

SUMMARY OF UK MULTI-ANNUAL PROGRAMME 2008-2013

RETURN FUND

MEMBER STATE:	UNITED KINGDOM
FUND:	RETURN FUND
RESPONSIBLE AUTHORITY:	UK Border Agency Criminality & Detention Group 11 TH Floor St Anne House 20 - 26 Wellesley Road Croydon Surrey CR0 9XB
PERIOD COVERED:	2008 - 2013

1. SITUATION IN THE MEMBER STATE

The UK Border Agency is one of the main delivery arms of the Home Office, and has operated in 'shadow' form as a Home Office Executive Agency initially since 1 April 2007 as the UK Border and Immigration Agency (BIA) (succeeding the Immigration and Nationality Directorate) and most recently from 3 April 2008 as the UK Border Agency, when border, immigration, customs and visa checks were united under the umbrella of one Government Agency.

The UK Border Agency plays a vital role in the Department's primary aim of protecting the public by maintaining secure borders and ensuring that those who do not comply with our immigration rules are removed. The Agency works within a policy framework set by Ministers that covers the following areas:

- **Immigration:** the Agency considers applications from people who want to come to the UK to work, do business, visit relatives, take a holiday or settle permanently. It manages routes into the UK labour market for people who want to work here, deciding applications for work permits and entry under other work related schemes.
- **Nationality:** the Agency approves applications from people who want to become British citizens.
- **Border Control and Entry Clearance:** the Agency facilitates the arrival of nearly 90 million passengers in the UK, around 12 million of who are subject to immigration control. With the creation of the 'new' Agency from 3 April 2008, the Agency now assumes responsibility for the processing and decision of visa applications from people who need

to obtain permission to enter the UK before they travel and tackle border tax fraud, smuggling and immigration crime.

- **Law Enforcement:** as well as advising Ministers on our immigration laws, the Agency enforces them. It is the Agency's job to detect and deter illegal workers and illegal entrants and Immigration Officers have legal powers to detain them and remove them from the country. The Agency also works closely with the authorities in other countries to prevent organized people trafficking.
- **Asylum:** the Agency is responsible for determining all claims for asylum support made in the UK in line with our humanitarian obligations. It grants leave to remain to those whose fears of persecution are founded, provides accommodation and subsistence support for destitute asylum seekers while considering their claims and removes people from the UK if their claim fails.
- **Appeals:** the Agency shares responsibility with the Department for Constitutional Affairs for the fast and efficient processing of appeals against immigration and asylum decisions.

The strategic objectives of the Agency are set out in the [UK Border Agency Business Plan April 2008 – March 2011](#) published on 3 April 2008. The strategic objectives are:

1. We will protect our border and our national interests by:

- guarding routes into Britain with early action overseas;
- detecting and stopping risks and threats to Britain at our border;
- speeding the passage of legitimate goods and authorised people;
- counting people in and out of Britain so we can take action against those who overstay.

2. We will tackle border tax fraud, smuggling and immigration crime by:

- holding those who break our laws to account for their actions; targeting facilitators, businesses, colleges and organizations;
- creating and managing immigration and customs anti-smuggling crime partnerships in the UK and overseas;
- detecting, detaining and removing those who have no right to be here, or who pose a threat to the UK, targeting the most harmful first;
- transforming collection, dissemination and use of intelligence globally and locally;
- issuing ID cards to foreign nationals and helping deny the privileges of Britain to those who break the rules;
- transforming our enforcement capability.

3. We will implement fast and fair decisions by:

- welcoming the people and trade which benefits our country;
- implementing fast and fair decisions that are right for Britain;
- helping refugees and newcomers who have earned the right to stay and make Britain their home;
- developing and managing international alliances to support delivery of our business.

Full details of the Agency's targets and objectives are contained with the [UK Border Agency Business Plan April 2008 – March 2011](#) along with a description of how the agency contributes to the delivery of a number of other Government Departments' objectives.

It is the second strategic objective, "We will tackle border tax fraud, smuggling and immigration crime" and more specifically within that objective, "detecting, detaining and removing those who have no right to be here, or who pose a threat to the UK, targeting the most harmful first" and "transforming our enforcement capability" that most closely relates to the policy field covered by the European Return Fund 2008-2013 (RF).

In the past six years, the UK Government has introduced four major pieces of legislation:

- The Nationality, Immigration and Asylum Act 2002;
- The Asylum and Immigration (Treatment of Claimants etc) Act 2004;
- The Immigration, Asylum and Nationality Act 2006;
- The UK Borders Act 2007.

Amongst a range of measures, these Acts have improved systems for processing asylum claims, reformed the appeals process and established a scheme for resettling refugees from overseas to the UK.

