

## ANNEX 1

### ANNUAL PROGRAMME 2011

- Initial version
- Revised version (06-2011) following dialogue with the Commission
- Revised version (01-2012) initiative of Member State
- Revised version (06-2012) initiative of Member State
- Revised version (03-2013) initiative of Member State
- Revised version (06-2013) following dialogue with the Commission

### RETURN FUND

**MEMBER STATE: REPUBLIC OF POLAND**

**FUND: EUROPEAN RETURN FUND**

**RESPONSIBLE AUTHORITY: Department for International Cooperation and European Funds, Ministry of the Interior**

**YEAR COVERED: 2011**

**JUNE 2013**

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

**RESPONSIBLE AUTHORITY:**

**DEPARTMENT FOR INTERNATIONAL COOPERATION AND EUROPEAN FUNDS OF THE MINISTRY OF THE INTERIOR**

**DELEGATED AUTHORITY:**

**IMPLEMENTING AUTHORITY FOR EUROPEAN PROGRAMMES**

The Responsible Authority – the Department for International Cooperation and European Funds of the Ministry of the 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 of priority).

Competition announcement anticipated date: Q3 of 2011

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

In the framework of 2011 allocation in procedure *awarding body* the following actions were implemented:

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

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

While preparing the Annual Programme for 2011, 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 2011 the Border Guard implemented projects and act as a partner.

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

In case of invitation to submit applications, the Responsible Authority directed 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 date of invitation to submit project fiches: Q1 of 2011. In the case of the *executing body* procedure, implementation of projects started in Q2 of 2012.

Applications were handed over to the Delegated Authority, where formal assessment was conducted. The documentation, together with formal assessment sheet, was handed over to the Responsible Authority to supplement the formal shortcomings by Beneficiaries, upon the request and on the date set by the Responsible Authority. The Responsible Authority was conducted in-depth examination. The Delegated Authority participated – on Responsible Authority's request – in in-depth examination. In-depth examination was supervised by the Responsible Authority.

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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, the Internal Security Agency.

After in-depth examination, the Inter-Ministerial Team for the Schengen Fund, the Norwegian Financial Mechanism, the European Refugee Fund, the External Borders Fund and the European Return Fund made the final decision on granting co-financing.

In the framework of 2011 allocation in procedure *executing body* the following actions were implemented:

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

#### TENDER PROCEDURES:

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

Tender procedures were 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.

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

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

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

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

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

#### THE PRINCIPLE OF PARTNERSHIP

The Annual Programme Project was prepared in the Department for International Cooperation and European Funds of the Ministry of the 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.mswia.gov.pl](http://www.mswia.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 was 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.

## 1.1 Revision of the 2011 Annual Programme

The revision of the 2011 Annual Programme concerns mainly the following points:

- Under point 1 the following was updated: the name of the RA, dates, tender rules. Under point 2 information concerning the management and control system was updated.
- In project 3.1.2 modules 6 and 7 were added and indicators were changes/added. Within the same project information concerning the complementarity with similar actions financed by other EU instruments were reworded.
- In project 3.2.1 module 2 was updated and indicators – changed/added. Within the same project information concerning the complementarity with similar actions financed by other EU instruments were reworded.
- In project 3.3.1 module 1 and 3 were updated, module 2 – deleted, indicators – updated.
- In project 3.4.2 modules 1,2 and 7 as well as indicators were updated. Within the project equipment necessary to the proper conduct of activities (i.e. projectors, laptops) were introduced.
- Financial plan and information concerning the exchange rate were updated.

## 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 will also undergo appropriate changes.

## 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

<p><i>SUPPORT FOR THE ASSISTED VOLUNTARY RETURN PROGRAMME – PART IV</i></p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>It is planned to organise voluntary returns and reintegration of the following categories of persons:</p> <ol style="list-style-type: none"> <li>1/ Foreigners applying for the refugee status: <ol style="list-style-type: none"> <li>a) Whose applications were not investigated into for formal reasons;</li> <li>b) Who were denied granting the refugee status and denied granting consent to tolerated stay;</li> </ol> </li> <li>2/ Foreigners who applied for the refugee status and subsequently resigned from applying;</li> <li>3/ Foreigners who applied for asylum in the Republic of Poland and were denied granting asylum;</li> <li>4/ Foreigners who were issued a decision connected with the obligation to leave the territory of the Republic of Poland;</li> <li>5/ Foreigners who received refugee status;</li> <li>6/ Foreigners covered by subsidiary protection;</li> <li>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 requiring leave the territory of Poland; smuggled across the border and people who have entered legally, whose visas validity has expired).</li> </ol>
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<sup>2</sup> 3rd country national, here and after referred to as foreigner

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 covers 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. 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. The database was created by the Beneficiary on the previous annual programmes. It is currently being expanded and is used in its daily work.

