



ANNUAL PROGRAMME 2009 – RETURN FUND

- Revised version following the financial review of the programme

MEMBER STATE: Reino de España

FUND: Fondo para el Retorno

AUTHORITY RESPONSIBLE: Dirección General de Infraestructuras y Material de Seguridad.
Ministerio del Interior.

YEAR: 2009

REASONS FOR THE FINANCIAL REVISION

With reference to the voluntary return projects, the Ministry of Labour and Immigration, as the Delegated Authority for the European Return Fund in charge of managing the part of voluntary return of migrants to their countries of origin, has had to make some changes in the Fund's actions.

The main changes on the original programme are based on the previously motivated need to strengthen the actions within the Priority 1 "Supporting the development of a strategic approach to return management by Member States". Specifically, under the Annual Programme 2009 the action planned for the voluntary return considered as priorities is:

- Action 2: Specific programmes to support the assisted voluntary return of persons in especially vulnerable situations

This action have been chosen because it is aimed at direct intervention measures in the return plans of immigrants and correspond with the increase in demand towards this kind of programs. The amount of this action come from reducing the allocations to the activities targeted to other complementary areas of return, and they do not alter the total balance of the orientation financing plan approved by the European Commission for the 2009 through the Decision C(2009) 2006 final.

As well, the budget for other action have been decreased, action 5 "Voluntary return and reintegration programmes for immigrants who wish to return voluntarily, in order to improve their possibilities of reintegrating into their countries of return." Furthermore this is a programme of productive projects involving the creation of small and medium enterprises which require special study and preparation with the result that fewer people finally have access due to special circumstances.

The reason for bringing in this adjustment comes from the need to strengthen action 2. Also, the action 6 "Design of an integrated computer system to manage the voluntary return programme" had to be cancelled in order to strengthen the specific programmes to support the assisted voluntary return of persons in especially vulnerable situations

With reference to the forced return projects, the Directorate General of Police and Guardia Civil, concerning the National Police Corps, in charge of managing the part of forced return of immigrants in irregular situation, has had to cancelled the Action 3 "Two (2) training seminars on cooperation and the sustainability of return for: Mali and Guinea Conakry, held in each of those countries". Also other small changes occur for the remaining training Action.



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

In the field of return policy, the following authorities have competence:

- Dirección General de la Policía y la Guardia Civil [Directorate-General of the Police and Guardia Civil], which administers the Cuerpo Nacional de Policía [National Police Force], which has responsibility for the forced return of illegal immigrants.
- Dirección General de Integración de los Inmigrantes [Directorate-General for the Integration of Immigrants] (which forms part of the Secretaría del Estado de Inmigración y Emigración [Office of the State Secretariat for Immigration and Emigration] of the Ministry of Labour and Immigration ¹), which is concerned with activities related to voluntary return.

As explained in the description of the management and control systems, the authority responsible for the Fund, the Directorate-General for Security Infrastructures and Equipment ('the DGIMS'), which forms part of the Ministry of the Interior, is directly involved in the selection of projects to be financed in the field of forced return, while the selection of the projects to be financed in the field of voluntary return is delegated to the Directorate-General for the Integration of Immigrants, which forms part of the Ministry of Labour and Immigration. In view of the distinct nature of forced return and voluntary return actions, the project selection procedures are different in each case.

1.1 Distribution of the Fund allocation

Taking into account the system for managing the Fund and the separation between forced and voluntary return actions, which is based on the powers conferred by Spanish legislation on the Ministry of the Interior and the Ministry of Labour, respectively, before selecting projects it is necessary to determine what percentage of the amount allocated to Spain is intended for forced return actions and what percentage for voluntary return actions. Those percentages are agreed annually by the two ministries, taking into consideration the following factors:

- The national situation and priorities for action;
- The national resources allocated to forced return and voluntary return actions, as an indicator of the financial effort made in each area;
- The balance between the operational need, in the short-to-medium term, to carry out a large number of removals effectively and in accordance with respect for the principle of human dignity, and the strategic need to promote voluntary return, by means of assisted voluntary return programmes, with a view to ensuring the effectiveness and sustainability of returns.

1.2 Rules for the selection of forced return projects

Since the inception of the Programme for Solidarity and Management of Migration Flows, the DGIMS has remained in close contact, by means of official and unofficial meetings, with all the potential beneficiaries of the Return Fund, that is, in matters relating to forced return activities, the National Police Force, primarily, and the Secretaría de Estado de Seguridad [State Secretariat for Security], as the body responsible for coordinating the state law enforcement agencies. Those bodies, as future beneficiaries of the Fund, have actively cooperated in preparing the multiannual programme and the annual programmes.

As stated in the description of the management and control systems, in which the procedures used are described in detail, the starting point for the process of selecting projects for inclusion in each annual programme is to identify the projects eligible for financing. Each of the potential beneficiaries submits to

¹ The Ministry of Labour and Social Affairs was renamed the Ministry of Labour and Immigration by Royal Decree No 438/2008 of 14 April 2008 of the Ministry of Public Administration establishing the new structure of ministerial departments and changing the name of the ministry.



the DGIMS a list of projects which may be eligible for financing provided by the Fund. For each project, the potential beneficiaries must state the objective of the action, provide a project description, set out the measures envisaged to ensure the visibility of EC funding, provide information concerning its complementarity with other actions, state the priority (and specific priority, if applicable) addressed by the project and provide financial information (cost and project budget)

After verification of the eligibility criteria and compliance with the conditions set out in the Fund rules, an evaluation committee studied the eligible projects, assessing them on the basis of a range of award criteria:

- consistency with national priorities and the multiannual programme;
- impact of the expected results on the general objectives of the programme;
- quality of the proposed action;
- value for money; and
- complementarity with other actions financed by national or European measures.

