



## **2010 ANNUAL PROGRAMME – RETURN FUND**

- Final version following dialogue with the Commission

MEMBER STATE: Kingdom of Spain

FUND: European Return Fund

RESPONSIBLE AUTHORITY: Dirección General de Infraestructuras y Material de Seguridad [Directorate General for Infrastructures and Material for Security, Ministerio del Interior [Ministry of the Interior], c/ Pío XII, 17, 28016 Madrid.

YEAR: 2010

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

The following authorities have competence for return policy:

- The 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.
- The 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 [State Secretariat for Immigration and Emigration] of the Ministerio de Trabajo e Inmigración [Ministry of Labour and Immigration]), which is concerned with activities relating to voluntary return.

As explained in the description of management and control systems, the authority responsible for the Fund, the Directorate General for Infrastructures and Material for Security ('the DGIMS'), which forms part of the Ministry of the Interior, directly handles the selection of projects to be financed in the field of forced return, whilst 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 is part of the Ministry of Labour and Immigration. Given 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, a separation based on the powers conferred by Spanish legislation on the Ministry of the Interior and the Ministry of Labour respectively, it is necessary before selecting projects 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 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**

The selection procedure, as defined in earlier programmes, is as follows:

Since the inception of the Solidarity and Management of Migration Flows programme, 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 to say, in matters relating to forced return activities, the National Police Force, primarily, and the 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 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 the DGIMS a list of projects 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 on 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).



Once the eligibility criteria and compliance with the conditions set out in the Fund rules have been verified, an Evaluation Committee studies the eligible projects, assessing them on the basis of a series 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.

Finally, taking into account the number and cost of the proposals submitted, and seeking to strike an appropriate balance between the different areas of activity, the Evaluation Committee issues a recommendation on the projects to receive financial assistance. Lastly, 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 proposed selection is notified to and discussed with the final beneficiaries.

All actions relating to forced return are implemented with the responsible authority acting as the implementing agency, either itself or in partnership with the public authorities which have a (*de jure*) monopoly over a specific task. For each forced return action described, adequate justification is provided of the reasons for using that method of implementation, whether on account of the existence of a *de jure* monopoly or for reasons of security.

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

Where the DGIMS acts as the implementing agency in partnership with other authorities of 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 project selection procedure used is the same for all actions, as described in this section and set out in detail in the management and control systems. That selection procedure is fully consistent with the requirements set out in Article 15(5) of the Basic Act [Decision No 575/2007/EC] as regards the minimum criteria for the selection of projects.
- The supervision and evaluation criteria are 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 are those defined in Decision No 575/2007/EC and set out in detail in the management and control systems and the manual of procedures. Those criteria can 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;
  - consistency with the eligibility period laid down in Decision No 575/2007/EC for the annual programme.
- Procurement takes place in accordance with the implementing rules for contracts (set out in Article 11 of the applicable rules) and the Spanish law on public procurement. That is to say, with regard to all actions involving the acquisition of services or equipment, the procurement procedures will comply with Ley 30/2007 de Contratos del Sector Público of 30 October 2007 (Public Sector Contracts Act) (LCSP), in force since 1 May 2008. The consistent national provisions, and the requirements in them relating to publicity and competition, and limitations for reasons of security, likewise apply.

The public authorities empowered to carry out forced return projects in partnership with the responsible authority are the law enforcement agencies, specifically the National Police Force, which comes under the Directorate General of the Police and Guardia Civil of the Ministry of the Interior.

