups such as children or invalids, costs of transportation to the final destination in the country of return and co-operation with the authorities of the country of origin, former residence or transit;
- (b) Additionally in the case of forced return of illegally residing third country nationals, costs for temporary accommodation of returnees and their escorts from the participating Member State in the organising Member State prior the departure in case of joint return operations;
- (c) Additionally in the case of voluntary return of illegally residing third country nationals, more comprehensive pre-return information, assistance and counselling as well as essential expenses before return;
- (d) Additionally and when considered appropriate by Member States in case of voluntary return, initial expenses after return, transport of the returnee's personal belongings, adequate temporary accommodation for the first days after arrival in the country of return if necessary, training and employment assistance and limited start-up support for economic activities where appropriate.

4.2. Priorities and fund distribution for the year 2005:

The aim of the preparatory actions is to support the efforts made by the Member States to improve the management of return in all its dimensions. The development of co-operation between Member States with respect to return management as well as the co-operation with countries of return will be particularly encouraged.

The projects are per definition of trans-national character and they should preferably involve more than one organisation (the applicant plus one more) based in different Member States, as well as partners from countries of return. Projects proposed by an individual Member State may in exceptional circumstances be funded if they contain a real added value such as innovative approaches compared to the practice in the Member States and the countries of return concerned.

Partners from candidate or third countries are not eligible for direct net Community funding, but may participate in the project as partners.

Where Member States consider it appropriate, this may include cash incentives and other **short term** measures involving initial accommodation upon return or reintegration support in the country of return. These measures should not consist of assistance to the third country as such and must be a necessary continuation of activities initiated and in the main carried out in the territory of the Member States under an integrated return plan.

In 2005, funding will be granted to all three strands, with an indicative distribution of 53% for Strand A, 40% for Strand B and 7% for Strand C. The main priority for 2005 is therefore Strand A - Support of networks and exchange of information and best practices.

5. Target population

For the purposes of these preparatory actions the target groups shall comprise all third country nationals illegally residing in a Member State subject to a final return decision

and/or removal order. 'Return decision' means an administrative or judicial decision or act, stating or declaring the illegality of stay of a third country national and imposing an obligation to return. 'Removal order' means an administrative or judicial decision or act ordering the removal. Third country national means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty.

6. Achieving complementarities

To enhance coherence and complementarities with the existing Community Programmes addressing directly or indirectly the issue of return of illegal residents and the reintegration of returnees in their country of return (notably European Refugee Fund, ARGO and AENEAS) the budget line will seek to fund activities where existing programmes do not sufficiently take into account the needs of a coherent return policy. Attention also has to be paid to ensure optimal synergy with programmes carried out at national level by Member States and by international organisations. This will require effective information sharing about the activities so that the necessary contacts and connections can be made.

Moreover it is intended to complete the limited tasks of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Council Regulation (EC) N° 2007/2004 of 26 October 2004) in the area of joint return operations by funding. Article 9 (1) of this Regulation, dealing with return cooperation, prescribes that subject to the Community return policy, the Agency shall provide the necessary assistance for organising joint return operations of Member States. The Agency may use Community financial means available in the field of return. According to Article 9 (2) of the regulation, the Agency shall identify best practices on the acquisition of travel documents and the removal of illegally present third-country nationals. So far the assistance of the Agency could be beneficial in particular under Strand B (a) and (b) as well as under Strand C (c).

7. Budget available and financial provisions

7.1. General

Budget line 18 03 08 is for the return management in the area of returns.

The budget available for 2005 is 15.000.000 €, from which 8.000.000 € are foreseen for projects under Strand A, 6.000.000 € for projects under Strand B and 1.000.000 € for projects under Strand C. This distribution of the budget among the different Strands is indicative. Only if the amount foreseen for one Strand cannot be fully allocated, the rest could be used for projects under another Strand.

The amount of grant per project cannot exceed 50% of the total eligible costs of projects implicating actions in one Member State and 70% of the total eligible costs of projects implicating actions in more than one Member State. The necessary co-financing must be assured at the date of the application and clearly stated in the grant application. However, in the case of exceptionally innovative projects and subject to duly justified reasons, a project can be co-financed at a higher percentage.

Funding per project implicating actions in only one Member State will not exceed 1.000.000 € under Strand A and B.

Funding per project implicating actions in more than one Member State will not exceed 2.500.000 € under Strand A and B and 250.000 € under Strand C.

Funding per project shall not be less than 300.000 € under Strand A and B, and not be less than 50.000 € under Strand C.

The duration of projects shall not exceed 18 months.

7.2. Financial provisions for grants

The Commission will determine the amounts of financial assistance to be awarded, based on the available budget.

Project financing will be based on the principle of co financing. If the amount awarded by the Commission is less than the amount requested by the applicant, it is up to the latter to find the additional sum or to reduce the total cost of the project without reducing its objectives or content.

