



COMISSÃO DAS COMUNIDADES EUROPEIAS

Bruxelas, 11.3.2009

C(2009) 1539 final

DECISÃO DA COMISSÃO

de 11.3.2009

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(Apenas faz fé o texto em língua portuguesa)

A COMISSÃO DAS COMUNIDADES EUROPEIAS,

Tendo em conta o Tratado que institui a Comunidade Europeia,

Tendo em conta a Decisão n.º 575/2007/CE do Parlamento Europeu e do Conselho, de 23 de Maio de 2007, que cria o Fundo Europeu de Regresso para o período de 2008 a 2013 no âmbito do programa geral "Solidariedade e Gestão dos Fluxos Migratórios"¹ e, nomeadamente, o n.º 5 do seu artigo 19.º e o n.º 5 do seu artigo 21.º,

Considerando o seguinte:

- (1) Em 15 de Janeiro de 2008, Portugal apresentou à Comissão um projecto de programa plurianual para o período de 2008 a 2013. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 25 de Novembro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 1 do artigo 19.º da Decisão n.º 575/2007/CE. A Comissão examinou o referido documento em conformidade com o n.º 3 do artigo 19.º da Decisão n.º 575/2007/CE e com a Decisão 2007/837/CE da Comissão, de 30 de Novembro de 2007, que aplica a Decisão n.º 575/2007/CE do Parlamento Europeu e do Conselho no que se refere à aprovação de directrizes estratégicas para o período 2008-2013².
- (2) Em 13 de Fevereiro de 2008, Portugal apresentou à Comissão um projecto de programa anual para 2008. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 25 de Novembro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 3 do artigo 21.º da Decisão n.º 575/2007/CE, e está conforme com o programa plurianual.
- (3) Em 22 de Outubro de 2007, Portugal apresentou, em conformidade com o n.º 2 do artigo 32.º da Decisão n.º 575/2007/CE, uma descrição dos sistemas de gestão e de controlo, a qual contém os elementos necessários, tal como previsto no n.º 2 do artigo 32.º da Decisão n.º 575/2007/CE. Os sistemas de gestão e de controlo foram objecto de uma verificação.

¹ JO L 144 de 6.6.2007, p. 45.

² JO L 330 de 15.12.2007, p. 48.

- (4) Os montantes afectados ao Estado-Membro, mediante co-financiamento, devem ser indicados.
- (5) Deve ser fixada uma data-limite para a elegibilidade das despesas, em conformidade com os pontos I.4 e V.3 do Anexo XI da Decisão 2008/458/CE da Comissão, de 5 de Março de 2008, que estabelece as normas de execução da Decisão n.º 575/2007/CE³.
- (6) As medidas previstas na presente decisão são conformes com o parecer do Comité criado pelo n.º 1 do artigo 56.º da Decisão n.º 574/2007/CE⁴,

ADOPTOU A PRESENTE DECISÃO:

Artigo 1.º

É aprovado o programa plurianual de Portugal para o período de 1 de Janeiro de 2008 a 31 de Dezembro de 2013, como descrito no Anexo 1 da presente decisão.

Artigo 2.º

É aprovado o programa anual de Portugal para 2008, como descrito no Anexo 2 da presente decisão.

Artigo 3.º

O montante total afectado a partir do Fundo Europeu de Regresso, mediante co-financiamento, para o exercício orçamental de 2008 é de 901 700,17 euros.

Artigo 4.º

Para o programa anual de 2008, a data-limite de elegibilidade das despesas é 31 de Dezembro de 2009 para as acções e 30 de Setembro de 2010 para a assistência técnica.

Artigo 5.º

No que diz respeito ao programa anual de Portugal para 2008, a presente decisão constitui uma decisão de financiamento na acepção do n.º 2 do artigo 75.º do Regulamento (CE, Euratom) n.º 1605/2002 do Conselho, de 25 de Junho de 2002, que institui o Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias⁵, bem como do artigo 90.º do Regulamento (CE, Euratom) n.º 2342/2002 da Comissão, de 23 de Dezembro de 2002, que estabelece as normas de execução do Regulamento (CE, Euratom) n.º 1605/2002

³ JO L 167 de 27.6.2008, p. 135.

⁴ JO L 144 de 6.6.2007, p. 22.

⁵ JO L 248 de 16.9.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE, Euratom) n.º 1525/2007 do Conselho (JO L 343 de 27.12.2007, p. 9).

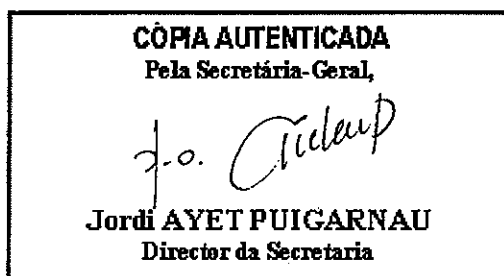
do Conselho, que institui o Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias⁶.

Artigo 6.º

A República Portuguesa é a destinatária da presente decisão.

Feito em Bruxelas, em 11.3.2009.

Pela Comissão
Jacques BARROT
Vice-Presidente



⁶ JO L 357 de 31.12.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE, Euratom) n.º 478/2007 da Comissão (JO L 111 de 28.4.2007, p. 13).

ANEXO 1

Programa plurianual de Portugal para 2008-2013

MODEL MULTI-ANNUAL PROGRAMME**MEMBER STATE: Portugal****FUND: European Return Fund****RESPONSIBLE AUTHORITY: Community Fund Management Task Force (*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior****PERIOD COVERED: 2008 - 2013****1. SITUATION IN THE MEMBER STATE****1.1. The national situation and the migratory flows affecting it****General description**

The competent authority in Portugal dealing with the return of third-country nationals is the Foreigners and Border Service (*Serviço de Estrangeiros e Fronteiras – SEF*), which has responsibility for controlling and inspecting the presence and activities of foreigners throughout Portuguese territory. It also carries out spot checks and undertakes joint operations with fellow security services or agencies, both Portuguese and Spanish. It also collaborates as necessary with the bodies responsible for monitoring compliance with the law governing the employment of foreign nationals.

In this area, the SEF is also the competent authority for preparing, bringing and deciding on cases involving the administrative expulsion of foreigners from Portugal and for carrying out administrative and judicial expulsion decisions, preparing, bringing and deciding on readmission applications and implementing the respective decisions, as well as escorting citizens against whom expulsion orders have been made.