Then, taking into account the number and cost of the proposals submitted, and in an attempt to strike a suitable balance between the different areas of activity, the Evaluation Committee issued a recommendation concerning the projects to receive financial assistance. Finally, after approval of the recommendation by the Subdirector General de Planificación y Gestión de Infraestructuras y Medios de Seguridad [Deputy Director-General for Planning and Management of Security Infrastructures and Equipment], the final beneficiaries were notified of the proposed selection and it was discussed with them.

All actions related to forced return to be carried out within the framework of this work programme (which constitutes the decision on the selection of projects), will be implemented by the responsible authority acting as the implementing agency, either alone or in partnership with the public authorities in a monopoly position in connection with a specific task (*de jure*). For each forced return action described herein, suitable justification with regard to the reasons for using that method of implementation will be provided, whether on account of the existence of a *de jure* monopoly situation or for reasons of security.

As set out in detail in the description of the management and control systems, the DGIMS is acting directly as the implementing agency for certain projects by virtue of its own competences, as laid down by Royal Decree No 991/2006 of 8 September 2006, published in the Boletín del Estado [Official State Gazette] (BEO) of 12 September, and subsequently implemented by means of Royal Decree No 1571/2007 of 30 November 2007, BOE of 1 December 2007, and extended and amended by Royal Decree No 1181/2008 of 11 July 2008, published in the Official State Gazette (BOE) of 16 July 2008. Those royal decrees confer on the DGIMS responsibilities relating to the planning and acquisition of security assets for use by the law enforcement agencies.

Where the DGIMS is acting as the implementing agency in partnership with other authorities within the Ministry of the Interior, details of the reasons and legal basis for doing so are provided on a case-by-case basis.

In all cases, regardless of the origin of the action or its beneficiary:

- The relevant project selection procedure will be the same for all actions, as described in this section and set out in detail in the management and control systems. That selection procedure will comply fully with the requirements set out in Article 15(5) of the Basic Act concerning the minimum criteria for the selection of projects.
- The supervision and evaluation criteria will be applied in the same way to all projects, as detailed in the management and control systems and in the manual of procedures.

- The selection criteria will be those defined in the Basic Act and set out in detail in the management and control systems and the manual of procedures. Those criteria may be summarised as follows:
 - consistency with national priorities and the multiannual programme;
 - impact of the expected results on the general objectives of the programme;
 - quality of the proposed action;
 - value for money;
 - complementarity with other actions financed by national or European instruments;
 - observance of the eligibility period laid down in the Basic Act for the annual programme.
- Procurement will take place in accordance the implementing rules for contracts (laid down by Article 11 of the implementing rules) and the Spanish law on public procurement. That is, with regard to all actions involving the acquisition of services or equipment, the procurement procedures will comply with Law No 30/2007 of 30 October 2007 on Public Sector Contracts (LCSP), in force since 1 May 2008. The related national rules, and the requirements laid down therein concerning publicity and competition as well as limitations for reasons of security, will also apply.

The law enforcement agencies are the public authorities empowered to carry out forced return projects in partnership with the responsible authority. Specifically, the public authority concerned will be the National Police Force, which forms part of the Directorate-General of the Police and Guardia Civil of the Ministry of the Interior.

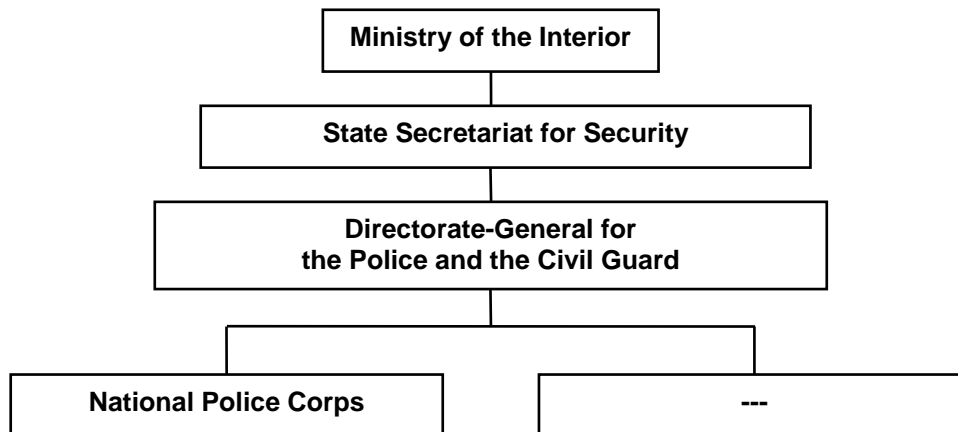


Figure 1. Simplified diagram of the organisational structure of the Ministry of the Interior

Spanish legislation, in the description of the responsibilities of the DGIMS given in the above-mentioned royal decrees, expressly defines the legal relationship between the DGIMS and the law enforcement agencies:

“To promote projects for the installation, acquisition and maintenance of infrastructures, material resources, information and communication systems for joint or shared use by the law enforcement agencies; to coordinate and supervise decision-making as regards the technical requirements, specifications, economic planning and implementation of those projects and other projects promoted by units or bodies under the authority of the Office of the State Secretariat for Security where they are wholly or partially funded from the budget of the Office of the State Secretariat.”

