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ANNEXES 1 to 8

ANNEXES

to the

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Asylum and Migration Fund

{SWD(2018) 347} - {SWD(2018) 348} - {SEC(2018) 315}

ANNEX I

Criteria for the allocation of funding to the programmes under shared management

1. The available resources referred to in Article 11 shall be broken down between the Member States as follows:
 - (a) Each Member State shall receive a fixed amount of EUR 5 000 000 from the Fund at the start of the programming period only;
 - (b) The remaining resources referred to in Article 11 shall be distributed based on the following criteria:
 - 30 % for asylum;
 - 30 % for legal migration and integration;
 - 40% for countering irregular migration including returns.
2. The following criteria in the area of asylum will be taken into account and shall be weighted as follows:
 - (a) 30 % in proportion to the number of persons who fall into one of the following categories:
 - Any third-country national or stateless person having been granted the status defined by the Geneva Convention;
 - Any third-country national or stateless person enjoying a form of subsidiary protection with the meaning of recast Directive 2011/95/EU¹;
 - Any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC²
 - (b) 60 % in proportion to the number of third-country nationals or stateless persons who have applied for international protection.
 - (c) 10 % in proportion to the number of third-country nationals or stateless persons who are being or have been resettled in a Member State.
3. The following criteria in the area of legal migration and integration will be taken into account and shall be weighted as follows:

¹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9–26).

² Data to be taken into account only in case of the activation of the Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12–23).

- (a) 40% in proportion to the total number of legally residing third-country nationals in a Member State.
 - (b) 60% in proportion to the number of third-country nationals who have obtained a first residence permit.
 - (c) However, for the purpose of the calculation referred to in paragraph 3(b), the following categories of persons shall not be included:
 - Third country nationals being issued a work-related first residence permits valid for less than 12 months;
 - Third-country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC³ or when applicable the Directive (EU) 2016/801⁴;
 - Third-country nationals admitted for purposes of scientific research in accordance with Council Directive 2005/71/EC⁵ or when applicable the Directive (EU) 2016/801.
4. The following criteria in the area of countering irregular migration including returns will be taken into account and shall be weighted as follows:
- (a) 50% in proportion to the number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and / or Community law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return;
 - (b) 50% in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion.
5. For initial allocation the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years on the basis of data provided by Member States on the date of the applicability of this Regulation in accordance with Union law. For the mid-term review, the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years available at the time of the mid-term review in 2024 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the

³ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375, 23.12.2004, p. 12–18).

⁴ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21–57).

⁵ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15–22).

Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

6. Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

ANNEX II
Implementation measures

1. The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:
 - (a) ensuring a uniform application of the Union *acquis* and of the priorities related to the Common European Asylum System;
 - (b) supporting the capacity of Member States' asylum systems as regards infrastructures and services where necessary;
 - (c) enhancing solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts;
 - (d) enhancing solidarity and cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries for the purpose of managing migration.
2. The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:
 - (a) supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration *acquis*;
 - (b) promoting early integration measures for the social and economic inclusion of third-country nationals, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities and civil society organisations.
3. The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:
 - (a) ensuring a uniform application of the Union *acquis* and policy priorities regarding infrastructure, procedures and services;
 - (b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration;
 - (c) supporting assisted voluntary return and reintegration;
 - (d) strengthening cooperation with third countries and their capacities to implement readmission agreements and other arrangements, and enable sustainable return.

ANNEX III
Scope of support

1. Within the policy objective referred to in Article 3(1), the Fund shall in particular support the following:
 - (a) the establishment and development of national strategies in asylum, legal migration, integration, return and irregular migration;
 - (b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders;
 - (c) the development, monitoring and evaluation of policies and procedures including on collection and exchange of information and data, development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;
 - (d) the exchanges of information, best practices and strategies, mutual learning, studies and research, the development and implementation of joint actions and operations and the setting-up of transnational cooperation networks;
 - (e) assistance and support services consistent with the status and the needs of the person concerned, in particular the vulnerable groups;
 - (f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies among stakeholders and the general public;