Since 2005, the number of SEF inspections has increased, thereby meeting one of the Government's priorities in its campaign to combat clandestine employment.

As a direct result of this additional effort, the number of persons identified as illegal immigrants and the number of expulsion orders have also increased.

As regards return procedures, preference is given to voluntary repatriation, in line with both the Portuguese and Community approaches.

In terms of the number of inspections carried out, there were a total of 1 076 in 2005 and 3 688 in 2006.

The number of inspections therefore rose by over 200% in 2006. Targets of these inspections were primarily catering establishments and building sites. Spot checks were also carried out.

Approximately 8% of the third-country nationals identified were illegal. These were primarily Brazilians, followed by nationals of the Ukraine, Cape Verde and Angola.

Voluntary returns

As we have said, when returning third-country nationals, preference has been given to voluntary returns rather than enforced repatriation.

The International Organisation for Migration (IOM) has cooperated with the Portuguese State in the area of voluntary returns in order to implement an effective, dignified and humane policy for the voluntary return of foreign nationals either to their country of origin or to third countries prepared to admit them.

As a result, a total of 321 persons returned voluntarily in 2005. In 2006, the total fell by around 50% to 163, although it will increase again in 2007 since 196 returns have already taken place.

The principal countries of origin of voluntary returnees are once again Brazil followed by Angola and the Ukraine.

⁽¹⁾ Both by the SEF independently and in conjunction with other bodies such as the police (Guarda Nacional Republicana, Polícia de Segurança Pública, Polícia Judiciária), the Inspectorate-General of Work, Social Security and the Spanish national police force.

Returns by Nationality 2005 to 2007⁽¹⁾

Country	2005	%	2006	%	2007 ⁽¹⁾	%
Brazil	117	36,4	74	45,4	129	65,8
Angola	53	16,5	23	14,1	24	12,2
Ukraine	41	12,8	21	12,9	9	4,6
Romania	40	12,5	2	1,2	-	-
Cape Verde	11	3,4	14	8,6	9	4,6
Russia	19	5,9	10	6,1	4	2,0
São Tomé and Príncipe	14	4,4	3	1,8	1	0,5
Guinea Bissau	6	1,9	3	1,8	4	2,0
Mozambique	-	-	-	-	4	2,0
Algeria	-	-	-	-	4	2,0
Belarus	5	1,6	1	0,6	-	-
Kazakhstan	4	1,2	1	0,6	3	1,5
Georgia	4	1,2	-	-	1	0,5
Republic of Moldova	1	0,3	3	1,8	2	1,0
Colombia	2	0,6	2	1,2	-	-
Senegal	-	-	2	1,2	-	-
Australia	-	-	-	-	1	0,5
Croatia	1	0,3	-	-	-	-
Sierra Leone	1	0,3	-	-	-	-
Bulgaria	1	0,3	-	-	-	-
India	1	0,3	1	0,6	-	-
East Timor	-	-	1	0,6	-	-
Venezuela	-	-	1	0,6	-	-
Uzbekistan	-	-	-	-	1	0,5
Pakistan	-	-	1	0,6	-	-
Total	321	100,0	163	100,0	196	100,0

(1) - Data relating to Sept.2007.

Source: IOM

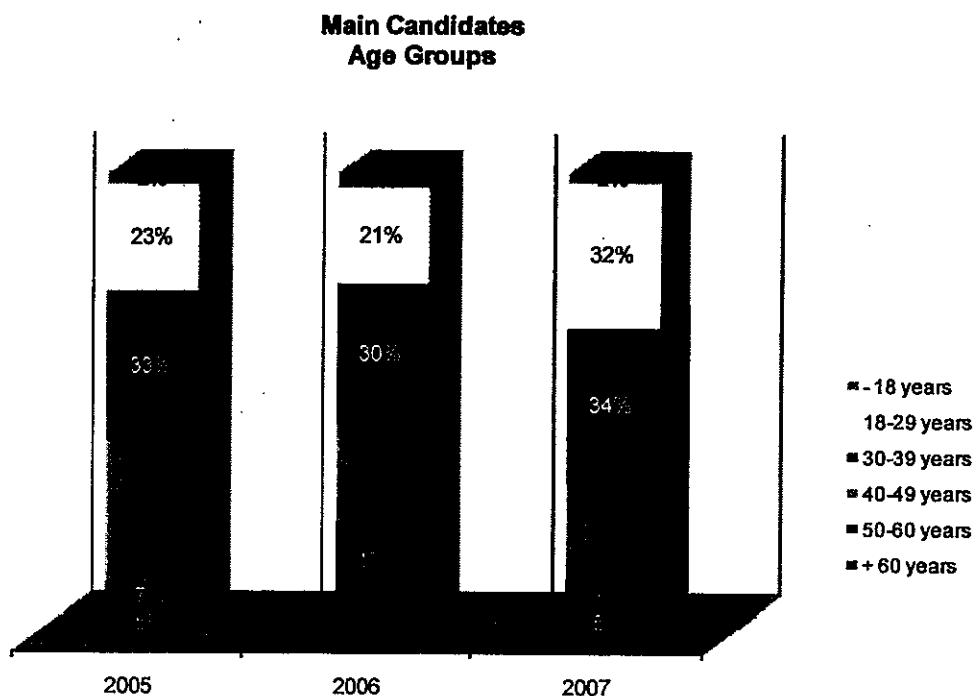
In terms of the number of requests for assistance for voluntary return, there were:

- 470 applications in 2005;
- 421 applications in 2006;

- 205 applications in 2007 (up to September).

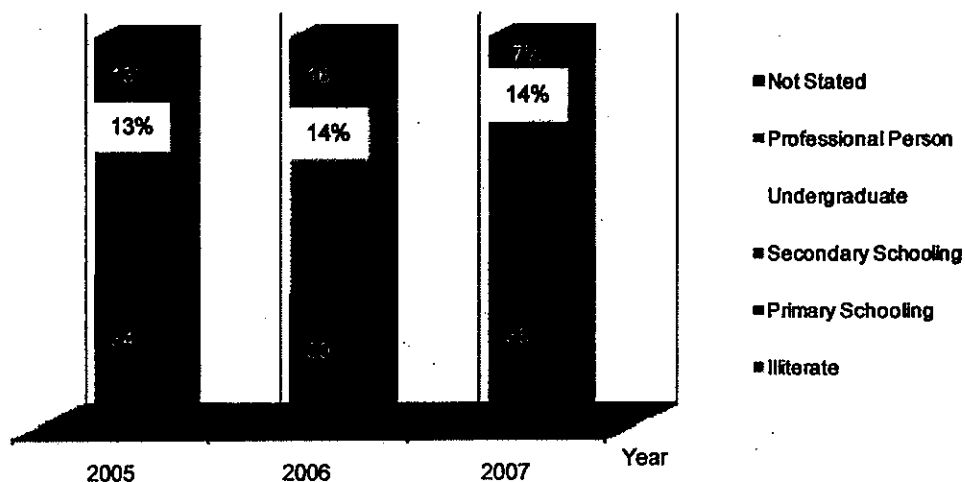
The main candidates for voluntary return are those against whom return proceedings have commenced. Their characteristic profile can be summarised as follows:

- They are virtually all persons of full age, marginally more men than women, who have been living in Portugal for less than 10 years (the majority having arrived in Portugal between 3 and 5 years ago);
- In terms of the age bands of candidates, 2007 saw an increase particularly in the 18-29 year range.



