

ANNUAL PROGRAMME 2012

- Initial version
- Revised version (April 2012) following dialogue with the Commission
- Revised version (July 2012) following dialogue with the Commission
- Revised version (December 2012) on the MS initiative

RETURN FUND

MEMBER STATE: REPUBLIC OF POLAND

FUND: EUROPEAN RETURN FUND

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

YEAR COVERED: 2012

DECEMBER 2012

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

A. General rules

RESPONSIBLE AUTHORITY:

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

DELEGATED AUTHORITY:

IMPLEMENTING AUTHORITY FOR EUROPEAN PROGRAMMES

The Responsible Authority – the Department of European Union and International Cooperation of the Ministry of Interior – 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 Authority delegated some of the responsibilities to the Implementing Authority for European Programmes in accordance with the agreement setting down the division of duties between these institutions (*The agreement of 8 January 2009 concerning the scope and area of cooperation during realisation of projects in the framework of External Border Fund, European Refugee Fund and Return Fund as a part of General Programme "Solidarity and management of migration flows"*).

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 - 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 Authority, 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 publishes a call for proposals in a competition procedure on its website, with the Responsible Authority's approval. Information on launching open selection

procedure will also appear on the Responsible Authority's website and in Polish national press (in case of first call for proposal for a given priority).

It is assumed that the call for proposals under the AP 2012 will not take place. It results from the fact that under the previous APs the multiannual projects were selected and they consumed the whole 2012 allocation.

Applications are handed over to the Delegated Authority, where formal assessment is conducted. Supplementing formal shortcomings by Applicants is made upon the request and on the date specified by the Delegated Authority. Having completed the formal assessment, the Delegated Authority hand the applications over to the Responsible Authority. In-depth examination is conducted by the Responsible Authority and 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 makes the decision of co-financing on the basis of the eligible projects' ranking together with justification.

In the framework of 2012 allocation in procedure *awarding body* it is planned realisation actions as follows (continuation of the projects selected under the previous APs):

1. *Support for the voluntary return programme- part V;*
2. *Sstrengthening effectiveness of activities performed by national institutions in area of returns – part IV.*

RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY

While preparing the Annual Programme for 2012, the Responsible Authority turned to the Border Guard, Police Headquarters 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 2012, it is planned that the Border Guard will implement projects and act as a partner.

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

In case of invitation to submit applications, the Responsible Authority will direct such an invitation only to the institutions indicated in the Annual Programme (Border Guard), omitting the procedure of official publication of a call for proposals in press/on the website.

The anticipated date of invitation to submit project fiches: Q4 of 2012/Q1 of 2013. It is anticipated that in the case of the *executing body* procedure, implementation of projects will start in Q2 of 2013.

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 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, the Department of Migration Policy of the Ministry of Interior.

Applications are handed over to the Delegated Authority, where formal assessment is conducted. The documentation, together with formal assessment sheet, is 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 is conducted in-depth examination. The Delegated Authority may participate – on Responsible Authority's request – in in-depth examination. In-depth examination will be 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 makes the final decision on granting co-financing.

In the framework of 2012 allocation in procedure *executing body* it is planned realisation following projects:

1. *Organizing forced returns – part V,*
2. *Strengthening cooperation between Member States in the field of returns – part V,*
3. *Enhanced cooperation with third countries in identification of foreigners - part V,*
4. *Strengthening effectiveness of activities in area of returns performed by Border Guard including cooperation with other institutions – part IV.*

TENDER PROCEDURES:

In case of the *awarding body* procedure, the project beneficiary will be responsible for conducting tender procedures and in case of the *executing body* procedure – the Responsible Authority's partner, namely the Border Guard.

Tender procedures will be applied in accordance with Article 11 of the Commission Decision of 2 March 2011 amending Decision 2008/458/EC laying down rules for the implementation of Decision No 575/2007/EC and in accordance with the European Union law and national regulations in this respect.

The grant agreement (in case of *awarding body*) and financial agreements (in case of *executing body*) oblige the projects' beneficiaries to observe the principles of the Polish Public Procurement Law rules.

In case of the *awarding body* and the *executing body* procedure, the schedule of the project and of the potential tender procedures also is 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 will be monitored by the Delegated Authority. The monitoring will be carried out in two ways:

1. Obligatorily – during a call for proposals/submitted project files – an Applicant/Partner will be obliged to present the assumed project indicator. The indicators will be 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 will be the obligation to report on the values of achieved indicators in a regular manner.

2. The Delegated Authority will visit the projects and verify their implementation in two ways: on the operational and on the financial level.

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

The Responsible Authority will carry 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 in cooperation with the Border Guard. The project was consulted with public administration units: non-governmental organizations, the Office of the United Nations High Commissioner for Refugees and International Organisation for Migration .

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's website (www.msw.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 will be 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.

B. State of play on the three strategic objectives 2012-2013

The AP 2012 takes into consideration guidelines presented in document no SOLID/2011/25, where typology of actions in the annual programmes was contained.

The following strategic objectives will be implemented under the AP 2012:

- **Further development and improvement of voluntary return activities (priority 1).** Under strategic objective "Further development and improvement of voluntary return activities" action *Support for the voluntary return programme- part V* will be continued. The action is implemented since the AP 2008 and its budget is systematically increasing.

- **Promotion of a more strategic focus on EU standards through implementation of actions linked to the requirements of the Return Directive (priority 1, 2, 3 and 4).**

Under strategic objective “Promotion of a more strategic focus on EU standards through implementation of actions linked to the requirements of the Return Directive” implementing activities will contain e.g.:

1. Respect of best interest of the child, family life and state of health of the third-country national during the return procedure.
2. Striving to prefer voluntary return over forced return.
3. Carrying out forced returns through a fair and transparent procedure -
4. Signing with third countries bilateral Readmission Agreements followed by Executive Minutes to facilitate the return process. Such an action is essential as a prerequisite to achieving sustainable return.
5. Respecting common standards and procedures for illegally staying third-countries nationals in accordance with fundamental rights as general principles of both Community and international law.
6. Carrying out the Common Guides on security provisions in removals by air
7. Providing an effective forced- return monitoring system.

