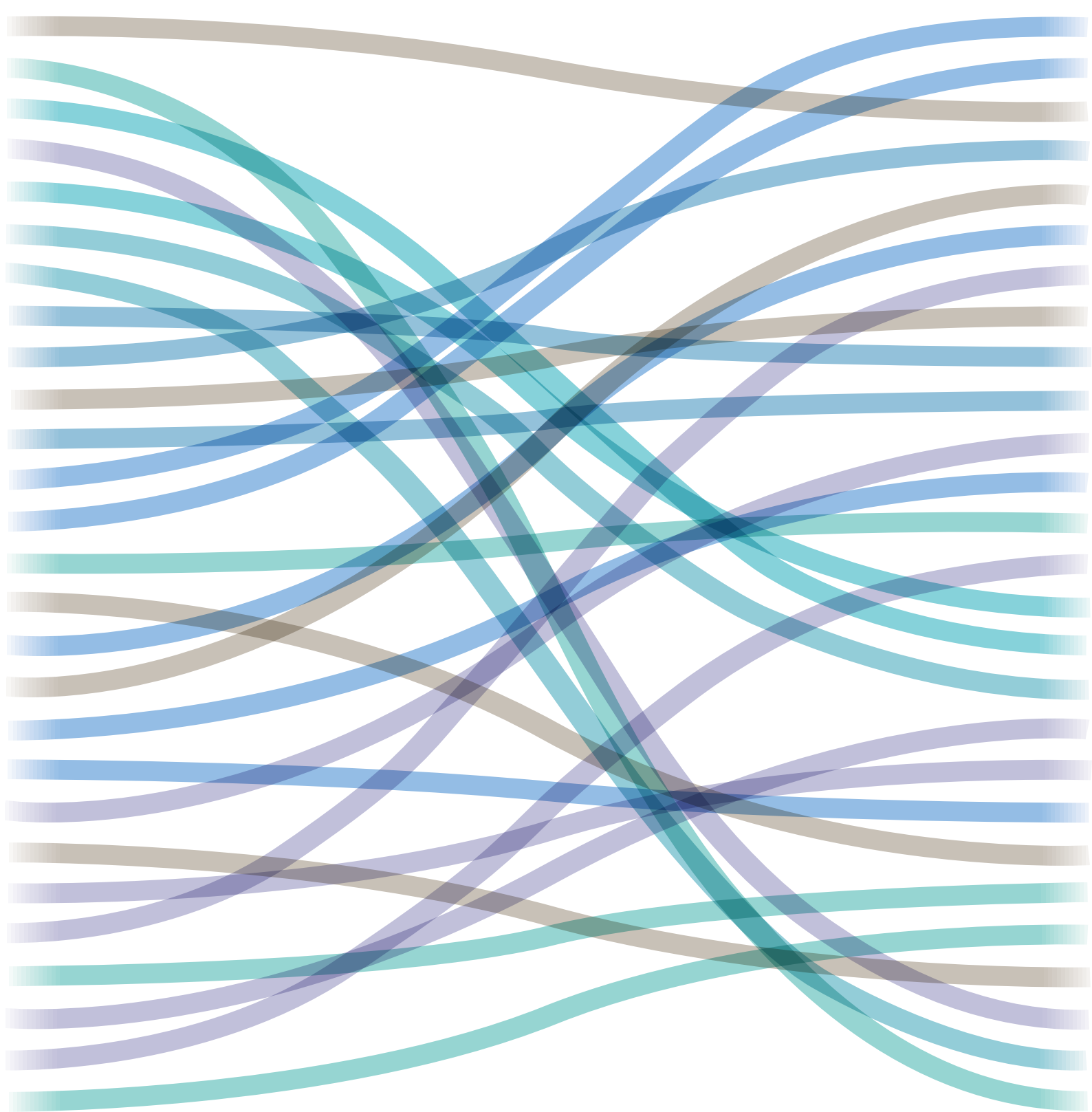


“Follow the€ Money IV”



The use of AMIF and ISF-BV funds outside the EU



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About this report

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Executive Summary

The provision of funds plays an important role in what the European Union (EU) describes as the “external dimension of migration”, meaning the elements of EU asylum and migration policies that are delivered outside the EU or otherwise involve cooperation with third countries (non-EU Member States). Thus, “external dimension of migration” may be better described as the external dimension of internal affairs policies, distinct from external affairs policies and funding.

Funding for the external dimension of migration from the EU internal affairs budget lines is a feature of previous and current budget cycles, with provisions allowing for a certain amount of funds to be spent outside the EU. These funds are in addition to the budget lines for external affairs that might be used for asylum and migration issues amongst numerous other priorities, known by the shorthand “external funding”.

The use of EU internal affairs funds outside the EU has yet to be comprehensively assessed. This study, *Follow the Money IV: The use of AMIF and ISF-BV funds outside the EU*, aims to fill the gap. In doing so, it provides an overview of how funding from the Asylum, Migration and Integration Fund (AMIF) and Internal Security Fund-Borders and Visa (ISF-BV) was used outside the EU in the budget period 2014-2020. It then presents an analysis of the provisions for spending outside the EU in the 2021-2027 Multi Annual Financial Framework (MFF) under the AMIF and the new Border Management and Visa Instrument (BMVI) which partially replaces the ISF-BV. Finally, it provides recommendations to Member States (MS), the European Commission (EC) and the European Parliament (EP) on improving the effectiveness, transparency and accountability of the use of internal affairs funding to support the external dimension of migration.

This study draws on the knowledge base developed by the three previous studies in the *Follow the Money* series, as commissioned by ECRE and UNHCR. The first two studies assessed national programming and the design and implementation of the 2014-2020 AMIF funding for asylum, integration, and return (*Follow the Money I and II*), with most recent study having analysed the AMIF funding used to incentivise and support MS participation in solidarity and responsibility-sharing measures in EU asylum and migration policy (*Follow the Money III*).

This study analyses the funds managed by the EC in what is termed “direct management” and the funds managed by the MS in “shared management” used outside the EU, concluding that information and evidence is more readily available for the former than the latter. In fact, an overall conclusion of this study is that analysis is significantly hampered by the absence of or difficulty in obtaining relevant data.

Another overall conclusion is that, of all AMIF and ISF-BV funding, only a small amount was spent outside the EU. However, the breakdown reveals that a significant amount of Union Actions, one of the categories of funding under direct management, was spent outside the EU, with 61% of AMIF funds and 39% of ISF-BV in this category having been dedicated to spending outside the EU.

Although funds under direct management are only a small percentage of the total for each fund—with far larger amounts under shared management—they are nevertheless in high demand, especially in a context wherein MS' programming of funds under shared management tends to reflect governmental priorities. In this regard, Union Actions have traditionally been used for transnational activities within the EU and for support to IGOs and NGOs. Thus, it is potentially a cause for concern that a high percentage of these limited yet highly sought-after funds are being spent outside the EU.

For funds under shared management spent via the MS' national programmes, all findings are partial and subject to heavy qualifications due to the limited data set available. Specifically, it appears that the use of this AMIF and ISF-BV funding outside the EU was very limited, albeit slightly more frequently for AMIF than for ISF-BV.

Under AMIF, all MS who responded to a survey specifically conducted for this study (eleven MS) used small amounts of funding to support return, one of the AMIF priorities. While a full overview of MS' use of funds is not provided, the figures indicate that needs in relation to asylum, integration and border management priorities are so high that MS prioritise allocating funds inside the EU through expenditure on these activities.

A comparison of the legislative framework governing the funding instruments for the 2014-2020 and the 2021-2027 budget periods finds that the scope for action in third countries has been significantly broadened. This study argues that this change has given rise to challenges which should be addressed, with recommendations provided as to how this could be done. Primarily, important provisions which aim to regulate and strengthen fundamental rights monitoring so as to ensure coherence with EU external policy objectives (which should be the overall framework for action outside the EU) and to increase the transparency of funding are not adequately applied in practice. Greater operationalisation and the subsequent systematic use of these provisions would increase the effectiveness of the funding for the external dimension.

Chapter 1 introduces the study and the methodology used. The research process encompassed desk review, surveys of Member States, and consultation with DG HOME.