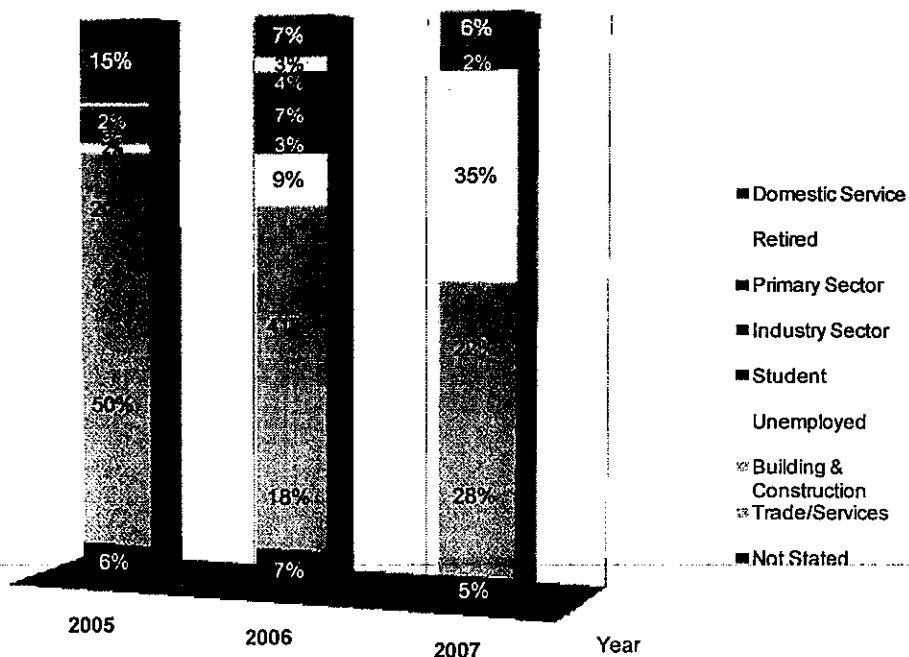
- In educational terms, the majority of candidates had attended only primary or secondary school, with a lower percentage having attended university. Finally, there were a significant number – albeit smaller than the groups previously described – with technical training. There were a small number of individuals with no schooling.

Qualifications of Main Candidates



➤ As regards the occupation of these candidates, in 2005 the majority were in the commercial and services sectors, followed by building and domestic service. The situation reversed in the following year, when the majority were in the building sector followed by commerce and services and a far smaller proportion in domestic service. Finally, in the period January-September 2007, the largest group was the unemployed, followed by the commercial and services sector, building (with lower numbers) and a residual group in domestic service.

Main Candidates Sectors of Activity



The most widely represented nationalities for voluntary return in the period in question were Brazilians, followed by Romanians and Ukrainians (in that order).

Enforced return

With regard to enforced returns, 2005 saw a total of 784 repatriations, with 919 in 2006 and 458 up to July 2007. These figures represent 12.8%, 9.6% and 9.8% respectively of annual repatriation decisions.

	2005	2006	2007 ⁽¹⁾
Notifications of Voluntary Abandonment	4.874	8.070	3.838
Procedures of Administrative Eviction	857	988	564
Procedures of Judicial Eviction	204	204	150
Placed on the Border	183	319	116
Total	6.118	9.581	4.668
Removals Executed	784	919	458

(1) - Data relating to July 2007.

Source: SEF

The most widely represented nationalities for enforced return in the period in question were Brazilians, followed by Romanians and Ukrainians (in that order).

REMOVALS EXECUTED			
Major nationalities represented			
Country	2005	2006	2007⁽¹⁾
Brazil	320	422	231
Romania	151	152	-
Ukraine	76	74	61
Republic of Moldova	25	-	-
Venezuela	22	34	20
C. Verde	-	26	28
Russian Fed.	-	-	12
Angola	-	-	12

NOTIFICATIONS FOR VOLUNTARY ABANDONMENT			
Major Nationalities represented			
Country	2005	2006	2007⁽¹⁾
Brazil	2.778	4.971	3.030
Romania	907	1.401	-
Ukraine	286	367	160
Bulgaria	127	229	-
C. Verde	-	198	102
Angola	120	-	98
Guinea Bissau	-	-	91

(1) - Data relating to July 2007.

Source: SEF

Integrated Management of Returns and Cooperation

Repatriation measures are preceded by a number of legal and technical measures to ensure successful and secure repatriation, that the citizen fully understands the measure to be applied and that it will be carried out in humane conditions that respect line the citizen's dignity.

With a view to satisfying these conditions, the SEF has forged close ties with the consular representations of the non-EU countries where the most problematic migratory flows are coming from, either directly or through joint advisory committees, in order to examine issues relating to the relevant migratory flows, notably from Cape Verde, Brazil, Angola, Ukraine, Venezuela, China, Morocco and Algeria.

The aim of these contacts is to provide the consular representations with reliable information on migration issues for the communities they represent and to devise cooperation mechanisms regarding the identification, documentation and expulsion of illegal immigrant.

In addition, Portugal has been developing cooperation ties with the migration authorities of the countries of origin, signing cooperation agreements to ensure a common understanding regarding combating illegal immigration or human trafficking, combating fraud and mutual trust regarding the operations of their respective migration services.

These agreements and regular contacts between managers and experts have established the necessary conditions to carry out secure expulsions.

Furthermore, immigration liaison officials, posted notably in Angola, Brazil, Cape Verde, Ukraine and Russia, have provided special upstream assistance for links with the authorities of the countries of origin, with a view to obtaining documentation on foreign citizens and ensuring that repatriated citizens are accepted.