- **Improvement of the national capabilities through co-operation with other Member States (Priority 2 and 4).**

Under strategic objective “Improvement of the national capabilities through co-operation with other Member States” projects in priorities 2 and 4 will be continued. Similar projects are implemented since 2008 (priority 2) and since 2009 (priority 2009).

Under this objective Polish Border Guards will organise of joint charter flights with other Member States as well as will organise or participate in seminars in the field of cooperation between the competent bodies of other Member States, responsible for issues of return actions.

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

A number of changes have been made as compared to the previous version of the description of management and control system approved by the European Commission in 2009. The amended version was accepted by the Commission in August 2011. Due to the institutional change of November 2011, which consisted in dividing the Ministry of Interior and Administration into two independent units: the Ministry of Interior and the Ministry of Administration and Digitization, the management and control system is being updated now.

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 – *awarding body* procedure

PURPOSE AND SCOPE OF THE ACTION

SUPPORT FOR THE ASSISTED VOLUNTARY RETURN PROGRAMME – PART V

The increase in the number of foreigners² using assisted voluntary return programmes is visible throughout the European Union. It is reflected in the Directive of European Parliament and Council (2008/115/WE of 16 December 2008) on common standards and procedures applying by member states towards returns of third countries migrants' illegal staying, where it is stated that voluntary return should be preferred more than forced returns. The Directive encourages directly member states to use Return Fund with the aim to ensure the foreigners better aid and counselling in this area. 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.

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:

- a) all third-country nationals who have not yet received a final negative decision in relation to their request for international protection in a Member State and who may choose to make use a voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- b) all third-country nationals enjoying a form of international protection within the meaning of Directive 2004/83/EC, or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who choose to make use a voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- c) all third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State and who, in accordance with the obligation to leave the territory of that Member State, make use of voluntary return;
- d) all other third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State.

² 3rd country national, here and after referred to as foreigner

	<p>Depending from the character of the project under the <i>awarding body</i> mode one or more of the activities mentioned below may be carried out:</p> <ul style="list-style-type: none"> - information and promotion activities providing information about voluntary returns to foreigners and representatives in institutions related to migration issues. It is assumed to conduct promotion activities aimed at spreading information on help in voluntary return; - provision of consultancy to foreigners in assisted voluntary returns; - procedural measures to allow participation in assisted voluntary returns project for foreigners who stay in Poland illegally, including verification of the possibility of participation on AVR project by foreigner; - legal assistance in the field of voluntary return (in languages understandable for foreigners). - Organisation travel to country of origin, including among others: <ul style="list-style-type: none"> - purchasing tickets for the returning foreigners; - organisation travel to proper place in the destination country; - 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; - accommodation before 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, organisation of medical escort if necessary; - the costs of getting to airports, railway stations or other places of departure; - financial support in cash for foreigners using voluntary return; - reintegration aid after return (including material aid) among others for meeting the base needs after the return, establishing business, gaining professional qualification, education, medical care, etc.; - reintegration aid for requiring special care; - realisation assisted voluntary return programmes for vulnerable groups; - realisation seminars/trainings/conferences concerning the voluntary returns programme for experts dealing with migrants' help; - meetings/study visits aiming experience exchange in the field of voluntary return in European Union; - consultation in the field of voluntary return in European Union; - establishing/strengthening cooperation with relevant institutions in foreigners' country of origin in the field of voluntary return; - actions aiming establishing/strengthening cooperation in the field of voluntary return with relevant institutions on the
--	--

	<p>country and local level;</p> <ul style="list-style-type: none"> - studies aiming analysing the migration situation in Poland and foreigners' country of origin in migration trends, target groups etc,; - maintain a database of people returning voluntarily to their country of origin; <p>monitoring and evaluation of voluntary returns and reintegration assistance.</p>		
EXPECTED GRANT RECIPIENTS			
State authorities, regional and local authorities, non-governmental and international organisations, research units, public finance sector units, etc			
WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(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 RETURN PROGRAMME – PART V</i>	<p>The number of persons who used the opportunity to voluntarily return to their country of origin – ca. 1 200 – 1 500</p> <p>The number of person belonging to vulnerable group who used the opportunity to voluntarily return to their country of origin – ca.200 - 250</p> <p>The number of persons who used reintegration assistance – ca.1 000 – 1 400</p> <p>The number of completed seminars/trainings/conferences concerning the voluntary returns programme – ca. 2 – 4.</p>	<p>Increase in the number of voluntary returns.</p> <p>Decrease in the number of repeated arrivals thanks to the increased sustainability of foreigners' stay in the country of origin after using the assisted voluntary return programme.</p>	Higher effectiveness of implementation of assisted voluntary return policy.

	The returns will concern different individuals than those foreseen under annual programmes for 2008 - 2011.		
VISIBILITY OF EU FUNDING			
<p>The visibility of EU funding will be guaranteed in the following way:</p> <ul style="list-style-type: none"> • Placing the emblem of the EU 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 emblem of the EU 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: <i>“Project co-financed from the Return Fund.”</i></p> <p>The emblem of the EU 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 the <i>Return Fund</i> will be attached to the documentation in procedure of awarding 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 EU 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.</p> <p>The 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 ACTION; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION			
<p>Value of the action – EUR 3 061 351,08</p> <p>EU contribution – EUR 2 296 013,31 (75 %)</p> <p>Public contribution – EUR 765 337,77 (25 %)</p> <p>Private contribution – not applicable</p>			

CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND

ASSISTED VOLUNTARY RETURN OR FORCED RETURN

X **TYPOLOGY A – Assisted Voluntary Return**

X **TYPOLOGY B – Forced Return**

TYPOLOGY	Share (%)
Return management (strategy)	1
AVR (assisted voluntary return)	75
Counseling and information	15
Assistance to vulnerable	4
Capacity building of staff	3
Capacity building – infrastructure and tools	1
Capacity building – research/best practices	1

3.1.2 Operational objective: Strengthening of forced returns – executing body procedure

BORDER GUARD

PURPOSE AND SCOPE OF THE PROJECT

PROJECT –
Organising forced returns – part V

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 during 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. Other costs related to the removal are also covered, for example: costs of visas, possible excess baggage and food (for foreigners).