The contracting authority in each case will be that referred to in the ‘Expected grant recipients’ section for each action.



This programme includes only actions whose planning falls within the eligibility period set out in the Annual Programme 2009. It will be possible to adhere to that planning under the national procurement rules which apply to each project.

1.3 Rules for the selection of voluntary return projects

The selection of voluntary return projects is delegated to the Directorate-General for the Integration of Immigrants. In that case, the selection procedures will be similar to those used by that body for the Refugee Fund and the Integration Fund, for which it is the responsible authority.

In that case, the Directorate-General for the Integration of Immigrants will act as the awarding body and will be responsible for calling for proposals from organisations and bodies to implement return projects. The rules concerning the principle of publicity and accessibility of calls for proposals (or competitions) are laid down by Law No 38/2008 on the Awarding of Grants. According to that law, management of them will include all the conditions governing grants laid down by Spanish national legislation, in particular grants awarded to specific entities and awards granted directly where stipulated by law, notwithstanding which the most important management principle will be that governing competitive awards. Within the scope of the conditions governing management and financial allocation, agreements will also be entered into with public and private bodies.

The selection criteria are set out in the internal administrative procedures of the Directorate-General for the Integration of Immigrants and comply with the minimum criteria provided for in the rules of the European Return Fund. The national legislation on public contracts also applies.

Decisions to award funding are taken by the Directorate-General for the Integration of Immigrants based on the recommendation made by the Evaluation Committee.

The final beneficiaries of eligible actions and the most appropriate method for selecting and implementing those actions will be determined in accordance with the distribution of legal, financial and institutional powers for that purpose (national, regional and local authorities) and according to the inherent nature and scope of the eligible actions selected in the annual plan. In any event, the application, selection and award procedures will comply with the applicable national legislation, the provisions of Decision No 575/2007/EC establishing the European Return Fund for the period 2008 to 2013 and any other relevant Community rules.

The funds for the projects will be awarded for management by social organisations or bodies by means of public calls for proposals. Those public calls for proposals for European Return Fund (RF) awards will be published in the Official State Gazette, so that all the potential beneficiaries are aware of them.

The potential beneficiaries of those calls for proposals may be public or private bodies. Some calls for proposals may require potential beneficiaries to belong to only one of those groups, according to the nature of the action and project with which the call for proposals is concerned. The calls for proposals must comply with the objectives and programmes set out in the annual plan, and will set out the project selection criteria, the co-financing arrangements and the dates for implementation of the projects in question.

The beneficiaries must be informed of the rules governing expenditure, the time-limit for implementing the projects, all financial information relating to the projects and the obligation to ensure the visibility of the RF.

The annual plan for the European Return Fund to be implemented in 2009 was developed in the context of the multiannual programme drawn up for the Fund in the period 2008 to 2013. It is for that reason that all the projects which are carried out in the framework of the annual plan will fall within the priorities of the multiannual plan.

This programme includes only actions whose planning falls within the eligibility period set out in the Annual Programme 2009. It will be possible to adhere to that planning under the national procurement rules which apply to each project.



The general criteria for the selection of projects to be funded in the framework of the programme include:

- The degree to which the projects submitted are consistent with the priorities, requirements and objectives set out in Article 8 of Decision No 575/2007/EC and the Commission's decision on the priorities of the European Return Fund (15 December 2007);
- Compliance with the objectives set out in the call for proposals, the impact of the project, the number of users and their target population;
- The cost-effectiveness of the expenditure, taking into consideration the number of persons concerned by the project, the feasibility of the project description and the viability of the corresponding budget estimate;
- The number of actions included in each measure planned in the project, preference being given to projects which include all the actions forming part of a measure;
- The experience, expertise and reliability of the organisation applying for funding in carrying out programmes or projects similar to those submitted, and its operational, technical and managerial capacity to undertake them;
- The degree of complementarity with other projects and actions funded by the budget of the European Union or by national authorities;
- The existence of a larger financial contribution by the applicant to the projects to be co-financed;
- The innovative nature of the project;
- The targeting of activities on the worst situations of discrimination and inequality affecting the persons intended to benefit from the projects;
- The capacity for transferring to general policies the new methods, ideas and solutions contained in the best practices pioneered in the projects.

After the above criteria have been evaluated, a funding proposal for those projects will be submitted to the Evaluation Committee. That committee will be chaired by the Subdirector General de Intervención Social [Deputy Director-General for Social Intervention] and will be comprised of two representatives appointed by the chairperson. On the committee's recommendation, the Director-General of the Directorate-General for the Integration of Immigrants will take a decision to award funding for the proposed projects. Each annual public call for proposals will set out a time period within which a decision on whether or not to award funding for the requested projects must be taken.

That project selection process is the same for all actions, as described in this section and set out in detail in the management and control systems. It is clear that that selection procedure fully complies with the requirements set out in Article 15(5) of the Basic Act as regards the minimum criteria for the selection of projects.

Procurement will be carried out in accordance with the implementing rules for contracts (set out in Article 11 of the implementing rules), as well as the Spanish law on public procurement, in accordance with Law No 30/2007 of 30 October 2007 on Public Sector Contracts (BOE No 261 of 31 October 2007), which entered into force on 1 May 2008, and related national rules and the requirements laid down therein concerning publicity and competition as well as limitations for reasons of security.

