

**ANNUAL PROGRAMME 2010**

*revised version*

**EUROPEAN 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: **2010**

**JUNE 2012**

## **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**

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 (agreement signed on 8 January 2009 on the scope and cooperation in the implementation of tasks under the External Border Fund, European Refugee Fund and European Return Fund as part of the 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 (announcement in press is obligatory only for first call within a allocation).

Competition was announced in Q3 of 2010.

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 Fund<sup>1</sup> makes the decision of co-financing on the basis of the eligible projects' ranking together with justification.

In the framework of 2010 allocation in procedure *awarding body* it is planned realisation actions as follows:

1. *Support for the voluntary return programme- part III,*
2. *Strengthening effectiveness of activities performed by national institutions in area of returns – part II.*

#### RESPONSIBLE AUTHORITY ACTING AS AN *EXECUTING BODY*

While preparing the Annual Programme for 2010, the Responsible Authority turned to 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 2010, 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.

Invitation to submit project fiches was sent to partners in Q4 of 2010. In the case of the *executing body* procedure, implementation of projects will start in Q2 of 2011.

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 participates – on Responsible Authority's request – in in-depth examination. In-depth examination is 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.

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<sup>1</sup> 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.

In the framework of 2010 allocation in procedure *executing body* it is planned realisation following projects:

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

#### 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 5 March 2008 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' adherence, whereas, in the case of procurements worth more than EUR 5,000 – to grant procurement on the basis of a tender procedure to the bidders whose bid is the most profitable, avoiding any conflicts of interests. Procurements worth less than EUR 5,000 may be granted on the basis of one offer, without public notice.

In case of the *awarding body* and the *executing body* procedure, the schedule of the project and of the potential tender procedures is also subjected 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 fiches – 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 and Administration in cooperation with the Border Guard. The project was consulted with public administration units: the Implementing Authority for European Programmes, 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](http://www.msw.gov.pl)) and on the website of the Delegated Authority – the Implementing Authority for European Programmes - ([www.wvpe.gov.pl](http://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.

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

Compared with the Control and Management System, which was sent to the EC in 2009, changes were made and revised version of the document was accepted by the EC in August 2011.

### 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 ACTIVITY

*SUPPORT FOR THE ASSISTED VOLUNTARY RETURN PROGRAMME – PART III*

The increase in the number of foreigners<sup>2</sup> 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:

- 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;
- 5) Foreigners who received refugee status;
- 6) Foreigners covered by subsidiary protection;
- 7) Foreigners who were identified as victims of trafficking in humans in Poland (persons who: have not decided to participate in the witness protection program of the victims of trafficking, to which they have issued a decision

<sup>2</sup> 3rd country national, here and after referred to as foreigner

requiring leave the territory of Poland; smuggled across the border and people who have entered legally, whose visas validity has expired.).

Moreover the action will cover among others: providing the interested foreigners with information on return programmes, offering counselling in this respect (for example: through a creation of counsellor network on area of Poland), 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. It is assumed to conduct promotion activities aimed at spreading information on help in voluntary return.

It is planned to finance undertakings covering the cost connected with purchasing tickets for the returning foreigners (airplane, railway or other tickets), organisation their 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. It is planned also to guarantee an 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, 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 among others: minors, the disabled, the elderly, individuals experiencing health problems, victims of trafficking in humans, pregnant women, single parents of minors and victims of violence.

It is planned also that returning foreigners will receive financial support in cash. They have also possibility of competing for 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. The action will cause the increase the sustainability of returns and the reduction of repeated arrivals. 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 database will allow to generate statistical data, reports concerning the profile of returnees, countries of origin, the kind of received aid, as well as allow to eliminate abuses in this respect.

In the activity it is planned to organise among others seminars/trainings/conferences concerning the voluntary returns programme for experts dealing with migrants' help.

The action is the continuation of the Annual Programme 2008 and 2009 and will be continued in the framework of the next Annual Programmes.

