

ANNEX 2

ANNUAL PROGRAMME

UPDATED VERSION*

RETURN FUND

MEMBER STATE: REPUBLIC OF POLAND

FUND: RETURN FUND

RESPONSIBLE AUTHORITY: Department of European Union and International Cooperation, Ministry of Interior and Administration

YEAR COVERED: 2008

Warsaw, February 2010

*the revision of the annual programme was necessary due to the significant increase of the exchange rate of PLN to EUR and current better knowledge of the actual costs of projects

1. GENERAL RULES FOR THE SELECTION OF PROJECTS TO BE FINANCED UNDER THE PROGRAMME

RESPONSIBLE AUTHORITY:

DEPARTMENT OF EUROPEAN UNION AND INTERNATIONAL COOPERATION OF THE MINISTRY OF INTERIOR AND ADMINISTRATION

DELEGATED AUTHORITY:

IMPLEMENTING AUTHORITY FOR EUROPEAN PROGRAMMES

The Responsible Authority – the Department of European Union and International Cooperation of the Ministry of Interior and Administration – is responsible for Multi-Annual Programme and Annual Programmes' preparation and management. Multi-Annual Programme (for years 2008-2013) and Annual Programmes (for each year) are accepted by the European Commission. The Multi-Annual Programme is established with reference to strategic guidelines adopted by the European Commission setting out a framework for the intervention of the Fund. Annual Programmes are based on the Multi-Annual Programme and constitute its elaboration.

The Responsible Institution delegated some of the responsibilities to the Implementing Authority for European Programmes in accordance with the agreement setting down the division of duties among these institutions.

With reference to the decision of 5 March 2008 laying down rules for the implementation of the Decision establishing the European Return Fund for the period 2008 to 2013, the following two project selection procedures are differentiated:

1. The Responsible Authority acting as an *awarding body* (then the open competition procedure takes place);
2. The Responsible Authority acting as an *executing body* (then it stands as an Implementing Institution, and a project contractor – a public institution – is identified at the Annual Programme stage). The *executing body* procedure takes place when *monopol de jure* or other properly justified circumstances occur.

In case of both procedures, project selection rules remain in accordance with this fund's management and control system.

RESPONSIBLE AUTHORITY ACTING AS AN *AWARDING BODY*

The Delegated Authority published a call for proposals in a competition procedure on its website, with the Responsible Authority's approval. Information on launching open selection procedure also appeared in Polish national press.

Competition announcement date: december 2008.

Applications were handed over to the Delegated Authority, where formal assessment was conducted. Supplementing formal shortcomings by Applicants were made upon the request and on the date specified by the Delegated Authority. Having completed the formal assessment, the Delegated Authority handed the applications over to the Responsible Authority. In-depth examination was conducted by the Responsible Authority in co-operation with the Delegated Authority.

On completion of in-depth examination, the Inter-Ministerial Team for the Schengen Fund, the Norwegian Financial Mechanism, the European Refugee Fund, the External Borders Fund and the European Return Fund¹ made the decision of co-financing on the basis of the eligible projects' ranking together with justification.

The selection of projects to be funded was made from among projects that have already been launched since 1 January 2008 (but not yet completed) and projects that will be launched after signing grant agreements.

RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

While preparing the Annual Programme for 2008, the Responsible Authority turned to the Police, the Border Guard, and the Office for Foreigners with a request to prepare descriptions of activities/projects in relation with the 'executing body' procedure. In case of the 'executing body' procedure within the framework of Annual Programme 2008, it is planned that the Border Guard will implement projects and act as partners.

The Responsible Authority will not implement the projects independently – only in cooperation with a partner.

In case of invitation to submit applications, the Delegated Authority directed such an invitation only to the institution indicated in the Annual Programme, omitting the procedure of official publication of a call for proposals in press/on the website, with the Responsible Authority's approval.

The date of invitation to submit project fiches: January 2009. In the case of the *executing body* procedure, implementation of projects started in Q1/Q2 of 2008.

Applications were handed over to the Delegated Authority, where formal assessment was conducted. The documentation, together with formal assessment sheet, was handed over to the Responsible Authority to supplement the formal shortcomings by Beneficiaries, upon the request and on the date set by the Responsible Authority. The Responsible Authority conducted in-depth examination. The Delegated Authority participated – on Responsible Authority's request – in in-depth examination. In-depth examination was supervised by the Responsible Authority. After in-depth examination, the Inter-Ministerial Team for the Schengen Fund, the Norwegian Financial Mechanism, the European Refugee Fund, the External Borders Fund and the European Return Fund made the final decision on granting co-financing.

TENDER PROCEDURES:

In case of the 'awarding body' procedure, the project beneficiary is responsible for conducting tender procedures and in case of the 'executing body' procedure – the Responsible Authority's Competent Institution's partner, namely the Office for Foreigners or the Border Guard.

¹ The Team comprises representatives of: the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Policy, the Ministry of Finance, the Committee for European Integration, the Office for Foreigners, the Border Guard General Headquarters, the National Police Headquarters, the Implementing Authority for European Programmes, the Budget Department of the Ministry of Interior and Administration, the Department of Migration Policy of the Ministry of Interior and Administration, Department of European Union and International Cooperation of the Ministry of Interior and Administration.

