

## **ANNUAL PROGRAMME 2009**

**MEMBER STATE: Republic of Malta**

**FUND: European Return Fund**

**RESPONSIBLE AUTHORITY: Programme Implementation Directorate,  
Ministry for Justice & Home Affairs**

**YEAR COVERED: 2009**

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

#### **Introduction**

The allocation for Malta under the Annual Programme 2009 will be disbursed by using the two implementing methods. The awarding method has been utilised to allocate the amount of €543,254.63. The remaining financial resources following the selection process shall be allocated by the Responsible Authority (RA), using the executing method. These amount to €97,345.55

#### **1.1 Selection of projects by call for proposals**

The awarding method will be utilised by the Responsible Authority in order to allocate funds, as it retains that this is the most transparent method available and it gives the opportunity to all entities and organisations involved to submit their proposals on an equal footing.

A public call for proposals was issued on 18<sup>th</sup> August 2008 with a deadline for the submission of project proposals of 26<sup>th</sup> September 2008. The call was published on local newspapers and application documents were made downloadable from the website of the Ministry for Justice & Home Affairs, within which the RA of this Fund is situated. Actions related to voluntary and forced return, in line with the eligible actions described in the basic Act (Article 4) were considered for financing through this call for proposals. Furthermore, the target groups of this call were the ones listed in Article 7 of the basic Act. All public entities, international organisations and any other organisations involved in providing assistance to the return of illegal third country nationals, could apply for funding. However, no projects were submitted. In view of this, a second public call for proposals, inclusive of the above conditions, was issued 6<sup>th</sup> March 2009, with a deadline for the submission of project proposals of 27<sup>th</sup> March 2009.

The project selection committee (PSC) examined the three (3) applications that were submitted in order to assess their capacity, relevance, readiness, efficiency and effectiveness and the indicators. The evaluation process took into account the experience of the people involved directly in the management of the project, the level of preparedness shown and the proportionality of the budget. All three (3) applications submitted were selected. The remaining project was selected through the executing method.

The objectives that will be targeted and the main actions to be carried out through this call are:

- The promotion of an effective and uniform application of common standards on return in line with policy development focusing specifically on the facilitation of voluntary returns.
- The introduction and improvement of the organisation and implementation of integrated return management by Member States.
- The strengthening of Malta's long-term capacities and the relief thereof of part of the burden faced by Malta's migration management system.

## 1.2 Implementation of projects by the RA acting as executing body

The Responsible Authority managing the Return Fund is situated within the Ministry for Justice and Home Affairs (MJHA), which is the Ministry responsible for carrying out returns of illegally staying third country nationals.

In view of the fact that activities of forced return are ongoing, the Responsible Authority has retained the right to allocate a specific portion of the available funds to cover such tasks. It will act as an executing body in carrying out such activities which require immediate action. These will fall under Action 2 below. In this respect, the Responsible Authority shall implement the action, in conjunction with the entity with de jure/de facto monopoly in this regard, the Malta Police Force Immigration Section (under the remit of MJHA).

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

Not applicable.

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

### 3.1. Actions implementing priority 1: Support for the development of a strategic approach to return management by Member States.

| <b>Action 1: Activities of Assisted Voluntary Return</b> |   |
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| <b>Objective Targeted</b>                                | <b>Objective 1 of the Multi-Annual Programme – Continued Promotion of Assisted Voluntary Return.</b> The project builds upon the experience of a previous project called DAR and focused on various age groups and target groups depending on their willingness to return to their country of origin. |
| <b>Method of Implementation</b>                          | This action shall be funded following an open call for proposal, i.e. by the utilisation of the awarding method.  |
| <b>Purpose and Scope of the</b>                          | The scope of this action is to continue progressing Assisted Voluntary Return Programmes targeting African Countries.   |

