

**ANNUAL PROGRAMME 2011**  
**With changes to the financial breakdown pursuant to Art. 23 (2) of Commission**  
**Decision 2008/458/EC**  
**Approved by the Head of the Responsible Authority on 25.09.2012**

MEMBER STATE: REPUBLIC OF BULGARIA  
FUND: EUROPEAN RETURN FUND  
RESPONSIBLE AUTHORITY: INTERNATIONAL PROJECTS DIRECTORATE-MoI  
YEAR COVERED: 2011

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

The projects must meet the following criteria:

- comply with minimum criteria, set in Article 15 of the basic act;
- operate within the given priority target areas envisaged in the MAP and in this AP;
- be aimed at the right target groups defined in Art. 7 of the basic act;
- comply with all RA's formal requirements, such as timely submission, signature by a competent signatory, use of the requisite templates;
- take gender, cooperation, democracy, non-discrimination and children's issues into consideration.

The projects may complement, but not replace, the work and efforts of the government within the areas of action.

**1.1 Methods of implementation**

The process of choosing the method for implementation of a given action under AP 2011 is based on 2-step partnership procedure:

- first – a call for interests: an Information day has been held open to all RF potential final beneficiaries and stakeholders (attended by representatives of the state administration - structures at the Ministry of Interior (Migration Directorate and Chief Directorate Border Police), the Ministry of Foreign Affairs(MFA), the State Agency for Refugees(SAR) as well as the relevant international organizations and NGOs operating in Bulgaria in the field of migrants' related issues (IOM, UNHCR, Bulgarian Helsinki Committee, Bulgarian Red Cross, Caritas, etc). As a follow up the potential beneficiaries have submitted to the RA proposals for the RF Annual Programme 2011. At the same time the RA addressed officially Migration Directorate-MoI, the sole national authority with competencies in the field of migration issues, to present its written proposal for actions under AP 2011, and
- second - an internal consultation process: intra-ministerial committee set up by order of the Deputy Minister of Interior and attended by representatives of all MoI structures engaged with the 3rd country nationals' return issues (Migration Directorate, Chief Directorate Border Police, EU and International Cooperation Directorate, International Projects Directorate).

After identification of the actions with potential for inclusion in the draft AP, and after contemplations on the nature of the specific action proposed vis-à-vis the available 2 methods of implementation (namely the executing body method, and the awarding body one), the RA taking into consideration the consultations conducted within the working group, has chosen, for each action proposed, what method of implementation of the project(s) to be: awarding body or executing body.

Furthermore in compliance with the partnership principle set in art.12 of the basic act the elaborated draft AP 2011 was discussed and consulted on 28.10.2010 at the meeting of the Joint Monitoring Committee, which includes representatives of MoI, MFA, SAR, IOM, UNHCR, Caritas and NGOs.

### **1.1 1. Executing Body method**

As mentioned under p.1.1., at the time of organising the call for interests open to all RF potential final beneficiaries, Migration Directorate is also requested to submit its proposals for actions to be included in the programme. This process in its substance represents an internal call for interest which started at the beginning of August 2010.

AP 2011 envisages five actions to be implemented under executing body method. Following the provisions of Art. 8 of *Commission Decision of 5 March 2008 laying down rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council*, the RA acts as executing body in the implementation of projects in situations where public monopoly is set by law. These projects shall be implemented by the RA, but in each action the RA will act in association with the sole competent national authority - the Migration Directorate on the basis of an agreement concluded between the parties for the period of implementation of the Multiannual programme under this fund.

After the AP is approved by the EC, the Migration Directorate shall present to the RA detailed project fiche/fiches for the implementation of each action. The actions can be implemented by one or more projects depending on the specifics.

In the project fiche the beneficiary indicates the priority (and specific priority, if applicable) as well as the action to which the project relates. The fiche states the purpose of the project, and the expected results; a description is given of the methodology for project implementation, as well as financial information (detailed budget) and an implementation schedule. The fiche outlines that the eligibility of expenditures will be in line with Annex XI to Commission Decision 2008/458/EC. A template of detailed project fiche, including budget annex was prepared and included in RA Manual of Procedures in order to guide the beneficiaries.

The RA shall check the project fiche for compliance with the AP 2011, provisions of RF implementing rules as well as the requirements set out in the RA Manual of procedures. Projects which do not meet the criteria shall be sent back for revision.

The start of projects implementation under AP 2011 is expected for the second quarter of 2011.

#### Relations between the RA and the beneficiary:

The RA shall sign contracts for the implementation of specific projects with the Migration Directorate on the basis of approved detailed project fiches. The project fiches along with the budget shall be attached to the contracts.

#### Relations between the RA, the beneficiary and the contractor (if necessary):

All supply, service or work contracts necessary for project implementation shall be signed after procurement procedure according to the Bulgarian public procurement legislation.