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.

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

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.

**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**

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<i>SUPPORT FOR THE ASSISTED VOLUNTARY RETURN PROGRAMME – PART IV</i>	<p>The number of persons who used the opportunity to voluntarily return to their country of origin – ca. <b>1 000 – 1 300</b>.</p> <p>The returns will concern different individuals than those foreseen under annual programme for 2008, 2009 and 2010.</p> <p>The number of completed seminars/trainings/conferences concerning the voluntary returns programme – ca. <b>2 – 4</b>.</p> <p>The number of information campaigns promoting voluntary returns – <b>1</b></p> <p>The number of legal advices for the target group – <b>200 - 300</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 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 will be the following:

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

The emblem of the EU 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 to supplement actions implemented with the use of funds 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 ACTION; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION**

Value of the action – **EUR 2 372 119,00**

EU contribution – **EUR 1 779 088,54 (75 %)**

Public contribution – **EUR 10 402,00 (10 %)**

Private contribution – **EUR 582 628,46**

### **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 IV*

It is planned to implement the project including the seven 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.

#### **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. 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 costs.

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

The module consists of participation in charter flights of the national representatives of organisations dealing with human rights, including with rights of foreigners subject to forced expulsion. In this module travel, accommodation and meals are covered. The basis of action is article 8 paragraph 6 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, according to which *Member States shall provide for an effective forced-return monitoring system*. Developed draft amendments to the *Act on Aliens*, which will be implementing provisions of the Directive, provides participation of non-governmental organizations which will prepare documentation of each visit. It will be sent to the Chief Commander of Border Guard and will be the basis for holding meetings, which purpose will be to discuss how to implement the provisions of the return directive.

#### **Module 6: Purchase of equipment for the project**

In the frame of the project it is planned to purchase an equipment for fingerprint identification (foreigners) and equipment used by BG officers during the return operations (GPS devices to be installed in duty vehicles, emergency medical kits, car safety seat, Kevlar gloves, car seats for minors, CB radios, medical bags, electronic translators).

#### **Module 7: 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 i.e. medical or psychological treatment and necessary financial and material support. In addition the cultural events related to the countries of foreigners' origin will be organized (i.e. days of culture and cuisine of different countries/regions of the world).

The proposed 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 2011.

The project is the continuation of the Annual Programme 2008, 2009 and 2010 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**

	<b>PRODUCT – PRODUCT PARAMETER</b>	<b>RESULT</b>	<b>EFFECT</b>
<b>PROJECT –</b> <i>Organising forced returns – part IV</i>	<p>The number of persons expelled by land – about <b>400 - 600</b></p> <p>The number of persons expelled by air (scheduled flights) – about <b>150- 250</b></p> <p>The number of persons expelled by charter flights – about <b>80-100</b></p> <p>Number of flights with the participation of NGO representatives – about <b>4-5</b></p> <p>The number of consultation meetings - 3-4</p> <p>The number of detention centres where comfort of stay was improved – <b>3 – 6</b></p> <p>The expulsion will concern different individuals than those foreseen under annual programme for 2008, 2009 and 2010</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 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.

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 EU INSTRUMENTS, IF APPROPRIATE

Forced returns taking place by land and air 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.

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

Value of the project – **EUR 656 910,30**

EU contribution – **EUR 492 682,72 (75%)**

Public contribution – **EUR 164 227,58 (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><b>PROJECT –</b> <i>Strengthening of cooperation between Member States in return management – part IV</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, Germany and France. 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.</p> <p><b>Module 2: Co-financing of other actions connected with preparing joint charter return operations.</b></p> <p>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 also connected with additional costs such as accommodation, allowances, insurance (foreigners and escort), catering. 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 this area as well as reaching agreement on the technical and operational details concerning joint return operations.</p> <p>Experience with project implementation in the previous annual programmes allowed to propose realistic and effective indicators in AP 2011.</p> <p>The project is the continuation of the Annual Programme 2008, 2009 and 2010 and will be continued in the framework of the next Annual Programmes.</p>
<p><b>EXPECTED GRANT RECIPIENTS</b></p>	
<p>Public administration body: Chief Commander of the Border Guard.</p>	
<p><b>WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY</b></p>	
<p>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</p>	
<p><b>EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED</b></p>	

	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<p><b>PROJECT –</b> <i>Strengthening cooperation between Member States in the field of returns – part IV</i></p>	<p>The number of persons expelled by joint charter flights – <b>about 15-20.</b></p> <p>The expulsion will concern different individuals than those foreseen under annual programme for 2008, 2009 and 2010.</p> <p>The number of joint charter flights organised – <b>about 1-3.</b></p> <p>The joint charter flights will be organised for different individuals than those foreseen under annual programme for 2008, 2009 and 2010.</p> <p>The number of persons transported to other Member States in order to participate in joint charter flight – <b>about 2-4</b></p> <p>The number of meetings with representatives of Member States – about <b>1-3</b></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>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>
<b>VISIBILITY OF EU FUNDING</b>			