**EXPECTED GRANT RECIPIENTS**

State authorities, regional and local authorities, non-governmental and international organisations, research institutes, 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**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<i>SUPPORT FOR THE ASSISTED VOLUNTARY RETURN PROGRAMME – PART III</i>	<p>The number of persons who used the opportunity to voluntarily return to their country of origin – ca. <b>1 100 – 1 500</b>.</p> <p>The returns will concern different individuals than those foreseen under annual programme for 2008 and 2009.</p> <p>Number of employees of the institutions dealing with migrants who participated in training seminars / workshops / meetings / conferences - about <b>20-50</b></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.

**VISIBILITY OF EU FUNDING**

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

- Placing the EU emblem 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 emblem 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 will be the following:

*“Project co-financed from the Return Fund.”*

The EU emblem may be downloaded from: [http://europa.eu/abc/symbols/emblem/index\\_en.htm](http://europa.eu/abc/symbols/emblem/index_en.htm).

The guidelines on the visibility of the co-financing of projects from the *Return Fund* will be drawn up by the Delegated Authority and attached to the documentation in procedure of awarding body.

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, IF APPROPRIATE**

The actions taken are financed by FR often with co-financing from the state budget.

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.

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.

**FINANCIAL INFORMATION: VALUE OF THE ACTIVITY; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION**

Value of the activity – **EUR 1 876 954,28**

EU contribution – **EUR 1 407 715,71 (75%)**

Public contribution – **EUR 469 238,57 (25%)**

Private contribution – not applicable

### 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 III*

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.

**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 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,
- Subsistence and accommodation of escorts and the crew;
- Cost of insurance against unexpected events for foreigners and officers during charter flights;

**Module 3: Organising an escort foreigners to borders (by land expulsion).**

In order for a foreigner to be expelled by land or air, he/she needs to be escorted to the state border. In particular case nationals of Russia, Belarus and Ukraine, foreigners are escorted by land to the border of Poland with Russia, Belarus or

Ukraine respectively. These return operations are organised mostly on the basis of readmission agreements of which Poland or EU are signing party. The main purpose of such agreements is strengthening of returns and simplification and acceleration of alien return procedures to his/her home country. The transfer of foreigners under return agreements is proceeded both accelerated or normal readmission procedures. In order for a foreigner to be expelled under the normal readmission procedure the administrative Decision on Expulsion is needed. The accelerated readmission procedure applies to foreigners which illegally cross the border. When apprehended they are, within 48 hrs, transferred to neighbouring country by protocol without necessity of issuing the administrative decision. Expulsions by protocol are noted and stored in the appropriate systems. 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. 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. The costs of this action comprise the following elements: costs of fuel calculated on the basis of the number of kilometres travelled, 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.

**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.

**Module 5: Activities in the forced return monitoring system - a pilot program**

The pilot scheme will involve the participation of national representatives of charter flights, in which statutes are task-oriented human rights, including foreigners expelled under receivership. This program will be charged the cost of travel and daily subsistence and allowance for monitoring. The basis of this module is Article 8 § 6 of 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, according to which "Member States ensure an effective monitoring of

forced return system”. The draft amendments of the Law for Foreigners, which is developed, provides implementing provisions of the Directive and participation of non-governmental organisations. NGOs prepare documentation of each monitoring visit which will be sent to the Chief Commander of Border Guard and will be the basis for holding meetings, whose purpose will be to discuss how to implement the provisions of the Directive.

It is also planned to purchase ICT equipment (17 laptops and 1 printer) to manage the project and the equipment used by officers during the convoy of foreigners.

The modules and indicators proposed were reviewed in comparison with AP 2008 and AP 2009. Experience with project implementation in the framework of AP 2008 and AP 2009 showed that the modules and indicators proposed in AP 2010 are much more real.

The project is the continuation of the Annual Programme 2008 and 2009 and will be continued in the framework of the next Annual Programmes.

#### **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.”

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</i> – PART III	<p>The number of persons expelled by land – about <b>500-600</b></p> <p>The number of persons expelled by air (scheduled flights) – about <b>250- 350</b></p> <p>The number of persons expelled by charter flights – about <b>40-50</b></p> <p>The expulsion will concern different individuals than those foreseen under annual programme for 2008 and 2009</p>	Increase in the number of expulsions.	More effective and coordinated return policy.