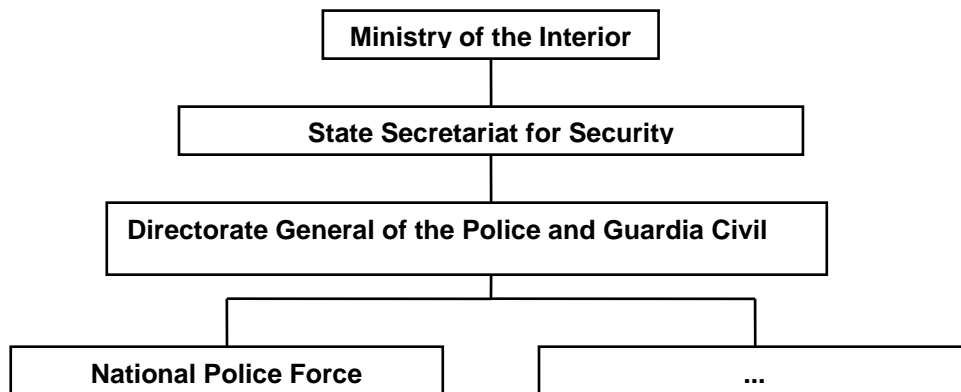


Figure 1. Simplified diagram of the bodies under the authority of the Ministry of the Interior

In the above-mentioned royal decrees, when it describes the responsibilities of the DGIMS, Spanish legislation expressly defines the statutory 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 State 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 State Secretariat for Security where they are wholly or partially funded from the budget of the State Secretariat.'*

The contracting authority in each case is that referred to in the 'Expected grant recipients' section for each action.

The national procurement regulations which are applied to all projects mean that these plans can be adhered to.

In the case of this Annual Programme, only one action is included since it is the only one which was submitted to the responsible authority.

That action does fall within the eligibility period set in the 2010 Annual Programme.

### **1.3 Rules for the selection of voluntary return projects**

Selection of voluntary return projects is delegated to the Directorate General for the Integration of Immigrants. Here the selection procedures are similar to those used by that body for the Refugee Fund and the Integration Fund, for which it is the responsible authority.



Here 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 voluntary return projects. The rules concerning the principle of publicity and accessibility to calls for proposals (or competitive bidding procedures) are laid down by Ley de Subvenciones 38/2008, the Grants Act. According to that Act the process will cover all forms of grants covered by Spanish national legislation, in particular grants awarded to specific entities and grants awarded directly in the situations defined in the Act, although the most important principle for the process will be that governing grants awarded by competition. The arrangements for management and financial distribution will also include agreements with public and private entities.

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 procurement also applies.

The funds for the projects will be awarded specifically to beneficiaries selected in compliance with the rules of competitive bidding procedures. All calls for grant proposals will therefore be published in the Official State Gazette so that all potential beneficiaries have access to them. Those calls will include a detailed grant mechanism, which will indicate both the competitive award criteria to be used to evaluate applications and the requirements which the entities must satisfy. Those requirements will be assessed by a Committee set up for the purpose which will ultimately make an award recommendation to the Director General for the Integration of Immigrants. Decisions to award funding are signed by the Director General of the Directorate General for the Integration of Immigrants on the basis of the recommendation of the Evaluation Committee.

The final beneficiaries of eligible actions and the most appropriate method for selecting and implementing those actions will be determined according to the distribution of legal, financial and institutional powers for that purpose (national, regional and local authorities) and 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 2008-2013 and any other relevant EU rules.

The potential beneficiaries of those calls for proposals may be public or private bodies. Some calls for proposals may be targeted at one of these groups as potential beneficiaries, depending on the nature of the action and project to which the call for proposals relates. Calls for proposals must comply with the objectives and programmes set out in the annual plan, must indicate the project selection criteria, the co-financing arrangements and the implementation dates for the projects in question.

Where so required by the nature of the project, the European Return Fund may also be managed, in compliance with the national legislation on public procurement and grants, by means of cooperation agreements with public or private entities.

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



The annual programme for the European Return Fund to be implemented in 2010 is part of the Multiannual Programme for the period 2008-2013. All the projects carried out in the framework of the annual programme will therefore meet the priorities of the Multiannual Programme.