From 3 April 2008, UK Border Agency has a budget of over £2bn, employs over 25,000 staff, protecting the borders overseas, at the UK border and in communities up and down the UK. The new agency will strive towards providing a stronger border, combating smuggling and tax fraud, shut down the causes of illegal immigration and hold newcomers to account when they break the rules. In conjunction with this, the agency will look to develop a compassionate system which makes and enforces decisions speedily. To deliver this, the agency has identified key areas for change during 2008; (as at April 2008) four of these have already been achieved, those being:

- checking fingerprints before a visa is issued anywhere in the world;
- introducing on-the-spot fines for employers who don't make the right right-to-work checks;
- beginning the introduction of a new points based system for controlling migration; and
- introducing a single border force and with new powers for frontline staff.

In addition, the agency is also on course (as at April 2008) to achieve the remaining ones;

- to confirm that the number of foreign national prisoners deported in 2008 will exceed those for 2007;
- to activate powers to deport automatically foreign national prisoners;
- to expand detention capacity;
- to begin issuing compulsory ID cards for those foreign nationals who want to stay;
- to begin counting foreign nationals in and out of the country;

- to introduce compulsory watch-list checks for high risk journeys before they land; and
- to make and enforce 60% of asylum decisions within six months, with alternatives to detention for children.

The Public Service Agreement 3 (PSA3) has been introduced to support the UK Border Agency's Strategic Objectives. There are 5 indicators within PSA3 and the two that support the priorities of the Return Fund are:

- Indicator 3 – to increase the number of removals year on year; and
- Indicator 4 – to increase the removal of 'harm' cases as a proportion of total cases removed.

The National situation and migratory flows affecting it

For further information, please see:

<http://www.gsr.gov.uk/>

<http://www.homeoffice.gov.uk/rds/immigration-asylum-stats.html>

http://www.homeoffice.gov.uk/rds/country_reports.html

The total national resources allocated

The below table details the UK Border Agency overall budget and staffing plan for the year 2008/09. It is expected that much of the matched funding for successful internal projects will come from this allocation.

Table 1 shows the budget for the UK Border Agency excluding the transfer from Her Majesty's Revenue & Customs (HMRC) which is not yet finalised.

Table 1 - UK Border Agency Budget and Staffing 2008/09

Directorate	2008/09 Budget £m
Borders	242
Migration	871
<i>o/w asylum support</i>	415
International	325
Detention	185
Deputy Chief executive	37
Human Resources and Organisational Development	32
Resources Management	49
Shared Services	251
Depreciation / Cost of Capital	67
Total	2059
Funding	
Migration – Income	(360)
International – Income	(325)

Net Funding	1374
Staffing	
	2008/09 Plan
Full Time Equivalent	20,000

Notes: Figures are subject to final financial delegations. Final delegations might differ due to transfers between areas.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

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

2.1.1 Introduction

Concerning the use of financial support from the Return Fund, the key requirements in the UK are actions specifically relating to:

- projects that support return management (both assisted voluntary returns and the enforced return of third country nationals);
- UK involvement in projects that seek closer working with other Member States to develop future joint removal operations; and
- projects that look to develop conditions and reintegration measures in countries of origin that will subsequently contribute to the increased removal of nationals where such projects have contributed to the redevelopment of those countries internal infrastructure.

These are provided for by Article 4 (1) (a-e) and Article 4 (2) (a-c), (e) & (h) of Decision No. 575/2007/EC.

Eligible actions defined in Article 4 of Decision 575/2007/EU Paragraph 2 (d) and (f) and Paragraph 3 (a-e) are lower priorities when assessing the UK requirement in relation to the baseline situation.

2.1.2 Requirements relating to return management

The UK financial year of 2007/08 saw the transformation of the organisation from a centralised Department within the Home Office to an Agency of the Home Office with a regionalised structure. Each region has its own enforcement capability, targets and local strategies. The result of this has been a more targeted and effective approach to detecting Failed Asylum Seekers, Illegal Entrants and Immigration Offenders with no basis of stay in the UK and taking the necessary action to remove these people to their country of origin.

2.1.3 Requirements relating to joint working with other Member States

Frontex (the European Border Agency) provides Member States with the necessary support in organising joint returns of third country nationals. In order to do so, Frontex has established a Core Countries Group of those Member States with the most experience in effecting returns of third country nationals. The United Kingdom forms a part of this group. The UK Border Agency has a nominated UK National Point of Contact for Frontex which is the mailbox conduit for all matters emanating from the Frontex HQ in Warsaw.

In order to facilitate the removal of third country nationals with one or more Member States where costs are not eligible to be met by Frontex, the United Kingdom has actively sought preparatory planning and co-ordinating meetings with other Member States. The United Kingdom has previously secured funding from the Preparatory Action Fund to plan and implement joint working on the removal of third country nationals with other Member States. Work in this area has included regular meetings with potential partner Member States

to explore ways to work jointly on returns and where agreed to plan and execute such projects. There has been previous joint working with France, Belgium and the Netherlands. The Preparatory Actions is no longer available to help finance projects of this nature, because it has been replaced by the Return Fund.

2.1.4 Requirements relating to addressing sustainable return

The UK Border Agency continually analyses migration routes (both legal and illegal) into the United Kingdom and from this is able to identify trends. Consequently, its business priorities are aimed at tackling those that generate the most harm to the United Kingdom as well as becoming developing policy that impacts upon such groups as vulnerable people.