Tender procedures is applied in accordance with Article 11 of the Commission Decision of 5 December 2008 laying down rules for the implementation of Decision No 575/2007/EC and in accordance with the European Community law and national regulations in this respect.

The grant agreement and financial agreements are obliged the projects' beneficiaries to observe the principles of the Polish Public Procurement Law rules' adherence, whereas, in the case of procurements worth from EUR 5,000 to EUR 14,000 – to grant procurement on the basis of a tender procedure to the bidders whose bid is the most profitable, avoiding any conflicts of interests.

In case of the *awarding body* and the *executing body* procedure, the schedule of the project and of the potential tender procedures is also subject to analysis, which allows selecting the projects whose final date of eligibility does not exceed dates set forth for the fund.

SELECTION CRITERIA

Projects' selection criteria fully correspond to the categories included in the Decision establishing the European Return Fund (Article 15 (5)). The applied detailed criteria elaborate on the criteria included in Article 15 (5).

PROJECT MONITORING

Projects are monitored by the Delegated Authority. The monitoring is carried out in two ways:

1. Obligatorily – during a call for proposals/submitted project fiches – an Applicant/Partner is obliged to present the assumed project indicator. The indicators are analysed by the Delegated Authority and the Responsible Authority and properly corrected by these institutions, if necessary, before signing the grant agreement/financial agreement. One of the obligations imposed on beneficiaries/partners is the obligation to report on the values of achieved indicators in a regular manner.

2. The Delegated Authority visits the projects and verifies their implementation in two ways: on the operational and on the financial level.

Projects are visited in the place of their implementation in respect of carrying out the in-depth assumptions and financial documentation. Each monitoring visit is summarised in a monitoring report, which includes, *inter alia*, the description of a situation, projects' achievements, recommendations, etc.

The Responsible Authority carries out 'horizontal' monitoring visits for selected projects.

THE PRINCIPLE OF PARTNERSHIP

The Annual Programme Project was prepared in the Department of European Union and International Cooperation of the Ministry of Interior and Administration in cooperation with the Office for Foreigners and the Border Guard. The project was consulted with public administration units: the Implementing Authority for European Programmes, the Police, non-governmental organizations, and the Office of the United Nations High Commissioner for

Refugees and International Organisation for Migration It was later presented for assessment to the Team of Migration.²

The project was next presented to the Inter-Ministerial Team for the Schengen Fund, the Norwegian Financial Mechanism, the European Refugee Fund, the External Borders Fund and the European Return Fund. After the Team's acceptance, the project was published on the Ministry of Interior and Administration's website (www.mswia.gov.pl) and on the website of the Delegated Authority – the Implementing Authority for European Programmes - (www.wvpe.gov.pl).

In case significant amendments to the Annual Programme were introduced, the programme project is consulted with the Inter-Ministerial Team for the Schengen Fund, the Norwegian Financial Mechanism, the European Refugee Fund, the External Borders Fund and European Return Fund whose members have an equal right to have the floor.

The information resulting from the work of the Inter-Ministerial Team is included in quarterly reports submitted to the European Committee of the Council of Ministers.

Increase of the exchange rate of PLN to EUR was the main reason of the revision of the annual programme. Because of the fact that the projects are implemented since 2008 there is better knowledge of the actual costs of projects. The knowledge is drawn from the experience of institutions involved in the implementation of the projects and from announced competitions.

2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS (if appropriate)

Not applicable.

² The Team of Migration comprises the representatives of: the Chancellery of the Prime Minister; ministers competent for public finance, economy, culture and preservation of national heritage, education and higher education, schooling, labour, regional development, internal affairs, social security, foreign affairs, and health; the Committee for European Integration, the Central Statistical Office, the Office for Foreigners, the National Police Headquarters, the Border Guard General Headquarters, and the Internal Security Agency.

3 ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITIES CHOSEN

3.1. Actions implementing the preparation of strategic approach to immigrant return management by Member States (Priority 1)

3.1.1 Operational objective: Strengthening of voluntary returns

PURPOSE AND SCOPE OF THE ACTION

*SUPPORT FOR THE
ASSISTED
VOLUNTARY
RETURN
PROGRAMME.*

The increase in the number of foreigners using assisted voluntary return programmes is visible throughout the European Union. Due to the increase in the number of foreigners who expressed their will to voluntarily return to their country of origin observed also in Poland, there is a need for increased co-financing of assisted voluntary returns due to the potential deficit of domestic funds for that purpose.

The projects implemented in the framework of the action are aimed at supporting returns of foreigners to their country of origin and allowing organising a life in the country by returning persons and families.

It is planned to organise voluntary returns and reintegration of the following categories of persons:

- 1) Foreigners applying for the refugee status:
 - a) Whose applications were not investigated into for formal reasons;
 - b) Who were denied granting the refugee status and denied granting consent to tolerated stay;
- 2) Foreigners who applied for the refugee status and subsequently resigned from applying;
- 3) Foreigners who applied for asylum in the Republic of Poland and were denied granting asylum;
- 4) Foreigners who were issued a decision connected with the obligation to leave the territory of the Republic of Poland.