Local support from liaison officials can be extended to the other Member States upon request, as part of supportive cooperation, also pursued in the Frontex context.

Migration trends

Based on data collected in recent years, the migratory pressure from Latin America, principally Brazil, is likely to remain significant.

The migratory flows from Venezuela and Bolivia are worthy of special attention; nationals from these countries have been trying to enter the Schengen area through Portugal.

Africa will continue to be another of the most significant continents in terms of origin of migrants, especially Senegal and Guinea-Bissau.

The number of occurrences intercepted involving passengers native to West and Southern Africa merit special attention, taking account of factors related to instability in the region, among others.

Voluntary returns for asylum seekers whose applications have been refused

Based on the experience that the IOM has been acquiring over the years in formulating and managing assisted voluntary repatriation schemes, and since the IOM in Lisbon has an extensive network of partners in the country with which it works on a regular basis in the context of the Voluntary Returns Programme, in late 2007 IOM Lisbon, supported by ERF II, promoted an experimental voluntary returns programme for asylum seekers whose application has been refused.

In that context an information brochure was designed and produced on the operation and conditions of voluntary returns for this target group, and it was circulated mainly in electronic form among relevant bodies in this area. Awareness-raising and direct information activities were also carried out in the form of information sessions in various places around the country, addressed to counselling staff belonging to partner agencies of the SuRRIA counselling and

information network. Information was also circulated by the partners of its own counselling network to a number of social and counselling agencies spread around the country. Despite opting for an enhanced strategy of raising awareness and informing people about the project, no return measures materialised, since this initiative was designed to boost a national measure aimed at increasing reception capacity, associated with measures contributing to proper integration of these citizens into society.

1.2. Measures undertaken by the Member State so far

As regards the legal and institutional framework, the aim of fulfilling one of the objectives of the Government's programme – to equip the State with a more proactive approach to immigration issues – as well as the need for fairness were both contributory factors in the introduction of new legislation⁽²⁾, in order to adopt more flexible mechanisms for admission and repatriation and to grant uniform legal status to foreigners legally admitted.

This is new legislation⁽³⁾ which, in addition to helping combat illegal immigration, has created an incentive for voluntary returns. This incentive is the elimination of the sanction of an entry ban, which now applies only where compulsory repatriation has occurred. Assistance is also provided to voluntary returnees, but in this case foreign nationals can only be readmitted to Portugal during the 3-year period after their return if they repay the amounts received plus interest.

In order to enforce expulsion orders more effectively as a deterrent to clandestine immigration, to promote legal immigration channels and to protect public order, a series of measures were introduced including, in particular, holding the person being expelled in the custody of the SEF so that the expulsion decision can be carried out immediately (if it cannot be enforced immediately, a period of time is allowed for the person to leave Portugal or he/she is placed in a temporary holding centre; alternatively, he/she may be subject to electronic tagging).

In terms of infrastructure and services, the first temporary holding centre was recently established in Porto to house foreigners and displaced persons who, by virtue of an administrative or legal decision, are required to leave Portugal. In addition to this centre, steps

⁽²⁾ This legislation was also necessary to transpose Community directives adopted in recent years into Portuguese law.

have been taken to promote the coordinated operation of areas similar to temporary holding centres in airports.

As mentioned, the inspection activity of the SEF has also been stepped up.

Also in this area, and with particular regard to voluntary returns, Portugal and the IOM entered into an Agreement for the Voluntary Return of Immigrants (PRV) in 2005, focusing on immigrants without the necessary resources to return to their country of origin.

Also in partnership with the IOM, the SuRRIA project (Support for Repatriation – Information and Reception Network – *Sustentação do Retorno – Rede de Informação e Acolhimento*) is being implemented with cofinancing from the European Commission under the “RETURN” facility. Its main aims, in addition to providing support for those returning, also include providing limited financial assistance for reintegration in the country of origin.

In recent years, these instruments have helped to enhance and expand the component providing assistance with reintegration, a crucial stage in the voluntary return process, promoting an integrated approach and/or sustainable long-term reintegration in the country of origin.

In 2006 for the first time the PRV, in conjunction with IOM missions in the country of return, provided for a financial subsidy for reintegration to applicants wishing to set up a small business; to be eligible, they first have to prepare a business plan. That year, four reintegration subsidies were granted to small businesses.

The SuRRIA project has enhanced this reintegration component, introducing a mechanism for collecting and providing information on countries of origin, essential to enable candidates for return to take an informed decision, facilitating their reintegration after they return. In the period 2006-2008 (up to May) a total of 71 subsidies were granted, 34 of which for reintegration to set up small businesses (Brazil: 29; Angola: 4; Russia: 1), the others being granted for vulnerable situations.

Data on the SuRRIA project show that there is growing interest among candidates, especially Brazilians, in making productive use of financial support as an integration strategy.

⁽³⁾ Legal arrangements for the entry of foreign nationals into Portuguese territory, their residence in it and departure and exclusion from it, approved by Law No 23/2007 of 4 July 2007.

1.3. Total national resources allocated

The Portuguese State is bearing relatively high costs for voluntary or enforced returns.

It should be borne in mind that Portugal has a peripheral location and does not have access to a wide variety of air links; this has contributed significantly to an increase in costs and to the relatively low level of returns occurring (around 9%).

As regards voluntary returns, in 2006 some EUR 233 000 was spent. In 2006, this sum fell to around EUR 140 000.

Up to September 2007, the amount spent on this type of return was approximately EUR 220 000.

As regards compulsory repatriation, a total of EUR 582 000 was spent in 2006, with a further EUR 307 000 up to July 2007.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

2.1. The requirements in the Member State in relation to the baseline situation

An essential part of immigration policy is the issue of return; if this cannot be undertaken efficiently the viability of the chosen strategy is compromised. The desired optimisation of the management of migratory flows and adequate border controls undoubtedly requires robust repatriation measures which will ultimately help to deter clandestine immigration.

However, in the return procedure the humanitarian aspect must be properly safeguarded and as far as possible enhanced since on the majority of occasions return coincides with significant and profound changes to the immigrants' original life ambitions.

Thus, the preferred option to be considered – and for which incentives should be given – is voluntary return, with compulsory repatriation kept in reserve as the final alternative.

Hence, there is a great need to maintain and develop voluntary return programmes, such as the SuRRIA project, or other future projects in similar vein and with similar principles.