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

2.2.1 Introduction

The key requirements for the United Kingdom in relation to the baseline situation as outlined in section 2.1 are concerned specifically with eligible actions relating to Article 4 (1) (a-e) and Article 4 (2) (a-c), (e) and (h) of Decision 575/2007/EC.

A summary of the operational objectives to deliver this requirement is provided here.

2.2.2 Operational objectives relating to return management

In addition to the [UK Border Agency Business Plan April 2008 to March 2011](#), 2008 saw the introduction of Public Service Agreement (PSA) 3, which has been designed to support the strategic objectives. The PSA has five indicators, or targets and the UK Border Agency is accountable to the British Public for delivering these.

It is the UK Border Agency Strategic Objectives 2 and 3 that the eligible actions of Decision 575/2007/EC relating to the Return Fund will contribute to. Delivery against both Strategic Objectives will be measured against the performance indicators within PSA3:

- PSA3 Indicator 2 – Reduce the time to conclusion of asylum applications.

An effective asylum system will deliver fast case conclusion, swiftly removing those with no right to be in the United Kingdom and integrating those that need protection. This measure will ensure that, by December 2011, within 6 months of application, 90% of all asylum cases will have been resolved, with applicants either returning to their country of origin or being granted protection in the UK

- PSA 3 Indicator 3 – Increase the number of removals year on year.
- PSA 3 Indicator 4 – Increase the removal of ‘harm’ cases as a proportion of total cases removed.

Enforcement of UK immigration laws is essential to reduce illegal immigration and illegal working in the UK. This measure will ensure that those immigration offenders that cause the highest harm to society

are removed first, and that the total number of illegal immigrants removed increases.

2.2.3 Operational objectives relating to other Member States

The UK has been working for some time with other Member States on bilateral and trilateral joint removals operations involving charter flights.

2.2.4 Operational objectives relating to sustainable return

Operational Policy and Process (OPP) has national responsibility for advice, guidance and instructions on policy and processes relating to enforcement action. This includes operational powers, casework instructions, contact management, criminal investigations (policy, process and implementation), innovation and change towards improved efficiency and maintaining contact with those subject to immigration control. The objectives that refer specifically to OPP are:

- Provide operational policy and process guidance
- Design new processes to maximise operational performance
- Develop criminal and financial investigations capability and policy
- Validate and support roll-out of civil penalties and employment and educational based operations
- Redesign enforcement related legislation
- Develop policy on children's issues
- Implement new powers in the UK Borders Act

The UK Border Agency Returns Group aim is to maximise returns in support of the 'Tipping The Balance' target (removing more Failed Asylum Seekers from the UK than register new claims) and Harm reduction by fully exploiting and improving existing routing and return agreements and to seek and test new routes and agreements. The key objectives of the Returns Group are:

- To support the delivery of minimum targets by unblocking practical and operational barriers to return
- To develop country specific Assisted Voluntary Return policy and to work with the business to ensure effective implementation.
- To provide advice and guidance to projects maximising potential for returns
- To ensure that caseworkers across the UK Border Agency are supported in the prioritisation of cases for re-documentation and removal.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

This chapter describes the strategy for how the Fund will be apportioned in the UK in order to contribute to meeting the national requirements as outlined in Chapter 2.

It also presents the UK's selection of priorities from the Strategic Guidelines presented in Commission Decision of 30 November 2007 implementing Decision 575/2007/EC (2007/837/EC) and the rationale behind their selection. Additionally, it provides a breakdown of how each of the eligible actions from Decision 575/2007/EC Article 4 (1-4) will be addressed. Therefore, it provides a complete strategy for the entire programming phase of the Return Fund 2008-2013.

Commission Decision 575/2007/EC outlines the Specific Objectives published by the European Commission on the Return Fund. These are covered under Article 3.

Commission Decision of the 30 November 2007 implementing Decision 575/2007/EC of the European Parliament and of the Council as regards the adoption of the strategic guidelines for 2008 to 2013 (2007/837/EC) details the 4 priorities of the Fund that define the types of projects that qualify for Funding.

Broadly speaking Priority 1 is addressed by actions defined under Decision No. 575/2007/EC Article 4(1)(c-e) and Article 4(2)(e). Priority 2 is addressed by actions defined under Article 4(2)(b-c) and (g-h). Priority 3 is addressed by actions defined under Article 4(1)(a-b) and Article 4(2)(a).

The strategy presented here will be implemented by the UK in two multi-annual, three-year cycles. The strategy ensures all mandatory priorities are addressed during the six year lifetime of the Fund.

In accordance with Article 12 of the Basic Act 575/2007/EC, the UK has implemented the principle of partnership. The proposals contained in this multi-annual strategy are the UK's selection of priorities and actions. An external call for tender was made in October 2008. Winning tenders were selected for funding by an independent panel via an open and fair call for bids. All internal bids are scrutinised and approved by the UK's European Solidarity Mechanism Apportionment Board.