Pursuant to Art. 11 of the *Commission Decision of 5 March 2008 laying down rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council*, the RA shall award a procurement contract to the tender offering best value for money and shall take care to avoid any conflict of interest.

When applying the executing body method, the public procurement procedures that would be used shall be implemented under the national legislation. Contracts for supply/ services/

works shall be signed after a procurement procedure carried out in accordance with the Public Procurement Act or the Assignment of Small Public Procurement Ordinance.

<http://pravo5.ciela.net/Document.aspx?id=2135482815&category=normi&lang=bg-BG&interpretedQuery=%d0%97%d0%9e%d0%9f>

<http://pravo5.ciela.net/Document.aspx?id=2135492182&category=normi&lang=bg-BG&interpretedQuery=%d0%9d%d0%92%d0%9c%d0%9e%d0%9f>

The aforementioned Act and the Ordinance are fully harmonized with Directive 2004/18/EC.

### **1.1.2. Awarding body method**

When applying the awarding body method, the procedures that would be used shall be implemented in accordance with the Manual of Procedures for the Return Fund and External Borders Fund approved by the Minister of Interior. Chapter III of the Manual deals with the procedures of project selection and awarding of grants under the Return Fund and External Borders Fund. Chapter V deals with the procedures of monitoring and Chapter X - with the financial management of projects.

The description of the awarding procedures is as follows:

#### Organisation of Call for proposals:

RA/MoI International Projects Directorate publishes the calls for proposals on the MoI website and in at least one national newspaper. Application forms and applicants' guidelines are also published on the website. After the announcement of the procedure RA may organize an Information campaign for potential beneficiaries.

The applicants submit proposals, developed in accordance with the requirements as set out in the guidelines, along with relevant annexes to the proposal – all documents required by the applicants' guidelines.

Before submission of project proposals, applicants could ask the RA for procedural clarifications.

All proposals received are registered at the RA office and only the proposals meeting the formal requirements are assessed.

Selection criteria: RA develops selection criteria which are specific for each procedure along with relative weight of every criterion if applicable.

#### Selection procedure:

The project selection procedures shall be:

- open procedure; and
- pre-selection procedure.

When applying the open procedure every applicant submits project proposal in accordance with the applicants' guidelines. The submitted project proposals are assessed by Selection Committee. The committee approves proposals which will receive grant. The head of the RA/IPD issues a decision for grant awarding. A grant contract is concluded with the selected applicant/beneficiary.

In pre-selection procedure every applicant submits pre-selection form. The received forms are assessed. Invitations for submission of project proposals are sent only to applicants whose project idea is approved. Selection Committee assesses project proposals. A grant contract is concluded with the selected applicant/beneficiary.

Regarding the project selection manner the open procedure and the procedure with pre-selection may be a competitive selection procedure and a procedure for selection of projects covering certain requirements.

The open procedure and the procedure with pre-selection may also be procedures with a specified application deadline and procedures without a specified application deadline.

#### Organisation of grants awarding:

When conducting project selection procedure the head of RA/IPD by issuing an order appoints members of the Selection Committee, which examines the project proposals and assesses them. The committee prepares report on the assessment activities and results and submits a list of projects for funding to the RA head, as well as a list of reserve projects.

Within 30 days after receiving the selection report, the RA head takes a motivated decision. Within 30 days after entering into force of the decision RA draws up and offers to the beneficiaries of projects approved for financing to sign the contracts for award of grant.

After signing of each grant contract RA/IPD publish on the MoI website information including data on:

- beneficiaries;
- location of projects implementation;
- names of projects;
- the total budget and amount of the grant award for each project;
- duration of projects implementation;

After signing grant agreements, grant recipients shall procure supply/services/works as a result of procurement procedure according to the relevant national legislation, the Ra Manual of Procedures and the provisions of the grant agreements.

### **1.2. Timing of implementation**

As soon as the Commission Decision for approval for Bulgaria of RF AP 2011 is formally notified the RA will start the implementation of the programme:

- launching of call for proposals for projects that shall be implemented under awarding body method;
- signing of agreements with the Migration Directorate for projects that shall be implemented under executing body method, organization of public procurement procedures (if necessary), etc.

This is expected to take place in the beginning of the second quarter of 2011.

### **1.3. Visibility**

The Responsible Authority and all project beneficiaries, including the associated national bodies acting under the executing body method shall use the EU logo and distribute information on co-financing both in the information that is distributed by participating authorities to prospective applicants through the authorities' websites and in information sent out by letters. All project proposal requests, guidelines, application forms and letters sent to applicants and other administrative documents will include the EU logo. The agreement signed by recipients in connection with co-financing shall clearly stipulate the requirement for visibility of RF co-financing.