The provision of assistance to returnees having to cope with a new situation in their country of origin (or host country) is an important aspect to be considered and may cover, in addition to financial assistance, other measures to assist with socio-cultural reintegration in that country. Only in this way is it possible to be certain that the return measures will be durable or sustainable.

With regard to the phases prior to repatriation, it is important that sources of information and advice are available to immigrants, supplied by independent entities of acknowledged credibility, so that the immigrants do not feel that their use of such sources will be prejudicial to their legal or financial situation. It must also protect these people from becoming the victims of parallel organisations which are frequently linked to networks involved in illegal immigration or clandestine employment.

Additionally, to cater for situations where administrative return proceedings are in progress – and since it is also planned to step up inspections, with a consequent increase in the numbers of illegal immigrants identified – it is vital to maintain and increase the number of temporary reception centres, offering immigrants dignified conditions during the transitional period when their return proceedings are pending.

Lastly, in line with the above comments on the increase in inspection activity, it is of paramount importance that the policy of compulsory repatriation should be planned in an integrated and effective manner, with the assurance that the respective costs and expenses will be covered, in order to avoid delaying or frustrating the overall immigration policy.

- We would also emphasise the need to improve the system of information on persons repatriated, since there is a strong probability that a further attempt at entry will be made using false or forged documents. Hence, the use of the latest technology in this area is an increasingly important aspect.

2.2. The operational objectives of the Member State designed to meet its requirements

In the light of the requirements described, the priority aims of the Member State are:

- To improve conditions for temporary reception;
- To develop voluntary return programmes;

- To foster actions to provide information, training and awareness of return programmes;
- To support implementation of the Member State's strategy for compulsory repatriation;
- To develop information systems on the countries of origin;
- To develop information systems on persons repatriated and their documentation;
- To foster actions to provide information, training and awareness of return programmes.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

3.1. Priority 1 – Support to Member States in developing a strategic approach to return management

A) Description and specific objectives:

Here the aim is to focus primarily on developing return programmes and on managing them in an integrated and effective manner, and in particular:

- (1) Supporting actions to return third country nationals to their country of origin, residence or transit;
- (2) Establishing and implementing assisted voluntary return programmes;
- (3) Supporting incentives to reintegration in the country of origin, with particular priority given to the most vulnerable individuals.

B) Indicators for achievement of objectives:

Achievement of the specific aims of this priority and the progress achieved during the Programme period will be gauged, in particular, by reference to indicators of completion and results obtained in implementing the projects. To that end, the application form and the model final report created, in line with the ERF Manual of Procedures, contain, in annex, a series of

indicators of achievements and results, that beneficiaries must complete and which will be monitored by the authority responsible for tracking the projects.

In order to assess overall progress on this priority, in a context of assessment supported by the Programme, the following will be used in particular:

- degree of completion of the return programmes;
- number of return programmes implemented;
- number of citizens repatriated under return plans;
- number of citizens belonging to supported vulnerable groups.

C) Examples of key measures:

- Implementation of voluntary return support programmes;
- Implementation of enforced return support programmes;
- Support for reintegration in country of origin.

3.2. Priority 3 – Support for specific, innovative (inter)national tools for return management

A) Description and specific objectives:

The aim of the investment in this priority is to develop and improve practices to promote and facilitate voluntary returns, and in particular:

- (1) Supporting methods and procedures providing information and incentives to voluntary returns;
- (2) Creating new tools and introducing new working methods to accelerate return procedures and render them more efficient, in collaboration with the consular authorities and immigration services of the third countries involved.

B) Indicators for achievement of objectives:

Achievement of the specific aims of this priority and the progress achieved during the Programme period will be gauged by reference to indicators of completion and results obtained in implementing the projects. To that end, the application form and the model final

report created, in line with the ERF Manual of Procedures, contain, in annex, a series of indicators of achievements and results, that beneficiaries must complete and which will be monitored by the authority responsible for tracking the projects.

In order to assess overall progress on this priority, in a context of assessment supported by the programme, the following will be used in particular:

- number of tools implemented to optimise return procedures;
- number of innovative initiatives for managing returns.

C) Examples of key measures:

- Information system on repatriated citizens;
- Development and implementation of platforms providing information and incentives for voluntary returns.

3.3. Priority 4 – Support for Community rules and best practice in terms of return management

A) Description and specific objectives:

The aim of the emphasis on this priority is to improve the knowledge and application of regulations on return, and to evaluate the respective practices used. The intention is, in particular:

- (1) To support actions to provide information and disseminate the applicable regulations to those potentially interested;
- (2) To support the training of professionals operating in the field of return management;
- (3) To evaluate the work done in the area of return management.

B) Indicators for achievement of objectives:

Achievement of the specific aims of this priority and the progress achieved during the Programme period will be gauged by reference to indicators of completion and results obtained in implementing the projects. To that end, the application form and the model final report created, in line with the ERF Manual of Procedures, contain, in annex, a series of

indicators of achievements and results, that beneficiaries must complete and which will be monitored by the authority responsible for tracking the projects.

In order to assess overall progress on this priority, in a context of assessment supported by the Programme, the following will be used in particular:

- number of initiatives to provide information and disseminate the applicable regulations regarding returns;
- number of studies and reports assessing activities carried out in the field of returns.

C) Examples of key measures:

- Measures to provide information and disseminate the applicable regulations regarding returns;
- Studies assessing activities carried out in the field of returns.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

The planning of the Return Fund for the period 2008-2013 is wholly compatible with the policy priorities set for this sector, in particular as regards the Government's programme and the priorities set by the Ministry for Internal Administration in terms of security and the prevention of illegal immigration.

Compatibility and complementarity with other national and Community instruments, and the non-duplication of financing are basic management principles enshrined in national legislation applicable to the implementation of the Fund, and which are reflected throughout all phases of the Programme as follows:

➤ The Joint Committee, which is the consultative body of the Responsible Authority for the Programme, includes representatives of members of the Government competent in the Fund's area of operations. It is involved in drawing up the programme and in approving projects. Its specific obligations include, inter alia:

- Providing the information necessary to ensure consistency and complementarity between the financing of the Fund and other relevant national and Community instruments;

- Issuing opinions on changes in national investment priorities in the Fund's area of operation.

➤ In the various phases of the Programme, and in particular when presenting applications and monitoring and controlling projects, the Responsible Authority will require the applicant or beneficiary of the finance respectively to provide information on the compatibility of the action for which finance is requested or has been obtained with other national or Community instruments, and will identify any duplication of funding.

