

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

2005/0049(COD) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved four programmes as part of the Solidarity and Management of Migration Flows framework programme. The framework aims to facilitate a fair share of responsibilities between Member States managing the external border and the implementation of common asylum and immigration policies. Four funds are created: **the External Borders Fund (COD/2005/0047), the European Refugee Fund (COD/2005/0046), the Return Fund (COD/2005/0049) and the Integration Fund (COD/2005/0048).**

The **Return Fund** (starting 1 January 2008) provides EUR 676 million for 2008-2013. This emphasises voluntary return and provides funding to help Member States counsel unsuccessful applicants. It also includes measures such as joint flights with other Member States to tackle the problem of 500000 people illegally staying in the EU a year. The European Parliament adopted a resolution drafted by Barbara **Kudrycka** (EPP, Poland) and made several amendments to the Commission's proposal, which were compromise amendments that had previously been agreed with Council. Several of these were designed to strengthen compliance with fundamental rights by any action co-financed by the Fund. MEPs also stressed the need to promote voluntary return by stronger cooperation with local authorities as well as limited financial contributions to third country nationals returning voluntarily. The main amendments are as follows:

- the budget for the Fund is **EUR 676 million** for 2008-2013;
- the ERF will provide member states each with a **minimum sum of EUR 300,000 per year**. Half of the remainder will be allocated according the number of illegal immigrants already subject to a return decision present on each Member State 's territory. The other half is to be assigned in proportion to the number of former immigrants to each country who have already left the EU, whether they left of their own accord or were expelled;
- while supporting the simplification of enforced return procedures, MEPs insisted on the need also to promote voluntary return, notably by developing stronger cooperation with local authorities to exchange and provide information about past experiences of migrants who returned to their home country. The text also provides for limited financial contributions to third country nationals returning home voluntarily. This financial aid may include the costs of the first days of residence in the country of return as well as a limited start-up help for economic activities, where appropriate;
- only persons who are the subject of individual removal orders may be returned via joint return operations eligible for funding under the Decision. In light of the scope and the purpose of the Fund, it cannot, in any event, support actions with respect to areas and centres for holding persons in third countries;
- Parliament emphasised measures to facilitate cooperation between the competent administrative, law enforcement and judicial bodies, where appropriate at different levels of government;
- actions supported may include the following measures: 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, interpreters, accommodation for escorts including

medical staff and interpreters; 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 subjected to torture, rape or other serious forms of psychological, physical or sexual violence;

- actions supported may also include, 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 State 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 countries upon their arrival;

- the **target groups** are: all third country nationals who have not yet received a final negative decision to their request for international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of the Member State; all third country nationals enjoying a form of international protection or temporary protection in a Member State and who choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of the Member State; all third country nationals who do not fulfil the conditions for entry and/or stay in a Member State and who, in accordance with the obligation to leave the territory of the Member State, make use of voluntary return; all other third country nationals who do not fulfil the conditions for entry and/or stay in a Member State;

- preparatory measures, management, monitoring, evaluation, information and control measures may be financed to the extent of 7% of the total annual amount of co-financing allocated to the Member State plus EUR 30,000 for 2008-2010 and 4% of the total annual amount of co-financing allocated to the Member State plus EUR 30,000 for 2011-2013;

- with regard to Member States' annual programmes, Parliament stated that, to take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and requiring urgent action, a Member State may revise up to 10% of the financial breakdown of the Funds' contribution between the various actions listed in the annual programme or allocate up to 10% of the break down to other actions in accordance with this Decision. The Commission shall be informed of the revised annual programme;

- the Commission shall **review the strategic guidelines** and where necessary, adopt, on 31 March 2010 at the latest, new strategic guidelines for the period 2011-2013; If such strategic guidelines are adopted, each Member State shall re-examine its multi-annual programme and where appropriate, revise it;

- the regulatory procedure with scrutiny will be followed as regards measures of general scope designed to amend non-essential elements of the Regulation.

The other funds are:

- the **European Refugee Fund**, which will provide approximately EUR 700 million up to 2013 to support Member States in receiving refugees and displaced persons and apply consistent, fair and effective asylum procedures. Some 300,000 people apply for asylum or subsidiary protection in the EU each year.

- **The External Borders Fund** (starting 1 January 2007) sets up support for sharing responsibility for external border control. It has a budget of EUR 1820 million for 2007-2013 and provides for upgrading infrastructure (e.g. border crossing points, video surveillance) along the 6,000km land and 85,000km coastline which make up the EU's external border.

- the **Integration Fund** (starting 1 January 2007) is particularly targeted at new immigrants and provides EUR 825 million to Member States to favour their integration process. It will support the forthcoming Framework Directive on the rights of legally residing migrants and projects fashioned to promote the Community integration strategy. This new instrument will also help Member States to share their experiences and best practices, thereby strengthening teamwork at European level. Programmes covering civic orientation, language, history and cultural are all supported.