In accordance with the regulations specified in Decision 575/2007/EC, the funds can either be managed by the Responsible Authority (RA) acting in the Executing Body role (via internal implementation of projects) or Awarding Body (where grants are provided to external organisations). Details will be provided in the Annual Programmes and Final Annual Programme Reports for the years concerned, in particular, justification for Executing Body project implementation.

Summary 2008-2010

During the first of the two three-year, multi-annual cycles, UK Border Agency expects to dedicate the majority of funds to Priority 1. This fits in with the business priorities of UK Border Agency, increasing removals year on year and reducing the flow of illegal migrants to the UK. The UK Border Agency places a heavy focus on the return of failed asylum seekers. This is a business priority sending a clear message that the UK will return those who have no legal right of stay and reducing the associated costs of supporting those who remain in the UK pending return.

Funds allocated to Priority 1 will be primarily be assigned via an external call for tender. Specifically, this will support voluntary return projects that operate in conjunction with the UK Border Agency and will be awarded under the Awarding Body rule. A lesser amount of funds will support internal projects (via the Executing Body role) that are run as a de jure monopoly by the UK Border Agency to include specific target groups to return to their country of origin.

Funds allocated to projects that support actions under Priority 2 will come from internal sources as the projects must be run by the UK Border Agency as a de jure monopoly. These projects will specifically look to develop closer working with other Member States with a view to greater level of joint working and joint removal operations. In addition, the UK intends to work closely with France with a view to addressing the problem of irregular migrants stranded in the Calais area of France (and who are looking to cross the Channel to enter the UK illegally). The programme includes four components which aim to prevent irregular migration through Calais and help to find humanitarian durable solutions for those already stranded in the area. These projects will receive funding under the Executing Body rule.

Funds allocated to Priority 3 will also be operated by the UK Border Agency as a de jure monopoly exists. These projects will specifically look at speeding up the documentation process for third-country nationals based in the UK awaiting removal. Again, this project will receive funding under the Executing Body rule.

The UK has not opted into the European Returns Directive and as such it is unlikely that over the lifespan of the Fund that any projects that support Strategic Priority 4 of the Fund will be funded.

Summary 2011 – 2013

It is forecast that spending for the second Multi-Annual Programme cycle will closely mirror that of the first cycle. It is forecast that the majority of funding will continue to be allocated against projects that sponsor Priority 1. This will fall in line with the priorities as detailed in the UK Border Agency Business Plan, where the increased number of removals (enforced or voluntary removal) of Failed Asylum Seekers and Immigration Offenders to third-countries is a key objective. Again, it is likely that the focus will fall on voluntary returns where the UK Border Agency traditionally works in partnership with external organisations. As such the majority of funding will likely support projects awarded funding under the Awarding Body method.

We are committed to examining how best RF funding can add value to UK Border Agency activities that support Priorities 2 and 3, specifically on Joint Working with other Member States. We will also be looking at how funding can support projects aimed at tackling illegal immigration at source, disrupting the upstream flow and looking at return measures that make return to certain third-countries more attractive. We will be making proposals to the Apportionment Board in coming years accordingly in respect of Annual Programmes, in line with the Multi-Annual Strategy presented here. As the UK has not opted into the Returns Directive, the UK does not foresee that any projects that support Strategic Priority 4 of the Fund will receive funding.

However, if necessary, the UK will submit a revised Multi-Annual Programme for the rest of the programming period, in line with Article 20(1) on Revision of Multi-Annual Programmes of Basic Act 575/2007/EC, either to take into account greater or different Community priorities, in light of evaluations, and/or following implementation difficulties. Any revised proposals will also be scrutinised and approved by the UK Apportionment Board, prior to re-submission to the European Commission for assessment.

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

3.1 (a) The objective(s) of the strategy and examples of key actions

The UK Border Agency sees Priority 1 as the key priority of the Fund that will support its own Strategic Objectives, certainly in the early years of the lifespan of the Fund. The UK will initially look to dedicate the majority of funding to this priority.

Selected projects will complement the Strategic Objectives of the UK Border Agency Business Plan 2008-2011 for return management and the UK's aim to increase removal of third-country nationals year-on-year. It is likely that successful internal and external projects will receive match-funding from the UK Border Agency or other cross-UK Government bodies.

It is proposed that over the duration of the life of the Fund, funding will be targeted at multi-annual and annual projects focused on:

- Assisted Voluntary Return programmes, for example Voluntary Assisted Return and Reintegration Programme (VARRP), that assist asylum seekers at any stage during the asylum process, or failed asylum seekers to return to their country of origin. This type of programme also includes those who have been granted time-limited exceptional leave to return or discretionary leave. The programme offers support in acquiring travel documentation, a flight to the country of origin, onward domestic travel and also provides returnees with a reintegration assistance package to help ensure the sustainability of their return.
- Assisted Voluntary Return programmes of irregular migrants, for example Assisted Voluntary Return of Irregular Migrants (AVRIM). This type of programme assists those people who are in the UK

illegally and would like help in returning to their country of origin. The programme offers support in acquiring travel documentation, a flight to the country of origin and onward domestic travel. AVRIM is available to those who have entered the country illegally, have been smuggled or trafficked into the UK or those who have overstayed on their visa. It is not open to those who have claimed asylum, whether or not their claim has been decided. Reintegration assistance is generally not available to these types of cases although it can be considered exceptionally for specific vulnerable people on a case to case basis.