➤ The Responsible Authority represents the Ministry for Internal Administration in the monitoring bodies of the National Strategic Reference Framework for the period 2007/2013 which will be monitoring implementation of programmes supported by structural funds.

➤ The Responsible Authority will centralise in the Ministry for Internal Administration all information on projects or activities which have applied for or obtained Community financing or any sort, and it is responsible for ensuring consistency and the absence of any duplication of aid.

The measures concerning voluntary return were previously eligible under the European Refugee Fund (ERF) I and II. Despite opting for an enhance strategy of raising awareness and providing information on possibilities for voluntary return, practically no return measures were materialised under ERF I and II.

Therefore, the experience and lessons learnt in the field of ERF strengthens a national strategy more directed to increase the reception capacity, joined with measures that would ensure a proper integration of the target groups into society.

However, under the Return Fund should be developed and intensified information on possibilities for voluntary return and also better information systems for those willing to return.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

The Responsible Authority will publish the final version of the Programme after its approval by the European Commission, and will disseminate it widely to the bodies involved in its implementation and to potential beneficiaries of all types.

Dissemination will also take place by publication of the Programme on a dedicated website and by circulating copies of it.

5.2. The approach chosen to implement the principle of partnership

Preparation for the Programme will be preceded by a wide-ranging consultation process with a large number of partners whose area of competence or activity falls within the scope of the Fund.

At the start of preparations for the Programme, the Responsible Authority will convene and promote open meetings with the partners referred to above, attended by representatives of all the ministries/agencies whose areas of responsibility are directly linked to the Fund's area of operations, which are also represented in the Joint Committee for the Framework Programme, which also takes part in the meetings, since, as a body monitoring the execution of the Programme, it is responsible in particular for providing all relevant information on the evolving priorities for investment in the area of operations of the four Funds.

Accordingly, the list of the various ministries/agencies taking part in the preparation of the Programme is as follows:

- Ministry for Internal Administration
 - Foreigners and Borders Department
 - Directorate-General of Internal Administration
 - State Secretary for Internal Administration
- Ministry for Foreign Affairs
 - Directorate-General for Community Affairs

- **Ministry for the Presidency**
 - **High Commission for Immigration and Intercultural Dialogue**
- **International Organisation for Migration**
- **Ministry of Labour and Social Security**
 - **Institute of Social Security**

In the preparatory meetings the various bodies involved are being asked for their contributions, in particular as regards a diagnosis of the situation in Portugal and the definition of needs, operational objectives and strategy appropriate to the Fund's area of operations.

In these forums these bodies will present the various key points, regarding each of the elements that are to be included in the Programme proposal, and an open discussion will be encouraged on each of them.

Later, the partners will present this information and the relevant supporting documents, along with the collated and processed statistical data, to the Responsible Authority which, on that basis and on the outcome of the meetings, will prepare the Programme.

Partners are also asked to take part in the later phases of consolidation of the information covered by the Programme until it is submitted for the approval of the responsible political authority.

Once this process is complete, the Programme will be submitted for the approval of the European Commission.

The same procedure will be used for interim reviews of the Programme.

6. INDICATIVE FINANCING PLAN

6.1 Community contribution

6.1.1. Table

Multiannual Programme – Draft Financial Plan									
Table 1: Community contribution									
Member State: PORTUGAL									
Fund: European Return Fund									
(in 000 euros – current prices)									
Priority 1		606.44	665.24	803.34	1 105.74	1 541.34	1 807.74	6 529.83	
Priority 3		80.86	88.70	107.11	147.43	205.51	241.03	870.64	
Priority 4		121.29	133.05	160.67	221.15	308.27	361.55	1 305.97	
Technical assistance		93.12	99.02	112.88	92.68	116.88	131.68	646.26	
TOTAL		901.70	986.00	1 184.00	1 567.00	2 172.00	2 542.00	9 352.70	

6.1.2. Comments on the figures/trends

6.2 Overall financing plan

6.2.1. Table

Multiannual Programme – Draft Financial Plan								
Table 2: Overall financing plan								
Member State: PORTUGAL								
Fund: European Return Fund								
(in 000 euros – current prices)								
	2008	2009	2010	2011	2012	2013	TOTAL	
Community contribution	901.70	986.00	1 184.00	1 567.00	2 172.00	2 542.00	9 362.70	
Public cofinancing	300.57	328.67	394.67	522.33	724.00	847.33	3 117.57	
Private cofinancing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL	1 202.27	1 314.67	1 578.67	2 089.33	2 896.00	3 389.33	12 470.27	
% Community contribution	75%	75%	75%	75%	75%	75%	75%	

6.2.2. Comments on the figures/trends

[signature of the responsible person]

Head of Community Fund Management Task Force (*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior

Annex 2

MODEL ANNUAL PROGRAMME

MEMBER STATE: Portugal

FUND: European Return Fund

**RESPONSIBLE AUTHORITY: Community Fund Management Task Force
(*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior**

YEAR COVERED: 2008

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

The Responsible Authority (RA) is a wholly independent body created expressly by Government instrument – signed by the Prime Minister – with the exclusive role of providing technical, administrative and financial management for the Framework Programme on Solidarity and the Management of Migration Flows.

According to the legal instrument under which it was established and which defines its role, the RA may not under any circumstances be a beneficiary of Community co-financing or act as the implementing body for projects, even as a mere partner or member of an association.

Thus, and in accordance with the above-mentioned legal instrument, the head of the RA is personally and nominally responsible to the government for the professionalism, impartiality, independence and transparency of all management activity throughout implementation of the entire Framework Programme on Solidarity and the Management of Migration Flows.

This model – used systematically in Portugal for the management of Structural Funds over the last 20 years, as well as in ERF I & II – therefore provides for total segregation of roles, placing the RA in a situation of complete independence both vis-à-vis potential beneficiaries of finance and in relation to the certifying authorities¹ (CA) and audit

¹ Foreigners and Border Service

authorities² (AA), which in turn have full administrative, technical and financial autonomy.

Accordingly, even in the hypothetical situation that, during competitive procedures (applicable in all calls for proposals), a single potential beneficiary might emerge, in view of the specificity of the area involved – and even if that beneficiary were a unit within the public administration – the institutional and legal nature of the RA and its independent positioning, limited to exercising a purely management role, provides a total segregation of functions, guaranteeing impartiality and transparency across the entire range of its activity of project analysis, selection, monitoring and evaluation.

This model is completed by the designation of two bodies with absolute technical, administrative and financial autonomy, namely the CA and AA.