Any notice or publication by the Responsible Authority and the Beneficiary/ies concerning the AP 2011 actions, including those given at a conference or seminar, will specify that the action has received EU funding under RF.

The Beneficiaries will take all necessary steps to publicise the European Union funding of the actions under the RF APs. Visibility measures will comply with the provisions of Art.34 and Art.35 and Annex X of Commission Decision 2008/458/EC relating to information and publicity.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

As stipulated in Art. 27 (1)q of the basic act the RA will be responsible for verifying the implementation by the final Beneficiaries of the provisions of Art 33 para 6 of the basic act.

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

N/A

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

Through the actions set out in 2011 Annual Programme a priority is given to voluntary return of illegally staying persons and vulnerable groups. Aiming at effective approach cooperation with other Member States will be sought and optimized, as well as innovative methods on the return management.

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

Within the Annual Programme 2011 several actions are envisaged in the framework of priority 1. These actions aim at the implementation of the following operational objectives set in the Multiannual Programme 2008-2013:

Objective 1: Support for the voluntary return of persons who do not or no longer fulfil the conditions for stay in the Republic of Bulgaria by providing assistance and conditions for the third-country nationals that voluntarily returned to their country of origin

Objective 2: Measures regarding the specific situation of vulnerable persons subject to return (minors, disabled persons, pregnant women, persons with mental disorder, persons who have been subjected to serious forms of psychological, physical or sexual harassment);

Objective 3: Implementing procedures for forcible return of illegally staying nationals of third countries with which the cooperation in the field of return is extremely difficult, in compliance with the national and international legislation.

The operational objectives will be achieved by the following actions:

#### **3.1.1. Action 1 – Development and implementation of programmes encouraging the voluntary return of third-country nationals illegally staying in the Republic of Bulgaria**

##### *A. Purpose and scope of the Action*

The action envisages development and implementation of programmes for voluntary return with the participation of Migration Directorate, NGOs and/or international organizations.

These programmes are new for Bulgaria in the field of the return of third-country nationals' policy. The aim is to encourage the voluntary return of the following groups of persons:

- All third-country nationals pursuant to Art.7 para.1 a) and b) of Decision 575/2007/EO of the European Parliament and of the Council who choose to make use of voluntary return in order to return sustainably in the country of origin;
- All third-country nationals, who do not or no longer fulfil the conditions for entry and/or stay in Bulgaria or compulsory administrative measures have been brought against them pursuant to the Law for the Foreigners in the Republic of Bulgaria

The development and implementation of the programmes for voluntary return will include all phases of the return process such as consulting, assistance to get travel documents, provision of internal transport, and transport to the country of origin, etc. Thus the voluntary return will be encouraged.

The action is similar to Action 1, AP 2009 and Action 1, AP 2010 under the Return Fund and shall continue the efforts of Migration Directorate, NGOs and/or international organisations in the field of voluntary return.

*B. Expected grant recipients*

Migration Directorate-MoI, international organizations, NGOs, public or private bodies

*C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

N/A

*D. Expected quantified results and indicators to be used*

The expected result upon the implementation of the action will be the encouragement of and assistance to persons willing to return voluntarily and sustainably in their country of origin. The development of an effective third-country nationals return modus will result in decreasing the number of persons staying illegally in Bulgaria.

Indicators:

- At least 3 meetings related to the development of the voluntary return programmes between Migration Directorate, NGOs and international organizations operating in the field of migration issues;
- Number of voluntary return programmes developed and implemented;
- At least 70 persons returned voluntarily due to the developed programmes.

*E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

*F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

*G. Financial information*

Total: 100 000,00 euro

EU contribution – 75%: 75 000,00 euro

**3.1.2 Action 2 – Development and implementation of mechanism facilitating the voluntary return and the reintegration in the country of origin-**

*A. Purpose and scope of the Action*

The activity envisages providing of opportunities for voluntary return and measures for facilitating the reintegration in the country of origin by providing courses for qualification or requalification, assistance to find a job or temporary accommodation, etc.

Availing of the existing network of NGOs or international organizations representations in the countries of origin, the help may be directed to:

- assistance in starting own business after the return in the country of origin;
- assistance with education;
- help to find work;
- aid by including the returnees in vocational training courses.

The action will target the financial support of voluntary return of third-country nationals and the subsequent reintegration measures in order to achieve sustainable return.

*B. Expected grant recipients*

Migration Directorate-MoI, international organizations, NGOs, public or private bodies

*C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

N/A

*D. Expected quantified results and indicators to be used*

The action will result in encouraging the voluntary return by providing assistance and reintegration measures and will contribute to sustainable return in the countries of origin. The expected outcome is to reduce the number of third-country nationals illegally staying in the country.

