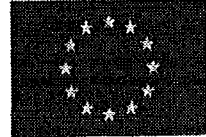


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Ref. Ares(2012)613838 - 23/05/2012



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ANNEX

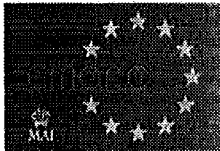
ANNUAL PROGRAMME 2012

MEMBER STATE: PORTUGAL

FUND: European Return Fund

RESPONSIBLE AUTHORITY: EU Funds Management Task Group at the MHA
(Estrutura de Missão para a Gestão dos Fundos Comunitários)

YEAR COVERED: 2012



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

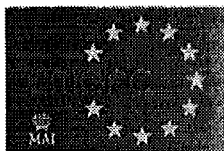
A. General Rules

The Responsible Authority (RA) is a totally independent structure specifically established by Government instrument – signed by the Prime Minister – to provide technical, administrative and financial management for the General Programme on Solidarity and Management of Migration Flows.

In accordance with the legal instrument which establishes it and defines its functions, the RA is completely prohibited from acting as a beneficiary of Community co financing or as an executing body for projects, and may not do so even as part of a partnership or association.

The head of the RA is therefore, in accordance with the aforementioned legal instrument, personally and nominally accountable to the Government for the professional, impartial, independent and transparent character of all acts of management during the implementation of the entire General Programme on Solidarity and Management of Migration Flows.

This model – used by Portugal as a standard for the management of structural funds for the past twenty years, as well as in the ERF I and II – therefore ensures a complete separation of functions, thus putting the RA in a position of total independence, whether in relation to potential beneficiaries of financing or in relation to the Certifying



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Authority¹ (CA) and the Auditing Authority² (AA), which likewise enjoy full administrative, technical and financial autonomy.

Consequently, even in hypothetical situations where the open competition (to which all calls for applications are subject) may, depending on the particular area of activity concerned, give rise to only one potential beneficiary – and even though that beneficiary may be a government body – the institutional and legal nature of the RA, its independent status and the independence with which it is required to perform its exclusive management functions will ensure a complete separation of functions, thus guaranteeing the impartiality and transparency of all acts connected with the analysis, selection, monitoring and evaluation of projects.

This model is supplemented by the appointment of two bodies with full technical, administrative and financial autonomy, the CA and the AA.

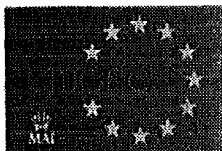
In the case of the CA, the separation of functions is further reinforced by the fact that the team responsible for certifying expenditure under the Funds of the General Programme has no involvement in matters relating to the implementation, if any, of projects, as was the case, moreover, under the ERF II.

The AA, which is part of the Ministry of Finance and therefore occupies a position of complete independence in relation to all potential beneficiaries, is the body responsible, at national level, for auditing all EU financing, which fact alone attests to its competence and impartiality in exercising the functions in question.

The RA is also part of a Joint Committee, an advisory body made up of representatives of those members of the Government with competence in the area in which the Fund is active which becomes involved either at the stage of drafting the programming under the Fund or at the stage of approving projects.

¹ Foreign Nationals and Borders Service, as at the present date.

² Inspectorate-General of Finance.



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The general rules for selection of projects to be financed under the Annual Programme are consistent with those laid down in the specimen description of the management and control system for the four Funds that make up the General Programme on Solidarity and Management of Migration Flows, which was sent to the European Commission at the appropriate time.

The RA organises all the procedures for the selection and award of co-financing by the Fund, in accordance with the principles of transparency, equal treatment and non-duplication of support.

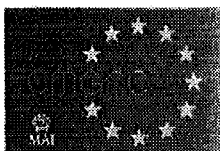
The rules are contained in the national legislation relating specifically to the Fund – *Portaria* No 98/2008, of January 31st, 2008 and *Portaria* No 913/2010, of September 16th, 2010 – and can also be found in the manual of procedures for the Fund as well as on the RA's own website (<http://www.fundoscomunitarios.mai.gov.pt>).