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 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 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 74 571,40**

EU contribution – **EUR 55 928,55 (75%)**

Public contribution – **EUR 18 642,85 (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 IV.*

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 group of ACP countries (Asia, Caribbean and Pacific) on the basis of the Cotonou Agreement (23 June 2000) containing a readmission clause. During the visits, experts hold conversations with persons arrested 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. 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. Africa, Central Asia

	<p>and Eastern Europe 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 and negotiate protocols implementing above. These actions aim to strengthen the effectiveness of returns by simplifying and speeding up the procedures for the transfer of the foreigner to the country of origin.</p> <p>Experience with project implementation in the previous annual programmes allowed to propose realistic and effective indicators in AP 2011.</p> <p>The project is the continuation of the Annual Programme 2008, 2009 and 2010 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 in 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 - Enhanced cooperation with third countries in identification of third country nationals – part IV</b>	Number of visits in the scope of confirmation of citizenship – <b>2 - 4</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, 2009 and 2010.	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 – <b>10 - 20</b>		Shorter time spent by illegal migrants on waiting for return to their country of origin
	Identification will concern different		

	<p>individuals than those foreseen under annual programme for 2008, 2009 and 2010.</p> <p>Number of working/agreement meetings aiming at enhancement of cooperation with 3<sup>rd</sup> country representatives – 8 – 10</p> <p>Meetings will concern different individuals than those foreseen under annual programme for 2008, 2009 and 2010.</p>		
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**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 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 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 111 392,61**

EU contribution – **EUR 83 544,45 (75%)**

Public contribution – **EUR 27 848,16 (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 ACTION :

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

- 1/ organisation of series of arrangement seminars/workshops for entities dealing with voluntary returns to develop an integrated return plan;
- 2/ organisation of seminars and workshops participated by representatives of institutions involved in the voluntary return assistance programme and local and regional authorities, NGOs, migrants societies and diplomatic posts of countries of origin;
- 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 contested forced return decisions;
- 4/ organisation of training seminars regarding human rights standards especially for public services officers and other institutions/organisations dealing with returns activities;
- 5/ organisation of trainings concerning international migration law especially for public services officers and other institutions/organisations dealing with returns activities;
- 6/ providing better communication and development of communication instruments and methods for exchange of best practices, including Cooperation Platforms for exchange of information on the implementation of voluntary returns; – designed especially for public services officers and other institutions/organisations dealing with returns activities (from other Member States as well);
- 7/ implementation of return policy research studies/projects in particular to assess the state of play on return policy in Poland and to identify good practice of other Member States in the area of return, especially for public services officers and other institutions/organisations dealing with returns activities;
- 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;

##### EXPECTED GRANT RECIPIENTS

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

sector units, etc			
<b>WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY</b>			
The above project is to be implemented in a procedure of an awarding body. The Responsible Authority will not participate in project implementation.			
<b>EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED</b>			
	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>
<i>STRENGTHENING EFFECTIVENESS OF ACTIVITIES PERFORMED BY NATIONAL INSTITUTIONS IN AREA OF RETURNS – PART III</i>	Number of implemented trainings/ seminars/ workshops/ conferences – <b>about 30</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 350</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/assessment projects – <b>about 2</b>		
	The number of manuals concerning voluntary returns – <b>about 2</b>		
	The number of working cooperation platform - <b>1</b>		
<b>VISIBILITY OF EU FUNDING</b>			
The visibility of EU funding shall be guaranteed in the following way: <ul style="list-style-type: none"> <li>• 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.;</li> <li>• Placing the emblem of the EU and information on the RF co-financing in the seat of the Beneficiary;</li> <li>• Informing the participants of voluntary return programmes on the RF co-financing.</li> </ul>			

<p>The confirmation of the co-funding shall have the following form:  <i>“Project co-financed from the Return Fund.”</i>  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.</p>
<p><b>COMPLEMENTARITY WITH SIMILAR ACTIONS FINANCED BY OTHER EU INSTRUMENTS, IF APPROPRIATE</b></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><b>FINANCIAL INFORMATION: VALUE OF THE ACTION; EU CONTRIBUTION; PUBLIC CONTRIBUTION; PRIVATE CONTRIBUTION</b></p>
<p>Value of the action – <b><u>EUR 400 000,00</u></b>  EU contribution – <b><u>EUR 300 000,00 (75%)</u></b>  Public contribution – <b><u>EUR 13 608,00 (10%)</u></b>  Private contribution – <b><u>EUR 86 392,00 (15%)</u></b></p>