Moreover the action will cover providing the interested foreigners with information on return programmes, conducting the verification of the eligibility of a foreigner to participate in a project, taking necessary procedural steps allowing foreigners staying in the territory of the Republic of Poland illegally to participate in the programme. Activities connected with promotion aiming at spreading information concerning voluntary returns.

It is planned to finance undertakings covering the cost connected with purchasing tickets for the leaving foreigners (airplane, railway or other tickets), the costs connected with the procedure of issuing documents for foreigners or updating documents in

terms of prolonging their validity periods, entering children in the documents and in all cases when the need to translate documents arises. It is also planned to guarantee accommodation before leaving and during the travel. In justified situations, the costs cover also medical examinations allowing establishing the health condition of the foreigner and proving there are no reasons why the foreigner should not travel, as well as the costs of getting to airports, railway stations or other places of departure.

The action will cover preparation and update of information concerning the immigrants' countries of origin and preparing and maintaining a database of voluntary returns. According to assumptions the database will include information concerning persons covered by the programme of voluntary returns.

For special treatment groups it is planned to ensure special procedures and support special means. The group includes: minors, the disabled, the elderly, individuals experiencing health problems, victims of trafficking in humans, single parents of minors, victims of violence.

It is planned also that foreigners will receive financial support of EUR 200. The main aim of such actions is to help the persons covered the voluntary return programme in acclimatizing in the new place of settlement, among others: help in finding an employment and living place. The action will cause the reduction of repeated returns. Financial support is aimed to be a kind of incentive stimulating foreigners to stay in the country of origin. In order to manage financial means in effective and reliable way, it is planned to maintain activities connected with evaluation and monitoring of financial support.

The main idea of voluntary returns is to encourage the foreigners to participate in such a programme. The result of that should be the lower level of repeated returns. Thanks the planned database the member state will have information concerning the persons participating in the programme of voluntary returns.

EXPECTED GRANT RECIPIENTS

State authorities, regional and local authorities, non-governmental and international organisations, research and development units, public finance sector units, etc

WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECTS(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

The following actions are to be implemented in a procedure of awarding body
 The Responsible Authority will not participate in project implementation.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
<i>SUPPORT FOR THE ASSISTED VOLUNTARY</i>	The number of persons who used the opportunity to voluntarily return to their country of origin – ca. 1000 - 1200.	Increase in the number of voluntary returns.	Higher effectiveness of implementation of assisted voluntary return policy.

RETURN PROGRAMME.		Decrease in the number of repeated returns thanks to the increased sustainability of foreigners' stay in the country of origin after using the assisted voluntary return programme.	
VISIBILITY OF EC FUNDING			
<p>The visibility of Community funding will be guaranteed in the following way:</p> <ul style="list-style-type: none"> • Placing the EU logo and information on the RF co-financing on all significant published materials, brochures, presentations, in correspondence headlines, declarations of voluntary return signed by those wishing to return to their country of origin, etc.; • Placing the EU logo and information on the RF co-financing in the seat of the Beneficiary; • Informing the participants of voluntary return programmes on the RF co-financing. <p>The confirmation of the co-funding will be the following: “Project co-financed from Return Fund.”</p> <p>The EU logo may be downloaded from: http://europa.eu/abc/symbols/emblem/index_en.htm</p> <p>The guidelines on the visibility of the co-financing of projects from <i>Return Fund</i> will be drawn up by the Delegated Authority and attached to the documentation in procedure of executing body.</p> <p>The Delegated Authority will monitor the compliance with the requirements during the implementation of the projects.</p>			
COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EC INSTRUMENTS, IF APPROPRIATE			
<p>The actions taken are to supplement actions implemented with the use of funds from the state budget.</p> <p>It is possible to prove complementary with other similar actions conducted in the framework of other EU financial instruments, especially European Refugee Fund.</p> <p>It should be stressed that institutions responsible for all the above-mentioned funds coordinate their actions through inter-ministerial teams consulting works aimed at managing funding received from funds.</p>			
FINANCIAL INFORMATION: VALUE OF THE PROJECT; EC CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION			
<p>Value of the project – EUR 783 304,96 ; EC contribution – EUR 587 478,67 ;</p>			

Public contribution – EUR 195 826,29
 Private contribution – not applicable

3.1.2 Operational objective: Strengthening of forced returns

BORDER GUARD

PURPOSE AND SCOPE OF THE PROJECT

PROJECT –
Organising forced returns.

It is planned to implement the project including the five following modules:

Module 1: Expulsions by air (on scheduled flights), particularly to Eastern European countries (mainly to the Commonwealth of Independent States) and to Asia, Africa, and South America.

Foreigners subject to forced returns whose expulsion by land is impossible are expelled by air, in most cases on scheduled flights. Expulsions are carried out without an escort or with an escort if the behaviour of the foreigner gives rise to doubts as to the safety of the flight. Border Guard purchases tickets for foreigners and provides potential escort. In case of distant inter-continental flights, the escort needs to be ensured accommodation and allowances.

Module 2: Holding Polish charter flights with the participation of CASA military airplanes to countries nearby.