Gathering information for the overview of AMIF and ISF-BV funding spent outside the EU proved difficult. First, there is no central repository of data with user-friendly search functionalities. Second, the data that is publicly available is not in a reusable format, meaning that data must be extracted and worked on before it can be analysed and compared. In addition, the lists of supported projects are not available for the full programming period. For example, the EC has not published a list of projects funded in 2014, 2015 and 2020 under Union Actions and Emergency Assistance. Furthermore, some calls for proposals included in the EC's annual work programmes failed or were cancelled, yet the published work programmes have not been amended accordingly, thus making it difficult to track the total amount of funds spent.

Even more challenging has been finding the specific project information on AMIF and ISF-BV funding outside the EU, since such data has simply not been made publicly available by the EC or Member States. This means that information must be researched project by project through reading lists of beneficiaries and award decisions, which may or may not include information on the external dimension of projects managed. Where it is published, such data is often inconsistent and thus not comparable, and—in many cases—only published once projects have concluded as part of evaluations or press releases on the beneficiaries' websites. The information included as part of the interim and mid-term evaluation reports on the instruments is rather general and anecdotal. As explained in Chapter 3, the weakness of certain provisions in the legislative framework lies at the core of this problem.

For the purpose of this study, a database was created that lists funding under direct management by the EC and spent outside the EU. It was impossible to develop a similar comprehensive overview for funding under shared management by the MS due to the lack of available data. Therefore, the study does not claim to present a complete picture of past AMIF and ISF-BV spending outside the EU.

Chapter 2 provides an overview of the contributions provided by AMIF and ISF-BV to activities outside the EU between 2014 and 2020. During this period, the budgets available for these two funds were significantly modified. The AMIF budget was increased from 3 billion to 7.5 billion euros for the seven-year spending period. In addition, the proportion of funds managed directly by the EC grew in comparison to that managed by MS to 39% for AMIF and 18% for ISF-BV, mainly because more funding was dedicated to Emergency Assistance (EMAS), which is under direct management.

Of the funds directly managed by the EC, only Union Actions were used to support activities outside the EU, with Union Actions representing 7% of AMIF and 3% of ISF-BV funding respectively. The overall amounts used to support projects outside the EU (fully or partially) was thus rather limited: 357.7 million euros from AMIF and 9.9 million euros of the ISF-BV. Nonetheless, this represented a significant proportion of the Union Actions at 61% of AMIF Union Actions and 39% in the case of ISF-BV.

For AMIF, the Union Actions which involved the spending of funds fully or partially outside the EU can be divided into sixteen spending contributions; the eight largest of these contributions received 97.5% of the AMIF Union Action funding spent outside the EU and involved “dedicated/majority spending outside the EU”. Of these, the largest contribution was to the EU Trust Fund for Africa (EUTFA), which received a total of 135 million euros in the period 2014-2020 (representing 38% of the total AMIF expenditure outside the EU). Regrettably, it is not possible to trace contributions to the EUTFA to particular projects, meaning it is not possible to determine which of the many individual projects funded by the EUTFA were supported by AMIF funds (as compared to the other EU and MS funds which are pooled together in the EUTFA).

In terms of size, following the EUTFA contribution, there are five Union Actions that together represented 55.6% of the AMIF expenditure outside the EU: the Regional Development and Protection Programme in North Africa (RDPP NA), the Migration Partnership Facility, the Re-admission Capacity Building Facility (RCBF), the Regional Development and Protection Programme in the Horn of Africa (RDPP HA), and InfoMigrants. Each received three to five direct award grants over the period 2014-2020.

The remaining eight of the sixteen contributions via Union Actions, which represented only 2.5% of the AMIF funds spent outside the EU, were classified by the EC as “including elements of spending outside the EU”. These contributions included three calls for proposals (CfP), which collectively supported eighteen individual projects, and seven direct award grants to individual projects.

For ISF-BV, there were only three contributions supported under Union Actions that included expenditure outside the EU: the Mobility Partnership Facility (MPF), the European Network of Immigration Liaisons Officers (ENILO), and an action supporting Regional Cooperation on Border Management.

For the funds managed by the Member States in national programmes, a survey was used to gather information due to the absence of published information. Responses to this survey were received from eleven MS, with these responses indicating that there was a limited use of AMIF and ISF-BV outside the EU, with slightly more funding from AMIF than from ISF-BV. Seven MS reported using AMIF funds outside the EU; all of them had used these funds to implement projects on return. The size of the contributions to such return projects were uneven, ranging from 200,000 euros in Greece to 18 million euros in Belgium, with most of these projects having focused on voluntary return and reintegration schemes. Projects under the AMIF objective of legal migration consisted mostly of information campaigns on the risk of irregular migration; Germany and Belgium were the only MS that used AMIF funds outside the EU for the asylum objective. Moreover, only the Czech Republic, Germany and Greece reported using ISF-BV funds outside the EU during 2014-2020, covering small-scale projects mostly focused on training activities.

Chapter 3 analyses the legislative basis for external spending in the 2021-2027 AMIF and the 2021-2027 Border Management and Visa Instrument (BMVI), comparing them with the provisions in the 2014-2020 AMIF and ISF-BV, respectively. The review of the 2014-2020 legal framework is useful because the new AMIF and BMVI regulations largely build on their predecessors.

The analysis demonstrates that the weakness of provisions in the legal framework limit scrutiny and oversight of the funds, as was already the case during 2014-2020. For example, Union Actions and Emergency Assistance under the 2014-2020 AMIF and ISF-BV were not covered by the funds' monitoring and performance framework. This means that there is limited performance information on a total of 3.5 billion euros.

While the regulations for the funds include certain information on how MS should engage or implement actions in third countries, it will only be useful if the provisions are further operationalised. This is the case for the provisions requiring that actions supported outside the EU be coherent with EU external policies, and equally for the provisions that require MS to consult the EC prior to the approval of a project with or in a third country. Operationalising these rules is particularly important in the 2021-2027 AMIF and BMVI given the current regulations provide a very broad scope for action in or related to third countries: specifically, any type of action listed in the regulations as being eligible for funding in the EU can also be supported outside the EU.

Lastly, this analysis highlights key deficiencies in the reporting and evaluation of the funds. For example, the EC is responsible for reporting on the use of the Thematic Facilities for actions with, in or in relation to third countries, and on the share of the thematic facility used for supporting such actions, as well as the content of the reporting. However, the regulations do not define the frequency or timelines for the publication of this information.

On the basis of this analysis, the report provides a list of recommendations for MS and the EC which aim at improving effectiveness, transparency and accountability in the use of internal affairs funding to support asylum and migration external dimension policies.

RECOMMENDATIONS

The study concludes with recommendations addressed to both Member States and EU co-legislators, based on the key findings identified. In particular, the recommendations target the availability of data, external policy coherence, the monitoring and evaluation framework, and human rights safeguards.

Key recommendations for Member States:

- ➔ **Inform the members of the Monitoring Committee about planned and ongoing actions already supported with, in, or in relation to third countries.** The Member States still in the programming phase should inform the members of the Monitoring Committee regarding planned actions to be supported with, in, or in relation to third countries.
- ➔ **Include—in the agenda for the performance review meetings with the EC—a point on the performance of actions supported with, in, or in relation to third countries.**
- ➔ **Include sufficient information in the annual performance reports on the implementation of actions in or in relation to third countries, in particular on:**
 - The complementarity between the actions supported under the AMIF and BVMI and the support provided by other EU funds.
 - The assessment of the implementation of projects in or in relation to a third country.
 - The fulfilment of the applicable enabling conditions and their application, in particular compliance with fundamental rights.
- ➔ **Address activities in and with third countries in the mid-term and final national programme evaluations** (to be submitted by 31 March 2024 and 30 June 2029, respectively).