Indicators:

- At least 50 persons who decided to return voluntarily;
- At least 40 persons returned voluntarily;
- At least 40 persons received aid for reintegration in the country of origin

*E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

#### *F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

#### *G. Financial information*

Total: 132 000 euro

EU contribution – 75%: 99 000 euro

### **3.1.3 Action 3 – Enhancing the activities of counselling and assisting persons accommodated in the temporary accommodation centres with special focus to vulnerable persons, including the provision of specialised interpretation services connected with the consultative work and legal aid consultations**

#### *A. Purpose and scope of the Action*

The process of consulting and assisting persons accommodated in the temporary accommodation centres is essential for effective return management. In many cases the consultations are embarrassed by language barrier. Interpreters from/to uncommon (rare) languages are necessary at the temporary accommodation centres for third-country nationals in Bulgaria so that specifically tailored assistance and care for the needs of the vulnerable persons is provided when consulting this category of persons. Such interpretation from/to uncommon languages is needed during the accommodation of the foreigners at the temporary accommodation centres for third-country nationals, as well as during the initially and following interviews, while identifying problems, carrying out further consultations and when medical assistance is needed.. Translation from/to uncommon (rare) languages is also necessary when using medical and other types of documents required by relevant diplomatic services for identification and further proceeding of third-country nationals.

Return measures and procedures applied to third country nationals proved to be the most difficult, time and resources consuming, especially to those of them from countries which do not have a readmission agreement with Bulgaria. Additionally, in most of these cases the immigration services fail to return in practice the majority of them and they have to be released after exceeding the maximum detention duration limits on the basis of Article 15, Para 5 and 6 of 2008/115/EC Return Directive. This situation has been assessed as highly unsatisfactory because it not only conditioned assumptions for violation of the right of liberty and security of person, but also for giving legal and practical arguments to the third country nationals to claim the responsibility of the Member State before the national and international



courts on this account. Additional and targeted efforts should be focused to accelerate as much as possible the return procedures in this respect.

Therefore, legal aid should be provided to detained third country nationals from the very moment of the detention together with interpretation in a language they can understand. This will safeguard their right to an effective remedy and legal advice in compliance with the community standards and *acquis* and will guarantee their access to the court. In the same time, third country nationals will enjoy a qualified legal advice and assistance provided to them with due respect to their individual situation which will enable them to make an informed choices, including - to cooperate the immigration services for an accelerated return in order to decrease the time spent in detention.

#### *B. Expected grant recipients*

Migration Directorate-MoI,

International organizations, NGOs, public or private bodies for legal consulting

#### *C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

This action will be implemented under both executing and awarding body method

The Responsible Authority in cooperation with Migration Directorate shall act as executing body in compliance with the requirements set forth in Art. 7-8 of the Implementing Rules of Decision 575/2007/EC (IR). The activities will be implemented exclusively by the Ministry of Interior as the sole governmental authority dealing with migration issues. The contracting procedures will be conducted according to the national legislation in the field of public procurement.

The part of the Action which is related to legal aid services provided to detained third country nationals will be executed under the awarding body method.

#### *D. Expected quantified results and indicators to be used*

As a result of implementing the action, the capacity of the Bulgarian Authorities for providing effective assistance to the persons with special focus to the vulnerable persons accommodated in the centres for temporary accommodation of foreigners will increase. Thus improved dialogue and more detailed and effective counselling will be achieved, as well as observation of all humanitarian principles will be guaranteed.

Indicators:

- number of consulted persons, speaking uncommon languages.
- number of persons having received specific medical help as a result of counselling using rare languages;
- number of vulnerable persons consulted using rare languages;
- number of documents translated from/to rare languages;
- at least 100 third country nationals provided with legal consultations;
- number of third country nationals returned within 6 months period of detention;
- number of third country nationals returned within 18 months period of detention;

#### *E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action,

including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission. In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

*F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

*G. Financial information*

Total: 40 500 euro

EU contribution – 75%: 30 375 euro

**3.1.4 Action 4 – Programme facilitating the implementation of compulsory administrative measures against third-country nationals**

*A. Purpose and scope of the Action*

The Action is a continuation of Action 4 of Annual Programmes 2008, 2009 and Action 3 of AP 2010 “*Expenditures on the implementation of compulsory administrative measures against nationals of third countries with which the cooperation in the field of return is especially difficult*”.

The increasing number of illegally staying nationals of third countries with which the cooperation in the return is especially difficult and the problems that are encountered during the implementation of the return procedures require extension of the realization of this action under Annual Programme 2011 as well.

According to the statistical data 839 illegal foreigners were accommodated in 2009 in the centre in Busmantsi, and in 2010 (until 01 September) this number is 563.

The implementation of the action will contribute to the successful realization of the integrated return plan developed for a given country with which the cooperation in the field of return is especially difficult.