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| <p><b>Action</b></p>  | <p>The project is a continuation of the DAR project funded under Return Preparatory Actions 2006. It shall support the efforts of the Maltese authorities to improve its integrated return management by facilitating voluntary return and sustainable reintegration for migrants in need of return assistance.</p> <p>The <b>target group</b> of this Action shall be the group indicated in Article 7 of the basic act.</p>  |
| <p><b>Key Activities</b></p>  | <ul style="list-style-type: none"> <li>- Increasing the number of people (target of 100 people) availing themselves of the voluntary return option to African countries through financial incentives;</li> <li>- Establishing or improving the cooperation of Maltese authorities and immigration services in third countries in order to provide an effective, stable and lasting operational cooperation, with the aim to obtain travel documents for the return of TCN's and ensuring speedy and successful removals;</li> <li>- The promotion of ways and means to provide information about return as early as possible and encourage individually TCN's to make use of voluntary return.</li> </ul>  |
| <p><b>Grant Recipients</b></p>                                      | <p>The recipient of the assistance is the Ministry of Foreign Affairs (who has been actively involved in a related project titled DAR). The assistance will be passed on to potential voluntary returnees.</p>   |
| <p><b>Expected Quantified Results and Indicators to be used</b></p> | <p>Past experiences have shown the difficulties of convincing illegal immigrants to return to their country of origin and of obtaining related documentation. At best, the process may require a long period of time and is also dependent on external factors such as relations with the authorities of the country of origin.</p> <p>Due to this, it can be difficult to foresee the number of assisted voluntary returns that will be affected over the eligible period of this Annual Programme. Additionally, costs incurred per return depend on a number of factors, amongst which the destination of the deportee.</p> <p>Indicators:</p> <ul style="list-style-type: none"> <li>• 100 migrants envisaged to avail themselves of the AVR option during the lifetime of the project.</li> </ul> |
| <p><b>Cost of Action</b></p>  | <p>The total amount that is being allocated to this action is of €581,371. Out of these, €436,028.25 will be allocated from the Return Fund whilst €145,342.75 will be allocated from local funds. The Return Fund shall thus co-finance 75% of the costs</p>  |

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|  | <p>of activities of voluntary return carried out in the eligible period.</p> <p>These costs shall be incurred mainly for the incentive package allocated to voluntary returnees that amount to €5000 per person. Other expenses include air fares, per diem rates, payments to embassies to issue travel documents etc.</p>   |
| <b>Visibility of EC Funding</b>  | <p>The Responsible Authority shall ensure that visibility of the assistance from the Fund for the preparation and execution of assisted voluntary returns is achieved by the publication of a number of media articles during and at the end of the annual programme. The Responsible Authority shall, in collaboration with the beneficiary/ies, describe the activities that were undertaken in the period under review, the amount of assisted voluntary returns involved and the costs that were co-financed by the Fund.</p> |
| <b>Complimentarily with Similar Actions financed by other EC Instruments, if appropriate</b> | <p>This project continues the success of the project DAR implemented under the Return Preparatory Actions (JLS/2006/Return/013).</p>  |

## Action 2: Activities of Forced Return

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| <b>Objective Targeted</b>              | <p><b>Objective 2 of the Multi-Annual Programme – Strengthening the Capacity to Carry Out Forced Return.</b> The project focuses on the actual removal of illegally staying TCNs to be carried out by the Immigration Police.</p>  |
| <b>Method of Implementation</b>        | <p>This action shall be implemented by utilising the <b>executing method</b>. In view of the nature of this action, the Responsible Authority of the Return Fund shall implement activities in collaboration with the national entity with a de jure monopoly in this field – the Malta Police Force Immigration Section (under the remit of the MJHA).</p>  |
| <b>Purpose and Scope of the Action</b> | <p>The scope of this action is to carry out the forced removal of illegal TCNs. The Fund shall alleviate some of the burden currently carried solely by the Maltese authorities to execute the removal of such persons to their country of origin and is a continuation of the action started under the European Return Fund 2008 Annual Programme.</p> <p>The <b>target group</b> of this Action shall be the group indicated in Article 7 1(d) of the basic act.</p> |
| <b>Key Activities</b>                  | <p>- Transportation (Return) of illegal TCNs to country of</p>   |