In case of expulsions of a larger number of foreigners to the same geographical region, the more effective solution both in terms of safety as well as expenditure of financial resources is organising a charter flight. Polish flights to nearby countries are held in cooperation with the Thirteenth Transport Escadrille from Krakow on CASA airplanes. Border Guard cover the following costs:

- Charges for fuel used during the flight, on the basis of presented financial documents;
- Airport taxes charged at civil domestic and foreign airports as well as navigation costs;
- The costs of restoring appropriate sanitary and hygienic condition of the aircraft after completion of the task;
- Costs of possible on-board catering.

At present there are no plans concerning the charter flights being organised for bigger groups of foreigners. Although taking into account security reasons (dangerous person) or health reasons, there can be necessity to organise such a flight. The target group covers the foreigners who can be potentially dangerous for society or because of health problems. These circumstances can cause that organising the charter flight is necessary.

Module 3: Organising Polish charter flights on an airplane chartered from private civil carriers to distant countries.
- the above-mentioned actions have not been scheduled for 2008 due to the fact that the issue necessitates holding a tender procedure in order to select the service provider.

Module 4: Escort foreigners to borders (by land expulsion).

In order for the foreigner to be expelled by land or air, he/she needs to be escorted to the state border. This will be the responsibility of the Police until 31 December 2008. The task will be assumed by Border Guard on 1 January 2009. The costs of this action comprise the following elements: the number of kilometres travelled, the cost of vehicle exploitation per one kilometre, the cost of business travel of the persons escorting the foreigner to the border calculated on the basis of regulations on the amount and conditions of establishing amounts due to employees of budgetary or local units for business travels within the territory of the country or abroad, the cost of food and possible accommodation of the foreigner during travel to the border.

Module 5: Co-financing other actions connected with expelling a foreigner.

Apart from the costs of transport, other indirect costs connected with expelling a foreigner from the territory of the Republic of Poland are, *inter alia*, as follows: the costs stipulated by Ordinance of the Minister of Interior and Administration of 20 December 2007 on detailed principles of calculating certain costs of expelling a foreigner from the territory of the Republic of Poland (Dz.U. [Journal of Laws] of 2008, No. 3, item 20). The above-mentioned costs are: the costs of administrative proceedings, fingerprinting and taking photographs, pre-return medical examinations, transport to the border or to the border of a country to which the foreigner is travelling or is escorting, or to an airport or a seaport of that country, transport to the border.

EXPECTED GRANT RECIPIENTS

Public administration body: Chief Commander of the Border Guard.

WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECTS IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

The above project is to be implemented in a procedure of an executing body.

Article 95 (1) of the Act of 13 June 2003 stipulates that: "The foreigner who was issued a decision on expulsion may be escorted to the border, or to the border of a country to which the foreigner is expelled, or to an airport or a seaport of that country, if:

1. He/she stays in a guarded centre or in centre for expulsion;
2. He/she has not left the territory of the Republic of Poland within a deadline stipulated by an expulsion decision or by a decision including the order to leave the territory of the Republic of Poland;
3. It is necessary from the point of view of the country's defences, country security, the protection of security and public order or it lies within the interest of the Republic of Poland;
4. The decision on expelling a foreigner was issued in connection with circumstances referred to in Article 88 (1) (7)."

Article 88 (1) (7) of the Act of 13 June 2003 stipulates that "A foreigner will be issued a decision on expulsion from the territory of the Republic of Poland if he/she failed to leave voluntarily the territory of the Republic of Poland within a deadline stipulated in the decision:

- a) Obliging him/her to leave the country;
- b) Refusing the residence permit for a fixed period;
- c) Revoking the residence permit for a fixed period."

Article 95 (3) of the Act of 13 June 2003 stipulates that: "The obligation to escort a foreigner from the border to the border of the country into which he/she is expelled or to the airport or a seaport of that country will be executed by the Chief Commander of the Border Guard or the Chief Commander of the Border Guard Unit competent for the place where the foreigner is to cross the border."

Also in case of escort to a border of the Republic of Poland, in line with Article 95 (2) of the Act of 13 June 2003 on foreigners, "the obligation to transport a foreigner to the border will be fulfilled by the Voivodeship Commander in Chief of the Police competent for the place of stay of the foreigner." Article 1 (41) of the governmental draft Act amending the Act on foreigners and certain other acts passed on to the Sejm amends Article 95 (1)-(3), which will read as follows:

"Article 95. 1. The decision on forced expulsion by transporting a foreigner to the border, or to the border of a country to which the foreigner is expelled, or to an airport or a seaport of that country will be executed obligatorily, if:

- 1) The foreigner stays in a guarded centre or in centre for expulsion;
 - 2) The foreigner has not left the territory of the Republic of Poland within a deadline stipulated by an expulsion decision or by a decision including the order to leave the territory of the Republic of Poland;
 - 3) It is necessary from the point of view of the country's defences, country security, the protection of security and public order or it lies within the interest of the Republic of Poland;
 - 4) The decision on expelling the foreigner was issued in connection with circumstances referred to in Article 88 (1) (7).
2. The obligation to escort a foreigner to the border is fulfilled by the Chief Commander of the Border Guard Unit competent for the place of stay of the foreigner.
 3. The obligation to escort a foreigner from the border to an airport or a seaport of the country into which he/she is expelled is executed by the

Chief Commander of the Border Guard or the Chief Commander of the Border Guard Unit competent for the place where the foreigner is to cross the border.”