Through the implementation of this Action the time for stay of third-country nationals will be decreased and the execution of the effective measures on escorting these persons outside EU will be supported.

Compulsory administrative measures are recurrent during the whole programming period (2008 – 2013) and therefore would be included in each annual program.

Expenditures for returnees:

- Transport costs to the temporary accommodation centres, to medical centres, to the border crossing point or to the airport (in the context of/during a return operation).
- Expenditures for visas, laissez-passer or passports, if necessary;
- Expenditures for interpreters and translation of documents;

- Medical exams before the return operation (these exams are not part of the regular medical assistance provided to returnees. They will be an exceptional one-off examination intended to prepare the return and exclude any potential medical emergencies during the operation);
- Transport tickets including medical insurance to the country of origin or third safe country;
- Transport to the point of departure, if distance from the Accommodation Centre is more than 20 km;
- Expenses for food during the return travel

Expenditures for escort team:

- Transport tickets to the country of origin or safe third country and back;
- Visas;
- Daily allowances;
- Medical insurance;
- Accommodation;
- Transport costs in the third country if exceed 30 % of daily allowances;
- Other type of expenditure related to the practical arrangement of the return operation with authorities of the country of origin, former stay or transit;
- Medical or other personnel and interpreters costs, if needed (transport, visas, daily allowances, insurance, accommodation).

*B. Expected grant recipients*

Migration Directorate-MoI

*C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

Under Action 4 the Responsible Authority in cooperation with the Migration Directorate shall act as executing body in compliance with the requirements set forth in Art. 7-8 of the Implementing Rules of Decision 575/2007/EC (IR) when implementing project/s related to execution of forcible return. In this case the activities will be implemented exclusively by the Ministry of Interior as the sole governmental authority dealing with migration issues.

The contracting procedures will be conducted according to the national legislation in the field of public procurement.

*D. Expected quantified results and indicators to be used*

The result of the envisaged action will be an increase of the effectiveness of the Migration Directorate concerning the compulsory escort of nationals of third countries with which the cooperation in the field of return is especially difficult.

Indicators:

- Decrease by 30% of the period of stay in the Temporary Accommodation Centres for Third-Country Nationals (based on average statistical data);
- At least 50 third-country nationals escorted to countries of origin

*E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

#### *F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

#### *G. Financial information*

Total: 288 500,00 euro

EU contribution – 75%: 216 375,00 euro

### **3.2. Actions implementing priority 2 Support for the cooperation between Member States in return management.**

Objective 4: Implementing procedures for return of illegally staying third country nationals in cooperation with other Member States and, where appropriate, with the FRONTEX agency and other organizations;

#### **3.2.1. Action 5 – Exchange of experience and enhancing the administrative cooperation with a Member State in the field of return**

##### *A. Purpose and scope of the Action*

The cooperation between Migration Directorate and the relevant migration service of a given Member State will consist of exchange of best practices and establishment of lasting operational working relationships in the field of return with a special focus on the identification and provision with travel documents of illegally staying third-country nationals in specific cases when in the MS there is no diplomatic mission or consular service of the relevant country of origin. The cooperation will aim at facilitating the obtaining of travel documents and speeding up the removals. At least two reciprocal visits of migration officials dealing with the return of illegal third-country nationals are foreseen in the Member State and in Bulgaria. During the visits the experts of both countries will share practical experience in the effective application of the EU and their national legislation in the field of illegal migration.

A methodology/handbook based on best practices, experiences and skills for resolving difficult cases in the field of return of third-country nationals will be developed. The document will be used by Migration Directorate in Bulgaria, as well as by its structural units throughout the country.

##### *B. Expected grant recipients*

Migration Directorate - MoI

*C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

Under Action 5 the Responsible Authority in cooperation with the Migration Directorate shall act as executing body in compliance with the requirements set forth in Art. 7-8 of the Implementing Rules of Decision 575/2007/EC (IR). The activities will be implemented exclusively by the Ministry of Interior as the sole governmental authority dealing with migration issues.

*D. Expected quantified results and indicators to be used*

A report will be prepared after the implementation of the activities. It will consist of comparative analysis of the situation in the two Member States and will contain respective conclusions and recommendations for improvement of the removal procedures.

A methodology/handbook will be developed containing best practices in the execution of return of illegal third-country nationals. The document will be used by Migration Directorate in Bulgaria and its structures throughout the country.

Indicators:

- at least two reciprocal visits carried out;
- an analytical report drafted;
- methodology/handbook developed and applied by the structural units of Migration Directory in the country;

*E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a workshop, conference or seminar, will specify that the action has received EU funding.