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|  | origin, including escorting where relevant.  |
| <b>Grant Recipients</b>                                      | In view of the implementing method chosen, the Responsible Authority will be the direct recipient of the Grant. However, the Malta Police Force Immigration Section, which is the national entity responsible for carrying out forced removal of illegal TCNs, shall be the final recipient of the assistance received from the Fund.  |
| <b>Expected Quantified Results and Indicators to be used</b> | <p>Past experiences have made amply clear that procuring documentation in order to be able to return illegally staying TCNs is not an easy process and may require a long period of time. Documenting such returnees depends a lot on the working relations with the authorities of the country of origin and the networks available that could provide assistance in the process.</p> <p>For this reason it is almost impossible to foresee the number of forced returns that will be affected over the eligible period of this Annual Programme. Technically, in view of the available financial allocations and based on an average cost of the amounts incurred per return (per person), 1388 forced returns is the maximum that can be affected over the Annual Programme. However, this indicative number is very liable to change and be considerably less, as the costs incurred per return depend on the destination of the deportee, the amount of deportees, the type of flight used for the returns (charter, scheduled, joint) and the necessary escorting, among other factors. Additionally, it is very likely that this number is not reached and the amount of returns will be a lot less due to the difficulties mentioned above in documenting the illegal TCNs.</p> <p>The rate of success of the activities and the assistance of the fund can be measured in comparison with the number of forced returns affected and the costs incurred solely by the national authorities in the preceding years.</p> |
| <b>Cost of Action</b>  | <p>The total amount that is being allocated to this action is of €97,345.55 (from the Return Fund) and €32,448.52 (from local funds). The Return Fund shall thus co-finance 75% of the costs of activities of forced return carried out in the eligible period.</p> <p>These costs shall be incurred for flight tickets for returnees and their escorts (police officers or air marshals of the airline, as the case requires); staff costs (including overtime) for escorts directly involved in the carrying out of the removals; subsistence of these escorts (if required) etc.</p>  |
| <b>Visibility of EC Funding</b>                              | The Responsible Authority shall ensure that visibility of the assistance from the Fund for the preparation and execution of forced returns is achieved by the publication of a media article at  |

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|  | the end of the Annual Programme. The Responsible Authority shall, in collaboration with the Malta Police Immigration Section, describe the activities that were undertaken in the period under review, the amount of forced returns involved and the costs that were co-financed by the Fund. |
| <b>Complimentarily with Similar Actions Financed by other EC Instruments, if appropriate</b> | This project complements and builds upon actions undertaken in the field of forced return with the support of the 'Return Preparatory Actions' programme.   |

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| <b>Action 3: Finalising Readmission Agreements with Countries of Origin</b> |  |
| <b>Objective Targeted</b>   | <b>Objective 3 – Strengthening of Cooperation Avenues with Consular Authorities and Immigration Services of Countries of Origin.</b> The project aims to enhance relations with Sudan in order to facilitate the procurement of documents of potential returnees.  |
| <b>Method of Implementation</b>   | This action shall be funded following an open call for proposal, i.e. by the utilisation of the awarding method.   |
| <b>Purpose and Scope of the Action</b>                                      | The project aims to establish co-operation with Sudan through the organisation of a workshop and other meetings with the aim of discussing readmission agreements.<br><br>The eventual target group to benefit from this action would be the TCNs who make their return journey to Sudan.  |
| <b>Key Activities</b>   | <ul style="list-style-type: none"> <li>- A workshop (with a Maltese delegation) on co-operation in the field of readmission of nationals not conforming with the rules regulating the entry and stay in the respective territories.</li> <li>- Related meetings between the Sudanese delegation and senior officials of the MJHA and MFA.</li> </ul> |
| <b>Grant Recipients</b>   | The recipients of the activities are the International Relations Office which forms part of the Ministry for Justice and Home Affairs.   |
| <b>Expected Quantified Results and Indicators to be used</b>                | A 4 day visit which includes 1 workshop and 2 meetings. The extent to which progress is made in the working relationship between the Sudanese authorities and senior officials of the MJHA and MFA will serve as an indicator.   |