Key recommendations for the European Commission:

- ➔ **Ensure that funding under AMIF and BMVI spent outside the EU is aligned with the EU's overall objectives in any given third country.** EU external objectives, which include responding to the needs of the country as well as respecting the EU's overall external action objectives set out in the Lisbon Treaty, should comprise the overall framework for action in any given third country; external dimension funding should be aligned with these objectives. Given that both funds can support any action listed in the Scope of Support in third countries, relevant processes and responsibilities, including cooperation with those DGs in charge of external affairs, should be developed and publicly communicated about.
- ➔ **Ensure that adequate funding is allocated to asylum in the EU from the funds under direct management.** The study indicates a rather high proportion of the small percentage of funds directly managed by the EC is being spent outside the EU, in a context where needs in the EU are high—including needs that fall under asylum and integration priorities and the need for transnational actions within the EU.
- ➔ **Operationalise the obligation that requires Member States wishing to implement national programme actions “with or in a third country... (to) consult the Commission prior to the approval of the project”.** The EC should provide details as to its expectations for such consultation, including criteria relating to the needs and participation of third countries in actions, the potential outcomes of the consultation, and input from other EU Agencies and EU bodies including the European External Action Service (EEAS).

- **Define how internal affairs funding spent outside the EU will be aligned with the EU’s overall objectives in third countries and in other regions. Further, set out a process for meeting the obligation of assessing coherence with external affairs objectives.** Both funding in shared management and direct management must respect the obligation of ensuring coherence with external affairs objectives in the country in question; however, this requires a process. In particular, details should be provided as to the information that MS and other beneficiaries of home affairs funding need to provide, the potential outcomes of the assessment, and the input to be sought from other EU bodies such as the EEAS.
- **Elaborate on the obligation to “pay particular attention to the evaluation of actions implemented with, in or in relation to third countries” in the mid-term and final EC evaluations of the AMIF and BMVI, for actions supported under shared and direct management.** So far, mid-term evaluations have made general and anecdotal reference to projects that included expenditure outside the EU without including any disaggregated information, for example on the funding amounts spent outside the EU, where the projects were implemented, or who the beneficiaries were. In order to meet this obligation in the evaluations, more detailed information needs to be requested, analysed and published.
- **Assess the potential for the adoption of a delegated act—in accordance with Article 31 of the BMVI Regulation and Article 33 of the AMIF Regulation—to amend, to review and to complement monitoring and evaluation frameworks, including on information to be provided by the Member States in relation to third countries.** Previously, in 2019, the EC’s internal auditing service had identified the need to strengthen monitoring of the implementation of national programmes and to improve the reliability and consistency of the data reported by MS, as recalled by the European Court of Auditors in its *Report on the performance of the EU budget at the end of 2019*.
- **Develop and adopt a performance framework for the AMIF and BMVI Thematic Facilities.**
- **Inform about the frequency and timeframe for the publication of financing decisions and work programmes “identifying objectives and actions to be supported and specifying the amounts for each of the components (of the facility)”, as well as information on supported projects by the thematic facility.**
- **Engage regularly with civil society organisations and networks with a view to preparing and evaluating the work programmes for Union Actions financed under the Thematic Facilities.**
- **Define the frequency and timeframe for reporting on the use of the Thematic Facilities for actions with, in or in relation to third countries, and on the share of the thematic facility used for supporting such actions, as well as the content of the reporting.** This information should be published in an open, machine-readable format which allows for data to be sorted, searched, extracted, and compared, as required by the AMIF and BMVI Regulations. At a minimum, it should be possible to sort the data by specific objective, name of beneficiary, amount legally committed, and the nature and purpose of the measure.

Key recommendations for the European Parliament:

- **Scrutinise the role of the EC and MS in implementing EU internal affairs funds outside the EU, making fuller use of its budgetary powers.** This should include requesting and reviewing the processes outlined above that would enable the EC to assess the external coherence and fundamental rights compliance of EU funding.
- **Improve the availability and transparency of funding-related data in relevant and upcoming legislative proposals.**

1

Introduction and Methodology

1.1 Introduction

The Asylum, Migration & Integration Fund (AMIF) 2014-20 aimed to contribute, via financial assistance, to the effective management of migration and the implementation and development of a common EU approach to asylum and migration. It was initially allocated a total of 3.1 billion euros which was increased to 7.5 billion euros as a response to the increased number of people seeking asylum in the EU. Actions outside the EU were eligible for funding, and emergency assistance was available for actions in third countries in particular circumstances. The AMIF 2021-2027 maintains the same policy objectives. While the AMIF acknowledges that its primary purpose is to serve internal Union policy, its resources can also be used in and in relation to third countries as a means of achieving its objectives (see Chapter 3 for an overview of the relevant objectives). This is in addition to allowing third countries to be associated with the AMIF for the purposes of implementing the Schengen/Dublin system.

The Internal Security Fund - Borders and Visa 2014-2020 aimed to support a common visa policy and integrated border management and was allocated a total of 3 billion euros. Activities in relation to or in third countries were eligible both as part of Member States' national programmes and as part of the budget managed directly by the EC. The Border Management and Visa Instrument (BMVI) 2021-2027 aims to “ensure strong and effective European integrated border management at the external borders, thereby contributing to ensuring a high level of internal security within the Union.” It has been allocated 6.3 billion euros.¹ Third countries are included as potential locations for BMVI implementation, within the context of joint actions by Member States and the European Border and Coast Guard (Frontex) and as migration management cooperation partners.

This study has been produced in the framework of the strategic partnership between the European Council for Refugees and Exiles (ECRE) and the UN Refugee Agency (UNHCR). This partnership was established in 2016 to develop and promote discussions on the future of the Common European Asylum System (CEAS). As part of this partnership, ECRE and UNHCR produced three joint research reports entitled *'Follow the Money: Assessing the use of Asylum, Migration and Integration Fund (AMIF) funding at the national level'*. The first and second reports provided a critical analysis of the programming and expenditure of AMIF funds for asylum, integration and return at the national level,² while the third report analysed the use of AMIF funds to incentivize resettlement and relocation in the EU.³

¹ The BMVI Regulation initially allocated 5.2 billion euros, however the budget was increased to 6.3 billion euros during the 2021-2027 MFF negotiations.

² Rachel Westerby (2018). *Follow the Money I: Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level*. Published by ECRE and UNHCR, available online; Rachel Westerby (2019). *Follow the Money II: Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level 2014-2018*. Published by ECRE and UNHCR. Available online.

³ Rachel Westerby (2020). *Follow the Money III' Solidarity: The use of AMIF funds to Incentivise Resettlement and Relocation in the EU*. Published by ECRE and UNHCR. Available online.

This study focuses on the activities outside the EU supported by AMIF and ISF-BV funds, as the information on this topic was not readily available. In particular, this study:

- gives an overview of activities outside the EU supported by the AMIF and ISF-BV during 2014-2020.⁴
- analyses the legislative provisions which govern the external expenditure of EU internal funds in relation to asylum, migration and border management objectives for the current funding period (2021-2027), in comparison with the past funding period (2014-2020).
- provides recommendations to Member States to improve transparency and accountability concerning the use of AMIF and BMVI funds outside the EU.
- provides further recommendations to the European Commission to improve transparency and accountability concerning the use of AMIF and BMVI funds outside the EU.

1.2 Methodology

Research for this study was conducted utilising a mixed method approach, including the elements described here below.

1.2.1 Desk review

The desk review included the following activities:

- **A literature review** of legislation, existing research, and documents associated with the implementation of the Funds, including evaluation reports and lists of awarded projects published by EU institutions, national authorities, civil society organisations and other stakeholders.
- **Data collection to create a dataset** with all AMIF and ISF-BV projects managed by the European Commission under “direct management” (including Union Actions and Emergency Assistance) that were used (fully or partially) to support any projects outside the EU. This dataset is based on the lists of projects supported by AMIF and ISF-BV published by DG HOME, on annual work programmes for Emergency Assistance and Union Actions, as well as on a data request directed to DG HOME.

The following classifications were used to categorise spending

- Dedicated / majority spending outside the EU
- Elements of spending outside the EU
- Expenditure within the EU only

This report captures spending for the first two categories: when most of the activities of a project took place outside of the EU, these were classified as ‘dedicated/majority spending outside the EU’. An example of this category is the Regional Development and Protection Programme. When only a minor part of the activities of a project took place outside of the EU, these were classified as ‘including elements of spending outside the EU’. An example of this would be the European Return and Reintegration Network (ERRIN).

⁴ The Internal Security Fund – Police is not covered in the study.