The procedure described in this section will be carried out in accordance with the following provisional timetable:

	Previous actions							Programme implementation												Subsequent actions			
	2009							2010												2011			
	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	
Updating of order laying down the basic rules	X																						



It should be noted that the purpose of training action which fall within priority 3, is to promote continuous cooperation between the National Police Force and the security forces of the various countries participating in this training action. This action is intended to create frameworks within which to maintain a constant exchange of experiences, to identify new unlawful practices, to improve investigation procedures, to facilitate the checking of documents and the rapid and efficient management of returnees and to test and implement innovative methods of facilitating checks on returnees' documents.

Those seminars clearly provide an ideal context for promoting the exchange of experiences between officers of the National Police Force and the security forces of third countries, improving investigation procedures and facilitating the checking of documents and the rapid and efficient management of (accepted) returnees. Similarly, those seminars serve as the basis for developing between the forces of both countries effective operational contacts which allow particular matters to be resolved promptly, where necessary.

In summary, this training action seek to cover the objective [laid down in Article] 4(1)(a) of the Basic Act, which provides that eligible actions are those promoting the 'the establishment or improvement of an effective, stable and lasting operational cooperation of Member States' authorities with consular authorities and immigration services of third countries, with a view to obtaining travel documents for the return of third-country nationals and ensuring speedy and successful removals'.

In addition to the measures included in the preceding table, funding is also requested for the technical assistance of the Directorate-General for the Integration of Immigrants (DGII), for 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 technical assistance of the DGIMS is to be provided in common with that for the External Borders Fund, and funding has been applied for under the latter fund.

This programme includes only actions whose planning falls within the eligibility period set out in the Annual Programme 2009. It will be possible to adhere to that planning under the national procurement rules which apply to each project.

Procurement will be carried out in accordance with the provisions of the implementing rules for contracts (Article 11 of the implementing rules) and Spanish rules on public procurement. That is to say that for all actions involving the acquisition of services or equipment, the procurement procedures will comply with Law No 30/2007 of 30 October 2007 on Public Sector Contracts (LCSP), in force since 1 May 2008. The related national rules, and the requirements laid down therein concerning publicity and competition as well as limitations for reasons of security, will also apply.

As regards dissemination of the annual programme and the launch of the multiannual programme, and in accordance with the requirements laid down by Article 33(2)(a) of the rules implementing the fund, information about voluntary return actions will be disseminated on an annual information day. That information day will be held at the headquarters of the delegated authority of the Secretaría de Inmigración y Emigración [Office of the State Secretary for Immigration and Emigration] of the Ministry of Labour and Immigration; it will be a public event open to civil society and the public and private bodies concerned by the call for proposals for assistance to fund voluntary return projects. Invitations to the event will be published through all the ministry's usual channels of communication, including the following:

- letters and E-mails of invitation addressed to the bodies in question,
- public announcement on the ministry's Internet site.

In addition, a fact sheet on assistance and grants will be published and distributed at that event. For all those information measures, the need to display the Commission's distinctive signs and emblems and identify the use of Community funds will be taken into account. The information set out in Article 33(2)(b) will also be published on a website.



3.1 Actions implementing priority 1

Under Article 3(1)(a) of the Basic Act, the objectives of the Fund include, *inter alia*, the introduction and improvement of the organisation and implementation of integrated return management by Member States.

In order to contribute to that objective and implement integrated return management in all its dimensions, the latter must be based on a comprehensive assessment of the situation of the potential returnees in the Member State and in their countries of origin and the challenges with respect to the operations envisaged; it is also necessary to set targets for such operations and envisage a wide set of measures focusing on effective and sustainable return, including preparation, enforcement and follow-up of removals.

For those reasons, the annual programme proposes funding the following measure in the field of forced return:

- Travelling expenses for returnees and management costs of forced return flights.

Moreover, this annual programme proposes funding the following measure in the field of voluntary return:

- Specific programmes to support the assisted voluntary return of persons in especially vulnerable situations.

3.1.1 Travelling expenses for returnees and management costs of forced return flights

3.1.1.1 Purpose and scope of the action

Transport (travel) costs of the expelled persons. Those costs will be eligible on the basis of the actual costs incurred, which will be based on the cheapest form of public transport.

3.1.1.2 Expected grant recipients

Ministry of the Interior. Specifically, the Directorate-General for Security Infrastructures and Equipment (DGIMS), in partnership with the Office of the State Secretary for Security (SES).

3.1.1.3 Where appropriate, justification for implementation of the project directly by the responsible authority

Within the Ministry of the Interior, the DGIMS is responsible for managing all the programmes resulting from European Community funding instruments and, accordingly, has been designated as the responsible authority of the Return Fund.

Furthermore, the functions of the Office of the State Secretary for Security (SES) include promoting conditions for exercising fundamental rights, as set out in the Spanish Constitution and the laws putting it into effect, in particular in connection with personal liberty and security, the inviolability of the home and freedom of residence and movement.

Accordingly, the DGIMS, as the responsible authority, will be acting as the implementing agency for the action, in partnership with the Office of the State Secretary for Security.



3.1.1.4 Expected quantified results and indicators

- Performance indicators:
 - Number of expelled persons. (Estimated number of expelled persons: 15.000)
 - Number of journeys carried out. (Estimated number of journeys: 1.800)
- Expected results:
 - Carrying out returns as soon as possible and in a suitable manner.
- Anticipated impact:
 - Improvement of return management.

3.1.1.5 Visibility of Community funding

The DGIMS, as the responsible authority, will take the actions necessary to implement the rules on information and publicity set out in Article 33 of the implementing rules (Responsibilities of the responsible authority relating to information and publicity for the general public).