The procedure for calls for grant proposals will be conducted in accordance with the following guideline timetable:

Year	Prior actions							Implementation of programmes												Subsequent actions			
	2010							2011												2012			
Month	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	
Updating the Order establishing the bases	X	X																					
Call for proposals decision BOE		X																					
Notice		X																					
Project selection			X	X																			
Grant decision					X																		
Programme financing						X																	
Start date								X															
Intermediate report by beneficiary														X									
Closure of programme																					X		
Final report by beneficiary																					X		

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 accord 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 (15.12.2007);
- Compliance with the objectives set out in the call for proposals, the impact of the project, the number of users and their target population;
- Cost-effectiveness, taking into consideration the number of people affected by the project, the feasibility of the project description and the extent to which the corresponding budget estimate is realistic;
- The number of actions included in each measure planned in the project, giving preference to projects which cover all the actions comprising 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 from the European Union budget or by national authorities;
- A greater financial contribution by the applicant to the projects to be co-financed;
- The innovative nature of the project;
- The targeting of activities at the worst situations of discrimination and inequality affecting the persons intended to benefit from the projects;
- The capacity for transference to general policies of the new methods, ideas and solutions contained in the best practices trialled in the projects.

Once 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 comprise two members appointed by the chair. On the Committee's recommendation, the Director General of the Directorate General for the Integration of Immigrants will make a decision on the award of funding for the project proposals. Each annual public call for proposals will set a time-limit for making a decision on whether or not to award funding for the applicant projects.

The project selection process used for all actions is the same, as described in this section and set out in detail in the management and control systems. It is clear that the selection procedure complies fully with the requirements set out in Article 15(5) of Decision No 575/2007/EC 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 applicable rules), as well as the Spanish law on public procurement, in accordance with Law No 30/2007 of 30 October 2007, the Public Sector Contracts Act (BOE No 261 of 31 October 2007), which entered into force on 1 May 2008, and the consistent national rules and the requirements laid down in them relating to publicity and competition and limitations for reasons of security.

In relation to voluntary return, the Multiannual Programme was designed in a different economic context comparing to the current one, immersed in an economic recession. Two main consequences can be highlighted from present situation. On the one hand, a general increase of unemployment, which affects especially the immigrant population. On the other hand, an increase of immigrant population's vulnerability. This is causing an increase on the demand of immediate return programmes of the immigrant population to their countries of origin.

As the Commission indicates in the document 2007/837/CE, the Member States will provide the available resources to obtain the most effective distribution of the economic resources assigned to them depending on their needs. A study has been done to evaluate the most suitable actions.

The restatement of voluntary return actions has led to reinforce the actions 1 and 3 of this Annual Programme 2010, as following:





- Action 1: Specific programmes to support assisted voluntary return for particularly vulnerable people (Priority 1, specific priority 2).
- Action 3: Programmes of productive voluntary return for immigrants wishing to return voluntarily, to improve their opportunities for reintegration in their countries of origin (Priority 3, specific priority 1).

In this way economic efforts will be focused to the programmes development.

#### **1.4 Visibility of the EU funding (general considerations)**

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 final beneficiaries relating to information and publicity for the general public).

The DGIMS and the DGII 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.

The above general considerations apply to all actions included in the current annual programme.

## **2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS (IF APPROPRIATE)**

Not applicable.



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

The following table shows a list of the actions proposed for funding under the 2010 Annual Programme, grouped by priority. The right-hand column indicates whether the action covers any of the specific priorities defined in the Fund strategic guidelines and, if it does, includes in parenthesis the specific priority covered ('No'):

PRIORITY	PROPOSED ACTIONS	SPEC. PRIOR. (YES/NO) (No)
<b>Priority 1</b>	1. Specific programmes to support assisted voluntary return for particularly vulnerable people	YES (2)
	2. Travel expenses for returnees and management of forced return flights	YES (3)
<b>Priority 2</b>	Not addressed in the 2010 Annual Programme	
<b>Priority 3</b>	3. Programmes of productive voluntary return for immigrants wishing to return voluntarily, to improve their opportunities for reintegration in their countries of origin	YES (1)
<b>Priority 4</b>	Not addressed in the 2010 Annual Programme	

In addition to the measures contained in the preceding table, funding is also requested for technical assistance to the DGII acting as the delegated authority, in order to provide support in managing the funds and evaluation, information and control measures.

#### 3.1 Actions implementing priority 1

This Annual Programme proposes funding the following measures in connection with voluntary return:

- Specific programmes to support assisted voluntary return for particularly vulnerable people.
- Travelling expenses for returnees and management of forced return flights.