- **Consultations with the European Commission**, via email exchange and conference calls to clarify elements of AMIF and ISF-BV funding arrangements included in the dataset.
- **Analysis of the dataset**, covering all grants supported by the financing instruments during the research period that were (fully or partially) spent outside the EU, coupled with a further literature review on the individual projects.

1.2.2 Email surveys to Member States

In October 2021, an email survey on external aspects of Member State national programmes for both AMIF and ISF was circulated to national authorities of 19 Member States. A total of 11 survey responses were received (Belgium, Bulgaria, Germany, Greece, Croatia, the Czech Republic, Latvia, Luxembourg, Slovakia, Slovenia and Spain). The findings of this study are therefore limited to those responses, and it should be further noted that certain Member States who could reasonably be expected to have spent resources outside the EU have not responded to the survey.

2

Overview of AMIF and ISF-BV expenditure outside the EU during 2014-2020

This chapter provides an overview of the AMIF and ISF-BV funding spent outside the EU during 2014-2020. It is structured into two sections: Section 2.1 focuses on the part of the funds managed directly by the European Commission, and Section 2.2 concentrates on shared management—that is, the part of the funds managed by EU Member States (MS).

2.1 Funding managed by the EC (direct management)

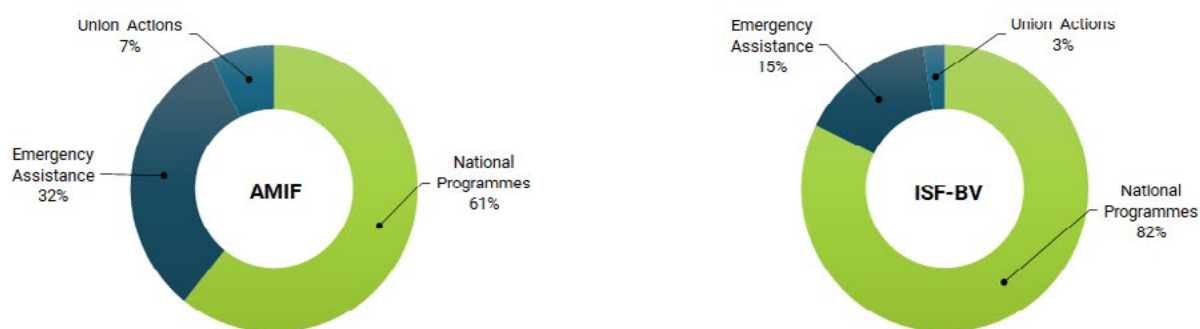
The AMIF Regulation (establishing the Asylum, Migration and Integration Fund) prescribed a financial envelope of €3.1 billion to support asylum, integration and return activities. The ISF-BV Regulation (establishing the Internal Security Fund - Borders and Visa) prescribed a financial envelope of €3 billion to support border management and visa activities. According to these Regulations, these amounts had to be divided as follows: 12% for Union Actions and Emergency Assistance to be managed directly by DG HOME (direct management), and 88% for national programmes to be managed by EU Member States (shared management).⁵

In practice, both budgets were significantly altered during the period of their implementation (2014-2020)—the AMIF budget was increased to 7.5 billion euros in response to the increase in the number of people seeking asylum in the EU.⁶ In addition, the proportion of resources under direct and shared management changed considerably, mainly due to a larger amount of funding being dedicated to Emergency Assistance. As depicted in Figure 1, about 39% of the AMIF budget was allocated to Union Actions and Emergency Assistance under direct management, and 61% to national programmes under shared management. This translated into a massive increase in allocations to Emergency Assistance in comparison to the initial forecast (2.4 billion euros versus 270 million euros). While the ISF-BV budget remained at 3 billion euros, the distribution between direct and shared management was also altered from the initial forecasts: 18% (instead of 12%) was allocated to Union Actions and Emergency Assistance under direct management, and 82% (instead of 88%) were allocated to national programmes under shared management.

⁵ In addition, the Commission can entrust budget implementation tasks to a third party, which is called indirect management. These parties can be Member States (or bodies designated by them), international organisations, Member States development agencies, EU agencies, and other bodies.

⁶ European Commission (June 2022) Summary Allocations Member States AMIF and ISF-Borders, Visa and Police, available online, and European Commission (14 October 2015), Communication COM (2015) 510 - Managing the refugee crisis - State of play of the implementation of the priority actions under the European Agenda on Migration.

Figure 1 | AMIF and ISF-BV budget allocations



Source: EC budget allocations as reported on June 2022.⁷

2.1.1 Emergency Assistance

Both AMIF and ISF-BV include provisions for financial assistance to address emergency situations in Member States or in third countries,⁸ thereby providing the EC with a flexible mechanism for the allocation of funding. DG HOME establishes the maximum amounts reserved for Emergency Assistance within the annual EU budget and presents a general overview of their future use in annual work programmes.

The Funds' Regulations allow Emergency Assistance to be used to support actions in third countries. However, according to the information received directly from DG HOME, Emergency Assistance was not used (fully or partially) to support any projects outside the EU during the 2014-2020 period.⁹

2.1.2 Union Actions

Union Actions provide funding for transnational initiatives that can benefit the EU as a whole. Union Actions are managed directly by the EC, which adopts a work programme every year in which it sets the priorities and budget for each action.

As displayed in Figure 1, Union Actions represented a minor part of the aggregate AMIF and ISF-BV, representing 7% and 3% respectively. Despite the lower amounts the EC allocated to them, Union Actions are an important funding instrument for EU policy. First, Union Actions allow the EC to finance long-term and transnational projects such as projects that focus on supporting EU-wide networks as well as pilot projects, studies, evaluations, and communications actions. Second, Union Actions are the only direct channel for NGOs to access EU funding, via direct award grants and call for proposals. Third, Union Actions are used to finance cooperation activities between Member States and third countries.

DG HOME's annual work programmes for Union Actions include projects supported via grants, procurement, cooperation agreements with EU agencies and budget sub-delegations to the European Commission's Directorate General for International Cooperation and Development (DG DEVCO). During 2014-2020, the EC used only grants and budget sub-delegations to support projects which included (full or partial) expenditures outside the EU.

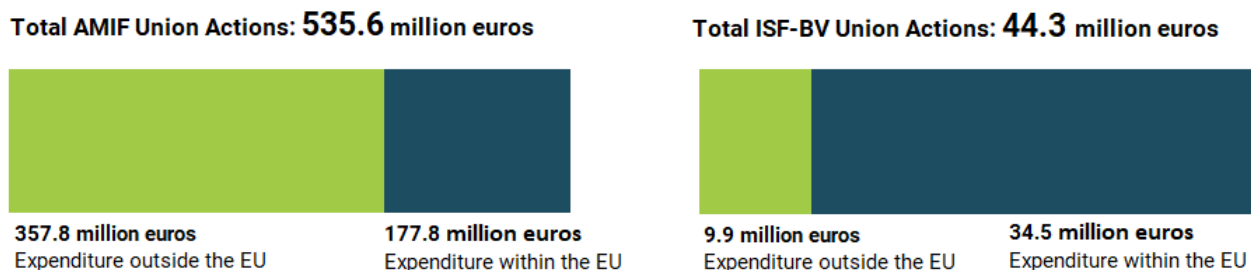
⁷ European Commission (June 2022) Summary Allocations Member States AMIF and ISF-Borders, Visa and Police, available online.

⁸ Recital 46, Regulation 516/2014.

⁹ For an analysis on the use of Emergency Assistance within the EU, as well as their lack of transparency and accountability, see Rachel Westerby (2019). Follow the Money II: Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level 2014-2018. Published by ECRE and UNHCR. Available online.

Figure 2 provides a general breakdown of the total amount of AMIF and ISF-BV Union Actions that include expenditure outside the EU. The paragraphs that follow provide a more detailed analysis of these Union Actions.