Pursuant to Article 24 of the above-mentioned draft, the Act will enter force after 30 days since its publication, but Article 1 (41) and Article 9 (1) will enter force on 1 January 2009.

Pursuant to the quoted regulations, bodies competent for the execution of expulsions are currently the bodies of Border Guard and the Police. The bodies of Border Guard will become the sole bodies competent in this field since 1 January 2009.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT PARAMETER	RESULT	EFFECT
PROJECT – <i>Organising forced returns.</i>	<p>The number of persons expelled by land – about 3,000-5,000</p> <p>The number of persons expelled by air (scheduled flights) – about 500- 1 000</p> <p>The number of persons expelled by charter flights – about 5 (depends on necessity)</p>	Increase in the number of expulsions.	More effective and coordinated return policy.

VISIBILITY OF EC FUNDING

The visibility of Community funding will be guaranteed in the following way:

- Placing information on co-financing by RF in statistical statements prepared for the needs of the Border Guard by the Board for Foreigners of the Border Guard General Headquarters on the number of persons who underwent forced expulsion from the Republic of Poland;
- Placing the EU logo and the information on the RF co-financing on all the significant publications, brochures and in the correspondence headlines, etc.;
- Placing the EU logo and information on the RF co-financing on the website of the Border Guard General Headquarters.

The confirmation of the co-funding will be the following:

“Project co-financed from Return Fund.”

The guidelines on the visibility of the co-financing of projects from *Return Fund* will be drawn up by the Delegated Authority and attached to the project fiche.

The Delegated Authority will monitor the compliance with the requirements during the implementation of the projects.

COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EC INSTRUMENTS, IF APPROPRIATE

Forced returns taking place by land and air (scheduled flights) are financed from the state budget in whole. It is possible to demonstrate that the action is complementary with other relevant actions conducted in the framework of other instruments, especially External Borders Fund and European Refugee Fund.

FINANCIAL INFORMATION: VALUE OF THE PROJECT; EC CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION

Value of the project – **EUR 1 130 693,01**;

EC contribution – **EUR 848 019,76 (75%)**;

Public contribution – **EUR 282 673,25 (25%)**;

Private contribution – not applicable.

3.2. Action taken in order to support the cooperation between Member States in return management (Priority 2).

3.2.1 Operational objective: Strengthening of cooperation between Member States in return management

PURPOSE AND SCOPE OF THE PROJECT

PROJECT –
*Strengthening of
cooperation
between Member
States in return
management.*

It is planned to implement the project including the two following modules:

Module 1: Organisation of joint charter flights.

In case when a few Member States are interested in expelling foreigners to the same geographic region, a joint charter flight may be organised. One Member State charters an aircraft, while other Member States join in and participate in the costs. Such flights are cost-effective for all participating states due to cost-sharing. In certain cases a Member State sends only observers for a charter flight in order to gather experience and observe best practice in the field. Poland is planning to organise joint flight (one or two) together with Austria (one probably to Georgia). Because of organisational reasons the date of the flight is still not fixed.

Module 2: Co-financing of other actions connected with preparing joint return operations.

In case a foreigner is to participate in a joint charter flight organised by other Member State, he/she needs to be transported to the nearest airport in the territory of the Republic of Poland and provided with air transit to the airport of the Member State from which he/she will be expelled to the third country. It needs to be pointed out that transport by land will be carried out by the Police until 31 December 2008. In accordance with the provisions of the Act amending the Act on foreigners whose entry into force is scheduled before the end of 2008, the task will be assumed by Border Guard. Before the expulsion, the foreigner is subject to administrative proceedings necessary to qualify him/her to the given charter flight which are conducted with the participation of an interpreter. It is necessary to organise and hold working meetings in order to arrange all the details of joint flights.

EXPECTED GRANT RECIPIENTS

Public administration body: Chief Commander of the Border Guard.

WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

The above project is to be implemented in a procedure of an executing body.

Article 95 (1) of the Act of 13 June 2003 stipulates that: “The foreigner who was issued a decision on expulsion may be transported to the border, or to the border of a country into which the foreigner is expelled, or to an airport or a seaport of that country, if:

1. He/she stays in a guarded centre or in prison for expulsion;
2. He/she has not left the territory of the Republic of Poland within a deadline stipulated by an expulsion decision or by a decision including the order to leave the territory of the Republic of Poland;
3. It is necessary from the point of view of the country’s defences, country security, the protection of security and public order or it lies within the interest of the Republic of Poland;
4. The decision on expelling a foreigner was issued in connection with circumstances referred to in Article 88 (1) (7).”