The process for the selection of projects laid down in those documents is as follows:

- Announcement – Applications are made to the RA following the publication of an announcement in a newspaper with wide national coverage and on the RA's own website. The announcement will contain, either directly or by reference to a web page which it will specify, all information relevant for this purpose, in particular the Fund objectives which the applications must meet, the eligible beneficiaries, the temporary eligibility period for the Annual Programme during which projects must be implemented, the selection criteria and the value of the financial appropriation available.

General selection criteria:

- Degree of consistency with the national situation and national requirements;
- Relevance, appropriateness and consistency of the objectives and activities of the project in relation to the Annual Programme;



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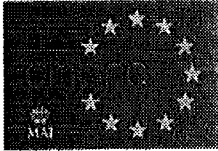
- Fitness of the profile of the body applying for financing, proven experience and track record;
- Cost effectiveness of the anticipated expenditure;
- Degree of complementarity with other publicly-financed projects.

The minimum criteria laid down in Article 15(5) of the basic act establishing the Fund will also be observed.

Expected timing of the opening of the call for proposals – The call for proposals was launched in the last quarter of 2011.

Submission of applications – Applications are submitted by electronic form, so as to provide the information necessary for the approval decision and the subsequent monitoring, control and evaluation processes. A table of indicators of implementation and results is annexed to the form so that the body applying for funding can select the indicators most appropriated to the proposed project. This will make it possible to assess the project's contribution to the objectives of the Programme.

- Admissibility of the application – This involves a formal analysis of the application to verify compliance with the general conditions governing the eligibility of the applicant and of the project.
- Analysis of the application and technical opinion – Analysis of the application will be based on the forms themselves and will include assessment against the selection criteria and an examination of the eligibility of the expenditure proposed and whether it is reasonable for the purposes of achieving the objectives of the application.
- Opinion of the Joint Committee – Following analysis, applications are ranked in accordance with the rating arrived at after their assessment against the selection criteria and on the basis of the funds available, and submitted to the Joint Committee for its opinion. Once this opinion has been obtained, a decision can be made.



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- Decision – Instrument validating approval of the application for financing.
- Financing contract – The financing decision is formalised by a written contract concluded between the RA and the body applying for financing. The contract expresses the undertaking to implement the project in the exact terms set out in the instrument approving the financing, the outline of the cost structure for the project forming an integral part of that contract.

The procedures for the conclusion of contracts will be in conformity with the provisions of Article 11 of the rules governing implementation of the Fund and will ensure compatibility between the national and EU rules applicable to public procurement.

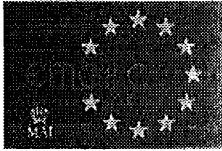
A call for proposals was launched on October 12th, 2011 and the deadline to submit proposals for projects was October 25th, 2011. In response to this call for proposals, 2 project applications were submitted by 2 potential beneficiaries. Examination of the project proposals was underway at the time of submitting the draft Annual Programme 2012.

B. State of Play on the Three Strategic Objectives 2012 – 2013

The further development and improvement of voluntary return activities:

The increase in the number of requests under the Support Programme for Voluntary Return and Reintegration has been a constant in recent periods of implementation, the IOM assisted to a significant increase in its activities, both in terms of new applications recorded and applications implemented.

Therefore, between January 2010 and June 2011, IOM registered 2983 individuals, with an increase of 57% over the previous period, corresponding to 1893 individuals. In the period corresponding to the 2008 project, IOM has realized the return of 546 candidates and a total of 671 individuals supported under the 2009 project, which translates into a 19% increase in ability to complete with boarding the support requests.



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At national level, the network of information and advice has demonstrated a good response capacity and currently 60% of all the requests made are a result of the intervention of this network's partners. It has also been verified a significant increase in the number of partners: in the execution period of the 2008 AP were included 17 new partners and in the execution period of the 2009 AP were added another 11 partners. Nowadays, the network has 50 partners with high perspectives of increase for the next projects.

Regarding the reintegration support, it is expected an increase on the financial support per reintegration plan, from 1.100 to 1.500 Euros.

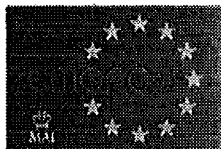
It is also foreseen the reinforcement of the already existing support network in Brazil. Currently, the IOM Lisbon counts with three local partners in this country in the main local return states, namely Minas Gerais, São Paulo and Goiás, and the objective is to expand this network to even more states. It is also intended to develop partnerships with local development organizations in order to make the return more sustainable.

Since 2009, the number of beneficiaries of the reintegration support has increased: from 41 in 2009/2010 to 61 in 2010/2011.

In short, the activities foreseen for the 2012 AP on the Programme of Voluntary Return follow the same line of conduct of the previous years, in reference with the obtained results and good practices of the previous projects. However, in each new project are included new activities to improve the return and reintegration support of the migrants. Regarding the pre-departure activities, it is foreseen the increase of the number of points of the counseling network.

The promotion of a more strategic focus on EU standards through implementation of actions linked to the requirements of the return directive:

The Support Programme for Voluntary Return and Reintegration and the activities implemented by the IOM within this scope incorporate part of the requirements of the Return Directive in order to achieve a better migration management, allowing a



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sustainable voluntary return to the immigrants that are in vulnerable condition and reinforcing a regular and orderly migration beneficial to both host and origin countries.

The projects implemented respect and promote the principles conveyed by the Return Directive, namely the principle of preference for voluntary returns over the removal orders. Many of the beneficiaries of the Programme are notified to leave the country voluntarily, but they cannot afford to comply with the notification. Through the application to this Programme, they avoid subjecting themselves to coercive expulsion measures. The IOM Lisbon also sensitizes its partners at national level to the importance of voluntary return, as an effective policy to support migrant citizens in Portugal, and the existence of a coherent policy based on the partnerships with several stakeholders.

Thus, the activities implemented by IOM Lisbon under the Programme meet the principles of the Return Directive to fight illegal immigration in Europe, to promote respect and dignity of migrants and to give priority to voluntary return over forced removals. Moreover, as the Return Directive gives importance to the cooperation between host and origin countries through partnerships, IOM also promotes the involvement of host, origin and transit countries towards a more comprehensive approach, aiming to an effective management of migration between all parts involved.

It should also be noted that, at this moment, is under preparation a package of amendments to Law n°23/2007, of July 4th (which approves the legal rules governing the entry, stay, departure and expulsion of foreigners from national territory), aiming, among others, the transposition of Directive n° 2008/115/EC of the European Parliament and the Council, of 16th December 2008, referring to standards and procedures for returning third-country nationals in irregular situation, in respect for fundamental rights.

The improvement of the national capabilities through co-operation with other Member States:

The IOM Lisbon is in permanent contact with its counterparts in the EU's context. Besides the activities of operational assistance coordinated with other IOM missions in



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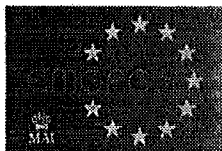
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the EU's space, it is important to highlight two projects in which the IOM Lisbon is involved: the Voluntary Return Network (coordinated by IOM Brussels), with the duration of 24 months, aiming the creation of an European network on return, and the "Eurolatinamerican System for Professional Training, Return and Sustainable Insertion", which IOM is associated partner.

The first proposes the creation of an European network on voluntary return involving counterparts in all the 27 Member States, Norway and Switzerland. The purpose is to promote a consistent and harmonized management policy of voluntary return through the creation of sharing mechanisms between the partners. This network of partnerships will enhance the responsiveness of all parts and will allow an improvement in the channels of communications and sharing information, best practices and relevant studies among the countries involved in voluntary return and reintegration. It will also allow the strengthening of the structures between countries to ensure cooperation and coordination between all parts involved in the national context and thus to improve the implementation of the projects.

The second foresees the promotion of mechanisms to support sustainable reintegration in six countries (Brazil, Bolivia, Colombia, Ecuador, Peru and Paraguay) and will be implemented in four EU countries (Portugal, Spain, Italy and the United Kingdom). IOM Lisbon was invited to be associate partner in this project of the Organization of Iberoamerican States (OEI) in order to participate in international meetings to share experiences and best practices in the area of voluntary return and disseminate the project with its network of partners at national level.

Also on this subject, and in addition to bilateral or multilateral agreements concluded or that Portugal will celebrate with other partners, particularly outside the context of EU and Schengen, it must be highlighted the role of FRONTEX in the promotion of joint return flights, on which the Foreign Nationals and Borders Service (SEF) has been helped in the removal of certain citizens of nationalities more complicated on expulsion: Nigeria and Pakistan, for example.



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2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS

The RA is revising the Portuguese Management and Control System, and shall notify the Commission of its final result in accordance with article 21, 1., (b) of the Commission Decision no. 2008/458/EC, of March 5, 2008.

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

3.1. Actions to be implemented under priority 1 – Support for the development of a strategic approach to return management by Member States

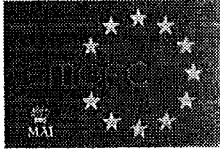
ACTION 1 – SUPPORT FOR VOLUNTARY RETURN AND REINTEGRATION PROGRAMMES

Purpose and scope of the action

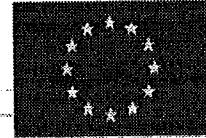
The aim of Action 1 of the 2012 programme is to continue to support the implementation of the voluntary return and reintegration measures, particularly as regards pre-departure, return and post-arrival activities, which are intended to support third country nationals who are staying in Portugal under a vulnerable condition and wanting to return to their countries of origin.

This Action is in line with the national objective of continuing to guarantee a high capacity of response to return requests by strengthening the decentralised management of pre-departure activities, namely in what regards the reception of requests and counselling on return.

This action encompasses return plans which include further to the assisted return, flexible assistance services and support for reintegration at the pre-departure stage, an appropriate response to the priorities relating to post-return reintegration and help to facilitate the adoption of informed return decisions.



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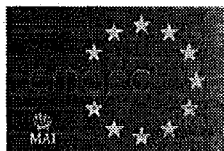
In the context of the activities at the pre-departure stage, special emphasis will be placed on services to support training in the management of small businesses and short-term vocational training, as well as services for the provision of country-of-origin information relevant to the post-return reintegration process.

As regards the assisted return activities to be undertaken in the 2012 programming year, the IOM intends to support 600 migrants in returning to their countries of origin, providing them assistance in obtaining the required travel documentation, planning the trip, helping on boarding formalities and assisting the returnee on departure, transit and arrival at the country of origin in cooperation with IOM offices abroad.

The post-arrival reintegration support network set up in the frame of the 2009 programme and reinforced under the 2010 and 2011 programmes will continue to be strengthened, namely by increasing the number of local partners at the countries of origin, with a view to work on local community development so as to match individual reintegration programmes with existing resources at community level and integrate reintegration plans into broader local community development plans. Priority will also be given to post-arrival activities which contribute in particular towards promoting effective forms of monitoring the reintegration processes and the effectiveness of the financial support provided to that purpose.

Reintegration assistance includes a) pre-return individual counselling; b) reintegration financial grant; and c) assistance on the ground via IOM offices in countries of origin or, if IOM is not present in such countries, coordinated via NGOs partners.

Post-arrival assistance will be provided to all returnees who request it, upon submission and a case-by-case assessment by IOM of a reintegration plan and a business plan in case they wish to use the reintegration grant to set up a small business in their country.



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Beneficiaries of the action

The International Organization for Migration (IOM) is the Beneficiary of the Action.

Expected quantified results

A number of implementation indicators will provide visibility on this action, in particular the following:

- number of citizens repatriated under voluntary return plans: 600
- number of citizens benefiting of reintegration support in the countries of origin: 60
- number of information/awareness-raising actions implemented: 7
- number of reintegration projects monitored in the countries of origin (monitoring for reintegration: small business set up / training and education): 30

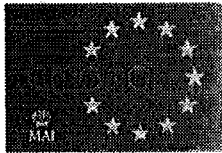
Financial information

Euros

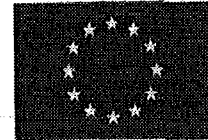
Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Action 1	1.129.096,00	376.365,34	0,00	1.505.461,34	75%

Implementation schedule

January 1st, 2012 to June 30th, 2014



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Categorisation of the action according to the typology for the Fund

LAYER 1 - ASSISTED VOLUNTARY RETURN OR FORCED RETURN	
X	TYPOLOGY A - Assisted Voluntary Return
	TYPOLOGY B - Forced Return
LAYER 2	
Typology (1 to 10)	Share (%)
2. AVR (assisted voluntary return)	100%

ACTION 2 – SUPPORT FOR THE ENFORCEMENT OF RETURN DECISIONS

Objective and scope of the action

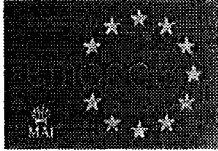
The objective of Action 2 is to contribute to the simplification and effective implementation of procedures for enforcing return decisions concerning third-country nationals who do not or no longer fulfil the conditions for entry and stay, in view of enhancing the credibility and integrity of immigration policy and reducing the period of custody of persons awaiting forced removal in line with Article 4, paragraph 1(e) of the Basic Act.

The action concerns return operations carried out by the Foreign Nationals and Borders Service, include both forced returns involving escorted returns and returns without escorts of third country nationals subjected to an administrative³ or a judicial⁴ return decision, and also return monitoring.

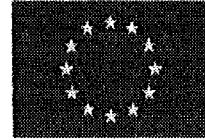
The element of the action concerning removals without escorts concerns third country nationals who have been subjected to an administrative or a judicial removal decision. The option aims at avoiding the use of police escorts which

³ Administrative return decision issued by the Foreign Nationals and Borders Service.

⁴ Return decision issued by a court of law.



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would increase time and costs involved as well as the social stigma for the returnee returning to his/her country of origin under such conditions. Eligible costs include pecuniary assistance on return transportation by airway and assistance on the cost of the required travel documentation when necessary.

In the case of forced returns involving police escorts, eligible costs involve the cost of travel for the returnee as well as the escorts and expenditure related to return monitoring.

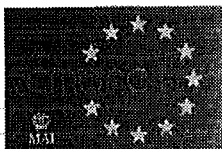
Under the 2012 annual programme, the Foreign Nationals and Borders Service intends to provide to approximately 445 third-country national returnees with pecuniary assistance on return transportation by airway along with assistance to cover the costs of obtaining the required travel documentation where necessary.

Beneficiaries of the action

The Foreign Nationals and Borders Service is the Beneficiary of the Action.

Expected quantified results

- number of removals by administrative decision: 320
- number of removals by judicial decision: 125



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Financial information

Euros

Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Action 2	572.610,00	190.870,00	0,00	763.480,00	75%

Implementation schedule

January 1st, 2012 to June 30th, 2014

Categorisation of the action according to the typology for the Fund

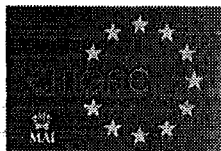
LAYER 1 - ASSISTED VOLUNTARY RETURN OR FORCED RETURN	
	TYPOLOGY A - Assisted Voluntary Return
X	TYPOLOGY B - Forced Return
LAYER 2	
Typology (1 to 10)	Share (%)
3. Forced return	100%

3.2. Common features

Visibility of co-financing by the Fund

Co-financing by the Fund of any component relating to management of the Programme and the projects to be approved will be clearly visible. Methods for ensuring visibility will include:

- ☐ Placing the EU logo and specifying co-financing by the Fund on all material produced to implement the programme (invitations to present project proposals, manuals of procedures, guidelines, forms, correspondence, etc.);



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- ☐ Placing the EU logo on all equipment purchased for the project;
- ☐ Placing the EU logo and specifying co-financing by the Fund on all relevant publicity material, prospectuses, headed paper, public relations activities, etc;
- ☐ Placing the EU logo and specifying co-financing by the Fund at the premises of subsidy beneficiaries (for example, office walls, entrances, etc.);
- ☐ Publicising co-financing by the Fund, in particular where projects are mentioned in the context of seminars or conferences;

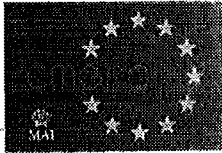
The following text will be used to specify co-financing by the Fund:

“Project co-financed by the European Return Fund”

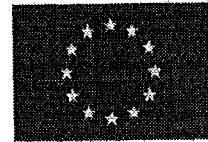
Complementarity with similar actions financed by other EU instruments

Complementarity with other EU instruments and the prohibition of overlapping financing are basic principles of management which are laid down in the national legislation applicable to the implementation of the Fund and which find expression at all stages of the Programme's execution, in particular as follows:

➤ The Joint Committee, which is the advisory body of the Responsible Authority, comprises representatives of those members of the Government with competence in the area in which the Fund is active and becomes involved at the stage of drafting the corresponding programming as well as at the stage of approving projects, its specific responsibilities being, among others:



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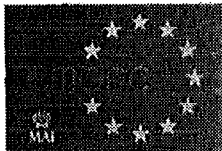
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- Providing the information necessary to ensure that there is consistency and complementarity between the financing from the Fund and other relevant national and EU instruments;
- Deliver opinions on developments in national investment priorities in the area in which the Fund is active.

➤ During the various stages of the Programme's implementation, in particular at the stages of submitting applications and monitoring and reviewing projects, the RA asks the body applying for financing or the body to which financing has been awarded, as the case may be, for information on the compatibility of the action in respect of which financing has been applied for or awarded with other national or Community instruments and ascertains whether there is any overlapping financing;

➤ The RA represents the Ministry of Home Affairs within the monitoring bodies of the National Strategic Reference Framework for the period 2007-2013, which monitors implementation of the programmes supported by the Structural Funds;

➤ Within the Ministry of Home Affairs, the RA centralises all information relating to projects or actions in respect of which any form of EU financing has been applied for or awarded, and is responsible for ensuring that that financing is consistent and that there is no overlapping support.



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4. TECHNICAL ASSISTANCE

Purpose of technical assistance

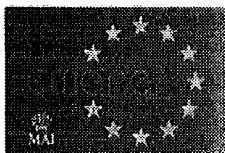
Technical Assistance is specifically intended to promote maximum effectiveness and efficiency in the implementation of the Programme, and therefore seeks to provide, through the RA's, AA's and CA's technical support structures, a range of management, auditing and certifying activities which are essential for executing, monitoring and reviewing projects financed under the Programme so as to ensure that the objectives proposed are achieved.

To that end, technical assistance helps to equip the RA's, AA's and CA's management structures, with the logistical facilities essential to its proper operation and to effective monitoring and review.

It is also responsible for taking action to promote, communicate and publicise financing, particularly the results achieved through the projects supported by the Fund.

Accordingly, the main expenditure headings to be taken into account are as follows:

- Expenditure relating to financing the RA's, AA's and CA's support structures, including spending on the human and material resources allocated to it;
- Purchase of services for preparing midterm evaluation reports, implementation reports, final reports or some other reports that may be at any time required by the Commission, in particular expenditure incurred by the Responsible Authority in connection with the provision and monitoring of those services;



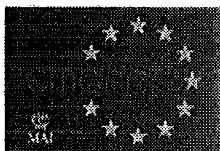
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- Purchase of services for auditing and reviewing the projects supported, in particular expenditure incurred by the Auditing Authority in connection with the provision and monitoring of those services;
- Purchase of services for certifying expenditure, in particular cost incurred by the Certifying Authority in connection with the provision and monitoring of those services;
- Purchase of IT services and equipment to support management, monitoring and evaluation activities;
- Collection and processing of the information required to monitor the material and financial implementation of the projects financed;
- Information and publicity sessions with potential Programme beneficiaries and production of the corresponding media and tools;
- Communications and publicity sessions, in particular with respect to the results achieved through the projects supported;
- Technical preparation of the frameworks earmarked for the management support structure.
- Information sessions on the implementation of the Multiannual Programme results obtained via the projects supported by the annual programme.

Since the management and control system is the same for all four Funds under the General Programme, in accordance with the specimen submitted to the European Commission at the appropriate time, and in keeping with the logic of rational and efficient resource management, expenditure relating to the common technical assistance headings will be applied jointly to the four Funds, in a reasonable and verifiable manner and in such a way as to avoid any duplicated financing of costs.



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In accordance with paragraphs 10 and 11 of Council of Ministers Resolution No 155-A/2006 of 17 November 2006, the budgetary costs of this measure are to be borne by appropriations from the budget of the Ministry of Home Affairs. The General Secretariat of the Ministry of Home Affairs (SG-MAI) is to be responsible for providing logistical support to the RA and for budgetary implementation, and is accordingly the final beneficiary of the technical assistance.

The SG-MAI's accounting system is organised in accordance with the Accounting Information System (AIS), and complies with the principles and concepts of accounting and the cost accounting criteria laid down by law.

Quantification of expected results

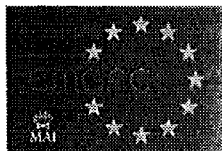
The expected results of this measure have to do with achieving the goals and objectives set out for the Programme and will therefore manifest themselves in management tasks and procedures, which, in accordance with the applicable rules, will make it possible to maximise the national and EU resources assigned to the Programme.

The following indicators will therefore be used:

- Rate of execution of the Fund expenditure at 31.03.2015 - 100%
- Average time taken to assess applications – 30 days

Beneficiaries of the action

The Responsible Authority, the Auditing Authority and the Certifying Authority.



EU Funds
Management Task Group



European Union

Visibility of Community financing

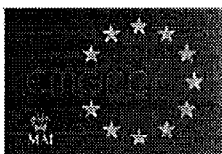
See point 3.4.

Financial information

Euros					
Action	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE
	1	2	3	4=1+2+3	5=1/4
Technical Assistance	70.904,00	0,00	0,00	70.904,00	100%

Implementation schedule

January 1st, 2012 to March 31st, 2015



EU Funds
Management Task Group



European Union

Member State: PORTUGAL
Annual Programme: 2012
European Return
Fund

Euros

Action	Priority No	Specific Priority No (1)	Community Contribution	Public Contribution	Private Contribution	TOTAL	% CE	Share of Total
			1	2	3	4=1+2+3	5=1/4	6=1/total1
Action 1	1		1.129.096,00	376.365,34	0,00	1.505.461,34	75%	64%
Action 2	1		572.610,00	190.870,00	0,00	763.480,00	75%	32%
Technical Assistance			70.904,00	0,00	0,00	70.904,00	100%	4%
Other Operations (2)								
TOTAL			1.772.610,00	567.235,34	0,00	2.339.845,34	76%	100%

(1) If applicable.

(2) If necessary, specific measures defined in the basic act, in particular emergency measures.

Signature of person responsible

Pedro Duarte Silva
EU Funds Management Task Group
Ministry of Home Affairs