The DGIMS will also notify the beneficiaries of their obligations relating to information and publicity for the general public, as set out in Article 34 of the implementing rules (Responsibilities of final beneficiaries relating to information and publicity). The DGIMS will ensure that the beneficiaries comply with those obligations.

The requirements relating to the technical characteristics of information and publicity for the activity, as set out in Article 35 of the implementing rules, will be met.

Where during the performance of the contracts special security measures are required under the legislation in force or in order to safeguard essential interests of State security, information concerning the project receiving funding will be confidential and an appropriate explanation will be provided to the Commission for its consideration.

3.1.1.6 Complementarity with similar actions financed by other EC instruments, if appropriate

Not applicable.

3.1.1.7 Financial information

The total cost of the activity amounts to: **EUR 20.141.458,16**.

Additional information is provided below concerning the project budget appropriation to which the amount of co-financing assistance received will be allocated:

Budget appropriation		
Section	16	Ministry of the Interior
Service	02	State Secretary for Security
Programme	132A	Civilian Security
Chapter	2	Current expenditure



The procurement procedure will be governed by the Law on Public Administration Contracts, in accordance with Law No 30/2007 of 30 October 2007 on Public Sector Contracts (LCSP), which entered into force on 1 May 2008. The related national rules, and the requirements laid down therein concerning publicity and competition as well as limitations for reasons of security, will also apply.

3.1.2 Specific programmes to support the assisted voluntary return of persons in especially vulnerable situations

3.1.2.1 Purpose and scope of the action

To support third-country nationals in especially vulnerable situations who are interested in returning, by meeting their needs for specific assistance during the various stages of the project. The target group for the programme are third-country nationals who are not subject to the legal obligation to leave the country, and also asylum seekers, other persons with international or temporary protection, and persons who do not meet or no longer meet the conditions for entry and stay and who also meet the following requirements:

- a) They are in a situation of deprivation and social vulnerability, proof of which must be provided in the form of a social report drawn up by the local social services in the district in which they have been residing or by the specialised body managing their return. For these purposes, being in an irregular situation will be treated as being in a situation of deprivation and social vulnerability.
- b) They belong to a socially vulnerable target group such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

Eligible actions of these programmes are:

- a) Information and guidance on the procedures for obtaining the documentation needed for their return journey.
- b) Psychological support wherever necessary to assist those returning in this new stage.
- c) Payment of return ticket to the country of origin for the person concerned and non-EU family members up to the second degree by blood and by marriage.
- d) Payment of travelling expenses in Spain from the place of residence to the departure point.
- e) Payment of one night's accommodation where a stopover is necessary.
- f) Payment of "pocket money" to assist with subsistence expenses during the journey from the current place of residence to the town of departure to the country of origin.
- g) Additional financial aid and assistance with resettlement in the country of origin.
- h) Financial aid to cover transport from the place of arrival to the place of destination in the country of origin.
- i) Unforeseen cost of medical or other products, where duly justified by the applicant and subject to approval by the body managing his return.
- j) Payment of expenses to cover the accompaniment of the applicant or family members where required owing to illness, disability or other disabling circumstances, which must be duly supported by a medical and/or social report and assessed by the body concerned in a written report.

3.1.2.2 Expected grant recipients

This action may be carried out in partnership with international organisations, public and private organisations and immigrants' organisations. It will be disseminated as widely as possible, and publicised and tendered competitively among the various beneficiaries who wish to participate in its management. In any event, the participation of immigrants themselves will be encouraged.



3.1.2.3. Where appropriate, justification for implementation of the project directly by the competent authority

Not applicable.

3.1.2.5. Expected quantified results and indicators

- Performance indicators:
 - Number of tickets purchased: 1.200 tickets
 - Number of voluntary returns and percentage increase: 1200 voluntary returns
- Expected results:
 - Increase in the number of voluntary returns of people in vulnerable situations, managed as efficiently as possible in line with their specific needs.
- Anticipated impact:
 - More efficient coordinated return policies.

3.1.2.5. Visibility of Community funding

The DGIMS, as the responsible authority, and the DGII as the delegated authority, will carry out the activities necessary to implement the rules concerning information and publicity set out in Article 33 of the implementing rules (Responsibilities of the competent authority relating to information and publicity for the general public).

The DGIMS and the DGII will also inform the beneficiaries of their responsibilities relating to information and publicity for the general public, as set out in Article 34 of the implementing rules (Responsibilities of the competent authority relating to information and publicity for the general public *). The DGIMS will ensure that the beneficiaries comply with those obligations.

The requirements relating to the technical characteristics of information and publicity for the activity, as set out in Article 35 of the implementing rules, will be met.

3.1.2.6. Complementarity with similar actions financed by other EC instruments, if appropriate

Not applicable.

3.1.2.7. Financial information

The total cost of the activity amounts to: **EUR 2.358.942,67**

Additional information is provided below concerning the project budget appropriation to which the amount of co-financing assistance received will be allocated:

Budget appropriation		
Section	07	Ministry of Labour and Immigration
Service	19	
Programme	231H	Integration of Immigrants
Chapter	484.11	Assistance for voluntary return of immigrants

* Translator's Note: the heading of Article 34 is actually 'Responsibilities of final beneficiaries relating to information and publicity for the general public' (emphasis added). This error occurs throughout the original document where reference is made to Article 34.



3.2 Actions implementing priority 2

This annual programme does not address Priority 2.