Module 2: Organising domestic charter flights

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 military airplanes. Border Guard covers among others 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;
- The costs of possible on-board catering;
 - The costs of insurance and escorts (f.e. accommodation, allowances);
 - The costs of transport for people at the airport.

The participation of the NGOs representatives are predicted in the framework of forced returns – domestic charter flights. The status of these NGOs contain tasks connected with human rights prevention. In the framework of the module costs of travels, accommodation and food of the representatives is planned to be paid.

Module 3: Organising an 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. In case, in particular, of nationals of Russia, Belarus and Ukraine foreigners are escorted by land to the border of Poland with Russia, Belarus or Ukraine respectively. After escorting to the border Border Guard officers register in appropriate systems the fact of fulfilling the decision concerning expulsion from the territory of Poland. It is necessary in order to make proper counting the period for which the foreigner was entered into the register of foreigners, whose stay on the territory of Poland is inadvisable, and also into SIS (the period of time is strictly specified by law and has to be carefully counted).

In case of individuals of other third countries, who are expelled by air from the territory of Poland, it is necessary to escort them by land to the airport, from which departure is realised. After escorting to the airport foreigners are checked-in (alone or in escort of BG officers). Also in this case Border Guard officers register in appropriate systems the fact of fulfilling the decision concerning expulsion from the territory of Poland.

Under the module the following costs are planned to be covered (among others): costs of fuel, costs of business trip, costs of food for escorted foreigners.

Module 4: Running administrative proceedings connected with expelling a foreigner.

Expulsion of a foreigner is a result of administrative proceeding concerning the case of expulsion. During such a proceeding Border Guard covers additional costs, for example: translation costs, costs of receiving necessary travel documents, medical services costs, food. The meetings with the institutions involved in the return activities as well as with regional units of Border Guard will be organised in the framework of the module. The aim of the meetings is to eliminate possibly problems connected with the implementation of the return activities co-financed by the RF.

Module 5: Improving the conditions of stay in detention centres

The module consists the actions related to improvement of the conditions of reception, accommodation and service in Border Guards' reception centres. Also a small renovation, equipping, facilities costs and costs related to care staff is provided.

Project included purchasing equipment in order to identify the foreigners, equipment used during the return process, as well as IT equipment necessary to administrative conducts related to return from Poland and for project's administrative purposes. Implementation the planned modules and indicators depends on migration situation and legal standards which regulate the procedures in case of responding to the phenomenon of migration.

Implementation of the planned modules and indicators depends on the migration situation and the legal norms that regulate the procedures in situations of response to the phenomenon of migration.
The project is the continuation of the Annual Programmes 2008 - 2011 and will be continued in the framework of the next Annual Programme.

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 of the Act of 13 June 2003 on foreigners stipulates that:

“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.
4. The Chief Commander of the Border Guard reports the date a foreigner left the territory of Republic of Poland in the register of expulsions from the Republic of Poland or immediately informs the Voivode, who issues the decision on expulsion”

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.”

Returns of aliens shall be carried out on the basis of readmission agreements which EU or Poland is a side. The main objective of those agreements is strengthening the effectiveness of returns and simplification and speeding up procedures related to transfer of alien to the country of origin. The transfer on the basis of readmission agreements are executed under the full and simplified readmission. Full readmission is related to the foreigners who do not meet or no longer meet the applicable conditions of entry or residence on the territory of Member State making the request. It covers mainly people apprehended in the depths of the country. Deadlines for full readmission are individual for each agreement. Simplified readmission is related to the foreigners who crossed the state border in violation of the law (persons detained in the border region). Within 48 hours they are apprehended and transferred under the protocol without necessity of issuing a decision of expulsion. The legal basis for the transfer of alien under full or simplified readmission are readmission agreements as well as protocols for the implementation of the above mentioned agreements signed by the polish side.

On the basis of Article 8 Paragraph 6 of 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, "Member States shall ensure an effective forced-return monitoring system."

Exclusive jurisdiction in leading detention centres for foreigners before the expulsion from the territory of Republic of Poland by the polish Border Guard is set in Article 109 Paragraph 2 of the Act of 13 June 2003 of Foreigners (Journal of Laws of 2011, No. 264, item. 1573, as amended). Pursuant to the quoted regulations, bodies competent for the execution of expulsions are currently the bodies of Border Guard.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT PARAMETER	RESULT	EFFECT
PROJECT – <i>Organising forced returns – part V</i>	<p>The number of persons expelled by land – about 600-800</p> <p>The number of persons expelled by air (scheduled flights) – about 150-250</p> <p>The number of persons expelled by charter flights – about 40-50</p> <p>The number of persons belonging to vulnerable group who were returned – about 10 – 20</p>	Increase in the number of expulsions.	More effective and coordinated return policy.

	<p>The number of detention centres where comfort of stay was improved – 3 – 5</p> <p>The number of meetings - 1-2</p> <p>Number of flights with the participation of NGO representatives – 2-3</p> <p>The expulsion will concern different individuals than those foreseen under annual programme for 2008 - 2011.</p>		
VISIBILITY OF EU FUNDING			
<p>The visibility of EU funding will be guaranteed in the following way:</p> <ul style="list-style-type: none"> • Placing the emblem of the EU and the information on the RF co-financing on all the significant publications, brochures and in the correspondence headlines, etc.; • Placing the emblem of the EU and information on the RF co-financing on the website of the Border Guard General Headquarters. <p>The confirmation of the co-funding will be the following: <i>“Project co-financed from the Return Fund.”</i></p> <p>The guidelines on the visibility of the co-financing of projects from the <i>Return Fund</i> will be attached to the project fiche. The Delegated Authority will monitor the compliance with the requirements during the implementation of the projects.</p>			
COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EU INSTRUMENTS, IF APPROPRIATE			
<p>Forced returns taking place by land and air (scheduled flights) are financed from RF and cofinanced from the state budget. The project is complementary to actions carried out by FRONTEX. 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.</p>			
FINANCIAL INFORMATION: VALUE OF THE PROJECT; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION			
<p>Value of the project – EUR 800 000, 00 EU contribution – EUR 600 000,00 (75%)</p>			