Figure 2 | AMIF and ISF-BV supported Union Actions that included elements of external spending

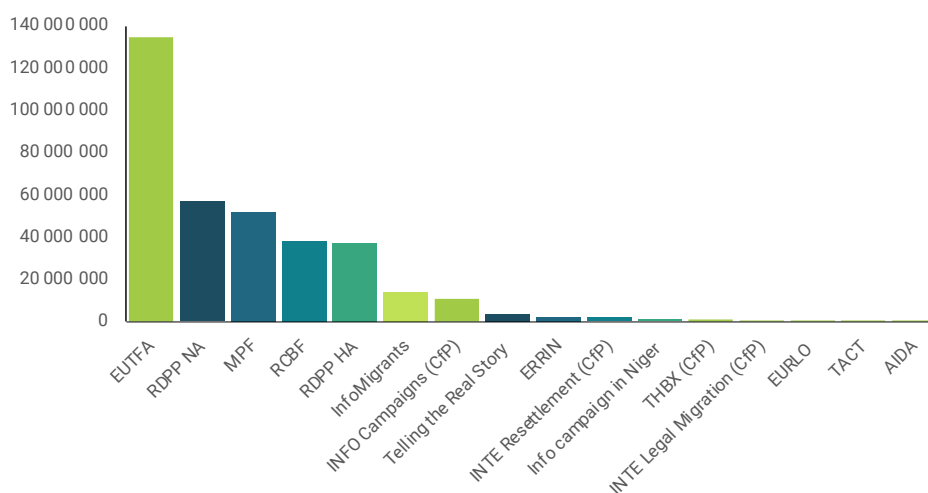


Source: own elaboration based on data provided by DG HOME.

Overview of Union Actions supported by the AMIF which were (fully or partially) spent outside the EU

As shown in Figure 3, the Union Actions supported by the AMIF whose funds were (fully or partially) spent outside the EU can be grouped into 16 projects, with the largest 8 projects having received 97.5% of the total funding. On the basis of our guidance on how to distinguish as to whether funds were (fully or partially) spent outside the EU, the EC classified these 8 projects as ‘dedicated/majority spending outside the EU’. The other 8 projects, representing only 2.5% of the AMIF funds, were classified by the EC as ‘including elements of spending outside the EU’.

Figure 3 | AMIF-supported Union Actions that included elements of external spending (in euros)



Source: own elaboration based on data provided by DG HOME.

The largest AMIF contribution with ‘dedicated/majority spending outside the EU’ was to the EU Trust Fund for Africa (EUTFA), which received a total of 135 million euros in the 2014-2020 period (representing 38% of the total AMIF expenditure outside the EU). These contributions were earmarked for the North Africa, Horn of

Africa and Sahel windows of the Trust Fund¹⁰ and “provided support to strategic development, purchase and maintenance of priority equipment, border management capacity building and the development of necessary standards and procedures”.¹¹ The EUTFa does not allow for the traceability of funds to projects, so it is unknown which individual projects were supported with AMIF funds.¹²

Next, after the EUTFa are five Union Actions that together represented 55.6% of the AMIF expenditure outside the EU: the Regional Development and Protection Programme in North Africa (RDPP NA), the Migration Partnership Facility, the Re-admission Capacity Building Facility (RCBF), the Regional Development and Protection Programme in the Horn of Africa (RDPP HA) and InfoMigrants. Each of these projects received three to five contributions over the 2014-2020 period via direct award grants. These projects, together with the contribution to the EUTFa, can be seen as the core AMIF-supported projects with the majority of external EU spending not only because the total amount of these grants represents a significant amount of the AMIF expenditure outside the EU, but also because the grants were recurrent. A description of these five projects is provided below.

The last 10 projects represented 6.5% of the AMIF Union Actions spent outside the EU. These include three calls for proposals (CfP)¹³ which awarded a total of 18 projects, with seven projects that received a single contribution from the AMIF via direct award grants (except for the project titled *Telling the Real Story*, which received two contributions).

The following paragraphs provide a short description of the core AMIF-supported projects with ‘dedicated/majority spending outside the EU’. The contribution to the EUTFa, while representing the largest individual AMIF expenditure outside the EU, is not included below given that the projects it has supported are not known.

The Regional Development and Protection Programmes (RDPPs) in North Africa and the Horn of Africa, two key Union Actions focusing on protection

The Regional Development and Protection Programmes (RDPPs) in North Africa¹⁴ (RDPP NA) and the Horn of Africa¹⁵ (RDPP HA) are an important part of the European Agenda on Migration. Their aim is to assist third countries with addressing the protection and developmental needs of migrants, refugees and asylum-seekers, supporting the efforts of the migrant and refugee hosting communities, and building up the capacities of the authorities. The protection component of RDPPs is funded through the Union Actions of the AMIF, while the development component is funded through EU financial instruments for humanitarian and development policies. Since 2015, RDPPs have received 94.5 million euros from the AMIF (56.9 million euros for the RDPP NA and 37.4 million euros for the RDPP HA respectively) via direct award grants.

Projects encompassed under the RDPPs provide support via international organisations and NGOs, to capacity building in third countries. For example, they establish, develop and improve refugee status determination procedures and reception arrangements. RDPP activities also seek to encourage and support resettlement

¹⁰ European Commission (20 September 2018) C(2017) 7122 final Amending Commission Implementing Decision C(2017)2572 on the adoption of the work programme for 2017 and the financing of Union actions in the framework of the Asylum, Migration and Integration Fund, p40.

¹¹ European Commission (19 October 2020) Annex to the commission implementing decision on the adoption of the work programme 2019 and the financing of Union Actions in the framework of the Asylum, Migration and Integration Fund and the adoption of the work programme for 2019, p18.

¹² Interview of Estela Casajuana (Profundo) with a key informant from DG HOME on 9 August 2022.

¹³ AMIF-2016-AG-INTE, AMIF-2017-AG-INFO, AMIF-2018-AG-INTE, AMIF-2019-AG-CALL-4.

¹⁴ RDPP NA has been implemented in Morocco, Tunisia, Algeria, Egypt, Libya, Niger and Mauritania.

¹⁵ RDPP HA has been implemented in Ethiopia, Kenya and Sudan.

commitments by Member States and other resettlement countries, as well as to assist vulnerable migrants, asylum-seekers, and refugees stranded along the migratory route or, after they have been rescued in the desert or at sea, following disembarkation. Moreover, RDPPs help third countries by supporting voluntary returns, providing support for returnees from countries of transit to countries of origin, and training those dealing with refugees and migrants on protection issues.

The Steering Committees (SCs) are responsible for the strategic guidance, leadership and oversight of the implementation of the RDPPs. The SC for the RDPP NA is chaired by the Italian Ministry of the Interior and the SC for the NDPP is chaired by the Dutch Ministry of Foreign Affairs. Both SCs consist of representatives of the EC, the European External Action Service (EEAS), the former European Asylum Support Office (EASO), 13 Member States and countries associated with the Dublin regulation participating in the consortium (Austria, Belgium, the Czech Republic, Finland, France, Germany, Greece, Malta, the Netherlands, Norway, Portugal, Spain, and Sweden), and, where relevant, the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). A sub-group in the SCs provides guidance for implementation, adopts and, (where necessary), revises the action priorities and examines and approves each sub-action to be funded by AMIF. The Committee and the sub-group monitor progress and meet periodically, as laid down in the Committee's terms of reference.

The MPF, a mixed purpose initiative

The Mobility Partnership Facility (MPF) was launched in 2016 to contribute to operationalising the external dimension of the EU migration policy. It is a mechanism to support EU Member States' engagement with partner countries in the framework of specific and operational European instruments like Mobility Partnerships (MPs), Common Agendas on Migration and Mobility (CAMMs), the New Pact on Migration and Asylum and the 2022 Communication "Attracting skills and talent to the EU." The facility provides flexible support to EU Member States and partner countries with a particular focus on EU neighbouring countries, the Western Balkans and Africa.

Currently, the MPF is implemented through four strands:

- Strand A: Support to the EU's migration priorities with partner countries
- Strand B: Support to the enabling environment for partnerships and effective knowledge management
- Strand C: Sustaining political dialogue and the functioning of the Prague Process
- Strand D: Support to the implementation of projects aligned with the new Talent Partnerships.¹⁶

During 2014-2020, the MPF received a total of 62.2 million euros through three Funds: AMIF, ISF Borders & Visa and ISF-Police, from which it received 52, 6.5 and 3.7 million euros respectively, through direct award grants implemented under indirect management.