3.3 Actions implementing priority 3

Under Article 3(3) of the Basic Act, the objectives of the Fund state that the Integrated Return Plans must focus on the effectiveness and sustainability of those returns.

To contribute to that objective, this programme seeks to set up or improve counselling and return information measures, reintegration measures for returnees in the country of return, modes of cooperation with consular and/or immigration services, including training, and measures to gain information on undocumented third-country nationals or stateless persons.

For those reasons, the annual programme proposes financing the following measure in the field of forced return:

- Four (4) training seminars on cooperation and the sustainability of return for: Nigeria, Ghana, Morocco, Algeria, Mali, Guinea Conakry, Senegal, Mauritania, Gambia, Cape Verde and Guinea Bissau provided in Spain.

Moreover, this annual programme proposes to finance the following measure in the field of voluntary return:

- Voluntary return and reintegration assistance programmes for immigrants who wish to return voluntarily, in order to improve their possibilities of reintegrating into their countries of return.

3.3.1 Four (4) training seminars on cooperation and the sustainability of return for: Nigeria, Ghana, Morocco, Algeria, Mali, Guinea Conakry, Senegal, Mauritania, Gambia, Cape Verde and Guinea Bissau, held in Spain.
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3.3.1.1 Purpose and scope of the action

Within the framework of its competences, the National Police Force (CNP) has, at both the training and operational level, been working in continuous cooperation with the various police and immigration services of the countries which are presently the origin of greatest migratory pressure. In that context, four seminars will be organised on cooperation and sustainability of return for 20 officials from the aforementioned countries.

The countries referred to in the title of the action (Nigeria, Ghana, Morocco, Algeria Mali, Guinea Conakry, Senegal, Mauritania, Gambia, Cape Verde and Guinea Bissau) will be divided into four groups, based on the criteria of language affinity and suitability. The purpose of each of the week-long seminars, each comprising 30 hours' teaching, is to train 20 officials from the border control services of the participating countries.

The objective of this action is to create a constant exchange of experiences, to enhance the management of return processes (accepted returnees), to facilitate document control and to make returnee management faster and more efficient, all these with a broader view of making return sustainable and fighting against immigration networks more effective.

The main feature of these seminars is that training will be provided to at least 2 border control officials from each of the participating countries. The purpose of this, after laying the groundwork for providing continuing training at the 2008 seminars, is to effectively enable a constant exchange of experiences, documentary control and rapid and enable efficient management of returnees, etc. These seminars are therefore the natural continuation of those planned in 2008 for achieving the aforementioned objectives.



Those actions are necessary so that, insofar as possible, the trust and the direct operational contact which is required in certain matters may be established between the services by means of continuous training.

3.3.1.2 Expected grant recipients

Ministry of the Interior. Specifically, the Directorate-General for Security Infrastructures and Equipment (DGIMS), in partnership with the Office of the State Secretary for Security (SES).

3.3.1.3 Where appropriate, justification for implementation of the project directly by the responsible authority

Within the Ministry of the Interior, the DGIMS is responsible for managing all the programmes resulting from European Community funding instruments and, accordingly, has been designated as the responsible authority of the Return Fund.

Furthermore, the functions of the Office of the State Secretary for Security (SES) include promoting conditions for exercising fundamental rights, as set out in the Spanish Constitution and the laws putting it into effect, in particular in connection with personal liberty and security, the inviolability of the home and freedom of residence and movement.

Accordingly, the DGIMS, as the responsible authority, will be acting as the implementing agency for the action, in partnership with the Office of the State Secretary for Security.

3.3.1.4 Expected quantified results and indicators

- Performance indicators:
 - Number of seminars held. (Estimated number of seminar: four seminars)
 - Number of officials from third countries trained. (Estimated number of officials: 20 foreign officials)
- Expected results:
 - Enhance the management of return processes.
 - Making return sustainable and fighting against immigration networks more effective.
- Anticipated impact:
 - Improve legal emigration flows and procedures for forced return to the countries in which the seminars are taking place.

3.3.1.5 Visibility of Community funding

The DGIMS, as the responsible authority, will take the actions necessary to implement the rules on information and publicity set out in Article 33 of the implementing rules (Responsibilities of the responsible authority relating to information and publicity for the general public).

The DGIMS will also notify the beneficiaries of their obligations relating to information and publicity for the general public, as set out in Article 34 of the implementing rules (Responsibilities of final beneficiaries relating to information and publicity). The DGIMS will ensure that the beneficiaries comply with those obligations.

The requirements relating to the technical characteristics of information and publicity for the activity, as set out in Article 35 of the implementing rules, will be met.

Where during the performance of the contracts special security measures are required under the legislation in force or in order to safeguard essential interests of State security, information concerning the project receiving funding will be confidential and an appropriate explanation will be provided to the Commission for its consideration.

3.3.1.6 Complementarity with similar actions financed by other EC instruments, if appropriate

Not applicable.