The handbook and other paper documents will have the EU logo specifying the RF co financing.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

*F. Complementarity with similar actions financed by other EU instruments, if appropriate*

The action complements the results achieved during the implementation of the Transition Facility twinning project BG2007/019-303.05.11 “Effective practical application of the new EU acquis in the field of migration policy and further strengthening the Migration Directorate institutional capacity”.

*G. Financial information*

Total: 25 000 euro

EU contribution – 75%: 18 750 euro

### **3.2.2. Action 6 – Implementation of joint return operation - joint flight in cooperation with FRONTEX Agency.**

#### *A. Purpose and scope of the Action*

The cooperation and implementation of joint return operation with the FRONTEX Agency will speed up the return procedures of third-country nationals who are subject of individual removal orders. As a result the time for organizing the implementation of imposed compulsory administrative measures will be shortened.

The preliminary steps necessary to prepare the implementation of the joint operation will be discussed on meetings with representatives of FRONTEX Agency preceding the joint operation (flight). One joint operation with FRONTEX Agency is foreseen at least. The Republic of Bulgaria will be the organizing country. The joint operation will contribute to successful resolution of complicated cases of removal, will optimize the expenses related to them and will enhance the preventive role of the migration policy.

#### *B. Expected grant recipients*

Migration Directorate – MoI

#### *C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

Under Action 6 the Responsible Authority in cooperation with Migration Directorate shall act as executing body in compliance with the requirements set forth in Art. 7-8 of the Implementing Rules of Decision 575/2007/EC (IR). The activities will be implemented exclusively by the Ministry of Interior as the sole governmental authority dealing with migration issues.

The contracting procedures will be conducted according to the national legislation in the field of public procurement.

#### *D. Expected quantified results and indicators to be used*

The implementation of this activity will lead to improvement of the cooperation with FRONTEX Agency and will increase the effectiveness of management of return process and joint return operations.

##### Indicators:

- Shortened time limits for implementation of compulsory administrative measures of illegally staying third-country nationals;
- at least one joint return operation implemented;
- Number of persons removed by implementing joint return operation.

#### *E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

*F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

*G. Financial information*

Total: 129 548,00 euro

EU contribution – 75%: 97 161,00 euro

**3.3. Actions implementing priority 3 Support for specific innovative national/international tools for the return management**

Objective 5: Informing and consulting third country nationals who are subjected to return in respect of the situation in their country of origin or third safe country.

Objective 6: Development of the cooperation between the Bulgarian Authorities and the consular and diplomatic services in order to speed up the process of documenting the returnees.

**3.3.1. Action 7 - Specialised information and counselling on legal options for voluntary return provided to rejected asylum seekers as a measure to avoid their detention and decrease multiple asylum applications.**

*A. Purpose and scope of the Action*

The Action is targeting on development of the activities related to the target group under art.7 para 1 letter “a” of the basic act. Rejected asylum applicants form a special group within the population of irregular immigrants subject to return procedures due to the complexity of their status, countries of origin and the human rights concerns involved. Many of them have usually spent several years in refugee status determination procedures, and, quite often re-apply multiply for asylum without any new circumstances or reasons involved merely to legalize their residence in the country and to avoid detention as irregular migrants. Therefore, it is important to continue provision of counselling not only after, but also before the asylum procedure has ended, on the legal consequences of the rejection and legal arrangements that can be undertaken for voluntary return in order to avoid detention and re-application. The counselling will be linked and coordinated with counselling and reintegration programmes developed under Action 7 of Annual Programme 2009 and will continue the counselling provided under Action 6 of Annual Programme 2010. Thus, target legal services will become an essential part of the network for support, information and counselling on voluntary return.

*B. Expected grant recipients*

Migration Directorate-MoI, international organizations, NGOs, public or private bodies

*C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

N/A

*D. Expected quantified results and indicators to be used*

The implementation of this action will complement the measures undertaken so far in term of assisting voluntary and sustainable return. This Action is envisaged to have an added value in terms of decreasing the number of multiple re-applications for asylum and increasing the number of rejected asylum applicants who decided to return voluntarily instead, which will result in a general decrease of number of third country nationals who had to be detained for deportation.

Indicators:

- at least 300 persons consulted;
- number of persons who decided to return before the end of asylum procedure;
- number of persons who decided to return after asylum procedure has ended;
- number of persons who were assisted in documentation, visas, etc.
- number of persons who returned voluntarily;

#### *E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility of external actions laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

#### *F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

#### *G. Financial information*

Total: 100 000 euro

EU contribution – 75%: 75 000 euro

### **3.3.2. Action 8 – Enhancement of the cooperation with the diplomatic missions and consular services of Iran, Iraq, Afghanistan, Lebanon, Nigeria, etc.**

#### *A. Purpose and scope of the Action*

The Action is a continuation of Action 8 from AP 2009 and Action 8 from AP 2010 financed under the Return Fund because of recurring problems linked with identification of nationals from the above-mentioned countries. Migration Directorate intends to improve the relations with their consular or local authorities by exchange of information and setting-up identification teams. The periodic meetings and the intensified relations with the relevant diplomatic missions and consular services will result in speeding the identification procedures and the issuance of travel documents. Therefore the time for implementation of the return procedures will be shortened and a better effectiveness will be achieved.