#### **3.1.1 Specific programmes to support assisted voluntary return for particularly vulnerable people.**

##### **3.1.1.1 Purpose and scope of the action**

To support particularly vulnerable third-country nationals who wish to return, meeting their needs with specific assistance during the various phases of the project. The programme target groups are third-country nationals who are not under a legal obligation to leave the country, and asylum-seekers, other persons enjoying international or temporary protection, and persons who do not or no longer satisfy the requirements for entry and stay who, in addition, satisfy the following requirements:



- a) They are suffering hardship and social vulnerability, a circumstance which must be evidenced by means of a social report issued by the social services of the local authority where the person has resided or by the specialised entity managing the return. For that purpose the fact of being in an irregular situation will be treated as a situation of hardship and social vulnerability.
- b) They belong to a socially vulnerable 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.

The eligible actions in these programmes are:

- a) Providing information and guidance on the procedures necessary to obtain the documentation necessary for their return journey.
- b) Psychological support services, wherever considered necessary, to help the returnee in the new phase of their life.
- c) Payment of the fare for return to their country of origin for the person concerned and their third-country family members to the second degree by marriage and consanguinity.
- d) Payment of travel expenses in Spain from their place of residence to the point of departure.
- e) Payment of one night's accommodation expenses for the purposes of transit.
- f) Payment of pocket money, to facilitate subsistence during the journey from their place of current residence to the town where they leave for their country of origin.
- g) Processing additional financial aid, as aid to assist them in settling in when they first arrive in the country of origin.
- h) Financial aid to cover travel from the place of arrival to the place of destination in their country of origin.
- i) Unforeseen expenses for medicines or other expenses duly proven by the applicant and confirmed in a report by the entity managing their return.
- j) Payment of the costs of escorting the applicant for return or family members, which may be necessary due to illness, disability or other incapacitating circumstances, for which they must provide sufficient supporting evidence by means of a medical and/or social report and which must be assessed by the entity in a written report.

This action is directly related to the compliance of the general objective of the Multiannual Programme for the priority 1, offering specific measures for the voluntary return of people in situations of vulnerability, which it will also be achieved through the



escorting of vulnerable persons during travel and providing assistance to participants facing specific difficulties, i.e. disability, health, the elderly and pregnant women.

### **3.1.1.2 Expected grant recipients**

International organisations, public and private organisations and immigrant organisations. The action will be the subject of maximum dissemination, publicity and competition amongst the various beneficiaries wishing to participate in its management, in all cases encouraging participation by immigrants themselves.

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

Not applicable.

### **3.1.1.4 Expected quantified results and indicators**

- Performance indicators:
  - Number of voluntary returns of people in vulnerable situation: the returns of the present Annual Programme will be approximately 2,400 people.
  - Average cost per returned person: the average return cost per each person will be of EUR 1,400.
  - Number of informed people: we considered that 7,200 people at last would be interested and be informed about return program in a vulnerability situation.
  - Ratio: Number of returned people / Number of informed people: approximately 33%.

The indicators have been calculated using previous years data and estimations.

- Expected results:
  - An increased number of voluntary returns by vulnerable people managed as effectively as possible taking into account their specific needs.
- Anticipated impact:
  - More effective and coordinated return policies.

### **3.1.1.5 Visibility of EU funding (specific considerations)**

The DGII, as the delegated authority, will carry out the activities needed to implement the information and publicity rules outlined in the Implementing Rules (articles 33, 34 and 35):

- The delegated authority shall publish the following information regarding the Fund:
  - Fund Programmes: the Multiannual and the Annual ones.
  - Final beneficiaries list (the entities that will develop the programmes). This list contains the names of the entities and the corresponding public and EU funding assigned.



- First published in the BOE (Spanish Official Gazette) and subsequently published on the Internet address of the routine.

Furthermore, in order to address the general population, the Press Cabinet of the Ministry of Labour and Immigration will hold a briefing note about the Fund and send it to different mass media.