Should the project be selected for funding, a grant agreement will be signed between the selected beneficiary and the European Commission. This agreement is a standard agreement, and its terms and conditions may not be altered or be subject to negotiation.

The attention of applicants is drawn to the following conditions that are, inter alia, included in the agreement:

7.3. Amount of grant:

The amount granted will be proportionate to the estimated eligible cost of the project and will be reduced proportionally should the total real eligible costs amount to less than the total estimated costs.

7.4. Payment conditions:

The grant shall be paid under the following conditions:

- Pre-financing, representing 50% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties and upon provision by the beneficiary of a request for payment;
- If the Commission considers it necessary based on the financial accounts of the applicant, it may request a financial guarantee for an amount equivalent to the amount of pre-financing granted;
- A second pre-financing representing 25% of the amount of the grant awarded, upon receipt and approval by the Commission of a progress report, including a financial report evidencing that at least 70% of the previous pre-financing payment has been used up, together with a request for payment;
- The balance upon receipt and approval by the Commission of the final technical and financial implementation reports, together with a request for payment;
- If the amount of the final payment exceeds 150.000 €, the final financial report shall be accompanied by an external audit report on the accounts of the project.

8. Project duration and start dates

Maximum project duration is:

- 18 months for projects for all strands

The activities should begin between 1 March 2006 and 31 October 2006.

The activities provided for in the project may not begin until the date on which the Commission's representative signs the grant agreement, with exception of duly justified cases.

9. Eligibility, Selection and Award criteria

In addition to meeting all technical requirements, projects must meet the following criteria:

9.1. Exclusion criteria

The applicant organisation involved in the project must not be in one of the situations listed in article 93 and 94 of Council Regulation n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the budget of the European Union (published in OJ L248 of 16/09/2002, page 1).

9.2. Eligibility criteria

- Projects must be presented by national, regional or local authorities of a Member State or by Non Governmental Organisations registered in one of the Member States, as well as International Organisations and Community Agencies, all of them working on a strictly non-profit basis and with proven experience and expertise in the fields covered;
- Projects must be in line with one of the specific objectives as defined in section 2.2 above;
- Within the chosen Strand projects must be in line at least with one of the eligible actions as defined in section 4.1 above;
- The objectives of the project and its intended impact must be clearly indicated, and a detailed description must be given of the activities envisaged, the results and impacts anticipated, and the approach, working methods and timetable to be followed.
- Projects must be in line with the conditions defined in section 7.1.
- Contain **all** the elements and documents defined in the application form (including annexes and documents requested by the checklist attached to the form); if a document appearing on the checklist or in the eligibility criteria is either unavailable or not relevant, it is necessary to say so and give the reason why.
- Include sufficient information on staff assigned to the project. CVs for project staff specifying their role and function in the project must be attached. Where CVs are not available, a job profile or job description must be submitted; each partner describes his role in it as well as well as the activities he will realise in the project.
- Include an explicit written undertaking from each co-financing organisation or partner stipulating that it will provide the amount of funding stated in the grant application. The duly signed original of this document can in exceptional circumstances be provided later, however, signed originals of the same are compulsory in order to proceed to signing the grant agreement.
- The application forms (application form, form recording status of staff, budget estimates, and financial identification form – all duly dated, stamped and signed) must be initialled on each page and signed by an authorised signatory for the applicant organisation for the proposed operation.

- Projects must be submitted by a legal person (cf. point 1 above), i.e. the coordinator, who carries out the project, preferably in partnership with other distinct and unrelated legal persons (private or public companies, national, regional or local authorities or NGOs).
- The applicant must provide on diskette or CD-ROM an electronic version of the following documents:
 - the grant application form
 - the detailed budget estimates form, filled in;
 - the form recording status of staff.

These forms are available and can be downloaded from the DG JLS website at http://europa.eu.int/comm/justice_home/funding/return/funding_return_en.htm

The applicant must ensure that:

- files copied on the diskette or CD-ROM can be read by the Commission;
- the grant application form, the form recording status of staff and the detailed budget estimates form remained protected and are not corrupt, by entering data strictly in the proper fields and by never unprotecting fields or electronic formats. If really necessary, you may add a paper sheet if you feel there is not enough space for all the information on the grant application form (and copy this annex on the CD ROM or diskette).

If any of the files is corrupt, the application will be rejected.

The Return page on the DG JLS website is updated as and when relevant information becomes available, and grant applicants are recommended to check it regularly.

Proposals that meet the above eligibility criteria will be further evaluated using the selection criteria.

9.3. Selection criteria

- Applicants must have the capacity to finance the proposed activities properly;
- Applicants must have the operational (technical and management) capacity to complete the action to be supported. In particular the team responsible for the action must have adequate professional qualifications and must have proven and documented experience in the field of return management (attach CVs and particulars of involvement in operations/actions that took place in the last three years).