#### VISIBILITY OF EU FUNDING

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

- Placing the EU emblem and the information on the RF co-financing on all the significant publications, brochures and in the correspondence headlines, etc.;

- Placing the EU emblem 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 the Return Fund.”*

The guidelines on the visibility of the co-financing of projects from the *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 RF and co-financed from the state budget. 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.

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

Value of the project – **EUR 777 761,36**

EU contribution – **EUR 583 321,02 (75%)**

Public contribution – **EUR 194 440,34 (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 – executing body procedure**

**PURPOSE AND SCOPE OF THE PROJECT**

<p>PROJECT – <i>Strengthening of cooperation between Member States in return management – PART III.</i></p>	<p>It is planned to implement the project including the two following modules:</p> <p><b>Module 1: Organisation of joint charter flights.</b></p> <p>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, Hungary. The countries foreseen as target are: Armenia and Georgia. However, direction of flights depends upon number of aliens subject to deportation procedure.</p> <p><b>Module 2: Co-financing of other actions connected with preparing joint charter return operations.</b></p> <p>In the case a foreigner is to participate in a join charter flight organised by other Member State he/she is to be brought to the nearest airport in the territory of the Republic of Poland and consequently via an airport of the other MS ultimately 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, information exchange in the field of the best practices in the area of return operations as well as reaching agreement on the technical and operational details concerning joint return operations.</p> <p>The project is the continuation of the Annual Programme 2008 and 2009 and will be continued in the framework of the next Annual Programmes.</p>
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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. The justification of the chosen procedure is in project 3.1.2.

**EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<b>PROJECT –</b> <i>Strengthening cooperation between Member States in the field of returns – part III.</i>	<p>The number of persons expelled by joint charter flights – <b>about 30-40.</b></p> <p>The expulsion will concern different individuals than those foreseen under annual programme for 2008 and 2009.</p> <p>The number of joint charter flights organised – <b>about 3-4.</b></p> <p>The joint charter flights will be organised for different individuals than those foreseen under annual programme for 2008 and 2009.</p>	Enhanced cooperation between Member State institutions in respect of return policy.	<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>

**VISIBILITY OF EU FUNDING**

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

- Placing the EU emblem and the information on the RF co-financing on all significant publications, brochures and in the correspondence headlines, etc. connected with 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 emblem 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 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 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 RF and co-financed with the state budget funds. Previously, similar actions were implemented 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 was 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 102 476,97**

EU contribution – **EUR 76 857,72 (75%)**

Public contribution – **EUR 25 619,25 (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 – executing body procedure

##### PURPOSE AND SCOPE OF PROJECT

PROJECT -  
*Enhanced cooperation with third countries in identification of third country nationals – part III .*

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 with. Such a cooperation is delt with border services of Vietnam. Such a cooperation has also been established with authorities of other third - countries, i.e. ACP Group (Asia, Caribbean, Pacific) on the basis of The Cotonou Agreement of 23 June 2000, which consists of readmission clause. During the visits, experts hold conversations with persons detained due to 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-travel documents. Organising visits of experts necessitates covering for the cost of their travel, their stay, sustenance 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. The procedure of confirmation of identity generates costs of telephone or personal interview , and confirmation of a foreigner's identity generates necessity of issuing a travel document to allow him to return to his/her home country.

**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. 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 Guard and representatives of third country bodies during return visits. Sub-Saharan Africa and Central Asia, Eastern Europe are concerned as a target of such cooperation. 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. Moreover, it is also essential to summarize hitherto prevailing cooperation and present results of applying rules specified in the Travel Document for the Expulsion of Third-Countries Nationals.

It is planned to purchase 5 laptops for third-country migration services for the administrative handling of the project - mainly for Vietnamese experts (2) and for migration services of Ukraine (3), which (after signing the protocol implementing the agreement on readmission) will conduct internal training for its officers in the field of practical implementation of above mentioned agreement. It is also planned to organize such meetings in order to work out or summarize rules of implementing the readmission agreements and negotiate its Executive Minutes.

The project is the continuation of the Annual Programme 2008 and 2009 and will be continued in the framework of the next Annual Programmes.