The thematic areas covered by the facility match the Funds' objectives. For example, under the ISF-BV, the facility could support actions in the area of border surveillance and integrated border management. Under the

¹⁶ Migration Partnership Facility (3 January 2022) MPF Call for Proposals 2022: Guidelines. Available online.

Internal Security Fund - Police, it could support actions to counter trafficking in human beings and migrant smuggling into the EU.¹⁷

The MPF Steering Committee oversees the overall strategic guidance, leadership and oversight for the implementation of the facility. The Steering Committee comprises representatives of the EU institutions (DG HOME, DG NEAR, DG INTPA and EEAS) and is chaired by DG HOME, with the International Centre for Migration Policy Development (ICMPD) serving as the secretariat and providing technical support/assistance for its functioning.¹⁸

The European Readmission Capacity Building – EURCAP, the key return-oriented project

The European Readmission Capacity Building – EURCAP aims at strengthening the capacity of third countries to manage returns, cooperate on re-admission with the EU, and prevent irregular migration through information campaigns.¹⁹ The project is implemented by the IOM through direct award grants implemented under indirect management. The RCBF-EURCAP has received 38.5 million euros since 2016.

The EURCAP makes available ‘Re-admission Case Management Systems’ (RCMS) to MS and third countries in order to digitalise the re-admission process and keep in contact with third countries’ consular authorities regarding individual cases. RCMS allow MS to submit individual re-admission requests that include biometric data; RCMS have been set up in Azerbaijan, Bangladesh, Pakistan and Sri Lanka. The facility has also launched awareness raising campaigns on safe migration in Bangladesh and The Gambia.²⁰

The European Court of Auditors (ECA) assessed six actions implemented in three countries covered by the RCBF-EURCAP (Afghanistan, Bangladesh and Pakistan), with the ECA having ‘found [that] the actions were relevant, and generally delivered their expected outputs. The outcomes achieved were partly satisfactory’.²¹ In a letter to the European Parliament Committee on Civil Liberties, Justice and Home Affairs, DG HOME stated (referring to the EURCAP) that “such tools have so far proved successful in improving the effectiveness and transparency of the readmission cooperation and processes.”²²

¹⁷ European Commission (n.d) Mobility Partnership Facility (MPF). Available online.

¹⁸ European Commission (n.d) Mobility Partnership Facility (MPF), The governing structure and evaluation. Available online.

¹⁹ International Organization for Migration (n.d.) European Readmission Capacity Building Facility – Eurcap. Available online.

²⁰ Ibid.

²¹ European Court of Auditors Special Report (2021). EU readmission cooperation with third countries: relevant actions yielded limited results. Available online. p.47.

²² European Commission (28 January 2022), Letter to from the Director-General of DG HOME to Mr Lopez Aguilar. Available online.

Other projects focusing on return

Besides the RCBF-EURCAP, which is the largest project focused on return receiving support from the Commission, DG HOME also allocated AMIF funds to joint European initiatives. In particular, the European Return and Reintegration Network (ERRIN) received 2.5 million euros and the European Return Liaison Officers Network (EURLO) received 700,000 euros, both in 2017. Funding allocated to the ERRIN network was aimed at supporting a portion of the costs of reintegration for the return of third country nationals from Greece and Italy, countries which did not allocate funds to the network from their national programmes. Funding to the EURLO was directed so as to expand the use of videoconferencing for the identification of migrants in irregular situations to other MS besides Belgium, Luxembourg and Poland, which had already taken part in a pilot project funded through the Belgian national programme, and to thus implement it in the hotspots.²³

Infomigrants, the largest information campaign supported by the AMIF

InfoMigrants is a news and information site for migrants available in five languages: French, Arabic, English, Dari and Pashto. It aims to address migrants' need for information along their journey, from their country of origin to their country of arrival, via media outlets and with a particular emphasis on online and social media channels.²⁴ The project is implemented by a consortium led by France Médias Monde, which has received 14.4 million euros since 2017 through direct award grants.

Other projects focusing on awareness raising campaigns

Besides Infomigrants, DG HOME supported two other projects on awareness-raising. Telling *the Real Story*, implemented by UNHCR, and an information campaign in Niger led by the IOM both have aimed to raise awareness of the dangers of onward irregular movement through peer-to-peer communication with communities, with these projects having received 4 and 1 million euros, respectively.²⁵

In addition, DG HOME launched a call for proposals on legal migration that included awareness raising campaigns among their priorities in 2017, 2018, 2019 and 2020, which mainly focused on the Western Balkans, Africa and Asia.²⁶ Out of these call for proposals, a total of 13 projects amounting to 11 million were supported, including projects targeting the empowerment and engagement of diaspora communities within the EU to provide information and raise awareness in order to counter the narratives peddled by migrant smugglers to prospective migrants in third countries.

²³ European Commission (12 May 2017) C(2017) 3037 final Commission Implementing Decision amending Commission Implementing Decision C(2016) 4570 on the adoption of the work programme for 2016 and the financing of Union actions in the framework of the Asylum, Migration and Integration Fund, p21.

²⁴ Infomigrants (n.d) About. Available online.

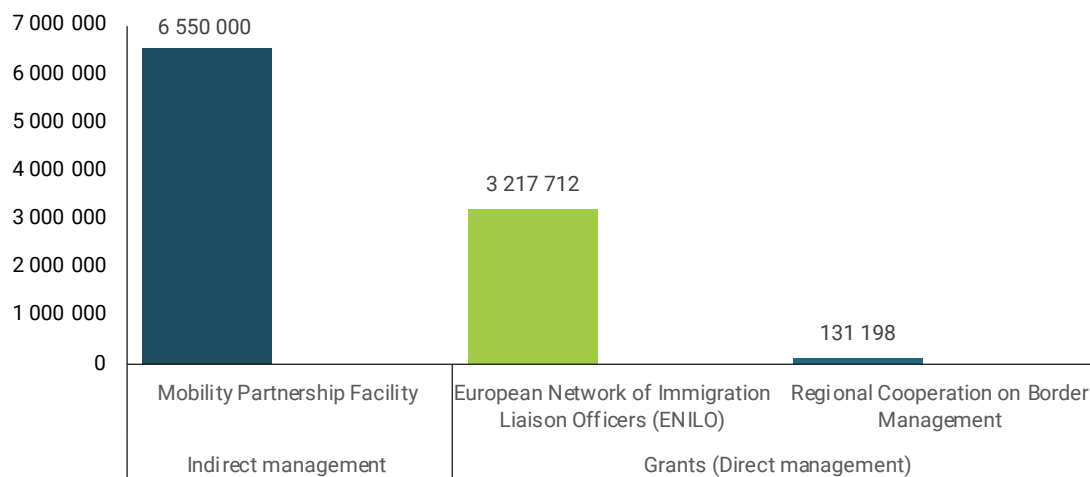
²⁵ UNHCR (n.d) Telling the Real Story. Available online.

²⁶ See AMIF Call for Proposals AMIF-2017-AG-INFO, AMIF-2018-AG-INTE, AMIF-2019-AG-CALL-4. for further information.

Overview of Union Actions supported by ISF-BV which were (fully or partially) spent outside the EU

As displayed in Figure 4, there were three projects supported by ISF-BV that included expenditure outside the EU: the Mobility Partnership Facility (MPF), the European Network of Immigration Liaisons Officers (ENILO), and Regional Cooperation on Border Management.

Figure 4 | ISF-BV-supported Union Actions that included elements of external spending



Source: own elaboration based on data provided by DG HOME.

From 2014-2020, these projects received 10 grants amounting to 9.9 million euros. The Migration Partnership Facility (MPF) was the largest project, receiving 66% of the ISF-BV funds spent outside the EU (€6.6 million). Support for the European Network of Immigration Liaison Officers (ENILO) came second, receiving 32.5% of the ISF-BV funds spent outside the EU (€3.2 million). Finally, two minor grants supported the Regional Cooperation on Border Management project, which represented 1.3% of the ISF-Borders and Visa funds which had been spent outside the EU (€0.1 million).

The grants supporting the MPF were granted via direct award grants and implemented under indirect management by the International Centre for Migration Policy Development (ICMPD). The grants supporting the ENILO and the project Regional Cooperation on Border Management were offered via direct award and implemented under direct management by the EC.