- The facilitated return of specific vulnerable groups. UK Border Agency is to develop a programme aimed at dismantling barriers to removal of Unaccompanied Asylum Seeking Children (UASC) on which a new and sustainable child-centred strategy can be built.
- Enforced returns of third-country nationals. The UK has operated charter flights for removal on a regular basis since around 2000. The number of removals by any means has increased year-on-year, but there are some destinations that cannot be reached by scheduled flight services or the available services are not sufficient to meet the UK's needs. In order to support UK Border Agency Strategic Objectives of enforcing compliance with UK immigration laws, the UK will aim to pursue the possibility of a greater number of removal third-country nationals via charter operations, offering seats to other Member States when appropriate.
- Facilitated Returns Scheme (FRS) – this was initially a trial scheme that came into force in the latter part of 2006. The scheme has proved successful and has been extended from its trial basis. It is a voluntary returns scheme that is operated by the UK Border Agency in conjunction with the IOM. The aim is to target time served and time serving third country foreign national prisoners that are held within the UK prison system. The aim of the project is to look to remove larger numbers of foreign national prisoners through the FRS voluntary removal scheme, whereby either time serving prisoners are able to serve the remainder of their sentence within their country of origin, or are able to return to their country of origin at the end of their sentence and receive a reintegration package that may cover re-training, business set-up or housing once they return to their country of origin.

The actions to be carried out through these projects are provided for by Basic Act 575/2007/EC Article 4 Paragraph 1(c-e) and Article 4 Paragraph 2 (e).

3.1 (b) Description of target(s) concerned and indicators used

The key priorities of UK Border Agency business and the allocation of budgets to support the delivery of the business are allocated on a yearly basis. As such, exact targets for forthcoming years have yet to be set and cannot be estimated due the manner in which the top priorities within the UK Border Agency can change and/or fluctuate.

Tailored indicators to assess actions funded under this priority will be developed through the commissioning of the independent evaluation, which will draw on quantifiable outputs assessed during monitoring.

3.1 (c) Key actions implementing specific priorities for Priority 1

Although the key actions of voluntary return programmes meet the specific requirements of Strategic Priority 1 (1) of the Return Fund (and therefore potentially eligible for 75% of the cost of the project to be support from the Return Fund), to make the best use of the funds across all projects (both internal and external), the UK Responsible Authority has taken the decision that the projects falling under Strategic Priority 1 will be funded on a 50/50 basis. Therefore, 50% of funds supporting the project will be from the Return Fund and 50% of funds will be match-funded from within the UK Border Agency budget or from other UK Governmental sources.

3.2. Priority 2 – Support for the co-operation between Member States in return management

3.2 (a) The objective(s) of the strategy and examples of key actions

The UK Border Agency does not view Priority 2 as a key priority that will support its own Strategic Objectives, although it aims to explore the potential of joint working in the initial years of the Fund, with a view to a greater emphasis being placed upon this priority in later years. The UK will initially look to dedicate a small allocation of funding to this priority of RF to support for the co-operation between Member States in return management for which the UK Border Agency will internally make a call for proposal for bids. All enforced returns can only be managed by the UK Border Agency to ensure that policy and procedure are adhered to and the welfare of those being removed complies with the standards that are laid down within UK Border Agency policy. As such it holds a de jure monopoly in this area

Selected projects will complement the Strategic Objectives of the UK Border Agency Business Plan 2008-2011 for return management and look to increase the level of joint working in the latter part of the lifespan of the Fund. This will in turn contribute to the UK's aim to increase removal of third-country nationals year-on-year. It is anticipated that successful internal projects will receive match-funding from within the UK Border Agency budget allocation.

It is proposed that over the duration of the life of the Fund, funding will be targeted at multi-annual and annual projects focused on:

- Meeting the cost of preparatory planning and co-ordination meetings to arrange joint working with one or more Member States where costs are not eligible to be met by Frontex. The UK has enjoyed previous joint working with France, Belgium, Germany and the Netherlands and is keen to maintain and build upon the relations that have since been forged. Successful projects will hold regular meetings with proposed partners both to explore the ways to work jointly on returns and where agreed, to plan and execute these projects.
- The Global Project Calais aims to address the problem of irregular migrants stranded in the Calais area (who are trying to cross the Channel to enter the UK illegally). The project includes four components which aim to prevent irregular migration through Calais

and help to find humanitarian durable solutions for those already stranded in the area.

The actions to be carried out through these projects are provided for by Basic Act 575/2007/EC Article 4 Paragraph 2(b-c)(g-h).

3.2 (b) Description of target(s) concerned and indicators used

The key priorities of UK Border Agency business and the allocation of budgets to support the delivery of the business are allocated on a yearly basis. As such, exact targets for forthcoming years have yet to be set and cannot be estimated due the manner in which the top priorities within the UK Border Agency can change and/or fluctuate.