Article 88 (1) (7) of the Act of 13 June 2003 stipulates that “A foreigner will be issued a decision on expulsion from the territory of the Republic of Poland if he/she failed to leave the territory of the Republic of Poland within a deadline stipulated in the decision:

- a) Obliging him/her to leave the country;
- b) Refusing the residence permit for a fixed period;
- c) Revoking the residence permit for a fixed period;”

Article 95 (3) of the Act of 13 June 2003 stipulates that: “The obligation to transport a foreigner to the border of the country into which he/she is expelled or to the airport or a seaport of that country will be executed by the Chief Commander of the Border Guard or the Chief Commander of the Border Guard Unit competent for the place where the foreigner is to cross the border.”

Also in case of transport to border of the Republic of Poland, in line with Article 95 (2) of the Act of 13 June 2003 on foreigners “the obligation to transport a foreigner to the border will be fulfilled by the Voivodeship Commander in Chief of the Police competent for the place of stay of the foreigner.” Article 1 (41) of the governmental draft Act amending the Act on foreigners and certain other acts passed on to the Sejm amends Article 95 (1)-(3), which will read as follows:

“Article 95. 1. The decision on forced expulsion by transporting a foreigner to the border, or to the border of a country to which the foreigner is expelled, or to an airport or a seaport of that country will be executed obligatorily, if:

- 1) The foreigner stays in a guarded centre or in prison for expulsion;

- 2) The foreigner has not left the territory of the Republic of Poland within a deadline stipulated by an expulsion decision or by a decision including the order to leave the territory of the Republic of Poland;
 - 3) It is necessary from the point of view of the country's defences, country security, the protection of security and public order or it lies within the interest of the Republic of Poland;
 - 4) The decision on expelling the foreigner was issued in connection with circumstances referred to in Article 88 (1) (7).
2. The obligation to transport a foreigner to the border is fulfilled by the Chief Commander of the Border Guard Unit competent for the place of stay of the foreigner.
3. The obligation to transport a foreigner from the border to an airport or a seaport of the country into which he/she is expelled is executed by the Chief Commander of the Border Guard or the Chief Commander of the Border Guard Unit competent for the place where the foreigner is to cross the border.”

Pursuant to Article 24 of the above-mentioned draft, the Act will enter force after 30 days since its publication, but Article 1 (41) and Article 9 (1) will enter force on 1 January 2009.

Pursuant to the quoted regulations, bodies competent for the execution of expulsions are currently the bodies of Border Guard and the Police. The bodies of Border Guard will become the sole bodies competent in this field since 1 January 2009.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
PROJECT – Strengthening cooperation between Member States in the field of returns.	The number of persons expelled by joint charter flights – about 40. The number of joint charter flights organised – about 3 – 4. The number of persons transported to other Member States in order to participate in joint charter flight – about 40.	Enhanced cooperation between Member State institutions in respect of return policy.	Integrated approach to return policy. Enhanced cooperation of the Republic of Poland with other Member States in respect of organising joint charter flights. Reduction of costs connected with forced expulsions. Enhanced cooperation in respect of new/changing expulsion directions.

VISIBILITY OF EC FUNDING

The visibility of EC funding will be guaranteed in the following way:

- Placing information on co-financing by RF in statistical statements prepared for the needs of the Border Guard by the Board for Foreigners of the Border Guard General Headquarters on the number of persons who underwent forced expulsion from the Republic of Poland in the framework of joint actions conducted together with other Member States;
- Placing the EU logo and information on the RF co-financing on the website of the Border Guard General Headquarters.

The confirmation of the co-funding will have the following form:

“Project co-financed from Return Fund.”

The guidelines on the visibility of the co-financing of projects from *Return Fund* will be drawn up by the delegated authority and attached to the project fiche.

The Delegated Authority will monitor the compliance with the requirements during the implementation of the projects.

COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EC INSTRUMENTS

The above actions are complementary to the joint charter flights organised in the framework of individual projects where Poland acts as a partner and financed from the state budget funds with the support of the funds from the European Union obtained within the framework of the financial instrument *“Preparatory Action in the Field of Return 2005-2006.”* The financial instrument is aimed at improving the management of returns of illegal immigrants through cooperation between Member States as well as encouraging cooperation with third countries from which the majority of illegal immigrants come. In the framework of the instrument, Poland participated in the “Return 2005” project and it is currently engaged in “Return 2006” project which covers the following third countries: Egypt, Côte d'Ivoire, Gambia, Ghana, Liberia and Sierra Leone. It is possible to demonstrate that the action is complementary with other actions conducted within the framework of other instruments, such as the European Refugee Fund and External Borders Fund.

FINANCIAL INFORMATION: VALUE OF THE MEASURE; EC CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION

Value of the action – **EUR 171 969,00** ;

EC contribution – **EUR 128 976,80 (75%)**;

Public contribution – **EUR 42 992,20 (25%)**;

Private contribution – not applicable.

3.3. Action taken in order to support specific innovative (inter)national tools for return management (Priority 3).

3.3.1 Operational objective: increased cooperation with third countries as regards identification of foreigners and, what results from it, an increased number of removed people.

PURPOSE AND SCOPE OF PROJECT

PROJECT -
*Enhanced
cooperation with
third countries in
identification of
foreigners.*

It is planned to implement the project consisting in the three following modules:

Module 1: Organising visits of experts from third countries for the purpose of confirmation of foreigners' identity.