Periodic exchange of information and operative collaboration with the relevant consular services is envisaged. It is expected that the action would contribute to resolve specific problems related to the identification of persons and will shorten the period of stay of illegal third-country nationals at the temporary accommodation centres.



As shown by the practice so far the abovementioned countries are among those with which the cooperation in the field of return is extremely difficult. The envisaged working meetings with representatives of the diplomatic missions and consular services of these countries are conditioned by the assumption that the problems observed so far in the cooperation with them will continue in future and therefore the efforts to improve the collaboration should go on.

#### *B. Expected grant recipients*

Migration Directorate-MoI

#### *C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

Under Action 8 the Responsible Authority in cooperation with the Migration Directorate shall act as executing body in compliance with the requirements set forth in Art. 7-8 of the Implementing Rules of Decision 575/2007/EC (IR). The activities will be implemented exclusively by the Ministry of Interior as the sole governmental authority dealing with migration issues.

The contracting procedures will be conducted according to the national legislation in the field of public procurement.

#### *D. Expected quantified results and indicators to be used*

The relations with the diplomatic representatives of the countries of origin of third-country nationals subject to return will be intensified and will further speed up the identification of persons. Better coordination while resolving difficult cases will be achieved and as a final result - utmost effectiveness in return procedures will be targeted.

##### Indicators:

- at least 3 meetings held with diplomatic and consular services;
- number of identified persons as a result of intensified cooperation;
- type of exchanged of information;
- increased number of returnees as a result of intensified process of identification.

#### *E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

In particular, the Beneficiary will mention the European Union's financial contribution in information given to the final recipients of the relevant action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

#### *F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

#### *G. Financial information*

Total: 17 100 euro  
EU contribution – 75%: 12 825 euro

### **3.4. Actions implementing priority 4 Support for Community standards and best practices on return management.**

The Action implementing this priority in 2011 will be in line with Objective 7 of the Multiannual Programme 2008-2013:

Objective 7: Strengthening the administrative capacity of the national stakeholders in the field of migration policy and improving the regulatory framework on national level (**Specific priority 4.2** *Measures taken at national level to ensure a fair and effective implementation of common standards on return, as established under Community legislation on return, including the training of practitioners.*)

#### **3.4.1. Action 9 – Forced-return monitoring system**

##### *A. Purpose and scope of the Action*

Under this action it is envisaged to involve relevant international and/or non-governmental organisations to exercise monitoring of the forcible return cases in order to guarantee proper legal procedure. Therefore an effective system for monitoring of the forced return in the Republic of Bulgaria will be created. Forced-return monitoring will cover all activities undertaken by Migration Directorate in the respect of removal, including the pre-return phase, the pre-departure phase, the in-flight procedure, a possible transit phase and the arrival and reception of the returnee in the country of return. The monitoring system will include independent third-party observation involving monitoring by non-government or international organisations/bodies different from the authorities enforcing return.

##### *B. Expected grant recipients*

International organizations, NGOs, public or private bodies

##### *C. Where appropriate, justification regarding project(s) implemented directly by the RA acting as an executing body*

N/A

##### *D. Expected quantified results and indicators to be used*

The implementation of the action will create a comprehensive system for monitoring of the activities undertaken by Migration Directorate in the respect of the forced return of third-country nationals illegally staying in the Republic of Bulgaria. The envisaged activities (missions) will guarantee proper legal procedure in accordance with fundamental rights and with due respect for the dignity and physical integrity of the third-country nationals. The action will contribute to the transparency of removal procedures and will enhance the trust building process towards the public authorities.

##### Indicators:

- number of monitoring missions carried out;
- number of third party observers involved;
- annual public report on monitoring drafted and disseminated.

##### *E. Visibility of EU funding*

Any notice or publication by the RA and the Beneficiary/ies concerning the above Action, including those given at a conference or seminar, will specify that the action has received EU funding.

The Beneficiary will take all necessary steps to publicise the European Union funding of the actions under the Return Fund. Visibility measures will comply with the relevant rules on the visibility laid down and published by the Commission.

#### *F. Complementarity with similar actions financed by other EU instruments, if appropriate*

Other EU instruments have not been used for similar actions so far.

#### *G. Financial information*

Total: 50 000 euro

EU contribution – 75%: 37 500 euro

### 4. TECHNICAL ASSISTANCE

In order to ensure good implementation of the activities under the Return Fund, preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund are envisaged for financing in 2011.