**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 project 3.1.2.

**EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<b>PROJECT -</b> <i>Enhanced cooperation with third countries in identification of third country</i>	Number of visits in the scope of confirmation of citizenship – <b>2 – 3.</b>	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 and 2009.	Increased number of expelled persons.	Decreased number of illegal migrants waiting for return to their country of origin.

<i>nationals – part III</i>	<p>Number of people identified as a result of the activities of experts – <b>30 – 40.</b></p> <p>Identification will concern different individuals than those foreseen under annual programme for 2008 and 2009.</p> <p>Number of working/agreement meetings – <b>8 – 10.</b></p> <p>Meetings will concern different individuals than those foreseen under annual programme for 2008 and 2009.</p>		<p>Shorter time spent by illegal migrants on waiting for return to their country of origin.</p>
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#### **VISIBILITY OF EU FUNDING**

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

- Placing the EU emblem 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 emblem 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 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 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 fully financed from the RF and co-financed from state budget. Previously Poland also participated 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. 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 63 032,45**

EU contribution – **EUR 47 274,33 (75%)**

Public contribution – **EUR 15 758,12 (25%)**

Private contribution – not applicable.

**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 ACTIVITY :**

<p><b>STRENGTHENING EFFECTIVENESS OF ACTIVITIES PERFORMED BY NATIONAL INSTITUTIONS IN AREA OF RETURNS – PART II</b></p>	<p>1/ organisation of series of arrangement seminars/workshops for entities dealing with voluntary returns to develop integrated immigrants return plan;</p> <p>2/ organisation of seminars and workshops participated by representatives of institutions engaged with the voluntary return assistance programme and local and regional authorities, NGOs, migrants societies and home countries diplomatic posts;</p> <p>3/ organisation of training seminars and expert meetings for entities dealing with implementation of voluntary return programmes and representatives of justice administration regarding legislation and appraisal of forced return decisions appealed against;</p> <p>4/ organisation of training seminars regarding human rights standards especially for public services officers and other institutions/organisations dealing with returns activities;</p> <p>5/ organisation of trainings concerning international migration law especially for public services officers and other institutions/organisations dealing with returns activities;</p> <p>6/ providing better communication and development of communication instruments and methods for exchange of best practices; – designed especially for public services officers and other institutions/organisations dealing with returns activities (from other Member States as well);</p> <p>7/ implementation of return policy research studies/projects especially for public services officers and other institutions/organisations dealing with returns activities;</p> <p>8/ development of accurate mechanisms and tools for evaluation of return policy as well as evaluation/monitoring of return programmes designed especially for public officers and other institutions/organisations dealing with returns activities;</p>
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**EXPECTED GRANT RECIPIENTS**

State authorities, regional and local authorities, non-governmental and international organisations, research institutes, 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**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<b>STRENGTHENING EFFECTIVENESS OF ACTIVITIES PERFORMED BY NATIONAL INSTITUTIONS IN AREA OF RETURNS – PART II</b>	Number of implemented trainings/ seminars/ workshops/ conferences – <b>about 20 – 25.</b>	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 – <b>about 150 – 200.</b>	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/projects – <b>about 1-2.</b>		

**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 EU emblem and information on the RF co-financing on the premises, where the trainings will take place;
- Informing the participants of voluntary return programmes on the RF co-financing.

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

*“Project co-financed from the Return Fund.”*

The EU emblem may be downloaded from: [http://europa.eu/abc/symbols/emblem/index\\_en.htm](http://europa.eu/abc/symbols/emblem/index_en.htm).

The guidelines on the visibility of the co-financing of projects from the 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 EU INSTRUMENTS, IF APPROPRIATE**

Organization of trainings in the field of returns is financed by RF and state budget. Previously similar actions were implemented with the support of financial resources from “Return Preparatory Actions 2005-2006” (projects Return 2006 and Core Country Group). 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 ACTIVITY; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION**

Value of the activity – **EUR 128 563,22**

EU contribution – **EUR 96 422,41 (75%)**

Public contribution – **EUR 21 294,45 (10%)**

Private contribution – **EUR 10 846,36 (15%)**

**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:**

STRENGTHENING EFFECTIVENESS OF ACTIVITIES IN AREA OF RETURNS PERFORMED BY BORDER GUARDS, INCLUDING COOPERATION WITH OTHER INSTITUTIONS – PART II