The Border Guard organises regular visits of experts on confirming citizenship from certain third countries with which cooperation has been established (e.g. Vietnam). During the visits, experts hold conversations with persons arrested in connection with illegal stay or crossing (or attempting to cross) a border thus breaching regulations in force who are suspected to be citizens of the given country in order to confirm their citizenship and issue replacement travel documents. Organising visits of experts necessitates covering for the cost of their travel, their stay and travels within the territory of the Republic of Poland, paying for their allowances, as well as covering the costs of transporting foreigners from detention centres to the venue of conversations.

Module 2: Holding visits of domestic experts to the countries of origin of illegal immigrants and visits of representatives of bodies from the countries of origin.

The Border Guard also plan to establish further relations with representatives of border services from illegal immigrants' countries of origin. This is linked with holding visits of Polish border service experts to third countries in order to conduct direct talks. After such visits, the representatives of third country bodies pay return visits. The meetings are aimed at improving existing cooperation, devising the basis, the aim and the scope of cooperation consisting in inviting experts on confirming citizenship from those countries. Experience of other Member States as well as Polish experience in cooperation with Vietnam shows that direct cooperation with competent bodies from countries of origin is much more effective.

	Establishing the said cooperation is connected with reimbursing the costs of travel and stay of both representatives of Border Guard and representatives of third country bodies during return visits.
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EXPECTED GRANT RECIPIENTS

Public administration body: Chief Commander of the Border Guard.

WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

The above project is to be implemented in a procedure of an executing body.

Article 95 (1) of the Act of 13 June 2003 stipulates that: “The foreigner who was issued a decision on expulsion may be transported to the border, or to the border of a country into which the foreigner is expelled, or to an airport or seaport of that country, if:

1. He/she stays in a guarded centre or in prison for expulsion;
2. He/she has not left the territory of the Republic of Poland within a deadline stipulated by an expulsion decision or by a decision including the order to leave the territory of the Republic of Poland;
3. It is necessary from the point of view of the country’s defences, country security, the protection of security and public order or it lies within the interest of the Republic of Poland;
4. The decision on expelling a foreigner was issued in connection with circumstances referred to in Article 88 (1) (7).”

Article 88 (1) (7) of the Act of 13 June 2003 stipulates that “A foreigner will be issued a decision on expulsion from the territory of the Republic of Poland if he/she failed to leave the territory of the Republic of Poland within a deadline stipulated in the decision:

- a) Obliging him/her to leave the country;
- b) Refusing the residence permit for a fixed period;
- c) Revoking the residence permit for a fixed period;”

Article 95 (3) of the Act of 13 June 2003 stipulates that: “The obligation to transport a foreigner to the border of the country into which he/she is expelled or to the airport or a seaport of that country will be executed by the Chief Commander of the Border Guard or the Chief Commander of the Border Guard Unit competent for the place where the foreigner is to cross the border.”

In accordance with the regulations quoted above, the bodies competent for performing expulsions are competent bodies of the Border Guard.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
PROJECT -	Number of visits in the scope of	Better cooperation between relevant	More effective and coordinated return

<i>Enhanced cooperation with third countries in identification of foreigners</i>	confirmation of citizenship – approx. 3 Number of people identified as a result of the activities of experts – approx. 100 - 120 Number of working/agreement meetings – approx. 1-3	institutions from various countries Increased number of expelled persons.	policy. Decreased number of illegal migrants waiting for return to their country of origin Shorter time spent by illegal migrants on waiting for return to their country of origin
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VISIBILITY OF EC FUNDING

The visibility of EC funding shall be guaranteed in the following way:

- Provision of information on co-financing by RF in statistical statements prepared for the needs of the Border Guard by the Board for Foreigners of the Border Guard General Headquarters and concerning the number of persons using the voluntary return programme, etc.
- Placing the EU logo and the information on the RF co-financing on all significant publications, brochures and in the correspondence headlines, etc.;
- Provision of information about the co-financing from the RF to identity confirmation experts;
- Placing the EU logo and information on the RF co-financing on the website of the Border Guard General Headquarters.

The confirmation of the co-funding shall have the following form:

“Project co-financed from Return Fund.”

The guidelines on the visibility of the co-financing of projects from Return Fund shall be drawn up by the Delegated Authority and attached to the project fiche.

The Delegated Authority shall monitor the compliance with the requirements during the implementation of the projects.

COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EC INSTRUMENTS, IF APPROPRIATE

Visits of experts from third countries (Vietnam) conducted for the purpose of identification of foreigners, as well as study visits of domestic experts to third countries are fully financed from the state budget. Currently Poland also participates in projects financed from the European Union budget within the framework of “Preparatory Action in the Field of Return 2005-2006” (oriented at Egypt, Ivory Coast, Ghana, Gambia, Liberia and Sierra Leone) and “Core Country Group” (Vietnam-oriented). It is possible to demonstrate that the action is complementary with other actions

conducted within the framework of other instruments, such as the European Refugee Fund and the External Borders Fund.

FINANCIAL INFORMATION: VALUE OF THE ACTION; EC CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION

Value of the action – **EUR 50 077,13**;

EC contribution – **EUR 37 557,85 (75%)**;

Public contribution – **EUR 12 519,28 (25%)**

Private contribution – not applicable.