Public contribution – EUR 200 000,00 (25%)	
Private contribution – not applicable.	
CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND	
ASSISTED VOLUNTARY RETURN OR FORCED RETURN	
X	TYPOLOGY A – Assisted Voluntary Return
<u>X</u>	<u>TYPOLOGY B – Forced Return</u>
TYPOLOGY	Share
Forced return	90
Capacity building – research/best practices	10

BORDER GUARD

PURPOSE AND SCOPE OF THE PROJECT

PROJECT –
*Improving
detention
conditions in
Lesznowola
Detention Centre –
Part I*

The project is planned to be implemented as a multiannual project (AP 2012 and 2013). Buildings of the Lesznowola Detention Centre are word out, both in terms of building, installation and equipment. The rooms and areas used by foreigners are devastated, what was the cause of exclusion of the male block in the first stage of functioning of the centre. This meant the suspension of admissions to the centre – foreigners could stay there only if the building`s conditions would allow it. The monitoring visits shown that not only buildings but also the surroundings, including fence, have a negative impact on the foreigners expecting the return to the country of origin. Until now, due to lack of funds, no modernization works were provided. The planned renovation project will include the following steps:

1. Designing development conception (AP2012).
2. Reparation of the internal fence (AP 2012).
3. Designing the technical documentation of development and modernisation of Lesznowola Detention Centre (including obtaining building permit for No 1 building -male block), lightening the area of the centre and the access road to the resort in case of moving the traffic out of the zone where foreigners are waiting for the return (AP2013).
4. Rebuilding and reconstruction of male block according to the technical documentation (AP2013).
5. Implementation of area lightening (AP2013).
6. Implementation of access road (AP2013).
7. Reparation of the external fence (AP2013).
8. Purchasing equipment to the refurbished centre (AP2013).

Renovation will let to open the male block for about 40 - 50 foreigners. The first stage implemented under the AP2012 will cover designing the development conception of the centre and reparation of the internal hence. The second stage is planned to be implemented under the AP 2013. This stage will cover: designing project of extention and modernisation of the centre as well as completing all the works planned. The construction work will include: roof repair (with isolation), division of building`s areas, reconstruction of the central heating and water – sewerage system, air conditioning for selected areas, installation of mechanical ventilation for laundry and drying facilities, replacement of electrical system, lightning installation, lighting protection system and monitoring system with monitoring network in the Centre. The project will make a compulsory waiting period to return to their country of origin, will be less frustrating for a foreigner. Creating a good environment in which foreigners sometimes staying for several months, will make their stay more friendly and minimize the effects of trauma in their country of origin. Improving the detention conditions will increase the comfort of foreigners at the Centre in accordance with the "Return Directive".

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.

On 1 September 2008 the Border Guard took over Detention Centre for Foreigners in Lesznowola from the Police. On the basis of the Minister of Internal Affairs and Administration Regulation of 31.07.2008 on the Guarded Centre for Foreigners in Lesznowola, he was handed the management of the Nadwisiański Unit of Border Guard and is his organizational unit.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT PARAMETER	RESULT	EFFECT
PROJECT – <i>Improving detention conditions in Lesznowola Detention Centre – Part I</i>	The number of improved DC – 1	Improvement of accommodation infrastructure and foreigners` stay in DC, according to "Return Directive".	<p>Providing adequate reception conditions, maintenance and service for foreigners waiting for expulsion.</p> <p>Minimizing the negative effects of emigration of foreigners from the country of origin.</p> <p>Improving the image of Poland as a country which respects human rights in detention.</p>

VISIBILITY OF EU FUNDING

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

1. Placing the emblem of the EU and the information on the RF co-financing on all the significant publications, brochures and in the correspondence headlines, etc.;
2. Placing the emblem of the EU and information on the RF co-financing on the website of the Border Guard General Headquarters.
3. Placing the emblem of the EU and information on the RF co-financing on the equipment.
4. Placing visible and permanent placement of large format, which will be given: type, project name, the EU emblem corresponding to the graphic standards set out in Annex 10 to the Decision of the Executive, a reference to the EU and the Fund and the slogan: "Safe Return". This information will should be at least 25% of the plaque.

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

<p>“Project co-financed from the Return Fund.”</p> <p>The guidelines on the visibility of the co-financing of projects from the <i>Return Fund</i> will be attached to the project fiche. The Delegated Authority will monitor the compliance with the requirements during the implementation of the projects.</p>	
<p>COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EU INSTRUMENTS, IF APPROPRIATE</p>	
<p>Forced returns taking place by land and air (scheduled flights) are financed from RF and co-financed from the state budget. The project is complementary to actions carried out by FRONTEX. 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.</p>	
<p>FINANCIAL INFORMATION: VALUE OF THE PROJECT; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION</p>	
<p>Value of the project – EUR 53 700,45 EU contribution – EUR 40 275,33 (75%) Public contribution – EUR 13 425,12 (25%) Private contribution – not applicable.</p>	
<p>CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND</p>	
<p>ASSISTED VOLUNTARY RETURN OR FORCED RETURN</p>	
X	TYPOLOGY A – Assisted Voluntary Return
X	<u>TYPOLOGY B – Forced Return</u>
TYPOLOGY	Share
Capacity building – infrastructure and tools	100

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 – executing body procedure

PURPOSE AND SCOPE OF THE PROJECT

PROJECT –
Strengthening of cooperation between Member States in return management – part V

It is planned to implement the project including the three 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 a joint charter flight among others with Austria and Hungary. The countries foreseen as target are: Armenia and Georgia however, the direction of flight will depend on the number of aliens subject to deportation procedures.