3.2 (c) Key actions implementing specific priorities for Priority 2

Although the key action of the preparatory meetings is to devise an integrated return plan to work with other Member States to enforce the return of third-country nationals to their country of origin meets the specific requirements of Strategic Priority 2 of the Return Fund (and therefore potentially eligible for 75% of the cost of the project to be support from the Return Fund), to make the best use of the funds across all projects (both internal and external), the UK Responsible Authority has taken the decision that the projects falling under Strategic Priority 2 will be funded on a 50/50 basis. Therefore, 50% of funds supporting the project will be from the Return Fund and 50% of funds will be match-funded from within the UK Border Agency budget or from other UK Governmental sources.

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

3.3 (a) The objective(s) of the strategy and examples of key actions

The UK views Priority 3 as a tool that will assist to increase the number of third-country nationals being removed from the UK; either by enforced return or by assisted voluntary return. The UK will initially look to dedicate a small level of funding to this Strategic Priority to support innovative (inter)national tools for return management. UK Border Agency will externally and internally make a call for proposals for such bids (however, it is likely that successful bids will emanate from internal UK Border Agency sources, although external partners may work in conjunction with the UK Border Agency).

Selected projects will complement the Strategic Objectives of the UK Border Agency Business Plan 2008-2011 for return management and the UK's aim to increase removal of third-country nationals year-on-year. It is likely that successful internal and external projects will receive match-funding from the UK Border Agency or other cross-UK Government bodies.

It is proposed that over the initial years of the Fund, funding will be targeted at multi-annual and annual projects focused on:

- improving travel documentation issues through adopting different methods for travel document issues. The perceived outcome is to reduce the amount of time that any detained individual spends being

escorted on (sometimes long) journeys to UK based Embassies and High Commissions. More importantly it is perceived that such projects will reduce the amount of time that detainees are held in detention prior to removal. It is perceived that the increased turnover of available bed space within the Detention Estate will contribute to a greater number of third-country nationals being removed from the UK.

- disrupting upstream flows of illegal migration to the UK by targeting support of selected third countries with whom the UK has a Re-admission or Memorandum of Understanding to establish “re-admission chains” and assist in the removal of transiting third-country nationals to their countries of origin. This will protect the UK border.

It is expected that the results of the initial projects will determine whether these are to be expanded over subsequent years.

The actions to be carried out through these projects are provided for by Basic Act 575/2007/EC Article 4 Paragraph 1(a-b) and by Basic Act 575/2007/EC Article 4 Paragraph 2 (a).

3.3 (b) Description of target(s) concerned and indicators used

The key priorities of UK Border Agency business and the allocation of budgets to support the delivery of the business are allocated on a yearly basis. As such, exact targets for forthcoming years have yet to be set and cannot be estimated due the manner in which the top priorities within the UK Border Agency can change and/or fluctuate.

3.3 (c) Key actions implementing specific priorities for Priority 3

Although the key action of installing video conferencing across the UK Detention Estate is a new working method to speed up the process of documenting returnees in co-operation with the consular authorities and therefore, potentially eligible for 75% of the cost of the project to be supported from the Return Fund, to make the best use of the funds across all projects (both internal and external), the UK Responsible Authority has taken the decision that the projects falling under Strategic Priority 3 will be funded on a 50/50 basis. Therefore, 50% of funds supporting the project will be from the Return Fund and 50% of funds will be match-funded from within the UK Border Agency budget or from other UK Governmental sources.

The actions to be carried out through these projects are provided for by Basic Act 575/2007/EC Article 4 Paragraph 1(a-b) and by Basic Act 575/2007/EC Article 4 Paragraph 2(a).

Priority 4 – Support for Community standards and best practices on return management.

3.4 (a) The objective(s) of the strategy and examples of key actions

The UK has not opted into the Returns Directive and therefore does not see this priority to be one that it will look to support certainly in the initial years of the Fund. The UK’s stance on this may be revised in later years in accordance with future business priorities.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

This chapter provides an indication of how the UK Multi-Annual strategy is compatible with other regional, national and Community Instruments, for each of the four Priorities of the Fund, as specified in the Strategic Guidelines presented in Commission Decision 575/2007/EC. The UK has opted into three of the Solidarity Mechanism funding streams; those being the Return Fund, the European Refugee Fund (ERF) and the European Integration Fund (EIF). The UK has not opted into the External Borders Fund. The three funds are managed separately, each with its own Responsible Authority and supporting team, but in close working harmony, incorporating joint Management Control Systems and the same Audit and Certifying Authorities. This ensures that the UK has a common policy across all of the three funds with clearly defined terms of reference.