**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 III</i></p>	<p>It is planned to implement the project consisting in the following modules:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2/ organization of central and regional level seminars/workshops/conferences focused on migration recognition, foreigners identification, verification of legality of stay and employment, expulsion 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</li> </ol> <p>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).</p> <ol style="list-style-type: none"> <li>3/organisation of training seminars/workshops/meetings of EU and international law in the field of return designed especially for public officers dealing with return activities. The main focus of the seminars includes the implementation of new agreements on readmission between the EU and third countries, as well as the status of implementing the Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (the Return Directive) into national legislation;</li> <li>4/ organization of training seminars/workshops in the field of identification of undocumented aliens and identification victims of trafficking;</li> <li>5/ organization of language trainings in Russian and English for people with different language skills. It will be conducted for people involved in return actions. The training programme will be developed by Border Guard Training Center based on the needs reported by local units of the Border Guard.</li> <li>6/ creation of a handbook of best practices in standards of the stay of foreigners in detention centers in order to ensure their dignified and quick return on the basis of the expulsion decision. It will be accordance with the provisions of Directive</li> </ol>
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2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Changing provisions concerning detention justifies the development of a handbook;

7/ The post-graduate studies will be addressed to the Border Guard (mainly from the foreigners affairs section; the participation of representatives of other sections dealing with return topic is admitted) and to the representatives of other institutions dealing with return topic. 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.

The main aim of the studies 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. The detailed scope of studies will be fixed directly with university in order to meet expectations of participants. It is planned that within next allocation study groups were about 35-40 person (one group under one allocation).

It is also planned to purchase the equipment necessary to the proper conduct of activities (i.e. projectors, laptops). Equipment used by the Border Guard training centers will improve the quality of training / workshops.

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 2011. The project is a continuation of projects implemented under the AP 2009 and AP 2010. 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 2012.

<b>EXPECTED GRANT RECIPIENTS</b>			
Public administration body: Chief Commander of the Border Guard and other institutions involved in return policy.			
<b>WHERE APPROPRIATE, JUSTIFICATION REGARDING PROJECT(S) IMPLEMENTED DIRECTLY BY THE RESPONSIBLE AUTHORITY ACTING AS AN EXECUTING BODY</b>			
<p><u>The above project is to be implemented in a procedure of an executing body.</u></p> <p>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 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 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.</p>			
<b>EXPECTED QUANTIFIED RESULTS AND INDICATORS TO BE USED</b>			
	<b>PRODUCT – PRODUCT INDICATOR</b>	<b>RESULT</b>	<b>IMPACT</b>

<p><b>PROJECT –</b> <i>Strengthening effectiveness of activities in area of returns performed by border guards, including cooperation with other institutions – part III</i></p>	<p>Number of implemented trainings/ seminars/ workshops/ conferences – <b>about 68 - 78</b></p> <p>Number of trained persons involved in organizing returns – <b>1400 – 1800</b></p> <p>Number of persons who have completed postgraduate studies - <b>35 – 45</b></p> <p>Number of manuals of best practices in standards of the residence of foreigners in detention facilities - <b>1</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 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 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 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 Human Capital Programme, 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 311 641,14**

EU contribution – **EUR 233 730,85 (75%)**

Public contribution – **EUR 77 910,29 (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 International Cooperation and European Funds, 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)	13
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 (what kind?)	
Administrative expenses	
Number of information and publicity activities	
Others purchases	

The whole allocation available under the 2011 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 2011 (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: 2011								
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>1 779 088,54</b>	<b>10 402,00</b>	<b>582 628,46</b>	<b>2 372 119,00</b>	75%	<b>58,13 %</b>
Project – Organizing forced returns	Priority 1 Support for the preparation of strategic approach to immigrant return management by Member States-continuation		<b>492 682,72</b>	<b>164 227,58</b>		<b>656 910,30</b>	75%	<b>16,10 %</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>55 928,55</b>	<b>18 642,85</b>		<b>74 571,40</b>	75%	<b>1,83 %</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>83 544,45</b>	<b>27 848,16</b>		<b>111 392,61</b>	75%	<b>2,73 %</b>

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	<b>300 000,00</b>	<b>13 608,00</b>	<b>86 392,00</b>	<b>400 000,00</b>	75%	<b>9,80 %</b>
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>233 730,85</b>	<b>77 910,29</b>		<b>311 641,14</b>		<b>7,64 %</b>
Technical assistance			<b>153 957,30</b>			<b>153 957,30</b>	<b>100 %</b>	<b>3,77 %</b>
Other measures (2)								
<b>TOTAL</b>			<b>3 098 932,43</b>	<b>312 638,88</b>	<b>669 020,46</b>	<b>4 080 591,77</b>	<b>%</b>	<b>100%</b>

(1) in relevant cases

(2) in relevant cases

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

*[signature of person in charge]*