2. Within the specific objective referred to in Article 3(2)(a), the Fund shall in particular support the following actions:
 - (a) providing material aid, including assistance at the border;
 - (b) conducting asylum procedures;
 - (c) identifying applicants with special procedural or reception needs;
 - (d) establishing or improving reception accommodation infrastructure, including the possible joint use of such facilities by more than one Member State;
 - (e) enhancing the capacity of Member States to collect, analyse and disseminate country of origin information;
 - (f) actions related to the conducting of procedures for the implementation of the Union Resettlement [and Humanitarian Admission] Framework or national resettlement schemes that are compatible with the Union Resettlement Framework;
 - (g) transfers of beneficiaries of international protection;

- (h) enhancing capacities of third countries to improve the protection of persons in need of protection;
 - (i) establishing, developing and improving effective alternatives to detention, in particular in relation to unaccompanied minors and families.
3. Within the specific objective referred to in Article 3(2)(b), the Fund shall in particular support the following:
- (a) information packages and campaigns to raise awareness of legal migration channels to the Union, including on the Union legal migration *acquis*;
 - (b) development of mobility schemes to the Union, such as circular or temporary migration schemes, including training to enhance employability;
 - (c) cooperation between third countries and the recruitment agencies, the employment services and the immigration services of Member States;
 - (d) the assessment of skills and qualifications acquired in a third country, as well as their transparency and compatibility with those of a Member State;
 - (e) assistance in the context of applications for family reunification within the meaning of Council Directive 2003/86/EC⁶;
 - (f) assistance in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status defined at Union level;
 - (g) early integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on education, language and other training such as civic orientation courses and professional guidance;
 - (h) actions promoting equality in the access and provision of public and private services to third-country nationals, including adapting them to the needs of the target group;
 - (i) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;
 - (j) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society;
 - (k) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

⁶ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

4. Within the specific objective referred to in Article 3(2)(c), the Fund shall in particular support the following:
- (a) infrastructure for reception or detention, including the possible joint use of such facilities by more than one Member State;
 - (b) introduction, development and improvement of effective alternative measures to detention, in particular in relation to unaccompanied minors and families;
 - (c) introduction and reinforcement of independent and effective systems for monitoring forced return, as laid down in Article 8(6) of Directive 2008/115/EC⁷;
 - (d) countering incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC⁸;
 - (e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;
 - (f) cooperation with the consular authorities and immigration services or other relevant authorities and services of third countries with a view to obtaining travel documents, facilitating return and ensuring readmission including through the deployment of third-country liaison officers;
 - (g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes;
 - (h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;
 - (i) measures to support the returnee's durable return and reintegration;
 - (j) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, including for unaccompanied minors and other vulnerable groups in line with international standards;
 - (k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements and other arrangements;

⁷ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁸ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).

- (l) measures aimed at raising awareness of the appropriate legal channels for immigration and the risks of illegal immigration;
- (m) support for and actions in third countries, including on infrastructure, equipment and other measures, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

ANNEX IV

Actions eligible for higher co-financing in line with Articles 12(2) and 13(7)

- Integration measures implemented by local and regional authorities and civil-society organisations;
- Actions to develop and implement effective alternatives to detention;
- Assisted Voluntary Return and Reintegration programmes and related-activities;
- Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular those unaccompanied.

ANNEX V

Core performance indicators referred to in Article 28(1)

Specific objective 1: To strengthen and develop all aspects of the Common European Asylum System, including its external dimension:

1. Number of persons resettled with the support of the Fund.
2. Number of persons in the reception system as compared to the number of asylum applicants.
3. Convergence of protection recognition rates for asylum seekers from the same country.

Specific objective 2: To support legal migration to the Member States including to contribute to the integration of third-country nationals:

1. Number of persons who participated in pre-departure measures supported by the Fund.
2. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.

Specific objective 3: To contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries:

1. Number of returns following an order to leave compared to the number of third-country nationals ordered to leave.
2. Number of returnees who have received pre or post-return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.