According to the information received by the EC, there were no ISF-BV Union Actions that were (fully or partially) spent outside the EU supported via calls for proposals.

Regarding beneficiaries, the MPF had a single beneficiary: the ICMPD. Both the grants awarded to support the work of the ENILO and the Regional Cooperation on Border Management project had multiple beneficiaries, including agencies and public bodies of the Spanish Ministry of Inclusion, Social Security and Migrations, the French Ministry of Interior, the German Federal Police and the Polish Ministry of Interior and Administration.

The ENILO grants aimed at building the capacity of immigration liaison officers and supporting the ad-hoc actions of the network in third countries.²⁷ For example, the grant awarded to the Spanish authorities aimed

²⁷ In line with Article 8(2) and (3) Regulation EU 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers (recast).

to improve the knowledge of European consulates and competent local authorities in third countries on legal migration channels, as well as that of the liaison officers themselves. The project—titled MigraSafe—was implemented in eight African states: Cape Verde, Egypt, Ethiopia, Ghana, Morocco, Nigeria, Senegal and Tunisia.²⁸ The grant awarded to Poland aimed to support the capacity of liaison officers operating in Vietnam by improving cooperation with and qualifications of the Vietnamese Immigration Department, including English language courses and support for developing an IT system for the management of immigration services with the ultimate goal being to improve the effective identification of Vietnamese citizens and their return.²⁹

Grants for Regional Cooperation on Border Management aimed to strengthen cooperation between Greece, Bulgaria, and Turkey on border control and migration management. The project supported visits to the border crossing points and the removal and reception centres of the three countries, as well as a range of training activities for their border staffs, including false documents, stolen vehicles, border surveillance, and the countering of trafficking and migrant smuggling.

A description of the MPF is provided in the previous section.

2.2 Funding managed by the MS (shared management)

In October 2021, a survey on the external aspects of Member States' national programmes for both AMIF and ISF-BV were circulated to the national authorities of 22 Member States, with 11 responses ultimately being received (Belgium, Bulgaria, Germany, Greece, Croatia, the Czech Republic, Latvia, Luxembourg, Slovakia, Slovenia and Spain). It can be reasonably assumed that several of the Member States that elected not to respond to the survey may have spent part of their national programmes outside the EU.

According to the responses received, the use of DG HOME funds under shared management outside the EU was limited as Member States prioritised addressing funding needs in their respective country, more commonly for AMIF than for ISF-BV. All respondents which used ISF-BV funds outside the EU also used AMIF funds in a similar capacity. The following paragraphs provide further detail on the 11 responses received.

2.2.1 The use of AMIF funds outside the EU by the respondents to the survey

Seven out of the eleven respondents used AMIF funds outside the EU. Looking at the three AMIF priorities of asylum, legal migration and return, all of the respondents implemented projects pursuant to the AMIF return priority. Some MS also implemented projects under the AMIF priority of legal migration, mostly consisting of information campaigns on the risks of irregular migration. Only Germany and Belgium dedicated AMIF funds outside the EU to the asylum priority. Most of the respondents mentioned that only part—but not all—of the projects were implemented outside the EU.

Among the respondents, Belgium was, by far, the country that allocated most AMIF funds to the implementation of projects outside the EU, with a total of 29.9 million euros, followed by Germany which reported having spent 5.4 million euros. The two countries implemented projects pursuant to the three objectives of the Fund, although return was the objective to which both MS allocated the most funding. Belgium reported having implemented more than 10 voluntary return projects in third countries, amounting to

²⁸ Spanish Government (2022). Progress Report on Spain's National Implementation of the Global Compact for Safe, Orderly and Regular Migration, p61. Available online.

²⁹ Development Aid (2022) Enhancement of Immigration Liaison Officers' activities in Vietnam: EURLO Vietnam. Available online.

18 million euros. The activities supported by those projects included financing the development of business activities, the provision of training and job orientation, and the provision of medical support. In addition, Belgium dedicated 7.7 million euros to support the European Return Liaison Officers (EURLO) programme, which aims to establish common operational support offices in countries of origin to facilitate returns.

Spain and Germany mentioned their participation in the European Return and Reintegration Network (ERRIN), a project led by the Netherlands. The objective of this project is to facilitate the voluntary return of third country nationals to their countries of origin by supporting reintegration through business activities.

Bulgaria, Greece, the Czech Republic and Slovakia referred to the Assisted Voluntary Returns and Reintegration (AVRR) project, which saw some of its activities implemented in third countries. More specifically, third country nationals that were returned to their country of origin and participated in the project were also assisted via reintegration schemes managed by the International Organization for Migration (IOM). The top eleven countries where voluntary returns and reintegration programmes took place were Nepal, Sri Lanka, Cameroon, Egypt, Nigeria, Armenia, Bangladesh, India, Iran, Pakistan, and the Democratic Republic of the Congo. Slovakia reported having implemented a similar project but did not provide further detail. Moreover, the budget allocated to these projects varies from country to country; for example, Greece dedicated 200,000 euros to reintegration schemes, Slovakia 683,000 euros, and the Czech Republic 2 million euros.

On asylum, Germany dedicated 700,000 euros to strengthening the capacities of migration-related structures in the Western Balkans, and 1.4 million euros to develop the asylum system in southeast Europe, with a focus on the Western Balkans. The funds spent by Belgium on the asylum objective were used for resettlement (see the study *Follow the Money III* for further information).

Finally, on legal migration and integration, Germany implemented two information campaign projects on the risks of irregular migration in Afghanistan, Nigeria, Iraq and the Western Balkans for a total of 1.4 million euros. Belgium implemented a similar project in Cameroon and Senegal for a total of 300,000 euros.

Croatia, Latvia and Slovenia did not implement projects outside the EU; Slovenia had not received project proposals to be implemented (fully or partially) outside the EU from their authorities while Croatia and Latvia decided to focus on the national level.

2.2.2 The use of ISF-Borders and Visa funds outside the EU by the respondents to the survey.

Only the Czech Republic, Germany and Greece reported having used ISF-BV funds outside the EU during 2014-2020. The objectives of and amounts allocated to the projects were very limited, with most of them focused on training activities. For example, the Czech Republic dedicated 300,000 euros (1% of the total amount allocated to their ISF-BV National Programme)³⁰ to the training of consular staff concerning visa procedures. Greece implemented several training activities in Cairo, Egypt for different purposes, such as counter-terrorism, a training program on 'VIP Security and Protection,' alongside several educational activities. Germany implemented training programs on the VIS System in different locations (including Amman, Bangkok, Dakar, Islamabad, Istanbul, Kyiv, Mexico, Moscow, New Delhi, Shanghai, and Beijing). Furthermore, Germany used ISF-BV funds to support construction and renovation work at its embassies in Bangkok, Cairo and Manila, the deployment of Immigration Liaison Officers (ILOs) in Morocco, Turkey, Georgia, Serbia, and Russia,

³⁰ European Commission (28 June 2022). Allocation received per Member State under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) border and visa, and police. Available online.

and the deployment of document and visa advisors (in Jordan, Russia, India, Thailand and Iran) for a total of 4.5 million (5.7% of the total amount allocated to their ISF-BV National Programme). All these actions seemed to have been led by authorities of the MS without any significant involvement by third countries' authorities.

The respondents cited two main reasons for not using ISF-BV funds outside the EU. Firstly, the limited amount of resources allocated to national programmes was needed to implement projects within the EU; for example, Belgium reported that several new EU obligations and developments linked to large-scale IT systems³¹ required the mobilization of a large part of the available ISF-BV resources, while Croatia reported a major need to reinforce national surveillance capacities. Secondly, the national decision-makers did not identify the need to implement projects outside the EU and did not submit project proposals to the Responsible Authority, as reported by Bulgaria and Latvia.

2.3 Key findings

Gathering information for creating the overview presented in the previous sections proved challenging. Unfortunately, there is no central repository of data equipped with user-friendly search functionalities. Moreover, the publicly available data is not presented in a reusable format, which means that the data must be elaborated before it can be analysed. In addition, the lists of supported projects were not made available for the full programming period. For example, a list of awarded projects in 2014, 2015, and 2020 under Union Actions and Emergency Assistance were not publicly available at the time of writing.³² Furthermore, certain calls for proposals that were included in the EC's annual work programmes failed or were cancelled, however the EC has not published the amended work programmes, thus making it difficult to track the total amount of funds spent.