- The DGII will inform the beneficiaries about their obligations concerning information and publicity.
- The measures of information and publicity used by the beneficiaries will include the following:
  - The emblem of the European Union, in accordance with the graphical standards established by the Decision C (2008) 796.
  - A reference to the European Union.
  - A reference to the Fund.
- The DGII will monitor the fulfilment of these obligations with the help of TA.

### **3.1.1.6 Complementarity with similar actions financed by other EU instruments, if appropriate**

Not applicable.

### **3.1.1.7 Financial information**

The total cost of the activity is: **EUR 3.362.545,08**.

As additional information, the budgetary appropriation from which the projects will be financed is indicated below:

<b>Budget appropriation</b>		
<b>Service</b>	07	Ministry of Labour and Immigration
<b>Section</b>	19	
<b>Programme</b>	231H	Integration of immigrants
<b>Chapter</b>	484.11	Aid for the voluntary return of immigrants



### **3.1.2 Travelling expenses for returnees and management of forced return flights.**

#### **3.1.2.1 Purpose and scope of the action**

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

The return procedures are implemented as follows:

- Preparatory measures prior to the return operations: The ways of obtaining travel documents depend on whether there is just one immigrant or there is a group of immigrants. In the first case, the travel documents are obtained through the Embassy or Consulates of the immigrant's country. In the second case, it is created an Identification Commission formed by civil servants of the immigrants' countries who come to Spain or work in the Embassy of the immigrants' countries in Spain.
- Minimum assistance available: In the event of group return flights, all the returnees get usually 50€ as pocket money to help them in their countries of origin with their basic necessities. Sometimes the quantity of money has varied according to the specific agreements of the Spanish authorities with the destination countries' authorities.
- Relationship with activities undertaken to obtain travel documents for the person concerned: In the case of one person, the travel documents are obtained submitting the appropriate papers in the Consulates or the Embassies. In the case of a group of illegal immigrants, an Identification Commission is created.
- Number and nature of the target population to be covered with this action: The population target of this action are illegal immigrants arriving to the Spanish territory by "patera", those who already stay in Spain but have not permit to stay and illegal immigrants who are expelled through group flights.

In any case, the scope of this action includes only the transport costs incurred.

This action is directly related to the compliance of the general objective of the Multiannual Programme for the priority 1, improvement the organisation and execution of integrated return management and foster best international and national practices, which it will also be achieved through continuing with the repatriation policy using chartered flights and improving procedures and implementation methods whether joint [JRO-Joint Return Operation] or national [NRO-National Return Operation] operations, and through continuing with the individual repatriation policy using commercial flights and improving procedures and implementation methods.

#### **3.1.2.2 Expected grant recipients**

Ministry of the Interior. Specifically, the Directorate General for Infrastructures and Material for Security (DGIMS), in partnership with the Secretaría del Estado de Seguridad [State Security Secretariat] (SES).



### **3.1.2.3 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 programmes under European EU funding instruments and has accordingly been designated as the responsible authority for the Return Fund.

Furthermore, the functions of the State Security Secretariat (SES) include promoting the conditions for the exercise of fundamental rights, as established in the Spanish Constitution and its implementing legislation, in particular in connection with personal liberty and security, the right to privacy 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 State Security Secretariat.

### **3.1.2.4 Expected quantified results and indicators**

- Performance indicators:
  - Number of persons removed: estimation of approximately 9,500 persons
  - Number of journeys completed: estimation approximately 176 journeys

The indicators have been calculated using previous years data and estimations.

- Expected results:
  - The taking of high-quality return decisions as quickly as possible.
- Anticipated impact:
  - Improved management of returns.

### **3.1.2.5 Visibility of EU funding (specific considerations)**

The DGIMS, as the responsible authority and direct beneficiary of the funding, will take the actions necessary to implement the applicable rules on information and publicity set out in Article 33, 34 and 35 of the implementing rules.

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.

DGIMS will stamp the reference of the EU contribution in all the documentation relating to this action. Since the forced return flights are carried out by means of private air companies, other forms of publicity are not foreseen.