Module 2: Co-financing of other actions connected with preparing joint charter 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 is essential to organize and conduct the so-called working meetings in order to work out the common approach towards particular third country institutions responsible for accepting dismissed individuals to their countries, procedures in cases of transferring of third-country citizens illegally residing in the Member States, information exchange in the field of the best practices in this area as well as reaching agreement on the technical and operational details concerning joint return operations. The participation of the NGOs representatives are predicted in the framework of joint charter flights. The status' of these NGOs contain tasks connected with human rights prevention. In the framework of the module costs of travels, accommodation and food of the representatives is planned to be paid.

Module 3: Organising meetings related to return policy with Member States

Under the module organisation of working meetings is planned. The aim of the meetings is to strengthen operational

	<p>cooperation among migratory services in MSs in area of return, to work out the common approach towards institutions in the third countries which are responsible for taking over the returned persons to their countries of origin, procedures of conducting in cases of taking over the citizens of the third country staying at the territory of MSs illegally, exchange information in area of best practices, as well as to reach the agreement on technical and operational aspects concerning common return operations.</p> <p>Implementation of the planned modules and indicators depends on the migration situation and the legal norms that regulate the procedures in situations of response to the phenomenon of migration.</p> <p>The project is the continuation of the Annual Programmes 2008 - 2011 and will be continued in the framework of the next Annual Programme.</p>
--	---

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. The justification of the chosen procedure is in project 3.1.2

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
<p>PROJECT – <i>Strengthening cooperation between Member States in the field of returns – part V</i></p>	<p>The number of persons expelled by joint charter flights – about 20-30.</p> <p>The expulsion will concern different individuals than those foreseen under the previous annual programmes.</p> <p>The number of joint charter flights organised – about 2-3.</p> <p>The joint charter flights will be organised for different individuals than those foreseen under the previous annual programmes.</p>	<p>Enhanced cooperation between Member State institutions in respect of return policy.</p>	<p>Integrated approach to return policy.</p> <p>Enhanced cooperation of the Republic of Poland with other Member States in respect of organising joint charter flights.</p> <p>Reduction of costs connected with forced expulsions.</p> <p>Enhanced cooperation in respect of new/changing expulsion directions.</p>

	<p>The number of persons transported to other Member States in order to participate in joint charter flight – about 5-10.</p> <p>Persons who will be transported to other MS in order to participate in joint charter flight are included in the group of people who will be expelled by joint charter flights.</p> <p>The number of meetings with representatives of Member States – about 2-3</p>		
--	---	--	--

VISIBILITY OF EU FUNDING

The visibility of EU 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 emblem of the EU 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 the Return Fund.”

The guidelines on the visibility of the co-financing of projects from the *Return Fund* will be 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 EU 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 “Return Preparatory Actions 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 comes. In the framework of the instrument, Poland participated in the “Return” 2005 and 2006 projects which covers the following third countries: Egypt, Ivory Coast, 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.

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

Value of the project – **EUR 70 000,00**
 EU contribution – **EUR 52 500,00 (75%)**
 Public contribution – **EUR 17 500,00 (25%)**
 Private contribution – not applicable.

CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND

ASSISTED VOLUNTARY RETURN OR FORCED RETURN

X	TYPOLGY A — Assisted Voluntary Return
X	TYPOLGY B – Forced Return

TYPOLGY	
Forced Return	45
Capacity building – research/best practices	10
Cooperation between MS	45

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 – executing body procedure

PURPOSE AND SCOPE OF PROJECT

PROJECT –
Enhanced cooperation with third countries in identification of third country nationals – part V

It is planned to implement the project consisting in the two 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 the cooperation has been established. Such a cooperation is delt with border services of Vietnam. The Border Guard established such cooperation with other third countries, including the African countries. During the visits, experts hold conversations with persons apprehended in order to confirm their citizenship and issue replacement travel documents. This is done in connection with their illegal stay or crossing (or attempting to cross) a border thus breaching regulations. These meeting are held with foreigners who are suspected to be citizens of this country. 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. Confirmation of the identity of the alien also generates costs of conducting personal or telephone interviews and – in case of the confirmation of their identity – costs of issuing a travel document to return to their country of origin.

Module 2: Cooperation through visits with representatives of bodies from the countries of origin.

The Border Guard also establishes relations with representatives of border services from illegal immigrants' countries of origin in order to develop the cooperation in area of confirming citizenship of migrants whom the decision of expulsion concerns and in area of transferring aliens on the basis of readmission agreements.. This is linked with 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 developing the cooperation, exchanging information on best practices in the identification of foreigners, 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

	<p>Guard and representatives of third country bodies during return visits. Under the activities the purchase of laptops is planned. They will be handed over the representatives of migration services of third countries. Africa (among others Congo) and Central Asia (among others Pakistan, Bangladesh, Afghanistan) is concerned as a target of such cooperation and possibly other regions if the need arises. Establishing/improving the cooperation with the third countries will also be associated with visits of representatives of the Polish Migration Services in the third countries' diplomatic missions which have not yet established their own offices in the territory of the Republic of Poland. The aim of such visits will be establishing of working contacts with employees of diplomatic offices which are responsible for verification of personage identification. There are plans to organize meetings with representatives of the competent authorities of third countries in order to develop/summarise rules for readmission agreements (according to art. 4(2)(b)of the Decision).</p> <p>Implementation of the planned modules and indicators depends on the migration situation and the legal norms that regulate the procedures in situations of response to the phenomenon of migration.</p> <p>The project is the continuation of the Annual Programmes 2008 - 2011 and will be continued in the framework of the next Annual Programme.</p>
--	--

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. The justification of the chosen procedure in in project 3.1.2

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
PROJECT - <i>Enhanced cooperation with third countries in identification of third country nationals – part V</i>	Number of visits in the scope of confirmation of citizenship – 2 - 3	Better cooperation between relevant institutions from various countries	More effective and coordinated return policy.
	Visits will concern different individuals than those foreseen under annual programme for 2008 - 2011.	Increased number of expelled persons.	Decreased number of illegal migrants waiting for return to their country of origin
	Number of people identified as a result of the activities of experts – 15 - 20		Shorter time spent by illegal migrants on waiting for return to their country of

	<p>Number of effective completed identification procedures in cooperation with the third countries: 40 – 60</p> <p>Identification will concern different individuals than those foreseen under annual programme for 2008 - 2011.</p> <p>Number of working/agreement meetings aiming at enhancement of cooperation with 3rd country representatives – 5 – 7</p> <p>Meetings will concern different individuals than those foreseen under annual programme for 2008 - 2011.</p>		origin
--	--	--	--------

VISIBILITY OF EU FUNDING

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

- Placing the emblem of the EU 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 emblem of the EU 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 the Return Fund.”

The guidelines on the visibility of the co-financing of projects from the Return Fund will be 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 EU 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 financed from RF and cofinanced from the state budget. Previously, Poland participated in projects financed from the European Union budget within the framework of “Return Preparatory Actions 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.	
FINANCIAL INFORMATION: VALUE OF THE PROJECT EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION	
Value of the project – EUR 70 000,00 EU contribution – EUR 52 500,00 (75%) Public contribution – EUR 17 500,00 (25%) Private contribution – not applicable.	
CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND	
ASSISTED VOLUNTARY RETURN OR FORCED RETURN	
X	TYPOLOGY A – Assisted Voluntary Return
X	<u>TYPOLOGY B – Forced Return</u>
TYPOLGY	
Capacity building – research/best practices	10
Cooperation with third countries	90

3.4. Support for Community standards and best practices on return management (Priority 4).

3.4.1 Operational objective: Enhancement of national representatives competences as regards returns organisation and realisation, including cooperation with international partners – awarding body procedure

PURPOSE AND SCOPE OF THE ACTION :

*STRENGTHENING
EFFECTIVENESS
OF ACTIVITIES
PERFORMED BY
NATIONAL
INSTITUTIONS IN
AREA OF RETURNS
– PART IV*

Depending on the type of project submitted under the call for proposals one or more of the following actions can be implemented:

- 1) organising seminars/workshops/trainings related on relevant international human rights standards on return procedure for the institutions at national, regional and local levels;
- 2) organising seminars/workshops/expert meetings on Community legislation in the area of return;
- 3) organising training/seminars/workshops related to exchange of best practises in the field of return (in cooperation with FRONTEX);
- 4) organising training/seminars/workshops for judicial bodies on international common practices in assessing appealed return decisions;
- 5) organising seminars for representatives of institutions involved in return policy on best practices focusing on specific third countries/regions or the return of particularly vulnerable groups;
- 6) establishing/developing mechanism/tools/schemes for the evaluation of return policies (also in cooperation with international organisations or NGOs);
- 7) efforts aiming to developing common indicators to monitor and evaluate voluntary return on national and EU level;
- 8) performing evaluations and missions to measure progress in return programmes, tools and procedures;
- 9) setting up joint European missions to verify safe and dignified return conditions for sustainable return to selected countries of return;
- 10) establishing mechanism for registering and sharing best practices on return management with other countries;
- 11) establishing/developing communication tools and channels for best practice in voluntary return area (e.g. electronic portals, handbooks);
- 12) conducting assessments on the regulatory framework and the administrative practical constraints at national level of Member States leading to recommendations for potential amendments to the legal framework to facilitate more efficient and sustainable returns (in cooperation with international organisations or NGOs);
- 13) conducting research and developing recommendations on the impact of the return management in the European Union on Polish citizens and / or the European Union, as well as third-country nationals;
- 14) research projects/studies regarding best practises in the field of voluntary return with the emphasis on particular

immigration groups (women, youth and children, disabled, etc.);
research projects/studies on the role of international organisations and NGOs in the field of return.

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 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 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>STRENGTHENING EFFECTIVENESS OF ACTIVITIES PERFORMED BY NATIONAL INSTITUTIONS IN AREA OF RETURNS – PART IV</i>	Number of implemented trainings/ seminars/ workshops/ conferences – about 30-40	Increasing ability of returns implementation	Providing employees of government institutions with best quality knowledge of migration as well as working out best practices in scope of returns implementation.
	Number of trained persons involved in organizing returns – about 400-500	Describing the best practice standards as well as information exchange in scope of stay and labour eligibility, identifying identity, returns and standards of foreigners stay in detention centres.	
	Number of research studies/assessment projects – about 2		

VISIBILITY OF EU FUNDING

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

- Placing the emblem of the EU 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 emblem of the EU 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.

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

<p>“Project co-financed from the Return Fund.”</p> <p>The guidelines on the visibility of the co-financing of projects from the Return Fund will be attached to the project fiche. The Delegated Authority shall monitor the compliance with the requirements during the implementation of the projects.</p>	
<p>COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EU INSTRUMENTS, IF APPROPRIATE</p>	
<p>Organization of trainings in the field of returns is financed by RF and from the state budget. 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.</p>	
<p>FINANCIAL INFORMATION: VALUE OF THE ACTION; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION</p>	
<p>Value of the action – EUR 560 000,00 EU contribution – EUR 420 000,00 (75%) Public contribution – EUR 56 000,00 (10%) Private contribution – EUR 84 000,00 (15%)</p>	
<p>CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND</p>	
<p>ASSISTED VOLUNTARY RETURN OR FORCED RETURN</p>	
<u>X</u>	<p><u>TYPOLOGY A – Assisted Voluntary Return</u> Share: 80%</p>
<u>X</u>	<p><u>TYPOLOGY B – Forced Return</u> Share: 20%</p>
<p>TYPOLOGY</p>	
Capacity building of staff	60
Capacity building – infrastructure and tools	5
Capacity building – research/best practices	25
Cooperation between MS	10

3.4.2 Operational objective: Enhancement of national representatives competences as regards returns organisation and realisation, including cooperation with international partners – executing body procedure

PURPOSE AND SCOPE OF PROJECT:

<p>PROJECT – <i>Strengthening effectiveness of activities in area of returns performed by border guards, including cooperation with other institutions – part IV</i></p>	<p>It is planned to implement the project consisting in the following modules:</p> <ol style="list-style-type: none"> 1/ organisation of trainings/workshops/conferences on common standards for realisation of returns by the entities dealing with implementation of return programmes designed especially for public officers dealing with return activities; 2/ organisation of seminars focused on verification of legality of stay and employment, illegal migration, realization of returns for Border Guard officers, detention as well as seminars and workshops among sufficient institutions involved in the return action process. Such seminars will be organized with participation of BG, Police, National Labour Inspectorate and local authorities such as province Offices, and other entitled institutions involved in migration issues; 3/ organisation of seminars in the field of cooperation between the competent bodies of other Member States, responsible for issues of return actions; 4/ organisation of trainings/seminars/workshops/meetings on national, european and international law in area of returns designated for public services’ officers involved in return activities; 5/ organization of training seminars/workshops in the field of identification of undocumented aliens and identification victims of trafficking; 6/ foreign languages courses for persons involved in the return activities. The courses will cover languages used by the foreigners under the return procedures. It is planned that the courses will be conducted for persons on the different level of languages; <p>Taking into consideration difficulties with effective conducting of trial and administrative activities, in cases of rare languages, whose users cause serious problems connected with a big migration risk, it is planned to implement a pilot project focused on professional improvement in area of intensive course of oriental languages. The courses will involve the cultural aspects. The courses will be conducted by the teachers out of Border Guard.</p> <p>7/organisation of trainings/workshops, which prepare the officers to conduct negotiations with the foreigners as well as to resolve conflicts among others related to necessity of staying in the detention centres for foreigners and awareness of forced</p>
--	---

	<p>return to the country of origin;</p> <p>8/ Organization of post-graduate studies which will be addressed to the Border Guard functionaries. The participation of representatives of other institutions dealing with return topic is admitted.</p> <p>Border Guard Training Center in Lubań will be responsible for organization of the post-graduate studies. The studies shall focus on aspects of foreigners' identification and cultural differences mainly in terms of forced returns.</p> <p>Topics will cover political, social and cultural specific areas of Africa, the Middle and Far East, which will highlight the basic characteristics of migrant communities. Deepening of knowledge in this field by persons engaged in return activities will have impact on improving the competence of the personnel involved in the identification of foreigners, engaged in administrative procedures in cases of expulsion, taking care of foreigners placed in detention centers who are waiting to return to their country of origin. Action is part of the provisions of the "Return Directive", putting the emphasis on the treatment of foreigners in a dignified manner, with respect for their fundamental rights and in accordance with international and national law.</p> <p>The main aim of the study is to enhance the quality and efficiency of staff dealing with both the return policy and the return process, as well as improvement of cooperation with other institutions concerned with foreigners' matters.</p> <p>It is planned that under allocation 2012 the study took a group of 35-45 people.</p> <p>The proposes modules and indicators were reviewed in comparison with previous Programmes. Experience with project implementation in the previous annual programmes allowed to propose realistic and effective indicators in AP 2012.</p> <p>The project is a continuation of projects implemented under the APs 2009-2011. In all annual programmes Border Guard as a monopolist in the area of forced returns implements a series of training courses directly and inextricably related to return policy. The aim is raising the competence of the officers of the Border Guard constantly and consistently. The project will be continue under AP 2013.</p>
--	--

EXPECTED GRANT RECIPIENTS

Public administration body: Chief Commander of the Border Guard and other institutions involved in return policy.

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.
 The activities related to dealing with legality control of foreigners' stay on the territory of Poland , legality control of foreigners' employment and

business running , as well as activities connected with realisation the decisions concerning the foreigners expulsion from territory of Poland, are accomplished by bodies indicated in special regulations. Such tasks' realisation in area of legality control of foreigners' stay result from the Act of 13 June 2003 on foreigners (article 85 (1)) (Journal of Laws of 2011, No. 264, item. 1573, as amended). This article points out that Border Guard and Police performs legality control of foreigners' stay on the territory of Poland. Art.1 (2) (13a) of Act of 12 October on Border Guard states that Border Guard is competent in the scope of performing legality control of foreigners' employment on the territory of Poland and running business. Activities supporting the legality of residence and employment are related to the conduct of reconnaissance of migration. Analysis prepared on the basis of reconnaissance on migration have to expose, prevent and combat violations of regulations regarding entry and residence in the territory of Poland. These activities are aimed at preventing illegal migration. The basis for this actions are: ordinance no 28 of Chief Commander of the Border Guard of 2 April 2010 on the conduct of the reconnaissance in order to perform tasks within the competence of BG and Director of Border Management and Director of the Board of Immigration guidelines of 15 July 2010 of organizing and conducting reconnaissance in order to perform tasks within the competence of the BG. Art. 109 (2) of Act of 13 June 2003 on Foreigners (Journal of Laws of 2011, No. 264, item. 1573, as amended) stresses that the Border Guard is the only institution which is competent of running: detention centre and prisons for foreigners expecting expulsion from the territory of Poland. Art.95 (2) i (3) of Act of 13 June 2003 on Foreigners states that only the Border Guard fulfils the decisions concerning expulsion. Taking into consideration the above, the Border Guard is the institution, which owns the whole range of activities connected with realisation of illegal immigrants' returns from the territory of Poland. That is why the number of Border Guard officers who will be covered by relevant trainings/ seminars should be higher than number of other officers or other institutions/organisations' civil servants. These trainings/seminars will guarantee high quality and compatibility between actions taken in area of returns and law. Taking into account the above and the fact that the most of activities in this scope is performed only by the Border Guard, it is justified that some activities (seminars/trainings) planned in the framework of 2011 Annual Programme will be implemented in executing body procedure. This procedure covers realisation of trainings activities in area of: disclosure, arresting and issue the decision concerning the return, as well as these decisions fulfilment toward the foreigner who does not meet or stopped to meet the conditions of entrance and stay on the territory of Poland. It is planned that the trainings will have the following form: internal trainings (trainers and trainees – officers of Border Guard), joint trainings (together with institutions/organisations cooperating in this scope), joint trainings (with participation of other Members States institutions/organisations dealing with returns activities). Trainings will be conducted by training centres and units of the Border Guard.

EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED

	PRODUCT – PRODUCT INDICATOR	RESULT	IMPACT
--	-----------------------------	--------	--------

<p>PROJECT – <i>Strengthening effectiveness of activities in area of returns performed by border guards, including cooperation with other institutions – part IV</i></p>	<p>Number of implemented trainings/ seminars/ workshops/ conferences – about 55 - 65</p> <p>Number of persons participated in trainings, seminars, workshops – 800 – 950</p> <p>Number of persons participating in trainings and languages courses – 80 - 120</p> <p>Number of post-graduate studies – 1</p> <p>Number of persons who have completed postgraduate studies - 35 – 45</p>	<p>Increasing ability of returns implementation</p> <p>Describing the best practice standards as well as information exchange in scope of stay and labour eligibility, identifying identity, returns and standards of foreigners stay in detention centres.</p> <p>Improving of intercultural skills and in area of foreign languages of officers and employees of Border Guard, what increase return activities effectiveness.</p>	<p>Providing employees of government institutions with best quality knowledge of migration as well as working out best practices in scope of returns implementation.</p>
---	--	---	--

VISIBILITY OF EU FUNDING

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

- Placing the information on the RF co-financing on all publications concerning trainings (invitations, agendas, reports on completing trainings etc.);
- Placing the emblem of the EU and information on the RF co-financing on the premises, where the trainings will take place.

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

“Project co-financed from the Return Fund.”

The guidelines on the visibility of the co-financing of projects from the Return Fund will be 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 EU INSTRUMENTS, IF APPROPRIATE

Organization of trainings in the field of returns is financed by State Budget and RF. 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. The general scope of those funds is similar to RF, but there is no possibility of double financing.

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

Value of the project – **EUR 440 000,00**
 EU contribution – **EUR 330 000,00 (75%)**
 Public contribution – **EUR 110 000,00 (25%)**
 Private contribution – not applicable.

CATEGORISATION OF THE ACTION ACCORDING TO THE TYPOLOGY FOR THE FUND

ASSISTED VOLUNTARY RETURN OR FORCED RETURN

X **~~TYPOLOGY A – Assisted Voluntary Return~~**

X **TYPOLOGY B – Forced Return**

TYPOLOGY

Capacity building of staff	80
Capacity building – research/best practices	15
Cooperation between MS	5

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;
- Certifying authority – Department of Payment Institutions at the Ministry of Finance;
- Audit authority – General Inspector for Fiscal Control ;
- 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 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 Return 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 (RA, DA, CA, AA)	17
Number of visits monitoring the progress of each project	8
Number of business trips	20
Number of trainings for the Beneficiaries	3
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.)	20
Services for employees (translations, legal expertise, maintenance of the website)	2
Administrative expenses (charges for telephones, use of office spaces, etc.)	2
Working meetings (purchase of food)	10
Promotional and informational materials	2
Number of office equipment for staff (computer hardware and accessories for the employees involved in implementation of the RF)	1
Office supplies and teaching materials (office furniture, paper, computer cartridges, dictionaries, publications, maps, etc.)	2
Others purchases	2

The whole allocation available under the 2012 Annual Programme is expected to be used.

4.3 Visibility of EU funding

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

- Placing the emblem of the European Union and the information on the source of financing (technical assistance – RF) on all the materials published in connection with the performance of the Annual Programme 2012 (e.g. application forms, notices, brochures);
- Provision of information to all beneficiaries of technical assistance in the framework of RF on the co-financing from the European Return Fund - TA;
- Ensuring that the emblem of the European Union and information of financing from TA – RF is placed on the equipment/devices or any other products developed as a result of the project that have been financed from the Fund.

All activities undertaken in the framework of Technical Assistance will include the information about financing from TA.

The above complies with the provisions of Annex 10 *Instructions Concerning the Emblem and Definition of the Standard Colour* to the Decision of 5 March 2008.

5. DRAFT FINANCIAL PLAN

Annual Programme – Draft Financial Plan								
Table 1 – Overview table								
Member State: Republic of Poland								
Annual programme concerned: 2012								
Return Fund								
	Ref. priority	Ref. specific priority (1)	EU 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-continuation	Assisted voluntary return programmes	2 296 013,31	765 337,77		3 061 351,08	75%	58,39%
Project – Organizing forced returns	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States-continuation		600 000,00	200 000,00		800 000,00	75%	15,25%
Project – Improving detention conditions in Lesznowola Detention Centre – Part I	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States-continuation		40 275,33	13 425,12		53 700,45	75%	1,02%
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	52 500,00	17 500,00		70 000,00	75%	1,33%

	continuation							
Project – Enhanced cooperation with third countries in identification of third country nationals	Priority 3 Support for specific innovative national and international tools for return management-continuation	Projects in which new working methods are tested	52 500,00	17 500,00		70 000,00	75%	1,33%
Action – strengthening effectiveness of activities performed by national institutions in area of returns	Priority 4 Support for development of the Community standards and best practices in return managing-continuation	Measures taken on the national level in order to guarantee fair and effective implementation of the common standards	420 000,00	56 000, 00	84 000,00	560 000,00	75%	10,68%
Project – strengthening effectiveness of activities in area of returns performed by Border Guards including cooperation with other institutions	Priority 4 Support for development of the Community standards and best practices in return managing-continuation	Measures taken on the national level in order to guarantee fair and effective implementation of the common standards	330 000,00	110 000 00		440 000,00		8,39%
Technical assistance			189 220,36			189 220,36	100 %	3,61%
Other measures (2)								
TOTAL			3 980 509,00	1 179 762,89	84 000,00	5 244 271,88	%	100%

(1) in relevant cases

(2) in relevant cases

Monthly rate published by the European Central Bank will be used for the calculation.

[signature of person in charge]