The Council Instruments for the three Solidarity Mechanism funding streams are:

European Integration Fund : 2007/435/EC

European Refugee Fund: 573/2007/EC

Return Fund: 575/2007/EC

There are a number of Council Instruments to which the UK is signed up to that refer specifically to the methodology in which the UK works within the European Union in conjunction with other Member States. These Instruments are listed below:

- Council Instrument 2001/40/EC – Council Directive on the mutual recognition of decisions on the expulsion of third country nationals (adopted 28 May 2001).
- Council Instrument 2004/82/EC – Council Directive on the obligation of carriers to communicate passenger data (adopted 29 April 2004).
- Council Instrument 2004/573/EC – Council decision on the organisation of joint flights for removals, from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (adopted 29 April 2004).
- 2004/573/EC – Council Conclusions on assistance in cases of short term transit by land or sea through the territory of another Member State in the course of effecting a removal order adopted by a Member State against a third country national in the framework of the operational cooperation among Member States.

The UK ensures that all return management activity is in full accordance to the Council Instruments to which the UK has adopted. Projects that are supported through match-funding from the Return Fund complement these Instruments and work in partnership with the ideals.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

The UK will adhere to Chapter 5, Articles 31 to 35 of Commission Decision 2008/458/EC for the publication of a summarised version of the Multi-Annual Programme for the Return Fund 2008-2013.

The UK will utilise a number of differing types of media, including but not exclusive to the Internet, Government Publications, ad hoc publication and Press Releases. All information to be published will initially be placed on the UK Border Agency website at www.ukba.homeoffice.gov.uk with hard copies subsequently made available.

The UK will publish summaries of its Multi-Annual and Annual Programmes clearly highlighting both the Commission strategic Priorities and the UK's proposals on how to fully meet these criteria. The full versions will be available to any party requesting a copy under the Freedom of Information Act 2000.

The UK will publish the name, amount funded and a description of each project funded annually. In addition the UK will publish details on how each project contributes to the overall aim and objective of the Return Fund in accordance with Commission Decision 2008/458/EC Article 33 (2) (b).

The UK will hold at least one public presentation of the achievements of the Return fund annually. This is to fully satisfy the requirements of Article 33 (2) (a) of Commission Decision 2008/458/EC.

Finally as defined in Article 34 of Commission Decision 2008/458/EC, the UK RA will ensure that all projects receiving over €100,000 will display a permanent plaque detailing the name of the project and timing of EC funding in cases where the operation consists of purchasing a physical object or of financing infrastructure or construction projects. In addition, all projects will prominently display the EC logo on published reports, journals and any other publication regarding the project co-financed by the Commission as set out in Article 35 of Commission Decision 2008/458/EC. Compliance with this will be monitored by the UK RA.

5.2. The approach chosen to implement the principle of partnership

The UK has developed a high level EU Solidarity Mechanism Funding Apportionment Board. The purpose of the Apportionment board is to fulfil Article 12 '*Partnership*', of the Basic act 575/2007/EC.

Additional references are made to Article 12 *Partnership* in Basic Act 575/2007/EC, firstly in Article 19 (1) (f) and secondly, in Article 27 (1) (a).

The UK Border Agency has established the independent Apportionment Board to advise on the UK's proposed allocations of all European funding provided as a part of the general Solidarity Mechanism programme. The Board is presented with proposals for each of the three EU Solidarity

Mechanism Funds in which the UK participates, including the Return Fund. The proposals include multi-annual strategies and annual strategies for the programme year in question.

At the start of the multi-annual programming phase, the legislative process which regulates each fund is outlined to the Board. This summarises the basic EU Acts, which are supplemented by two accompanying European Commission Decisions laying down the rules for the implementation of the basic acts, and the Strategic Guidelines which provide the priority framework for each fund.

The Board then considers the UK's proposed expenditure as set out in the plans provided in preparation for the Multi-Annual and Annual Programme proposals.

In line with national requirements, plus the Commission's priorities and eligible action requirements, the UK RF RA presents its multi-annual and annual strategy proposals to the Board. In determining the validity of the proposals through this process, the Board considers whether the plans take into account the *priorities* and *actions* outlined in the Basic Act and commission documents, as well as national requirements.

In addition, as provided by Article 7(3) of the Commission Decision 2008/458/EC laying down the rules for the implementation of Council Decision 575/2007/EC, the UK RF RA can act as an Executing Body if *“the characteristics of the project leave no other choice for implementation, such as de jure monopoly situations or security reasons. In these cases, the rules concerning the final beneficiary shall apply mutatis mutandis to the responsible authority.”*

Therefore, the RA requires 'internal' project proposals to submit applications for consideration by the independent Apportionment Board. The RA requires the same financial and project information to be provided from internal bidders as for external project proposals awarded through the RA acting in grant Awarding Body role. In addition, internal bidders must justify how they satisfy the condition that they are *de jure* monopoly providers or why the project can only be delivered by the UK Border Agency.

The Apportionment Board then considers all internal applications against the domestic priorities agreed during the high level apportionment process, in addition to whether the criteria for Article 7(3) of Decision 2008/458/EC are met. The Board also advise on whether the use of the fund as proposed in the application submitted constitutes value for money, and provide feedback on any aspects of the application for which they recommend adjustment prior to approval.

UK Apportionment Board Objectives

Therefore, the objectives of the UK Apportionment Board are:

- To be a transparent and semi-independent mechanism to apportion the funds;

- Overview of the Multi-Annual Programme specification for each fund;
- Annually select and approve internal projects to be administered by the RA in the Executing role, financed under the three funds.