Proposals that meet the selection criteria will be further evaluated using the award criteria.

9.4. Award criteria

Among the projects which have met the exclusion, eligibility and selection criteria, the Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out below, taking into account the funds available:

- The relevance of the proposed action to complementing EU policy and the usefulness of the expected results as well as the impact of the project on the target group;

- The added value included in the proposal, such as innovative approaches compared to the practice in the Member States and the countries of return concerned;
- The extent to which the proposed action will involve an element of co-operation between Member States or between Member States and other relevant stakeholders including International and Non Governmental Organisations as well as countries of return;
- The coherence, appropriateness and feasibility of the approach, methodology and timeframe as well as the level of satisfaction of the technical expertise and management capacity of the applicant;
- The adequacy of the forecast budget: value for money and sources of financing other than the European Commission;
- The dissemination of results, lessons learned and acquired know-how beyond the national level as well as the likelihood of transferability of positive result of actions to other Member States or regions;
- The sustainability of the project and/or its results after termination of the grant and the extent to which the projects include a detailed description of follow-up measures to be implemented.

10. Monitoring and evaluation

The Commission will regularly monitor the implementation of this framework in co-operation with Member States. All necessary measures will be taken to ensure that the financial resources are used for the intended purposes. The Commission will ensure the evaluation of the framework in line with the requirements of the Financial Regulation and its implementing rules, bearing in mind that additional evaluation requirements concerning pilot projects and preparatory actions are also laid down in the Communication of the Commission on evaluation (SEC (2000) 1051 of 26.07.2000). The results of the evaluation will contain important elements which will serve the purpose of focusing the multi annual programming of the future Return Fund under the new financial perspectives.

11. Visibility of European financing

The beneficiaries, if their project is selected for funding, undertake to ensure adequate visibility of the Commission funding.

For further information please refer to the Grant Agreement, Special Conditions, Article II.5, Publicity.

12. Further information

The Return page on the DG JLS website is updated as and when relevant information becomes available, and grant applicants are recommended to check it regularly.

Potential applicants are invited to read:

- the standard grant agreement for projects.
- the “2005 Guide to Return preparatory actions”

These documents can be found on the following website:

http://europa.eu.int/comm/justice_home/funding/return/funding_return_en.htm

12.1. Contact at the European Commission

The Commission department responsible for implementing the return Preparatory Actions is Unit B-4 of Directorate General JLS – Justice, Liberty and Security.

Contact:

European Commission

DG Justice, Freedom and Security

JLS Return Preparatory Projects

Unit B/4 (LX46 - 2/140)

Fax (32.2)298 03 06; e-mail: JLS-Return@cec.eu.int.

All applicants will be informed of the Commission's decision concerning their grant application as soon as possible. It is envisaged that the Commission will complete its selection procedures in February 2006.

The Commission will publish the names and addresses of beneficiaries and the amount, rate of grant and purpose of each grant on its website.

The detailed data concerning the grant beneficiaries, their partners and the summary of the results of the projects will be published on the internet site of DG JLS.

13. Submission of proposals

Each proposal must contain:

- a printout of the standard application form "Return Preparatory Actions 2005" duly filled out, initialled and signed;
- the form "Timetable for implementation of the project", duly filled in and signed;
- the form "Detailed budget estimates", duly filled in, initialled and signed;
- the "Financial identification form", duly filled in and signed (by the applicant organisation and the bank at which the bank account is held);
- the form "staff cost analysis" recording status of staff, duly filled in, initialled and signed;
- additional documentation defined in the "checklist" attached to the application form (cf. Section 9.2. "Eligibility criteria" above);
- a diskette or CD-ROM, readable and not corrupted (cf. Section 9.2.).

These must be sent in 1 paper copy (original).

The applicants must respect thoroughly the presentation of the request and of the budget and respect the order of pages.

They must present their request in English or French if possible or in one of the official languages of the European Union.

The other documents can be downloaded from the following website:

http://europa.eu.int/comm/justice_home/funding/return/funding_return_en.htm

For applicants who do not have access to the website versions, requests for the documents should be sent by post, by fax or e-mail to the address mentioned in the Section 12.1. Requests should be clearly addressed to "JLS-RETURN Pilot Projects".

Proposals must be sent by registered mail, posted no later than **31 October 2005** (date as postmark or its equivalent), to the following address:

EUROPEAN COMMISSION
DG Justice, Freedom and Security
Unit B/4 RETURN
LX46 – 2/140
B – 1049 BRUSSELS

Applications sent by fax or by e-mail will not be accepted.

The envelope must be marked “RETURN 2005 – NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT OF THE EUROPEAN COMMISSION”.