Using the Technical Assistance financial means, the RF designated authorities, will be able to support the administrative management of the Fund and therefore to ensure effective functioning of the MCS.

#### **4.1 Purpose of the technical assistance**

- The purpose of the TA is to support the effective implementation, evaluation, management and control of the Return Fund in the Republic of Bulgaria;
- The TA expenditures shall be incurred for strengthening the administrative capacity, including staff training of the Responsible Authority, the Certifying Authority and the Audit Authority while implementing the RF.
- The TA shall cover expenditure relating to the preparation, selection, appraisal, management and monitoring of actions (including computer equipment and consumables).
- Expenditure related to audits and on-the-spot checks of actions or projects;
- Expenditure related to evaluations of actions or projects;
- Expenditure related to information, dissemination and transparency in relation to actions;
- Expenditure related to interpretation and translation in the activities related to information, monitoring, evaluation, reporting, auditing, etc.
- Expenditure on the acquisition, installation and maintenance of computerised systems for the management, monitoring and evaluation of the Funds;
- Expenditure on meetings of monitoring committees and sub-committees relating to the implementation of actions;
- Expenditure on salaries, including social security contributions.

#### **4.2 Expected quantified results**

- Administrative capacities of relevant management and control Authorities enhanced - sufficient number of staff allocated, number of staff trained, clear administrative procedures introduced, relevant equipment provided;

- Effective functioning of the RF management and control systems - number of evaluation/monitoring/audit reports; number of projects implemented, % of financial allocations absorbed;
- Effective mechanism for projects selection established - all selected projects correspond to the priorities of the RF;
- Effective monitoring of actions exercised and corrective measures taken, if applicable - number of monitoring missions and follow-up reports;
- Information campaigns for popularization of the RF in Bulgaria carried out; one information activity presenting the achievements of AP 2011 organized (as per Art. 33 (2) (a) of Implementing rules of the fund);
- Translations of RF materials and interpretation during RF related meetings or events;
- Regular contacts with the EC and MS maintained (travel and subsistence expenses covered).

### **4.3 Visibility of EU funding**

The Responsible Authority shall use the EU logo and distribute information on co-financing both in the information that is distributed by participating authorities to prospective applicants through the authorities' websites and in information sent out by letters. All project proposal requests, guidelines, application forms and letters sent to applicants and other administrative documents include the EU logo. The agreement signed by recipients in connection with co-financing shall clearly stipulate the requirement for visibility of RF co-financing.

5. DRAFT FINANCING PLAN

Annual Programme - Draft Financial Plan								
Table 1 - Overview table								
Member State: Bulgaria								
Annual programme concerned: 2011								
Fund: European Return Fund								
<i>(all figures in euro)</i>	Ref. priority	Ref. specific priority (1)	Community Contribution (a)	Public Allocation (b)	Private Allocation (c)	TOTAL (d= a+b+c)	% EC (e=a/d)	Share of total (f=d/total d)
Action 1	Priority 1	Spec. Pr.1.1	75000,00	25000,00	0,00	100000,00	75,00%	10,97%
Action 2	Priority 1	Spec. Pr.1.1	99000,00	33000,00	0,00	132000,00	75,00%	14,48%
Action 3	Priority 1	Spec. Pr.1.2	30375,00	10125,00	0,00	40500,00	75,00%	4,44%
Action 4	Priority 1	Spec. Pr.1.3	216375,00	72125,00	0,00	288500,00	75,00%	31,64%
Action 5	Priority 2		18750,00	6250,00	0,00	25000,00	75,00%	2,74%
Action 6	Priority 2	Spec. Priority	97161,00	32387,00	0,00	129548,00	75,00%	14,21%
Action 7	Priority 3	Spec. Pr.3.1	75000,00	25000,00	0,00	100000,00	75,00%	10,97%
Action 8	Priority 3	Spec Pr.3.2	12825,00	4275,00	0,00	17100,00	75,00%	1,88%
Action 9	Priority 4	Spec. Pr.4.1	37500,00	12500,00	0,00	50000,00	75,00%	5,48%
Technical assistance			29 067,09	0,00	0,00	29 067,09	100,00%	3,19%
Other operations (2)			0,00	0,00	0,00	0,00	0,00%	0,00 %
<b>TOTAL</b>			<b>691 053,09</b>	<b>220662,00</b>	<b>0,00</b>	<b>911715,09</b>	<b>76,60 %</b>	<b>100,00 %</b>

(1) if appropriate

(2) if appropriate

\* The share of public and private allocation of funds may vary depending on the contractor's status – private or public body.

*Kircho Kirov:*  
*Acting Director of International Projects Directorate*