In 2008 no actions are planned under Priority 4 **Support for the preparation of EC standards and best practices in the field of return management.**

4. TECHNICAL ASSISTANCE

According to Article 16 (1) of the Decision No 575/2007/EC, the allocation for technical assistance may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.

The management and control system of the External Borders Fund, the European Return Fund and the European Refugee Fund includes the following allocation of functions in the above-mentioned Funds:

- Responsible authority - Department of European Union and International Cooperation, Ministry of Interior and Administration;
- Certifying authority – Department of Payment Institutions at the Ministry of Finance;
- Audit authority – Department for Protection of EU Financial Interests at the Ministry of Finance;
- Delegated authority – Implementing Authority for European Programmes.

4.1 Purpose of the technical assistance

The purpose of the technical assistance is to effectively implement the European Return Fund. It is to support the operations of the institutions responsible for the implementation of projects financed by the Fund, in particular:

- to ensure a highly qualified personnel responsible for the performance of the processes connected with the preparation, management, monitoring, evaluation, as well as informative and control actions;
- to ensure the operation and development of IT systems and the necessary technical background for the effective performance of the processes connected with the preparation, management, monitoring, evaluation, as well as informative and control actions;
- to provide support for the processes connected with the preparation, selection, valuation, management and monitoring of actions (including organisation and operation of the committees and sub-committees taking part in the implementation of the Fund, support for actions connected with the performance of inspections, audits and certifications, support for the current operation of the institutions involved in the process of the implementation of the Fund);
- to disseminate knowledge about the European Refugee Fund through informational and promotional actions (including in particular ensuring that the requirements imposed on the responsible authority in Article 33 of the Commission Decision of 5 March 2008 are met).

4.2. Expected quantified results

The works connected with the preparation, management, monitoring, evaluation, control and reinforcement of administrative capacity will require the following costs to be incurred:

Indicator	Estimated value
Number of employees performing tasks related to management and control of the Return Fund*	9
Number of visits monitoring the progress of each project	5
Number of business trips (eg. NGO conferences, ad hoc visits, visits of the Cerifying Institution)	16
Number of trainings for the Applicants	1
Number of trainings for the Beneficiaries	1
Number of trainings for employees performing tasks related to management and control of the Return Fund (scope of trainings: financial management, control, specialised language courses etc.)	14
Services (translations, expert opinions, creation of a website and a database** etc.)	–
Number of purchased office furniture (sets)	2
Number of purchased office equipment (multifunction device, laptops, printer, dictaphone, digital camera, USB flash drives) consumables etc.	14
Number of purchased software	7
Office stationary and didactic aids	–
Number of information and publicity activities (in particular print – out of stickers and leaflets, organisation of publicity conferences etc.)	3
* - Employees performing tasks related to management and control of the Return Fund will be remunerated proportionally (pro rata payment) to the scope of assigned responsibilities	
** - database and a website will be created for the purpose of all funds implemented within the SOLID Programme and their cost will be covered proportionally from all the SOLID funds, including the ERF	

The whole allocation available under the 2008 Annual Programme is expected to be used.

4.3 Visibility of EC funding

The visibility of EC funding shall be guaranteed in the following way:

- Placing the logo of the European Union and the information on the source of financing on all the materials published in connection with the performance of the Annual Programme 2008 (e.g. application forms, notices, brochures);
- Provision of information to all beneficiaries on the co-financing from the European Return Fund;
- Ensuring that the European Union logo is placed on the equipment/devices or any other products developed as a results of the project that have been financed from the Fund.

The above complies with the provisions of Annex 10 *Instructions Concerning the Emblem and Definition of the Standard Colour* to the Decision of 19 December 2007.

5. DRAFT FINANCIAL PLAN

Annual Programme – Draft Financial Plan

Table 1 – Overview table

Member State: Republic of Poland Annual programme concerned: 2008 European Return Fund								
	Ref. priority	Ref. specific priority (1)	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d = a+b+c)	% CE (e = a/d)	Share of total (d/total d)
<i>(all figures in EUR)</i>								
Action - Support for the voluntary return programme	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States	Assisted voluntary return programmes	587 478,67	195 826,29	0	783 304,96	75%	35,00 %
Project - Organising forced returns	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States		848 019,76	282 673,25	0	1 130 693,01	75%	50,52 %
Project – Strengthening cooperation between Member States in the field of returns	Priority 2 Support for the cooperation between Member States in return management	Integrated return plans	128 976,80	42 992,20		171 969,00	75%	7,69 %
Project - Enhanced cooperation with third countries in identification of foreigners	Priority 3 Support for specific innovative national and international tools for return management	Projects in which new working methods are tested	37 557,85	12 519,28	0	50 077,13	75%	2,24 %
Technical assistance			101 801,97	0	0	101 801,97	100 %	4,55 %
Other measures (2)	0	0	0	0	0	0	0	0
TOTAL			1 703 835,05	534 011,02	0	2 237 846,07	%	100%

(1) in relevant cases

(2) in relevant cases

[signature of person in charge]