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| <b>Cost of Action</b>           | <p>The total amount that is being allocated to this action is of €3,611.63 (from the Return Fund) and €1,203.87 (from local funds). The Return Fund shall thus co-finance 75% of the costs of activities of forced return carried out in the eligible period.</p> <p>These costs shall be incurred for travel and subsistence, internal transport and some indirect costs, for example, photocopying etc.</p> |
| <b>Visibility of EC Funding</b> | An article will be published in the press to exhibit the implementation of this project in the press.   |

### **Action 4: Strengthening Malta's Long-Term Return Management Capacities – MAREMCA Project**

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| <b>Objective Targeted</b>              | <b>Objective 3 – Strengthening of Cooperation Avenues with Consular Authorities and Immigration Services of Countries of Origin.</b> The project aims to examine the various aspects of migration management in order to build a more structured return policy.   |
| <b>Method of Implementation</b>        | This action shall be funded following an open call for proposal, i.e. by the utilisation of the awarding method.  |
| <b>Purpose and Scope of the Action</b> | The purpose of the project is to support Malta's efforts to develop evidence based and long-term integrated return management system.   |
| <b>Key Activities</b>                  | <ul style="list-style-type: none"> <li>- Map out the various challenges and shortcomings faced by Malta in all aspects of its migration management system with a specific focus on integrated return management.</li> <li>- Elaborate a long-term evidence based strategic approach to efficient integrated return management.</li> <li>- Build up an institutional rapprochement and create a solid basis for collaboration with selected EU member states who are facing similar situations to the Maltese one in respect to countries of origin and return management.</li> <li>- Undertake a trust building exercise with the aim of establishing long-term working relations with Ghana in order to improve cooperation in the field of return.</li> </ul> |
| <b>Grant Recipients</b>                | The recipients of the grant are the Third Country Nationals Unit and the International Centre For Migration Policy Development.   |
| <b>Expected Quantified</b>             | The project aims to report the challenges faced by Malta in the   |

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| <p><b>Results and Indicators to be used</b></p>   | <p>field of return. The results will then be discussed in one (1) ‘mapping’ workshop whereby Maltese stakeholders participate and agree on an evidence based approach to integrated return management.</p> <p>The project will also include a meeting between Maltese and selected EU Member States authorities and also between Maltese and country of origin authorities to discuss the priorities for long-term working relations.</p> <p>The final aim is to compile a MAREMCA National report which will include:</p> <ul style="list-style-type: none"> <li>a. A report on the various challenges and shortcomings faced by Malta in all aspects of its migration management system;</li> <li>b. A long-term evidence-based strategic approach;</li> <li>c. A set of recommendations and roadmap towards Malta’s long-term return management.</li> </ul> |
| <p><b>Cost of Action</b></p>  | <p>The total amount that is being allocated to this action is of €138,153. The sum of €103,614.75 will be allocated from the Return Fund, whilst €27,630.60 will be allocated from local funds and €6,907.65 will be financed by ICMPD. The Return Fund shall thus co-finance 75% of the costs of activities.</p> <p>The costs include the following: staff costs, travel and subsistence costs, renting of venue for closing conference and printing of various materials.</p>  |
| <p><b>Visibility of EC Funding</b></p>  | <p>Article in local newspapers.</p>  |
| <p><b>Complimentarily with Similar Actions Financed by other EC Instruments, if appropriate</b></p> | <p>N/A</p>   |

**3.2. Actions Implementing Priority 2: Support for the Cooperation between Member States in Return Management.**

No actions are foreseen under this priority for the Annual Programme 2009.

**3.3. Actions Implementing Priority 3: Support for Specific Innovative (inter)national Tools for Return Management.**

No actions are foreseen under this priority for the Annual Programme 2009.



### **3.4. Actions Implementing Priority 4: Support for Community Standards and Best Practices on Return Management.**

No actions are foreseen under this priority for the Annual Programme 2009.

#### **4. TECHNICAL ASSISTANCE**

##### **4.1 Purpose of the Technical Assistance**

The Responsible Authority will carry out an external independent evaluation after the completion of the projects at the end of the Annual Programme 2009. Quotations from audit firms interested in carrying out such external evaluation of the programme are received by the Responsible Authority. Appointment is then made on the basis of the best price, the work plan presented and previous experience with EU funding.