3.3.1.7 Financial information

The total cost of the activity amounts to: **EUR 55.736,48**

The estimated breakdown of costs is as follows:

COURSE	COST
Guinea Bissau - Cape Verde	13.300,58 €
Morocco, Mali and Guinea Conakry	15.762,14 €
Algeria, Mauritania and Senegal	13.459,87 €
Nigeria, Ghana and Gambia	13.213,89 €
TOTAL	55.736,48

COURSE	Budget - Chapter 2	Budget - Chapter 4
Guinea Bissau - Cape Verde	5.750,40 €	7.550,18 €
Morocco, Mali and Guinea Conakry	4.900,12 €	10.862,02 €
Algeria, Mauritania and Senegal	4.098,68 €	9.361,19 €
Nigeria, Ghana and Gambia	276,60 €	12.937,29 €

Additional information is provided below concerning the project budget appropriation to which the amount of co-financing assistance received will be allocated:

Budget appropriation		
Section	16	Ministry of the Interior
Service	02	State Secretary for Security
Programme	132A	Civilian Security
Chapter	2	Current expenditure
	4	Current transfers

The procurement procedure will be governed by the Law on Public Administration Contracts, in accordance with Law No 30/2007 of 30 October 2007 on Public Sector Contracts (LCSP), which entered into force on 1 May 2008. The related national rules, and the requirements laid down therein concerning publicity and competition as well as limitations for reasons of security, will also apply.

3.3.2 Voluntary return programmes for immigrants who wish to return voluntarily, in order to improve their possibilities of reintegrating into their countries of return.

3.3.2.1 Purpose and scope of the action

The objective of this action is to carry out activities promoting the creation of socio-productive measures for persons who, in addition to returning voluntarily to their countries of origin, express an interest in measures to help them make a living. This type of action is supported by Recital 25 of the Basic Act establishing the European Return Fund in order to guarantee that participants can return to their town or



region of origin under good conditions and to encourage lasting and permanent reintegration in their community of origin through a comprehensive return procedure.

Most of the measures envisaged as part of this action will be implemented in Spain before the physical return of the person concerned, who must make a written undertaking to return from the time of registration in the programme. The bodies implementing the programme will select the persons to participate in the project to set up micro or small family businesses, based on professional profile, motivation and their interest in taking part in an entrepreneurial project that may facilitate their reintegration in their countries of origin.

- a) The actions to be financed will comprise two phases. The first phase is the construction of the socio-entrepreneurial project for the participants accompanied by qualified professionals from the implementing bodies, in line with the possible measures to facilitate the reintegration of the returnees pursuant to Article 5(8) and (9) of the Basic Act for the Fund. These measures include:
- b) Ascertaining the situation to which the person concerned is returning in order to ensure the suitability and sustainability of the project presented.
- c) Assessment and guidance for the business project, including evaluation of its viability and sustainability, and possibilities of improvement to increase the project's chances of success.
- d) Support needed during the period immediately before business start-up.
- e) Individualised training in drawing up a business plan, economic and technical feasibility, management of the various business areas.
- f) Individualised follow-up and technical assistance with the business project for up to six months after return.
- g) Cash aid for each business, notified and guaranteed by the body managing the return.

To ensure successful return, a second phase is added to the first phase of these programmes, since integrated management of both parts of return and reintegration is considered to be essential. The second phase of the programme comprises the necessary counselling and support to manage the return. These services comprise:

- a) Information on the procedures for obtaining the documentation needed for the return journey.
- b) Payment of return ticket to the country of origin for the person concerned and non-EU family members up to the second degree by blood and by marriage.
- c) Payment of travelling expenses in Spain from the place of residence to the departure point.
- d) Payment of one night's accommodation where a stop-over is necessary.
- e) Payment of "pocket money" to assist with subsistence expenses during the journey from the current place of residence to the town of departure to the country of origin.
- f) Additional financial aid and assistance with resettlement in the country of origin.
- g) Financial aid to cover transport from the place of arrival to the place of destination in the country of origin.
- h) Unforeseen cost of medical or other products, where duly justified by the applicant and subject to approval by the body managing his return.
- i) Payment of expenses in respect of accompaniment needed for applicant for return or family members owing to illness, disability or other disabling circumstances, which must be duly supported by a medical and/or social report and assessed by the body concerned in a written report.

The ultimate aim of the action is to directly involve participants in the planning and implementation of their return projects, thereby increasing participants' motivation and aligning their expectations with the actual situation in their countries of origin. **It is difficult to estimate the duration of the first phase of the programme, since it depends on the circumstances of each participant, but the aim is to provide intensive full-time training and development of the socio- entrepreneurial project in the months before return.**



The aim of the action to ascertain the viability and sustainability of the business projects through personalised follow-up upon return to the countries of origin. Networking is encouraged for the organisations and bodies working with return programmes in Spain and with other organisations and bodies located in the countries of origin of the persons returned through this programme.

3.3.2.2 Expected grant recipients

This action may be carried out in partnership with international organisations, public and private organisations and immigrants' organisations. It will be disseminated as widely as possible, and publicised and tendered competitively among the various beneficiaries who wish to participate in its management. In any event, the participation of immigrants themselves will be encouraged.

3.3.2.3 Where appropriate, justification for implementation of the project directly by the competent authority

Not applicable.

3.3.2.4 Expected quantified results and indicators

- Performance indicators
 - Number of business projects created: 65 business projects.
 - Amount of aid granted: 340.000 €
 - Number of follow-up visits: 4 follow-up visits
- Expected results:
 - Viable and sustainable business ideas, including human resources and financial planning. The participants will be more motivated and can have realistic expectations of reintegrating into, and being active stakeholders in, their society of origin.
- Anticipated impact:
 - Improve the conditions for sustainability of the projects, benefiting the persons involved and their social circles within the country of origin.

3.3.2.5 Visibility of Community funding

The DGIMS, as the responsible authority, and the DGII as the delegated authority, will carry out the activities necessary to implement the rules concerning information and publicity set out in Article 33 of the implementing rules (Responsibilities of the competent authority relating to information and publicity for the general public).

The DGIMS and the DGII will also inform the beneficiaries of their responsibilities relating to information and publicity for the general public, as set out in Article 34 of the implementing rules (Responsibilities of the responsible authority relating to information and publicity for the general public). The DGIMS will ensure that the beneficiaries comply with those obligations.

The requirements relating to the technical characteristics of information and publicity for the activity, as set out in Article 35 of the implementing rules, will be met.

3.3.2.6 Complementarity with similar actions financed by other EC instruments, if appropriate

Not applicable.



3.3.2.7 Financial information

The total cost of the activity amounts to: **145.000,00 €**

Additional information is provided below concerning the project budget appropriation to which the amount of co-financing assistance received will be allocated:

Budget appropriation		
Section	07	Ministry of Labour and Immigration
Service	19	
Programme	231H	Integration of Immigrants
Chapter	484.11	Assistance for voluntary return of immigrants

3.4 Actions implementing priority 4

This annual programme does not address Priority 4.



4 TECHNICAL ASSISTANCE

4.1 Purpose of the technical assistance

Both the responsible authority, the DGIMS, and the delegated authority for voluntary return actions, the DGII, will make use of technical assistance to implement the 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.

This technical assistance will be offered for the DGIMS jointly to the External Borders Fund and the Return Fund.

In particular, during 2009, technical assistance will be used in the following fields:

- Finalising the definition and implementation of the management and control systems started in 2007.
- Coordination with the certifying and audit authorities.
- Preparation of the multi-annual programme.
- Preparation of the 2010 annual programmes.
- Review of the annual programmes in accordance with the Commission's comments.
- Monitoring of the projects financed and technical support for beneficiaries in the context of compliance with the Fund rules.
- Preparation of accounting justification for the projects and for applications for requests for payment.
- Drafting of progress and implementation reports of previous and current annual programmes.
- Drafting of national implementation reports under administrative agreements between the Responsible Authority and the Delegated Authorities and bodies implementing actions.

Administrative activities connected with implementation of the Fund, such as the publication of lists of beneficiaries (as laid by the Basic Act and the Implementation Rules for the Fund) and other required publicity measures.

In the case of the Audit Authority, for the time being and considering their current staff requirements, it is not expected that the said Authority will require the use of Technical Assistance, although further developments or an increase of their needs may require this decision to be reviewed.

4.2 Expected quantified results

- Performance indicators
 - Number of activities carried out with the support of the technical assistance
 - Number of external procurement transactions
- Expected results:
 - Appropriate cooperation with the certifying and audit authorities;
 - Appropriate cooperation with the beneficiaries;
 - Compliance with the Basic Act and the implementing rules of the Fund;
 - Selection of projects which address in a balanced manner the objectives and priorities set out in the multiannual programme.



- Anticipated impact:
 - Increased cooperation between authorities;
 - Greater resources to be more effectively allocated to the areas of activity of the Fund.

4.3 Visibility of Community funding

The DGIMS, as the responsible authority, and the DGII as the delegated authority, will carry out the activities necessary to implement the rules concerning information and publicity set out in Article 33 of the implementing rules (Responsibilities of the responsible authority relating to information and publicity for the general public).

The DGIMS and the DGII will also inform the beneficiaries of their responsibilities relating to information and publicity for the general public, as set out in Article 34 of the implementing rules (Responsibilities of the responsible authority relating to information and publicity for the general public). The DGIMS will ensure that the beneficiaries comply with those obligations.

The requirements relating to the technical characteristics of information and publicity for the activity, as set out in Article 35 of the implementing rules, will be met.



5 DRAFT FINANCIAL PLAN

Annual programme - Draft financial plan Table 1 - Overview table								
Member State: Spain Annual Programme: 2009 Fund: Return								
(figures in EUR)	Ref. priority	Ref. specific priority (1)	Community contribution	Public funding (b)	Private funding	TOTAL (d= a+b+c)	% EC (e=a/d)	Share of total (f=d/total d)
Action 1: Travelling expenses for returnees and management costs of flights	1	3	3.870.074,90	16.271.383,26	0,00	20.141.458,16	19,21%	88,02%
Action 2: Specific programmes to support the assisted voluntary return of persons in especially vulnerable situations	1	2	1.769.207,00	589.735,67	0,00	2.358.942,67	75,00%	10,31%
Action 3: Four (4) training seminars on cooperation and the sustainability of return for: Nigeria, Ghana, Morocco, Algeria, Mali, Guinea Conakry, Senegal, Mauritania, Gambia, Cape Verde and Guinea Bissau, held in Spain	3	2	41.802,36	13.934,12	0,00	55.736,48	75,00%	0,24%
Action 4: Voluntary return and reintegration programmes for immigrants who wish to return voluntarily, in order to improve their possibilities of reintegrating into their countries of return.	3	1	108.750,00	36.250,00	0,00	145.000,00	75,00%	0,63%
Technical assistance (3)	-	-	182.043,00	0,00	0,00	182.043,00	100,00%	0,80%
Other operations (2)	-	-	0,00	0,00	0,00	0,00		0,00%
TOTAL			5.971.877,26	16.911.303,05	0,00	22.883.180,31	26,10%	100,00%

(1) if appropriate

(2) if appropriate

(3) Includes the Technical Assistance to the DGIMS-Ministry of Interior (60.000,00€) and the Technical Assistance to the DGII-Ministry of Labour (122.043,00€)

[Signature of the responsible person]