ANNEX VI
Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

I. CEAS	
001	Reception conditions
002	Asylum procedures
003	Implementation of the Union acquis
004	Children in migration
005	Persons with special reception and procedural needs
006	Resettlement
007	Solidarity efforts between Member States
008	Operating support
II. Legal migration and integration	
001	Development of integration strategies
002	Victims of trafficking in human beings
003	Integration measures – information and orientation, one stop shops
004	Integration measures – language training
005	Integration measures – civics and other training
006	Integration measures – Introduction, participation, exchanges host society
007	Integration measures – basic needs
008	Pre-departure measures
009	Mobility schemes

010	Acquisition of legal residence
III. Return	
001	Alternatives to detention
002	Reception/detention conditions
003	Return procedures
004	Assisted voluntary return
005	Reintegration assistance
006	Removal/Return operations
007	Forced-return monitoring system
008	Vulnerable persons/UAMs
009	Measures addressing incentives for irregular migration
010	Operating support
IV. Technical assistance	
001	Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
004	Capacity building

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

001	Development of national strategies
002	Capacity building
003	Education and training for third-country nationals

004	Development of statistical tools, methods and indicators
005	Exchange of information and best practices
006	Joint actions/operations (between MS)
007	Campaigns and information
008	Exchange and secondment of experts
009	Studies, pilot projects, risk assessments
010	Preparatory, monitoring, administrative and technical activities
011	Provision of assistance and support services to TCN
012	Infrastructure
013	Equipment

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

001	Specific action
002	Emergency assistance
003	Cooperation with third countries
004	Actions in third countries
005	Strategic Union priorities

ANNEX VII
Eligible actions for operating support

Within the specific objective to strengthen and develop all aspects of the Common European Asylum System, including its external dimension, and the specific objective to contribute to countering irregular migration, ensuring effectiveness of return and readmission in third countries, operating support shall cover:

- staff costs;
- service costs, such as maintenance or replacement of equipment;
- service costs, such as maintenance and repair of infrastructure.

ANNEX VIII
Output and result indicators referred to in Article 28(3)

Specific objective 1: To strengthen and develop all aspect of the Common European Asylum System, including its external dimension:

1. Number of target group persons provided with assistance with the support of the Fund:
 - (a) Number of target group persons benefiting from information and assistance throughout the asylum procedures;
 - (b) Number of target group persons benefiting from legal assistance and representation;
 - (c) Number of vulnerable persons, victims of trafficking in human beings, and unaccompanied minors benefiting from specific assistance.
2. Capacity (number of places) in new reception accommodation infrastructure set up in line with the common requirements for reception conditions set out in the Union acquis and of existing reception accommodation infrastructure, improved in accordance with the same requirements as a result of the projects supported by the Fund and percentage in the total reception accommodation capacity;
3. Number of places adapted for unaccompanied minors (UAM) supported by the Fund as compared to the total number of places adapted for unaccompanied minors;
4. Number of persons trained in asylum-related topics with the assistance of the Fund, and that number as a percentage of the total number of staff trained in those topics;
5. Number of applicants for international protection transferred from one Member State to another with support of the Fund;
6. Number of persons resettled with the support of the Fund.

Specific objective 2: To support legal migration to the Member States including to contribute to the integration of third-country nationals:

1. Number of persons who participated in pre-departure measures supported by the Fund.
2. Number of local and regional authorities that have implemented integration measures with the support of the Fund.
3. Number of persons who participated in measures supported by the Fund focusing on:

- (a) education and training;
 - (b) labour market integration;
 - (c) access to basic services; and
 - (d) active participation and social inclusion.
4. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund;

Specific objective 3: To contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries:

- 1. Number of places in detention centres created/renovated with support from the Fund, as compared to the total number of created/renovated places in detention centres.
- 2. Number of persons trained on return-related topics with the assistance of the Fund.
- 3. Number of returnees whose return was co-financed by the Fund as compared to the total number of returns following an order to leave:
 - (a) persons who returned voluntarily;
 - (b) persons who were removed.
- 4. Number of returnees who have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.