The Technical Assistance can also be utilised to ensure that the Responsible, Audit and Certifying Authorities are well equipped to provide a good level of management. Additionally, Funds can also be utilised to allow members of the Responsible Authority to attend SOLID meetings.

The Technical Assistance shall also be utilised to partly/fully cover the costs of salaries of officials that form part of the Responsible Authority, Certifying Authority and Audit Authority.

##### **4.2 Expected Quantified Results**

One external evaluation will be produced with the Technical Assistance. An information event will also be organised to disseminate the assistance of the Fund which will include the requirements set in Article 33 (2) of Commission Decision 575/2007/EC.

##### **4.3 Visibility of EC Funding**

Evidence of EC support logo will be given in all information and training materials for e.g. brochures, DVD, manuals, handbook etc. Furthermore, the equipment financed through the project will bear a commemorative inscription referring to the support provided by the European Return Fund.

5. DRAFT FINANCING PLAN

| <b>Annual Programme - Draft Financial Plan</b>  |                      |                                   |                                   |                              |                               |                         |                     |                                     |
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| <b>Table 1 - Overview table</b>   |                      |                                   |                                   |                              |                               |                         |                     |                                     |
| <b>Member State: Republic of Malta</b>  |                      |                                   |                                   |                              |                               |                         |                     |                                     |
| <b>Annual programme concerned: 2009</b>   |                      |                                   |                                   |                              |                               |                         |                     |                                     |
| <b>Fund: Return Fund</b>  |                      |                                   |                                   |                              |                               |                         |                     |                                     |
|   | <b>Ref. priority</b> | <b>Ref. specific priority (1)</b> | <b>Community Contribution (a)</b> | <b>Public Allocation (b)</b> | <b>Private Allocation (c)</b> | <b>TOTAL (d= a+b+c)</b> | <b>% EC (e=a/d)</b> | <b>Share of total (f=d/total d)</b> |
| <i>(all figures in euro)</i>  |                      |                                   |                                   |                              |                               |                         |                     |                                     |
| <b>Action 1: Activities of Assisted Voluntary Return</b>  | <b>1</b>             | <b>1</b>                          | 436,028.25                        | 145,342.75                   |                               | 581,371.00              | <b>75.00%</b>       | <b>64.43%</b>                       |
| <b>Action 2: Activities of Forced Return</b>  | <b>1</b>             |                                   | 97,345.55                         | 32,448.52                    |                               | 129,794.07              | <b>75.00%</b>       | <b>14.39%</b>                       |
| <b>Action 3: Finalising Readmission Agreements with Countries of Origin</b>                     | <b>1</b>             |                                   | 3,611.63                          | 1,203.87                     |                               | 4,815.50                | <b>75.00%</b>       | <b>0.53%</b>                        |
| <b>Action 4: Strengthening Malta's Long-Term Return Management Capacities – MAREMCA Project</b> | <b>1</b>             |                                   | 103,614.75                        | 27,630.60                    | 6,907.65                      | 138,153.00              | <b>75.00%</b>       | <b>15.31%</b>                       |
| <b>Action ...: [...]</b>  |                      |                                   |                                   |                              |                               | 0.00                    |                     | <b>0.00%</b>                        |
| <b>Action N: [...]</b>  |                      |                                   |                                   |                              |                               | 0.00                    |                     | <b>0.00%</b>                        |
| <b>Technical assistance</b>   |                      |                                   | 48,217.21                         |                              |                               | 48,217.21               | <b>100.00%</b>      | <b>5.34%</b>                        |
| <b>Other operations (2)</b>   |                      |                                   |                                   |                              |                               |                         |                     | <b>0.00%</b>                        |
| <b>TOTAL</b>  |                      |                                   | <b>688,817.39</b>                 | <b>206,625.74</b>            | <b>6,907.65</b>               | <b>902,350.78</b>       | <b>76.34%</b>       | <b>100.00%</b>                      |

(1) if appropriate

(2) if appropriate

*[signature of the responsible person]*