In the case of the CA, the segregation of functions is further reinforced by the fact that the team certifying the expenditure for the funds in the Framework Programme has no involvement whatsoever in anything related to the implementation of projects – a situation which already applied in ERF II.

It should also be noted that the AA, which is part of the Ministry of Finance and hence enjoys total independence from all potential beneficiaries, is the body which audits all Community financing on a national level, a fact which itself underscores its competence and impartiality in carrying out these roles.

The general rules for selecting projects to be financed under the Annual Programme are consistent with those set out in the model description of the management and control system for the four funds making up the Framework Programme on Solidarity and the Management of Migration Flows, already submitted to the European Commission.

The RA organises all selection procedures and the awarding of co-financing by the Fund, in accordance with principles of transparency, equality of treatment and the non-cumulation of aid.

² Inspectorate-General of Finance

The rules are laid out in specific domestic legislation for the Fund – Order 98/2008 of 31 January – and have also been disseminated via the Fund's procedure manual and on the RA's own website.

For the project selection phase, the procedures set out in those documents are as follows:

- **Announcement** - Bids are submitted to the RA following an announcement published in a national large-circulation newspaper and on the RA's own website. The announcement will contain, either directly or by cross-reference to the web page indicated, all relevant information, such as the aims of the Fund with which bids must be consistent, eligible beneficiaries, the eligibility period of the annual programme (1 January 2008 to 31 December 2009) within which projects must be implemented, the selection criteria and the amount of finance available.

General selection criteria:

- Extent of consistency with the national situation and needs;
- Relevance, appropriateness and consistency of the project's aims and activities in terms of the annual programme;
- Adequacy of the profile of the applicant for finance, and its proven experience and prior achievements;
- Cost/benefit ratio of the planned expenditure;
- Extent to which it complements other projects financed out of public funds.

Planned timetable for the submission of bids - The conditions now exist on a national level to implement the Programme in full and, in view of the expectations created by the potential beneficiaries, bids will be accepted in the third quarter of 2008.

- **Submission of bids** - Bids are submitted using a special form designed to provide the information necessary for the approval decision and for the subsequent monitoring, control and assessment processes. An annex to the form shows a table of indicators for implementation and outcomes, and the

applicant for finance can select those most appropriate to the proposed project, in order to enable the project's contribution to the aims of the Programme to be assessed.

- Eligibility of bids - This is based on the formal analysis of the bid, with the general eligibility requirements of the applicant and the project being checked during this phase.
- Analysis of bid and technical opinion - The bid is analysed using specially-designed forms, with the analysis covering an assessment of the selection criteria and of the eligibility of the expenditure concerned and its reasonableness in terms of achieving the aims of the bid.
- Opinion of the Joint Committee - The bids analysed are ranked in accordance with the score obtained by applying the selection criteria, and on the basis of the financing available, and are then submitted for the opinion of the Joint Committee. Once that opinion has been obtained, a decision can be taken.
- Decision - the action approving the application for finance.
- Finance contract - The financing decision is formalised in a written contract between the RA and the entity applying for the finance. The contract contains the undertaking to implement the project, reflecting the precise terms of the instrument approving the finance, of which the table setting out the cost structure forms an integral part.

All procurement procedures will take place in accordance with Article 11 of the implementing rules, thus ensuring compliance between national public procurement rules and the Community rules.

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

~~Not applicable.~~

3. ACTION TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITY CHOSEN

3.1. Actions implementing Priority 1 – Support to Member States in developing a strategic approach to the management of returns

ACTION 1 – SUPPORT TO RETURN PROGRAMMES AND MEASURES TO AID REINTEGRATION IN THE COUNTRY OF ORIGIN

Purpose and scope of the action

The focus of this action is to devise, develop and implement return plans, including the repatriation of third-country nationals to their country of origin, residence or transit.

This action covers:

- return plans including flexible support services and assistance for reintegration in the pre-departure phase, as well as support to those concerned to take an informed decision to return;
- priority measures of reintegration after returning. These return plans will also give priority to actions in the post-arrival phase which will help, in particular, to encourage effective methods for monitoring the reintegration processes.

To ensure that returns are effective and sustainable, special emphasis will also be placed on the management aspect of these plans and the creation of adequate conditions for reintegration in the country of origin, with a particular focus on the most vulnerable foreign citizens.

Expected grant recipients

Beneficiaries of the action are:

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of national plans for assisted returns implemented: 1
- number of citizens repatriated under the terms of the return plans: 500
- number of information / awareness initiatives undertaken: 20
- number of citizens in vulnerable groups given assistance: 25
- number of monitoring initiatives in countries of origin: 30

Financial information

<i>(All figures in euros)</i>	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d = a+b+c)	% EC (e = a/d)
Action 1	606 435.87	202 145.29	0.00	808 581.16	75%

3.2. Actions implementing Priority 3 – Support for specific innovative (inter)national instruments for the management of returns

ACTION 2 – INITIATIVES IN SUPPORT OF VOLUNTARY RETURN AND OPTIMISATION OF PROCEDURES

Purpose and scope of the action

The aims of this action are focused in particular on developing voluntary return programmes and on practices, methods and procedures to give information and advice to potential candidates for repatriation on conditions in their country of origin, promoting an increase in the numbers of voluntary returns.

The aim of this action is also to support the introduction of innovative instruments and working practices able to render the procedures for returns

more rapid and effective, through joint and coordinated action by the authorities involved in the process.

Expected grant recipients

Beneficiaries of the action are:

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of innovative initiatives to incentivise voluntary return: 2
- number of instruments implemented to optimise return procedures: 2

Financial information

<i>(All figures in euros)</i>	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d = a+b+c)	% EC (e = a/d)
Action 2	80 858.12	26 952.71	0.00	107 810.82	75%

3.3 Actions implementing Priority 4 – Support for Community regulations and improved practices in the management of returns

ACTION 3 – INITIATIVES FOR INFORMATION, DISSEMINATION AND EVALUATION OF THE MANAGEMENT OF RETURNS

Purpose and scope of the action

~~As well as providing comprehensive and transparent information to potential~~
interested parties on all regulations applicable to their situation, the aim of this action is also to create information systems guaranteeing fair and effective

implementing the above measures and support to evaluation measures able to gauge the results in this area.

Expected grant recipients

Beneficiaries of the action are:

Services and bodies of the public administration with legal responsibilities in the Fund's areas of operation, such as the Immigration Borders Service.

International organisations and NGOs active in the Fund's areas of operation.