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

- 1/ organisation of training seminars/workshops/meetings/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/ organization of central and regional level seminars focused on migration recognition, identification of foreigners, verification of legality of stay and employment, escorts realization and detention which are organized among sufficient institutions involved in the return action process. Such seminars will be organized with participation of BG, Police and local authorities such as province Offices, and other entitled institutions involved in migration issues  
Their aim would be skill-sharing, solving of possible problems, sharing doubts on the illegal migration data, methods and forms of abusing the legalization of stay procedures, practical aspects of applying the regulations concerning the legality of stay and illegal employment control (which consequently results in forced or voluntary return into the country of origin).
- 3/ Implementation of postgraduate studies. The postgraduate studies will be addressed to the BG (mainly from the Department for Aliens and persons from other departments delegated to work for Department for Aliens and for persons who carry out tasks related to the issue of migration) as well as representatives of other institutions dealing with matters directly related to the return process, including among others: Office for Foreigners, Ministry of Interior and Implementing Authority for European Programmes. The main focus of the studies will be return management and directly related aspect of the return policy essential for global understanding of return process, such as:
  - migration process in the EU,
  - legal and social aspects of the illegal migration,
  - PL and EU migration policy,
  - PL and EU repatriation policy,
  - return policy,
  - common standards in relation to return policy (according to 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),
  - cooperation between the BG and other institutions.

	<p>The main aim of the studies is to enhance the quality and efficiency of BG officers dealing with both the return policy and the return process, as well as improvement of cooperation with other institutions concerned with foreigners' matters. The detailed scope of studies will be fixed directly with Executive in order to meet expectations of participants.</p> <p>5/ Developing a manual of best practices in the migration recognition and the map of foreigners. The aim of identifying the migration is to achieve possibly wide and objective picture of the migration phenomenon associated with the place, form and character of residence of foreigners in the territory of Poland. The knowledge obtained in such a way is the basis of actions taken in order to reveal the illegal stay, and consequently to carry out the return process. The effective diagnosis of migration leads to obtaining knowledge of forms and methods of abuse which attempt to legalize illegal stay in the territory of Poland. As a result of it the return process is more effective.</p> <p>It is also planned to purchase the equipment necessary to manage the project (eg. printers, shredders) and equipment necessary for the proper conduct of the courses. The equipment used by the Border Guard training centers will improve the quality of the courses/trainings.</p>
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**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)). 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 legality control of foreigners` stay and employment are related to activities connected with migration recognition. Analysis prepared on the basis of migration recognition have to expose, prevent and combat violations of regulations regarding entry of and residence on the territory of Poland. Activities mentioned above are aimed at preventing illegal immigration. The basis for this action are: Chef Commander of Border Guard Order no Z 28 (2 April 2010) on the conduct of reconnaissance in order to perform tasks within the competence of the Border Guard and Guidelines of Director of the Department for Aliance and Director of Border Management Department (15 June 2010) concerning the organisation and conduct reconnaissance in order to perform tasks within the competence of Border Guard. Art. 109 (2) of Act of 13 June 2003 on Foreigners stresses that the Border Guard is the only institution which is competent of running: detention centre and prisons for foreigners expecting r 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. Ministry of Interior and

Administration Regulation of 12 August 2003 on the procedures with expulsion of a foreigner and recording decision concerning obligation to leave the territory of the Republic of Poland or the expulsion decision in the travel document, changed by Regulation of 8 February 2008 (official journal of laws - Nr. 37 poz. 209 i 210) authorizes Border Guard to perform the tasks associated with the identification of foreigners. In accordance with §2 (2) above mentioned regulation the Chief Commander of the Border Guard is the only authority competent to apply for providing a travel document for foreigner in case the Republic of Poland has no diplomatic mission or consular office of the country of origin of foreigners. 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 2009 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). The Border Guard is going to prepare the manual of best practices in area of confirmation of illegal immigrants' identity, standards of their stay in detention centres and prisons for foreigners expecting for expulsion., as well as ways of fulfilment the decision concerning the expulsion. The range of activities which are planned to be covered by the manual is in the only competence of Border Guard. The manual will be prepared and used by the Border Guard.

**EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
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<p>STRENGTHENING EFFECTIVENESS OF ACTIVITIES IN AREA OF RETURNS PERFORMED BY BORDER GUARDS, INCLUDING COOPERATION WITH OTHER INSTITUTIONS – PART II</p>	<p>Number of implemented trainings/ seminars/ workshops/ conferences – <b>about 55 – 65.</b></p> <p>Number of trained persons involved in organizing returns – <b>1 250 – 1 450.</b></p> <p>Number of persons who have completed postgraduate studies - <b>40 – 45.</b></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>Providing employees of government institutions with best quality knowledge of migration as well as working out best practices in scope of returns implementation.</p>
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#### 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 EU emblem 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 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 EU INSTRUMENTS, IF APPROPRIATE

Organization of trainings in the field of returns is financed by RF and co-financed by State Budget. Previously similar actions were implemented with the support of financial resources financed from “Return Preparatory Actions 2005-2006” (projects Return 2006 and Core Country Group). 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 226 621,36**;

EU contribution – **EUR 169 966,02 (75%)**

Public contribution – **EUR 56 655,34 (25%)**

Private contribution – not applicable.

## 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 – General Inspector for Fiscal Control - Department for Protection of EU Financial Interests at the Ministry of Finance with 16 Fiscal Audit Offices ;
- Delegated authority – Implementing Authority for European Programmes.

All above mentioned institutions are entitled to benefit from technical assistance funds and all orders will be carried out in accordance with the Law on Public Procurement.

### 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*	7
Number of visits monitoring the progress of each project	2
Number of business trips	15-18
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.)	24
Services	*
Administrative expenses	
Number of information and publicity activities	**
Others purchases	***
* - services foresees among others: translations, costs of maintenance of offices, repairs, experts opinions, up-dating of webpages, cost of transport services, etc)	
** - for example: organisation of conference, printing out of stickers and leaflets, publication of announcement	
*** - for example: fuel for cars being used to monitoring purposes,	

The whole allocation available under the 2010 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 2010 (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 European Union emblem 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.

2. **DRAFT FINANCIAL PLAN**

<b>Annual Programme – Draft Financial Plan</b>								
<b>Table 1 – Overview table</b>								
Member State: Republic of Poland Annual programme concerned: 2010 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	<b>1 407 715,71</b>	<b>469 238,57</b>		<b>1 876 954,28</b>	<b>75%</b>	<b>55,42 %</b>
Project – Organizing forced returns	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States-continuation		<b>583 321,02</b>	<b>194 440,34</b>		<b>777 761,36</b>	<b>75%</b>	<b>22,96 %</b>
Project – Strengthening cooperation between Member States in the field of returns	Priority 2 Support for the cooperation between Member States in return management-continuation	Integrated return plans	<b>76 857,72</b>	<b>25 619,25</b>		<b>102 476,97</b>	<b>75%</b>	<b>3,02 %</b>
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	<b>47 274,33</b>	<b>15 758,12</b>		<b>63 032,45</b>	<b>75%</b>	<b>1,86 %</b>
Action – strengthening effectiveness of activities	Priority 4 Support for development of the	Measures taken on the national level	<b>96 422,41</b>	<b>21 294,45</b>	<b>10 846,36</b>	<b>128 563,22</b>	<b>75%</b>	<b>3,80 %</b>

performed by national institutions in area of returns	Community standards and best practices in return managing-continuation	in order to guarantee fair and effective implementation of the common standards						
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	<b>169 966,02</b>	<b>56 655,34</b>		<b>226 621,36</b>		<b>6,69 %</b>
Technical assistance			<b>2 11 515,07</b>			<b>211 515,07</b>	<b>100%</b>	<b>6,25 %</b>
Other measures (2)								
TOTAL			<b>2 593 072,28</b>	<b>783 006,07</b>	<b>10 846,36</b>	<b>3 386 924,71</b>	<b>%</b>	<b>100 %</b>

(1) in relevant cases

(2) in relevant cases

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

*[signature of person in charge]*