Task Summary

The key tasks of the Apportionment Board are summarised as:

- The Board will review the proposed Multi-Annual Programmes' proposed apportionment plans for each fund against the criteria set by the Commission and decide whether or not to approve them. This informs the allocations proposed in this MAP.
- The Board will review the internal projects UK Border Agency proposes under the Solidarity funding mechanism and decide whether or not to approve them.
- The Board will be informed of the results of the external tendering projects, assessed by a separate working level panel composed of independent officials. The Board is not requested to assist with approving external projects, selected by the RA in grant Awarding Body role.

Membership

Chair: UK Border Agency Strategic Director of Human Resources and Organisational Development

Board Members: Representative, UNHCR

Representative, Department of Communities and Local Government

JHA Counsellor, UK Permanent Representation in Brussels, FCO

6. INDICATIVE FINANCING PLAN

The draft financial plans for the Community Contribution and the Overall Financing Plans are presented in this chapter, both in Euros and Pounds Sterling.¹

Please note that all figures provided in Section 6 are estimates and subject to change. The rate of exchange used is based on the official rates in August 2008. The actual amount received in GBP will vary, depending on the fluctuating exchange rate.

6.1 Community Contribution

6.1.1. Financial Table (Community Contribution) - €

Multannual Programme - Draft Financial Plan							
Table 1: Community Contribution							
Member State: United Kingdom							
Fund: European Return Fund							
<i>(in 000' euros - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
<i>Total</i>	7,640	9,273	11,081	15,751	23,138	27,658	94,541
Priority 1: Support for the development of a strategic approach to return management by Member States	6,945	7,945	9,724	13,231	19,437	23,232	80,159
Priority 2: Support for the co-operation between Member States in return management	4	572	475	945	1,388	1,660	5,044
Priority 3: Support for specific innovative (inter)national tools for return management	157	107	107	945	1,388	1,660	4,719
Priority 4: Support for Community standards and best practices on return management	0	0	0	0	0	0	0
Technical Assistance	534	649	775	630	925	1,106	4,619
TOTAL	7,640	9,273	11,081	15,751	23,138	27,658	94,541

6.1.2. Comments on the figures/trends

None.

¹ Rate of exchange = 1 Euro = GBP 0.7953 (Commission Exchange rate 26 August 2008)

6.1.3. Financial Table (Community Contribution) – £²

Multiannual Programme - Draft Financial Plan							
Table 1: Community Contribution							
Member State: United Kingdom							
Fund: European Return Fund							
<i>(in 000' £s - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
<i>Total</i>	6,076	7,375	8,812	12,526	18,401	21,996	75,186
Priority 1: Support for the development of a strategic approach to return management by Member States	5,523	6,319	7,733	10,523	15,458	18,477	64,033
Priority 2: Support for the co-operation between Member States in return management	3	455	378	751	1,104	1,320	4,011
Priority 3: Support for specific innovative (inter)national tools for return management	125	85	85	751	1,104	1,320	3,470
Priority 4: Support for Community standards and best practices on return management	0	0	0	0	0	0	0
Technical Assistance	425	516	616	501	735	879	3,672
TOTAL	6,076	7,375	8,812	12,526	18,401	21,996	75,186

6.1.4. Comments on the figures/trends

None.

² Rate of exchange = 1 Euro = GBP 0.7953 (Commission Exchange rate 26 August 2008)

6.2 Overall Financing Plan

6.2.1. Financial Table (Overall Financing Plan) - €³

Multannual Programme - Draft Financial Plan							
Table 2: Overall Financing Plan							
Member State: United Kingdom							
Fund: European Return Fund							
<i>(in 000' euros - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution	7,640	9,273	11,081	15,751	23,138	27,658	94,541
Public co-financing	7,640	9,273	11,081	15,751	23,138	27,658	94,541
Private co-financing	0	0	0	0	0	0	0
TOTAL	15,280	18,546	22,162	31,502	46,276	55,316	189,082
% Community Contribution	50%	50%	50%	50%	50%	50%	50%

6.2.2. Comments on the figures/trends

None

6.2.3. Financial Table (Overall Financing Plan) - £⁴

Multannual Programme - Draft Financial Plan							
Table 2: Overall Financing Plan							
Member State: United Kingdom							
Fund: European Return Fund							
<i>(in 000' £s - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution	6,076	7,375	8,812	12,526	18,401	21,996	75,186
Public co-financing	6,076	7,375	8,812	12,526	18,401	21,996	75,186
Private co-financing	0	0	0	0	0	0	0
TOTAL	12,152	14,750	17,624	25,052	36,802	43,992	150,372
% Community Contribution	50%	50%	50%	50%	50%	50%	50%

6.2.4. Comments on the figures/trends

None

³ Rate of exchange = 1 Euro = GBP 0.7953 (Commission Exchange rate 26 August 2008)

⁴ Rate of exchange = 1 Euro = GBP 0.7953 (Commission Exchange rate 26 August 2008)