Expected quantified results

A number of implementation indicators will provide visibility for this action, in particular:

- number of initiatives to disseminate and provide information on rules applicable to returns: 20
- number of studies / reports produced: 2

Financial information

(All figures in euros)	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d = a+b+c)	% EC (e = a/d)
Action 3	121 287.17	40 429.06	0.00	161 716.23	75%

3.4. Common issues

Visibility of EC funding

Co-financing by the Fund will be clearly visible in any of the components implemented as part of programme management and of the projects for approval. Ways of ensuring visibility will include:

- Displaying the EU logo and an indication that finance has been provided by the Fund on all material produced concerning the implementation

of the Programme (invitations to submit proposals for projects, procedure manuals, guidelines, forms, correspondence, etc.);

- Displaying the EU logo on all equipment acquired for the project;
- Displaying the EU logo and an indication that finance has been provided by the Fund on all relevant advertising material, prospectuses, letterheads, PR activity, etc.;
- Displaying the EU logo and an indication that finance has been provided by the Fund in the premises of recipients of aid (e.g. on the walls of offices, entrance halls, etc.);
- Publicity for the co-financing provided by the Fund particularly when projects are referred to at seminars and conferences;

To indicate that support has been received from the Fund, the following wording will be used:

"Project co-financed by the European Return Fund".

Complementarity with similar actions financed by other EC instruments

Complementarity with other Community instruments, and the non-cumulation of financing are basic management principles enshrined in national legislation applicable to the implementation of the Fund, and which are reflected throughout all phases of the Programme as follows:

➤ The Joint Committee, which is the consultative body of the responsible authority for the Programme, includes representatives of members of the government competent in the Fund's area of operation. It is involved in drawing up the Programme and in approving projects. Its specific obligations include:

- Providing the information necessary to ensure consistency and complementarity between the financing of the Fund and other relevant national and Community instruments;

▪ Issuing opinions on changes in national investment priorities in the Fund's area of operation.

➤ In the various phases of the Programme, and in particular when presenting applications and monitoring and controlling projects, the responsible authority will require the applicant / beneficiary of the finance, to provide information on the compatibility of the action for which finance is requested or has been provided with other national or Community instruments, and will identify any cumulation of aid.

➤ The responsible authority represents the Ministry for Internal Administration in the monitoring bodies of the National Strategic Reference Framework for the period 2007-2013 which will be monitoring implementation of Programmes supported by structural funds;

➤ The responsible authority will centralise in the Ministry for Internal Administration all information on projects or activities which have applied for or obtained Community financing of any sort, and is responsible for ensuring consistency and the absence of any cumulation of aid.

4. TECHNICAL ASSISTANCE

Purpose of technical assistance

The specific aim of technical assistance is to promote maximum efficiency and effectiveness in implementing the Programme. It therefore seeks to provide, through the technical support structure of the responsible authority, a range of management activities vital for the execution, monitoring and control of the projects financed under the Programme, in order to ensure that the objectives are achieved.

Thus, technical assistance helps ensure that the management structure responsible for overall management of the Framework Programme on Solidarity and the Management of Migration Flows has everything needed

from a logistical point of view for its proper implementation, and effective monitoring and control.

It also carries out actions to promote, disseminate and publicise the aid provided, particularly in terms of the results achieved by projects supported by the Fund.

The main items of expenditure to be considered are as follows:

- Expenditure on the operations of the RA's management support structure, including the cost of staff allocated to it;
 - The purchase of audit and control services for projects supported, notably expenditure by the audit authority for the provision and monitoring of those services;
 - The purchase of IT services and hardware to support the RA's management, monitoring and assessment activity;
 - The collection and processing of data needed to monitor the physical and financial implementation of the projects financed;
 - Information and publicity meetings with potential beneficiaries of the Programme, and the production of the related documents and materials;
 - Dissemination and publicity meetings, particularly in relation to the results obtained through the projects supported;
-
- Technical training for officials allocated to the management support structure.

As the management and control system is common to the four funds in the Framework Programme, as shown in the model presented to the European Commission, and with the aim of rationalisation and efficiency in managing resources, expenditure for common items of technical assistance will be ~~allocated jointly to the four funds, in a reasonable and auditable manner, and~~ ensuring there is no duplication of the financing of costs.

As established in paragraphs 10 and 11 of Council of Ministers Resolution 155-A/2006 of 17 November, the budgeted costs of this measure are borne by transfers from the budget of the Ministry of Internal Administration, and it is the responsibility of the General Secretariat of the Ministry of Internal Administration (GS-MIA) to provide logistical support to the RA and the budgeted expenditure, and for this reason it is the final beneficiary of technical assistance.

GS-MIA has organised accounting procedures, based on an Accounting Information System (AIS), which adheres to the accounting principles, concepts and criteria legally defined for cost accounting.

Expected quantified results

The expected results for this measure are centred on meeting the targets and objectives set for the Programme, and will therefore be reflected in the management actions and procedures developed which will make it possible, in full compliance with the applicable rules, to maximise the national and Community resources devoted to the Programme.

Thus, the following indicators will be used:

- Level of implementation of fund expenditure by 31 December 2009 – 100%
- Average time required to assess bids – 20 days

Visibility of EC funding

See Point 3.4.

Financial information

(All figures in euros)	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d = a+b+c)	% EC (e = a/d)
Technical Assistance	93 119.01	31 039.67	0.00	124 158.68	75%

5 DRAFT FINANCING PLAN

Annual Programme – Draft Financial Plan								
Table 1 – Overview table								
Member State: PORTUGAL								
Annual programme concerned: 2008								
European Return Fund								
(All figures in euros)	Ref priority	Ref specific priority (1)	Community contribution (a)	Public allocation (b)	Private allocation (c)	TOTAL (d=a+b+c)	% EC (e = a/d)	Share of total (d/total d)
Action 1	1		606 435.87	202 145.29	0.00	808 581.16	75%	67%
Action 2	3		80 858.12	28 952.71	0.00	109 810.82	75%	9%
Action 3	4		121 287.17	40 429.06	0.00	161 716.23	75%	13%
Technical Assistance			93 119.01	31 039.67	0.00	124 158.68	75%	10%
Other operations (2)								
TOTAL			901 700.17	300 566.72	0.00	1 202 266.89	75%	100%

(1) If appropriate

(2) If necessary specific measures defined in the basic instrument such as emergency measures

[Signature of the responsible person]

Head of Community Fund Management Task Force (*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior