

EUROPEAN RETURN FUND

European Return Fund - General

Background

1. The European Return Fund (RF) is a European Union (EU) funding programme that supports the efforts of EU Member States to return irregular migrants to their countries of origin, particularly where the return is a voluntary return or effected with other Member States. All EU Member States, with the exception of Denmark, participate in the RF.
2. The RF is one of the four funds which form part of the EU's General Programme 'Solidarity and Management of Migration Flows. The Fund was established by Decision 575/2007/EC of the European Parliament and of the Council dated 23 May 2007.
3. Decision 575/2007/EC, commonly known as 'the Basic Act' established the RF for the period from 1 January 2008 to 31 December 2013. The Decision defined the objectives to which the Fund contributes, the implementation arrangements, the available financial resources, and the distribution criteria for the allocation of the financial resources. It also established the RF's management rules and monitoring and control systems, which are based on the sharing of responsibilities between the European Commission (EC) and Member States.
4. 'The Basic Act' is supplemented by secondary legislation of the EC. The Commission Decision, 2007/837/EC of 30 November 2007 set out the strategic priorities and specific priorities for the RF. The Commission Decision, 2008/458/EC of 5 March 2008, as amended by Commission Decision, 2011/177/EU of 2 March 2011, laid down detailed rules for implementation of the RF, including Member States' management and control systems, rules for administrative and financial management, rules on eligibility of expenditure.

Duration

5. 'The Basic Act' set up the RF to operate for the period 1 January 2008 to 31 December 2013. The Fund was in place for six EU programme years, 2008 to 2013 with each programme year representing 30 calendar months.
6. Although, the RF formally ended on 31 December 2013, the rules on eligibility of expenditure permit project related expenditure to be charged to the Fund until 30 June 2015 and technical assistance spending to be charged until 31 March 2016.

General Objective

7. The RF's general objective is stated in Decision 575/2007/EC as being:

‘ to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions to be implemented by Member States or national actions that pursue Community objectives under the principle of solidarity, taking account of community legislation in this field and in full compliance with fundamental rights.’

Specific Objectives

8. The ‘Basic Act’ lists three specific objectives for the RF, namely:
 - a. the introduction and improvement of the organisation and implementation of integrated return management by Member States;
 - b. the enhancement of the cooperation between Member States within the framework of integrated return management and its implementation;
 - c. the promotion of an effective and uniform application of common standards on return in line with policy developments in this field.
9. Integrated return management is seen as including, in particular, the development and implementation by Member States of integrated return plans which:
 - a. are based on a comprehensive assessment of the situation in the Member State;
 - b. aim to achieve a wide set of measures encouraging voluntary return schemes..... and, where necessary, implementing enforced return operations in compliance with humanitarian principles ;
 - c. include a plan/or timetable.....
 - d. include where..... appropriate, measures to facilitate cooperation between the competent administrative, law enforcement and judicial bodies.

Target Groups

10. The target groups for the RF are defined in the Basic Act in terms of groups of third-country nationals, with a third-country national being any person who is not a citizen of the European Union. The specific target groups can be summarised as:
 - a. Asylum seekers who make use of voluntary return;
 - b. Refugees or those with Humanitarian Protection who make use of voluntary return;
 - c. Third – country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State and who make use of voluntary return;
 - d. All other third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State.

Level of Fund

11. The total sum made available under the RF for the period 2008 to 2013 was €676 million. Most of the sums are allocated to Member States, but up to 7 per cent of the total is retained by the Commission and used to fund Community Actions.
12. Member States allocations are determined by a formula which is set out in the Basic Act. Each Member State receives a fixed amount per annum, with the remaining larger part of the allocation being related to the total number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State, and to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave.

Community Actions funded directly by Commission

13. Community Actions funded directly by the Commission must relate to measures applicable to the target groups for RF. In addition, to be eligible for funding Community Action projects should do one or more of the following:
 - a. further Community cooperation in implementing Community law and good practices;
 - b. support the setting up of transnational cooperation networks and pilot projects based on transnational partnerships between bodies located in two or more Member States
 - c. support transnational awareness – raising campaigns;
 - d. support studies, dissemination and exchange of information on best practices and all other aspects of return policies;
 - e. support pilot projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area;
 - f. support the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of return;
 - g. support the development of a common handbook on best practices in the field of return;
 - h. provide Member States with support services in case of duly substantiated emergency situations requiring urgent action.
14. Projects are generally awarded Community Actions funding on the basis of open calls for tenders launched by the Commission.

Eligible Actions in Member States

15. In addition to focusing on the RF target groups, projects funded via Member States must address one or more of the eligible actions of the Fund that are relevant to the specific objective.
16. The eligible actions relating to the integrated return management objective are:
 - a. establishment or improvement of effective, stable and lasting operational cooperation of Member States authorities with consular authorities and immigration services of third countries.....
 - b. promotion of ways and means to provide information on return as early as possible in asylum and immigration procedures and to encourage individually third-country nationals to make use of the possibility of voluntary return
 - c. facilitation of voluntary returns of third-country nationals in particular through assisted voluntary return programmes.....
 - d. developing modes of cooperation between different levels of public authorities.....
 - e. simplification and implementation of enforced returns of third-country nationals
17. The eligible actions relating to the enhancement of cooperation between Member States objective are:
 - a. cooperation in the gathering and provision to potential returnees of information on the country of origin, former residence or transit;
 - b. cooperation in delivering effective, stable and lasting operational working relationships between Member States authorities and consular authorities and immigration services of third countries.....
 - c. design of joint integrated return plans and their implementation.....
 - d. studies on the current situation and possibilities of enhancing administrative cooperation amongst Member States in the field of return.....
 - e. exchange of information and best practices, support and advice in dealing with the return of particularly vulnerable groups
 - f. organisation of seminars for practitioners on best practices.....
 - g. joint measures enabling the reception of readmitted persons in countries of origin, former residence or transit
 - h. joint development of actions to ensure sustainable return of persons to the country of origin or former residence

18. The eligible actions relating to the promotion of an effective and uniform application of common standards objective are:

- a. enhancement of the capacity of competent authorities to take high quality return decisions as quickly as possible
- b. enhancement of the capacity of the competent administrative authorities to implement or enforce speedily removal decisions.....
- c. enhancement of the capacity of judicial bodies to more quickly assess return decisions appealed
- d. organisation of seminars and joint training for staff..... concerning legal and practical elements of return operations
- e. enhancement of the capacity of the competent administrative authorities to effectively implement common arrangements on mutual recognition and joint return operations.....

Eligible Measures in Member States

19. The actions of the Fund in Member States may include nine measures, namely:

- a. in all cases of return, information to third –country nationals on return in general, counselling to individuals on the possibilities for voluntary return, translation costs, procurement of indispensable travel documents, costs of necessary pre-return medical checks, costs of travel and food for returnees and escorts, including medical staff and interpreters, accommodation for escorts including medical staff and interpreters, cost of transport in Member State and up to the country of return and cooperation with the authorities of the country of origin, former residence, or transit;
- b. in all cases of return, specific assistance for vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, and persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence;
- c. additionally, in the case of forced return of third-country nationals who do not or no longer fulfil the conditions for entry and stay, costs for travel, food and temporary accommodation of returnees and their escorts from the participating Member State in the organising Member State prior the departure in case of joint return operations;

- d. additionally, in the case of voluntary return of third-country nationals who do not or no longer fulfil the conditions for entry and stay, assistance to returnees in preparing the return as well as essential expenses before return;
- e. additionally, in the case of voluntary return of third-country nationals who are not under an obligation to leave the territory of the Member State and in other cases, where considered appropriate by Member States, limited financial contribution for initial expenses after return, transport of the returnee's personal belongings, adequate temporary accommodation for the first days after arrival in the country of return in a reception centre or a hotel if necessary, training and employment assistance and limited start-up support for economic activities where appropriate;
- f. education and training of staff of the competent administrative, law enforcement and judicial bodies, secondments of these categories of staff from other Member States, in order to ensure an effective and uniform application of common standards on return and in respect of obligations under international instruments affecting the treatment of refugees, and enhance cooperation, as well as missions to assess the results of return policies in third countries;
- g. in the case of operational cooperation with consular authorities and immigration services of third countries with a view to obtaining travel documents and ensuring speedy removal procedures, cost of travel and accommodation in the Member States for the staff of the authorities and services responsible for the identification of third-country nationals and the verification of their travel documents;
- h. in the case of reintegration measures for third-country nationals who are not under an obligation to leave the territory of the Member State cash incentives and other short term measures necessary to launch the progress of reintegration for the returnee's personal development such as training, placement and employment assistance, start-up support for economic activities and post-return assistance and counselling;
- i. in the case of reintegration measures for third- country nationals who do not or no longer fulfil the conditions for entry and stay, where Member States consider it appropriate, cash incentives and other short term measures necessary to launch the progress of reintegration for the returnee's personal development such as training, placement and employment assistance, start-up support for economic activities and post-return assistance and counselling, as well as measures enabling Member States to offer appropriate arrangements for welcoming returnees in third counties upon their arrival.

Strategic Guidelines

20. The Commission Decision, 2007/837/EC of 30 November 2007 sets out the strategic priorities and specific priorities for the RF. The Decision listed four strategic priorities for the targeting of RF resources, with Member States being required to address three out of the four priorities. Each strategic priority contained one or more specific priorities. Where Member States fund projects addressing one or more specific priority, the EU contribution to the project's costs can be increased from the standard 50% to the level of 75%.

21. The strategic and specific priorities agreed by the Commission are as follows:

- a. Priority 1: Support for the development of a strategic approach to return management by Member States.

Specific Priorities:

- 1) assisted voluntary return programmes;
- 2) cash incentives and measures to address the specific situation of vulnerable returnees;
- 3) integrated return plans supporting the returns of third-country nationals or stateless persons not covered under Community readmission agreements or national bilateral readmission agreements to countries of origin, former residence or transit with which cooperation in the field of return is particularly difficult.

- b. Priority 2: Support for cooperation between Member States in return management.

Specific Priorities:

- 1) integrated return plans which have been designed and will also be implemented in cooperation with other Member States and, where appropriate, with the Frontex Agency, non-governmental organisations and/or international organisations, with the aim of pooling the different skills, experiences and resources of the authorities of the Member States and where appropriate the other organisations involved.

- c. Priority 3: Support for specific (inter) national tools for return management

Specific Priorities:

- 1) projects which propose particularly innovative ways and means of informing and counselling potential returnees about the situation in the countries of return and/or other innovative incentives for increasing the number of voluntary returnees based on respect for the dignity of the individuals concerned;
 - 2) projects which test new working methods to speed up the process of documenting refugees in cooperation with the consular authorities and immigration services of third countries.
- d. Priority 4: Support for Community standards and best practices on return management

Specific Priorities:

- 1) evaluations and missions to measure progress in return programmes, tools and processes;
- 2) measures taken at national level to ensure a fair and effective implementation of common standards on return, including the training of practitioners.

Multiannual and Annual Programmes

22. Member States pursue the objectives of the RF within the framework of Multiannual Programmes which are agreed between the Responsible Authority of the Member State and the Commission for the entire period of the Fund from 2008 to 2013. Where necessary, Multiannual Programmes can be subject to a mid-term review. The Multiannual Programmes : describe the baseline position in the Member State; analyse the requirements in the Member State in relation to the baseline position; outline the strategy to achieve the Member States objectives including priorities and funding levels; describe how the strategy is compatible with other regional, national, and community objectives; describe the framework for implementation of the Member State's strategy; include an indicative financing plan giving provisional overall and EU contributions by priority and programme year.
23. The Multiannual Programme is implemented by the means of Annual Programmes which are agreed between the Responsible Authority of the Member State and the Commission.
24. Responsible Authorities are required to submit Annual Programmes within an agreed timetable. Annual Programmes are required to cover: the general rules for selection of projects to be funded from the programme; a description of the actions to be supported; the proposed financial breakdown of the Fund between actions including an indication of the amount requested for technical assistance. Technical Assistance being the costs incurred by the Member State in managing the Fund.

25. Annual Programmes submitted to the Commission can be changed in the light of discussions between the Responsible Authority and the Commission or to reflect developments in the Member State. Responsible Authorities must submit a revised Annual Programme to the Commission if it is necessary to revise the financial breakdown between actions by more than 10 per cent for any action.
26. Once a Member State's annual programme is approved by the Commission, the Commission releases a pre financing payment of 50 per cent of the approved allocation for the programme year. The second 50 per cent of the funding is payable when the Member State submits its final financial declarations for the programme year and these are accepted by the Commission.

Management and Control Systems

27. A Member State is required to implement its multiannual and annual programmes for the RF in line with a Management and Control Systems (MCS) document agreed with Commission. The MCS :
 - a. defines the functions of the bodies concerned with management and control and the allocation of functions within each body;
 - b. details how the principle of separation of functions will be achieved;
 - c. outlines how adequate resources will be allocated to the management and control functions;
 - d. sets out the procedures for ensuring correctness and regularity of Fund expenditure;
 - e. describes how reliable accounting, monitoring, and financial reporting procedures will be achieved;
 - f. describes the reporting and monitoring system if the Responsible Authority delegates tasks;
 - g. outlines the manuals of procedures that are in place;
 - h. describes the arrangements for auditing the functioning of the system;
 - i. provides the systems and procedures for ensuring an adequate audit trail;
 - j. describes the procedures for reporting and monitoring irregularities and for recovery of sums incorrectly paid.

Other Responsibilities of the Responsible Authority

28. In addition to its role in relation to the submission of multiannual and annual programmes, the Responsible Authority for the Member State undertakes the following tasks :

- a. organises and advertises calls for tenders and proposals;
- b. receives payments from the Commission and makes payments to final beneficiaries;
- c. monitors the delivery of project outputs and checks that expenditure declared by projects is eligible expenditure;
- d. ensures that there is a computerised system in place for the accounting records of each action and that data necessary for financial management, monitoring, control, and evaluation is collected;
- e. ensures that bodies involved in the implementation maintain adequate accounting systems;
- f. sets up procedures to ensure that documents relevant to expenditure and audits are retained for appropriate periods;
- g. ensures that the Audit Authority receives all necessary information on procedures and verifications of expenditure;
- h. ensures that the Certifying Authority receives all necessary information on procedures and verifications of expenditure required for the purposes of certification;
- i. draws up and submits to the Commission progress and final reports on the implementation of annual programmes, declarations of expenditure, and requests for payment ;
- j. carries out information and advisory activities.

Responsibilities of the Certifying Authority

29. The Certifying Authority is responsible for:

- a. certifying that the declaration of expenditure is accurate, results from reliable accounting systems, and is based on verifiable supporting documents;
- b. certifying that the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme;
- c. ensuring that it has received adequate information for certification purposes;
- d. taking account for certification purposes of the results of audits carried out by the Audit Authority;
- e. maintaining accounting records in computerised form of expenditure declared to the Commission;

- f. verifying the recovery of any Community financing found to have been unduly paid as a result of irregularities detected;
- g. keep an account of amounts recoverable and amounts recovered under the general budget of the European Union.

30. The Audit Authority is responsible for:

- a. ensuring that audits are carried out to verify the effective functioning of the management and control system;
- b. ensuring that audits are carried out of actions on the basis of an appropriate sample to verify expenditure declare, the sample to represent at least 10% of the total eligible expenditure for each programme year;
- c. presenting to the Commission an audit strategy covering the bodies which will perform the audits of systems and actions, ensuring that the main beneficiaries of co financing by the RF are audited and that the audits are spread evenly throughout the programming period.

European Return Fund in the United Kingdom

Introduction

31. The United Kingdom (UK) has participated in the European Return Fund (RF) from the outset and has funded projects in all programme years from 2008 to 2013.
32. The European Return Fund in the United Kingdom is managed and implemented by the Home Office, with the Responsible Authority, Audit Authority, and Certifying Authority functions being performed by different parts of the central government department.
33. During most of the programming period for the European Return Fund, the functions of the Responsible Authority were performed an executive agency of the Home Office - the UK Border Agency (UKBA). Following, the abolition of UKBA on 31 March 2013, the Responsible Authority functions are now performed within the core Home Office.

Responsible Authority

34. The Responsible Authority for the European Return Fund in the United Kingdom is the EU Funding Team, which is located in the Finance and Estates Directorate of the Corporate Services group of the Home Office. The EU Funding Team also acts as the Responsible Authority for the other two Funds of the EU's General Programme 'Solidarity and Management of Migration Flows' in which the UK participates – the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund.
35. The Responsible Authority has not delegated any of its functions to delegated authorities, although some are discharged via service level agreements with other parts of the Home Office or provided under contract by external providers.
36. The costs of the Responsible Authority's work in managing and implementing the RF is met from the technical assistance element of the UK's annual allocation of programme funds.

Audit Authority

37. The Audit Authority for the RF in the United Kingdom is the Internal Audit unit of the Home Office, which is part of the Performance and Risk Directorate of the Corporate Services group of the Home Office. The Internal Audit unit also acts as the Responsible Authority for the other two Funds of the EU's General Programme 'Solidarity and Management of Migration Flows' in which the UK participates – the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund.
38. The Audit Authority outsources project and systems audit work to an external contractor –KPMG. The Internal Audit unit commissions project and systems audits

from KPMG on the basis of an agreed plan. The KPMG outputs are formally reviewed by Internal Audit staff who also oversee delivery of the plan.

Certifying Authority

39. The Certifying Authority for the RF in the United Kingdom is a named individual within the Home Office – Mostaque Ahmed. Mostaque Ahmed is a senior civil servant and is also the Certifying Authority for the other two Funds of the EU's General Programme 'Solidarity and Management of Migration Flows' in which the UK participates - the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund.
40. Mostaque Ahmed can be supported in his certifying authority role by his own staff or contractors, as appropriate.

UK Apportionment Board

41. The UK Apportionment Board covers the RF and the other two Funds of the EU's General Programme 'Solidarity and Management of Migration Flows' in which the UK participates – the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund. It exists to reinforce transparency and impartiality in the strategic apportionment of the Funds and helps the UK to fulfil the partnership arrangements set out in Article 12 of the RF Basic Act.,575/2007/EC
42. The Apportionment Board is part of the UK's Management and Control Systems (MCS) for the RF and the other Funds. It is intended to be a fair, transparent and semi-independent mechanism which ensures that the Funds are allocated appropriately and in line with the UK's priorities agreed with the Commission.
43. The Apportionment Board carries out the following functions in relation to the RF:
 - a. reviews and agrees the apportionment of the annual programme funds between 'executing body mode' projects and 'awarding body mode' projects.
 - b. reviews proposals for RF projects received from the Home Office (and potentially other parts of Central Government) for funding in 'executing body mode' against the criteria set by the Commission and the Responsible Authority, assesses whether the proposals represent value for money, and decides whether or not to approve them.
 - c. reviews and agrees any amendments proposed to the apportionment of the annual programme funds arising from planned revisions of annual programmes.
44. The chair of the Apportionment Board is the Director of Finance for HM Passport Office and UK Visas and Immigration within the Finance and Estates Directorate of the Home Office. The remainder of the membership comprises senior representatives from:

- a. Department for Communities and Local Government
 - b. Department for Work and Pensions
 - c. United Nations High Commissioner for Refugees (UNHCR)
 - d. UK Permanent Representation to the European Union (UKRep)
45. The UK Apportionment Board meets annually and looks at papers prepared by the UK Responsible Authority. Special meetings can be called, as necessary, to move forward the annual programmes of the RF or other Funds. It is also possible for decisions to be taken 'out of committee' on the basis of documents submitted to the Board. The aim of the Board is to reach consensus decisions, but majority decisions are accepted where necessary.

UK Management and Control Systems

46. As required by Article 32 of the RF 'Basic Act', the EU Funding Team, as the UK Responsible Authority, has agreed a Management and Control Systems (MCS) document with the Commission. The MCS covers all of the three Funds in which the UK participates. The document is updated periodically to reflect changes to procedures and in personnel.
47. The latest version of the UK MCS, agreed in September 2014, includes the following information;
- a. general information on the three designated authorities (Responsible Authority, Audit Authority, Certifying Authority) and background detail on the Home Office and UK Government structures and policies.
 - b. details of where the three designated authorities sit within the Home Office management structure and the names of the lead officials in each authority.
 - c. details of the arrangements for payments to beneficiaries and evaluation of projects.
 - d. information on the legal status of the designated authorities and the functions carried out directly by the authorities.
 - e. organisation charts and resources for the designated authorities.
 - f. description of role and functions of the UK Apportionment Board
 - g. information on the how the designated authorities were designated.
 - h. details of how the separation of functions is achieved.
 - i. details of how tasks not carried out by the designated authorities directly are monitored.

- j. description of arrangements for drawing up MultiAnnual Programmes,
- k. description of arrangements for drawing up Annual Programmes.
- l. description of procedures where the Responsible Authority acts as an executing body.
- m. description of procedures for selection and implementation of projects where the Responsible Authority acts as an awarding body.
- n. description of arrangements for the monitoring of projects implemented by final beneficiaries.
- o. description of financial management of projects.
- p. information on handling of irregularities, corrections, and recoveries.
- q. information on first level and Audit Authority audit missions, and Audit Authority report.
- r. details of certification of expenditure.
- s. description of arrangements for evaluation.
- t. description of accounting and bookkeeping
- u. description of reporting to Commission
- v. arrangements for ensuring existence of an audit trail.

UK Specific Objectives

48. The UK's specific objectives for the RF are a subset of those listed in the Basic Act. The UK aims to implement the first two specific objectives listed in Article 3 of Decision 575/2007/EC of the European Parliament and of the Council, namely:
- a. the introduction and improvement of the organisation and implementation of integrated return management by Member States;
 - b. the enhancement of the cooperation between Member States within the framework of integrated return management and its implementation
49. The UK did not choose to pursue the third specific objective in the RF Basic Act – 'the promotion of an effective and uniform application of common standards on return in line with policy developments'.

UK Eligible Actions and Eligible Measures

50. As the UK chose not to pursue the third specific objective of the RF, the five eligible actions relating to Article 4 (3) of Decision 575/2007/EC of the European Parliament and of the Council (summarised at paragraph 18 above) were not pursued directly by the UK.

51. The UK prioritised all the eligible actions relating to the integrated return management specific objective of the RF, namely :

- a. establishment or improvement of effective, stable and lasting operational cooperation of Member States authorities with consular authorities and immigration services of third countries.....
- b. promotion of ways and means to provide information on return as early as possible in asylum and immigration procedures and to encourage individually third-country nationals to make use of the possibility of voluntary return
- c. facilitation of voluntary returns of third-country nationals in particular through assisted voluntary return programmes.....
- d. developing modes of cooperation between different levels of public authorities.....
- e. simplification and implementation of enforced returns of third-country nationals

52. In relation to the enhancement of cooperation between Member States specific objective of the RF, UK prioritised six of the eight eligible actions, namely:

- a. cooperation in the gathering and provision to potential returnees of information on the country of origin, former residence or transit;
- b. cooperation in delivering effective, stable and lasting operational working relationships between Member States authorities and consular authorities and immigration services of third countries.....
- c. design of joint integrated return plans and their implementation.....
- d. exchange of information and best practices, support and advice in dealing with the return of particularly vulnerable groups
- e. joint measures enabling the reception of readmitted persons in countries of origin, former residence or transit
- f. joint development of actions to ensure sustainable return of persons to the country of origin or former residence
- g. The UK gave lower priority to the remaining two eligible actions: ‘studies on the current situation and possibilities of enhancing administrative cooperation amongst Member States in the field of return.....’

53. The UK gave lower priority to the remaining two eligible actions on studies and the organisation of seminars.

UK Strategic Guidelines

54. The UK adopted three of the four strategic priorities for the RF set out in the Commission Decision, 2008/837/EC, namely:

- a. Priority 1: Support for the development of a strategic approach to return management by Member States.
- b. Priority 2: Support for cooperation between Member States in return management.
- c. Priority 3: Support for specific (inter) national tools for return management

55. The UK did not adopt the fourth strategic priority of the RF relating to support for community standards and best practices on return management.

56. The UK did not adopt any of the specific priorities attached to the strategic priorities it implemented. Consequently, the EU contribution to RF projects was set at the standard 50% level.

Target Groups

57. The target groups for the RF in the UK were all of the groups named in the Basic Act, namely:

- a. Asylum seekers who make use of voluntary return;
- b. Refugees or those with Humanitarian Protection who make use of voluntary return;
- c. Third – country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State and who make use of voluntary return;
- d. All other third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State.

Level of European Return Fund in the UK

58. The total sum allocated to the UK for the period 2008 to 2013 was €98.913 million. The level of the UK's allocation grew from €7.641 million in the 2008 programme year to €27.947 million in the 2013 programme year. The growth was mainly attributable to increases in the Commission's budget for the RF.

UK's Multiannual Programme for RF

59. The UK's Multiannual Programme for the European Return Fund, covering the period 2008 to 2013, was submitted to the Commission in July 2008. Following discussions

between the Responsible Authority and the Commission, the UK's Multiannual Programme was approved on 22 December 2008.

60. The Multiannual Programme has not been revised since its adoption. A synopsis of the Multiannual Programme as agreed in 2008 is here

[\(Create link to separate synopsis document\)](#): Summary of UK MultiAnnual Programme 2008-2013 – European Return Fund

UK's Annual Programmes for RF

61. The UK's annual programmes for the years 2008 to 2011 have been formally closed by the Commission. Consequently, the Responsible Authority has received all sums due from the Commission and has in turn made all payments to final beneficiaries of the Fund.

62. The table below shows the sums allocated to the UK for the four programme years, the sums made available for spending by beneficiaries in each year, and the actual expenditure incurred on the programme. The table shows the total planned and actual spending on returns activities, described as 'programmed costs' and 'eligible costs', and the EU contribution.

European Return Fund – Allocated Funds and Expenditure for Programme Years 2008 to 2011

Year	Programmed Costs(€)	EU Allocation (€)	Committed by UK (€)	Allocated RF funds (€)	Expenditure(€)	EU Share(€)
2008	14,746,716.73	7,640,785.87	15,569,901.01	6,275,531.54	9,781,131.98	5,139,166.42
2009	27,709,606.07	9,273,917.68	27,326,036.95	8,782,369.24	20,943,084.40	8,778,089.54
2010	46,355,174.60	12,844,300.70	33,670,345.01	12,154,046.38	31,066,824.33	11,648,018.92
2011	51,970,131.73	17,414,635.10	45,894,647.31	15,916,885.23	15,916,885.23	12,897,941.32

UK's 2012 Annual Programme for RF -Results

63. The UK's 2012 Annual Programme for the RF funded projects over the thirty months period from 1 January 2012 to 30 June 2014. The financial declarations and closure reports for the programme year were submitted to the Commission on 31 March 2015. The table below shows the allocated funds and expenditure figures included in the financial declaration. The figures are provisional until the annual programme is accepted by the Commission.

European Return Fund – Allocated Funds and Expenditure for Programme Year 2012

Year	Programmed Costs(€)	EU Allocation (€)	Committed by UK (€)	Allocated RF funds (€)	Expenditure(€)	EU Share(€)
2012	46,602,374.88	23,792,028.00	46,171,720.60	21,423,765.64	39,718,848.83	20,350,264.97

Selection and Approval of Projects

64. The Responsible Authority's written closure report on implementation of the RF in the UK during the 2012 programme year followed the format laid down in Commission guidance. The report included a full timetable on the implementation of the 2012 annual programme, starting from the call for Executing Body Mode (EBM) expressions of interest issued to the former UK Border Agency, Home Office, and Foreign and Commonwealth Office in September 2011.

65. The report mentions that there were no open Calls for Proposals for new Awarding Body Mode (ABM), with the principal ABM project running in the year – the Refugee Action project related to the UK's Assisted Voluntary Return Programme (AVR) – continuing from the 2011 programme. It goes on to say that the Refugee Action project could not return individuals to Afghanistan and that a separate project was set up working with International Organisation for Migration (IOM), who had the ability to work in Afghanistan. Following discussions with the Commission, it was accepted that an award of ABM funding could be made to the IOM assisted project without an open Call for Proposals, in line with the provisions of the RF implementing rules – Article 7(2) of 2008/458/EC, via a direct award to the Home Office. The closure report states that the direct award grant of £137,928.15 to the Home Office was approved by the UK Apportionment Board for a project known as Post Arrival and Reintegration Assistance for Assisted Voluntary Return (AVR) Returnees to Afghanistan.

66. The written closure report covers the Call for expressions of interest for EBM projects issued to the former UK Border Agency, Home Office, and Foreign and Commonwealth Office in September 2011. It explains that the UK Apportionment Board approved a sum of £22,000.00 for a new UK Border Agency project Facilitated Family Return. Following a recommendation by the Board, the project was treated as an add-on to the existing 'Facilitated Return Scheme (FRS)' project in the 2012 annual programme, increasing overall EU funding for FRS to £3,028,818.04.
67. A further decision of the UK Apportionment Board reported in the written closure was that to utilise £4,521,602.64 of unallocated funds to increase the allocation to the existing EBM project, Return of Irregular Migrants by Charter Flight.

Implementation of the actions of the Programme

68. The written closure report indicates that the Facilitated Return Scheme (FRS) project fell within Action 1: Return of Foreign National Prisoners of the actions undertaken by the UK to implement strategic priority 1 of the RF in the 2012 annual programme. The 'Return of Irregular Migrants by Charter Flight' project fell within Action 2 : Return of Irregular Migrants by Charter Flight of the actions within the 2012 annual programme.
69. Minor changes are reported to the programme approved by the Commission in respect of Action 1 through the incorporation in FRS of the facilitated family return element. It is noted that the Return of Irregular Migrants by Charter Flight project under Action 2 differs from that in the 2011 annual programme in terms of destinations and the significantly higher level of funding.
70. The written closure report includes information on achievements against targets for the various projects. FRS had a target for 1,650 people to be returned under the scheme. The number of returns achieved was 1,663, 101 per cent of the target number. The over achievement was seen as a success and an important contribution to the return of foreign national offenders to their country of origin.
71. The Return of Irregular Migrants by Charter Flight project delivered 42 flights against a target of 52. This was due to a number of factors including there being insufficient returnees to some countries to justify a charter flight, with those returnees travelling on scheduled flights outside the project. Court injunctions prevented the return of individuals to some countries.
72. The target for the number of returnees under the Return of Irregular Migrants by Charter Flights was 2,900. The number of returnees achieved was 2,285, that is 79 per cent of the target number. The shortfall in the number of irregular migrants returning to their country of origin was attributable to a number of factors, including lack of available returnees for some countries, low capacity on some flights, and late court injunctions. Nevertheless, the level of returnees in 2012 was well above the 2011 level of 1,432.

73. The target for the main AVR programme was to return 5,300 in the 2012 programme year. The achieved number of returns was 3,740, that is, 71 per cent of the target. This represented an improvement in performance from the 2011 programme year, when 65 per cent of the target returns were achieved. Despite the under achievement against the returns target, the AVR programme secured an absolute increase in the number of AVR returnees from the 2011 level of 3,222. The programme continued to contribute to the key Home Office strategic objective on further development and improvement of voluntary return activities.
74. The number of people receiving reintegration support plans under AVR in the 2012 programme year was 3,364 against a target number of 3,748. This represented an achievement rate of 90 per cent, which was below the 98 per cent achievement rate in 2011. However, there was a significant increase in the number of people receiving support plans from the 2011 level of 2,645. The number of individuals with reintegration integration assistance plans put in place during 2012 was 2,254 against a target of 3,910, an achievement rate of 58 per cent, which represented a decline against the 2011 achievement rate of 68 per cent. The number of individuals gaining access to this part of the AVR programme also declined in absolute terms from the 2011 level of 2,458. AVR returnees can use reintegration assistance for up to one calendar year following departure, and the fall in numbers reflected variations in the timing of departures and take up of assistance rather than an absolute fall in the take up of assistance.
75. The AVR project's performance on secondary targets was variable:
- a. options on return were communicated via 3,494 outreach sessions against a target number of 720, an achievement percentage of 485 per cent.
 - b. the return options were communicated through 223 surgeries in detention centres against a target number of 300, an achievement percentage of 74 per cent.
 - c. 6,041 individuals received needs assessments and briefings against a target number of 8,000, an achievement percentage of 76 per cent.
 - d. 9 formal integration partnerships were available to people on their return against a target number of 8, an achievement percentage of 112 per cent.
76. The Post Arrival and Reintegration Assistance to Assisted Voluntary Return (AVR) Refugees to Afghanistan project returned 74 individuals against a target number of 90 during its four months of operation. This represented an achievement percentage of 82 per cent. Sustained integration and follow up assessment was provided to 65 individuals against a target number of 90, an achievement percentage of 72 per cent. The under achievement against targets reflected the fact that fewer people opted to return to Afghanistan during the project than had been planned. The take up of

support by those who did return was also lower than expected when the project was planned.

77. The UK did not implement actions relating to strategic priorities 2 and 3 of the RF in 2012. This was consistent with the intentions stated in the annual programme. The UK opted out of strategic priority 4 at the time its Multiannual Programme was agreed.

Other Matters covered by Written Implementation Report

78. The written closure report for the 2012 annual programme for the RF followed the standard format for reports to the Commission. Sections were included on: the results of technical assistance; problems encountered during implementation; procedures applied when the Responsible Authority acted as an Executing Body; coherence and complementarity with other EU programmes; assessment of progress in implementing the Multiannual Programme; measures taken to publicise the RF programmes.

UK's 2013 Annual Programme

79. The UK's 2013 Annual Programme for the RF will fund projects over the thirty months period from 1 January 2013 to 30 June 2015. The financial declarations and closure reports for the programme year are required to be submitted to the Commission by 31 March 2015.
80. The UK's allocation from the Commission for the RF in 2013 is €27,947,021.40.
81. The annual programme was submitted to the Commission in November 2012 and formally approved on 8 March 2013. Subsequently, the Commission requested some technical revisions to improve the presentation of the programme. A revised version incorporating the technical amendments was submitted by the UK Responsible Authority on 19 May 2015.

Financing Plan

82. The breakdown of the UK's allocation between actions is shown in the table below.

European Return Fund – UK Financing Plan for Programme Year 2013 € (Euros)

Action	EU Contribution(€)	Public Allocation (€)	Private Allocation (€)	Total (€)	EU Percentage (%)	Share of Total (%)
Return of Foreign National Prisoners	4,379,697	4,379,687	-	8,759,394	50	16
Return of Irregular Migrants by Charter Flight	12,195,412	12,195,412	-	24,390,824	50	44
Assisted Voluntary	10,224,032	10,224,032	-	20,448,064	50	38

Return Scheme						
Technical Assistance	1,147,880	-	-	1,147,880	100	2
Total	27,947,021	26,779,140	-	54,746,162	51	100

83. The 2013 Annual Programme includes introductory information about the mechanisms for apportionment of RF funds and selection of projects in executing body and awarding body mode. This is a more specific and focused presentation of information included in the Management and Control Systems (MCS) document.

Actions to be supported by the Annual Programme

84. The annual programme outlines the funding to be made available under Action 1: Return of Foreign National Prisoners to the multiannual executing body mode project – Facilitated Return Scheme (FRS), the justification for executing body implementation, and the expected results from the project.

85. The annual programme goes on to describe the funding to be made available under Action 2: Return of Irregular Migrants by Charter Flight to the multiannual executing body mode project – Return of irregular migrants. The justification for executing body implementation, and the expected results from the project are described. Three sub actions are described: Additional Escort Costs for Joint Flights Programmes; Return of irregular migrants by charter flight (April 2013 to March 2014); and Return of irregular migrants by charter flight (April 2014 to March 2015).

86. The final action included in the annual programme is Action 3: Assisted Voluntary Return Programme (AVR). The purpose and scope of the action is described in detail along with the expected results from the project. Sub Actions for the Assisted Voluntary Return Programme staffing costs and Assisted Voluntary Return Programme pilots of new methodologies are described.

87. The annual programme notes that there are no actions proposed to implement Priority 2 or Priority 3 of the RF during 2013.

88. The annual programme goes on to describe how technical assistance funding will be used.

[\(Create link to separate list of funded projects document\)](#): European Return Fund – List of Funded Projects from 2008 to 2013

Contact Details

Further information on the European Return Fund in the United Kingdom is available from:

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