### **3.1.2.6 Complementarity with similar actions financed by other Eu instruments, if appropriate**

Not applicable.

### **3.1.2.7 Financial information**

The total cost of the activity is: **EUR 20.000.000,00.**



The co-financing percentage has been established according to the limit of the total allocation for this annual programme and that of the agreed distribution between the responsible and the delegated authorities.

As additional information, the budgetary appropriation corresponding to the project and to which the amount of the aid received will be applied in order to be co-financed is indicated below:

<b>Budget appropriation</b>		
<b>Section</b>	16	Ministry of the Interior
<b>Service</b>	02	State Security Secretariat
<b>Programme</b>	132A	Civilian Security
<b>Chapter</b>	2	Current expenditure

The procurement procedure will be governed by the Ley de Contratos de Administraciones Públicas (Public Authorities Contracts Act), Law 30/2007 of 30 October 2007 (LCSP), which entered into force on 1 May 2008. The consistent national provisions, and the requirements laid down in them relating to publicity and competition and the limitations for reasons of security, will also apply.

### **3.2 Actions implementing priority 2**

This programme does not address Priority 2.

### **3.3 Actions implementing priority 3**

Under Article 3(3) of Decision No 575/2007/EC, the objectives of the Fund state that 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 information measures relating to return, reintegration measures for returnees in the country of return, channels of cooperation with consular and immigration services, including training, and measures to obtain information on undocumented third-country nationals or stateless persons.





This Annual Programme proposes to finance the following measures in the field of voluntary return:

**3.3.1 Programmes of productive voluntary return for immigrants wishing to return voluntarily, to improve their opportunities for reintegration in their countries of origin.**

**3.3.1.1 Purpose and scope of the action**

The objective of this action is to put into operation actions which encourage the creation of social/productive measures for people who, in addition to wishing to return voluntarily to their countries of origin, express an interest in productive initiatives. This type of action is endorsed by Recital 25 to Decision No 575/2007/EC which established the European Return Fund in order to ensure that participants return to their town or region of origin under good conditions and to enhance their durable reintegration in their EU by means of integrated return.

The majority of the measures envisaged within this action will take place in Spain before the physical return of the person concerned, who will declare in writing their commitment to return from the time they register with the programme. The programme implementing entities will select the people to form part of the project to create micro- or small family businesses, on the basis of their occupational profile, motivation and interest in developing an entrepreneurial project capable of facilitating reintegration in their countries of origin.

The actions supported will include two phases. The first phase consists of setting up the social/productive project for the participants mentored by skilled professionals from the implementing entities, in keeping with the possible measures to facilitate the reintegration of returnees referred to in Article 5(8) and Article 5(9) of Decision No 575/2007/EC establishing the Fund. Those measures include:

- a) Obtaining information about the situation to which the person is returning in order to ensure that the project submitted is suitable and sustainable.
- b) Advice and guidance on the business project, including an assessment of its viability and sustainability, and the scope for improvement so that the project has the best possible chances of success.
- c) The necessary mentoring during the period immediately after the business goes into operation.
- d) Individual training and capacity building in drawing up the business project, economic and technical viability and business management of the various areas of the enterprise.
- e) Individual follow-up and technical assistance for the business project for up to six months after the return.
- f) Financial assistance in cash for each productive project, reported on and approved by the entity managing the return in question.



To ensure a successful return, the first phase of these programmes is supplemented by a second phase, since it is considered essential that both parts of the productive return are managed on an integrated basis. The second phase of the programme comprises the counselling and support services to the participants necessary for management of the return. The services include:

- a) Providing information and guidance on the procedures necessary to obtain the documentation necessary for their return journey.
- b) Payment of the fare for return to their country of origin for the person concerned and their third-country family members to the second degree by marriage and consanguinity.
- c) Payment of travel expenses in Spain from their place of residence to the point of departure.
- d) Payment of one night's accommodation expenses for the purposes of transit.
- e) Payment of pocket money, to facilitate subsistence during the journey from their place of current residence to the town where they leave for their country of origin.
- f) Processing additional financial aid, as aid to assist them in settling in when they arrive in the country of origin.
- g) Financial aid to cover travel from the place of arrival to the place of destination in their country of origin.
- h) Unforeseen expenses for medicines or other expenses duly proven by the applicant and confirmed in a report by the entity managing their return.
- i) Payment of the costs of escorting the applicant for return or family members which may be necessary due to illness, disability or other incapacitating circumstances, for which they must provide sufficient supporting evidence by means of a medical and/or social report and which must be assessed by the entity in a written report.

The ultimate aim of the action is directly to involve participants in the processes of planning and implementing their return projects, so as to foster motivation on the part of participants and tailor their expectations to 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 that the training and development of the social-productive project should be intensive and full-time in the months preceding the return.



At the same time, the action seeks to ascertain the viability and sustainability of the business projects by means of individual follow-up subsequent to the return in the countries of return. The action also attempts to encourage networking, both between entities and organisations working with return programmes in Spain, and with other entities and organisations in the countries of origin of the returnees under the programme.

This action is directly related to the compliance of the general objective of the Multiannual Programme for priority 3, training programme participants in the professions most in demand in the countries of origin and promoting return programmes which include socio-productive initiatives in the country of origin of the participants, which it will also be achieved respectively through the design of training curricula to undertake capacity-building initiatives with immigrants, improving the likelihood of finding work by taking part in training tailored to labour demands in the country of origin, and through directly involving participants in both the planning and execution of their return projects, drawing up solid and sustainable business plans, making the return more attractive with micro-credits and the productive reinvestment of remittances.

### **3.3.1.2 Expected grant recipients**

International organisations, public and private organisations and immigrant organisations. The action will be the subject of maximum dissemination, publicity and competition amongst the various beneficiaries wishing to participate in its management, in all cases encouraging participation by immigrants themselves.

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

Not applicable.

### **3.3.1.4 Expected quantified results and indicators**

- Performance indicators:
  - Average amount per project: we estimate an average amount per project of EUR 8,850 approximately.
  - Number of business projects created: 95 business projects estimated.
  - Number of trainings realized: around 105 trainings.
  - Number of follow-up visits: projects will be followed at 100%.

The indicators have been calculated using previous years data and estimations.



- Expected results:
  - Viable sustainable business ideas, including human resources and financial planning. Participants will be more motivated and will have realistic expectations, enabling them to reintegrate into their societies of origin and to become active members of those societies.
- Anticipated impact:
  - Improvement of the conditions for the sustainability of the projects, benefiting the people involved and their immediate society in the countries of origin.

### **3.3.1.5 Visibility of EU funding (specific considerations)**

The DGII, as the delegated authority, will carry out the activities needed to implement the information and publicity rules outlined in the Implementing Rules (articles 33, 34 and 35). Thus, this action will be made to the following information and publicity:

- The delegated authority shall publish the following information regarding the Fund:
  - Fund Programmes: the Multiannual and the Annual ones.
  - Final beneficiaries list (the entities that will develop the programmes). This list contains the names of the entities and the corresponding public and EU funding assigned.
  - First published in the BOE (Spanish Official Gazette) and subsequently published on the Internet address of the routine.

Furthermore, in order to address the general population, the Cabinet of Press of the Ministry of Labour and Immigration will hold a briefing note about the Fund and send it to different mass media.

- The DGII will inform the beneficiaries about their obligations concerning information and publicity.
- The measures of information and publicity used by the beneficiaries will include the following:
  - The emblem of the European Union, in accordance with the graphical standards established by the Decision C (2008) 796.
  - A reference to the European Union.
  - A reference to the Fund.
- The DGII will monitor the fulfilment of these obligations with technical Assistance support.

### **3.3.1.6 Complementarity with similar actions financed by other EU instruments, if appropriate**

Not applicable.



### 3.3.1.7 Financial information

The total cost of the activity is: **EUR 840.636,28**.

As additional information, the budgetary appropriation from which the projects will be financed is indicated below:

Budget appropriation		
<b>Section</b>	07	Ministry of Labour and Immigration
<b>Service</b>	19	
<b>Programme</b>	231H	Integration of Immigrants
<b>Chapter</b>	484.11	Grants for the voluntary return of immigrants

### 3.4 Actions implementing priority 4

This annual programme does not address Priority 4 since the allocation has been distributed among the other actions included in this programme, which have been considered as higher priorities. The establishment of a forced return monitoring system will be studied for its inclusion in the next annual programmes.

## 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, management, monitoring, evaluation, information and control measures, in addition to measures to increase their administrative capacity to implement Fund interventions.

More specifically, during 2010, technical assistance will be used for the following activities:

- Coordination with the certifying and audit authorities.
- Preparation of the annual programmes.
- Monitoring the funded projects and technical support to beneficiaries in order to comply with the Fund rules.
- Administrative activities connected with implementation of the Fund interventions.
- Evaluation, information and publicity actions.
- Translation of documents.
- Updating manuals of procedures and supporting evidence.
- Support in preparing calls for grant proposals, cooperation agreements and outsourcing.
- Attending SOLID Committee meetings, and similar.



The technical assistance may be given by Ministry of Labour and Immigration personnel, or be carried out through outsourcing or engaging the management services of a public undertaking.

The co-financing of the technical assistance provided to DGIMS jointly with that for the External Borders Fund is included in the annual programme of the latter.

The procurement rules will be respected in accordance with the Public Sector Contract Act, Law 30/2007 of October 2007 (LCSP), which entered into force on 1 May 2008.

#### **4.2 Expected quantified results**

- Performance indicators:
  - Number and scope of the activities carried out.
  - Number of external contracts placed.
- Expected results:
  - Appropriate cooperation with the certifying and audit authorities.
  - Appropriate cooperation with beneficiaries.
  - Compliance with Decision No 575/2007/EC and the implementing rules of the Fund.
  - Selection of projects which address in a balanced manner the objectives and priorities set in the Multiannual Programme.
- Anticipated impact:
  - Increased cooperation between authorities.
  - Increased amount and effectiveness of resources allocated to the areas of activity of the Fund.

#### **4.3 Visibility of EU funding (specific considerations)**

For the Technical assistance measures, the DGII as the delegated authority, will ensure and verify that the activities necessary to implement the rules concerning visibility (Art 33, 34, 35 of the implementing rules) are carried out by those authorities which receive support under the TA.



## 5. DRAFT FINANCIAL PLAN

Annual Programme - Draft Financial Plan Table 1 - General Overview								
Member State: Spain Annual Programme: 2010 Fund: Return								
<i>(figures in euro)</i>	Ref. priority	Ref. specific priority (1)	EU contribution	Public funding (b)	Private funding	TOTAL (d= a+b+c)	% EC (e=a/d)	Share of total (f=d/total d)
<b>Action 1: Specific programmes to support assisted voluntary return for particularly vulnerable people</b>	1	2	2.521.908,81	840.636,27	0,00	3.362.545,08	75,00%	13,76%
<b>Action 2: Travel expenses for returnees and management of forced return flights</b>	1	3	5.681.323,30	14.318.676,70	0,00	20.000.000,00	28,41%	81,83%
<b>Action 3: Programmes of productive voluntary return for immigrants wishing to return voluntarily, to improve their opportunities for reintegration in their countries of origin</b>	3	2	630.477,21	210.159,07	0,00	840.636,28	75,00%	3,44%
<b>Technical Assistance Ministry of Labour (3)</b>	-	-	237.276,36	0	0,00	237.276,36	100,00%	0,97%
<b>Other operations (2)</b>								
<b>TOTAL</b>			<b>9.070.985,68</b>	<b>15.369.472,04</b>	<b>0,00</b>	<b>24.440.457,72</b>		<b>100,00%</b>

(1) if appropriate

(2) if appropriate

(3) As the DGIMS' technical assistance provided jointly, it is included in the annual programme for the Borders Fund.

*[Signature of the person responsible]*  
Deputy Director General for Security  
Planning and Infrastructure and  
Resources Management  
Felipe del Pozo Blanco