Even more challenging is finding specific project information on AMIF and ISF-BV funding outside the EU. Such data has simply not been made publicly available by the EC or Member States, meaning that such information must be searched for project by project through the beneficiaries, who may or may not have published information on the external dimension. When such information has been published, the data is often found to be inconsistent, and—in many cases—only published after the projects have concluded, as part of the evaluations or press releases on the beneficiaries' websites. The information included as part of the interim and mid-term evaluation reports is only general and anecdotal. As explained in Chapter 3, weak provisions in the legislative framework lie at the core of this problem.

➔ During their implementation period (2014-2020), the budgets of AMIF and ISF-BV were significantly altered:

- The AMIF budget was increased from 3 to 7.5 billion euros. The proportion of funds under direct and shared management changed considerably, mainly due to a larger portion of funding being dedicated to Emergency Assistance. 39% of the AMIF budget was allocated to Union Actions and Emergency Assistance managed directly by DG HOME, and 61% to national programmes.
- The ISF-BV budget remained at 3 billion euros, however the distribution between direct and shared management was also altered from the initial forecasts: 18% was allocated to Union Actions and Emergency Assistance managed directly by DG HOME, and 82% were allocated to national programmes.

³¹ Including the Schengen Information System, the Visa Information System, the Entry/Exit System and the European Travel Information and Authorisation System.

³² For 2020, information on projects awarded under call for proposals is available in the Funding and Tenders Portal of the EC.

Direct management

- ➔ Emergency Assistance from the AMIF or the ISF-BV was not used (fully or partially) to support any projects outside the EU during 2014-2020.
- ➔ There were only three projects supported by ISF-BV Union Actions that included expenditure outside the EU: the Mobility Partnership Facility (MPF), the European Network of Immigration Liaisons Officers (ENILO), and an action supporting Regional Cooperation on Border Management. These projects received a total of 9.9 million, representing 22% of the total funding for ISF-BV Union Actions spent via grants.
- ➔ The projects supported by the AMIF Union Actions whose funds were (fully or partially) spent outside the EU can be grouped into 16 projects. These projects received a total of 357.7 million euros, which represents 61% of the total AMIF Union Actions.
 - The largest AMIF contribution was to the EU Trust Fund for Africa (EUTFA), which received a total of 135 million euros from 2014-2020 (representing 38% of the total AMIF expenditure outside the EU). The EUTFA does not provide traceability of funds to projects, so it is unknown which individual projects were supported with AMIF funds
 - The EUTFA is followed by five Union Actions that represented 55.6% of the AMIF expenditure outside the EU: the Regional Development and Protection Programme in North Africa (RDPP NA), the MPF, the Readmission Capacity Building Facility (RCBF), the Regional Development and Protection Programme in the Horn of Africa (RDPP HA) and InfoMigrants.
 - The last 10 projects represented 6.5% of the AMIF Union Actions spent outside the EU. These include three calls for proposals (CfP)³³ which awarded a total of 18 projects, as well as seven projects that received a single contribution from the AMIF via direct award.

Shared management

- ➔ Based on the limited results yielded from the survey, the use of DG HOME funds outside the EU under shared management was limited, and was more common for those received via AMIF than for ISF-BV. All Member States that used ISF-BV funds outside the EU also likewise used AMIF funds in a similar capacity.
- ➔ All of the respondents implemented projects pursuant to the AMIF return priority. Some MS also implemented projects under the AMIF priority of legal migration, mostly consisting of information campaigns on the risk of irregular migration. Only Germany and Belgium dedicated AMIF funds outside the EU to the asylum priority. Further, most of the respondents mentioned that only a portion of the projects— not all—were implemented outside the EU.
- ➔ All ISF-BV supported projects outside the EU focused on capacity building activities.

³³ AMIF-2016-AG-INTE, AMIF-2017-AG-INFO, AMIF-2018-AG-INTE, AMIF-2019-AG-CALL-4.

3

Comparative analysis of provisions for external spending of EU internal funds for asylum, migration and border management (2014-20 to 2021-27)

This chapter provides a comparative analysis of the provisions for external spending of the 2021-2027 AMIF and the Instrument for Border Management and Visa (BMVI), alongside the provisions of the 2014-2020 AMIF and ISF-BV. This review of the 2014-2020 legal framework is useful given the new AMIF and IBMF regulations largely build upon those of their predecessors. This chapter has been structured into four sections: Section 3.1 focuses on the common provisions for the AMIF and the BMVI. Section 3.2 concentrates on the AMIF and Section 3.3 concentrates on the BMVI. Then, on the basis of this analysis, Section 3.4 provides a detailed list of recommendations for MS and the EC.

3.1 Common provisions for the Asylum, Migration and Integration Fund (AMIF) & Border Management and Visa Policy (BMVI) 2021-27

Both the Asylum, Migration and Integration Fund (AMIF) and the Border Management and Visa Instrument (BMVI) are included in the set of eight Funds for which common rules are set out in the so-called Common Provisions Regulation (CPR).³⁴ The CPR applies to the parts of the budgets of the AMIF and BMVI that are implemented under shared management. Specific provisions and rules for each are set out in their respective Regulations (the 'Fund-specific Regulations'),³⁵ which in some instances make the same or very similar provisions for both the AMIF and BMVI.

Included below are the aspects of the AMIF and BMVI related to third countries and external expenditure for which common rules and provisions from the CPR apply, together with additional or extended provisions included in the Fund-specific Regulations where applicable.

³⁴ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (hereafter 'Regulation 2021/1060').

³⁵ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (hereafter 'Regulation 2021/1147') and Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (hereafter 'Regulation 2021/1148').

3.1.1 General eligibility of actions in third countries

While both the AMIF and BMVI acknowledge that their primary purpose is serving internal Union policy, both allow for their resources to be used outside of the EU in and in relation to third countries as a means of achieving their objectives. The AMIF is more explicit in its justification for the external use of its resources, as it states that its objectives and Union added value may be achieved by “strengthening cooperation and partnership with third countries for the purpose of managing migration.”³⁶

The CPR enables all or part of an action supported by the funds it covers to be “implemented outside of a Member State, including outside the Union, provided that the operation contributes to the objectives of the programme.”³⁷ The implementation of Member States’ programmes under the CPR should additionally “provide for flexibility in relation to the eligibility of expenditure” for operations contributing to programme objectives “regardless of whether they are implemented outside of a Member State or the Union.”³⁸

The European Commission (EC) may, on its own initiative, provide technical assistance under any of the Funds covered by the CPR, including “preparatory, monitoring, control, audit, evaluation, communication... administrative and technical assistance.”³⁹ Technical assistance may be implemented both in the EU and “where appropriate, with third countries.”⁴⁰ Of the actions highlighted as being of particular interest for EC implementation, third countries are explicitly mentioned in relation to actions “to disseminate information, support networking...carry out communication activities (on the Funds)... raise awareness and promote cooperation and exchange of experience, including with third countries.”⁴¹

3.1.2 External policy coherence

The AMIF and BMVI have three common requirements in relation to external policy coherence.

- First, the actions outside of the EU should be “coherent with external Union policy”.
- Second, actions outside of the EU should be coordinated with “relevant Union policies, strategies and instruments” (specifically external actions supported by Union instruments and strategic planning documents for the country/region concerned), for which the EC and Member States, together with the European External Action Service (EEAS), are responsible.
- Third, actions outside of the EU should not be “development-oriented.”⁴²

No explicit reference is made in either the CPR or the Fund-specific Regulations as to how compliance with external policy coherence will be assessed, leaving it to the EC as part of their implementing powers. However, to date there has been no public information provided as to what the relevant processes in place are and the responsibilities assigned to operationalise these requirements, thus creating a risk that activities supported by home affairs funds in third countries may not be aligned with the EU’s overall priorities and, in the worst case, undermine them.

³⁶ Recital 9, Regulation 2021/1147

³⁷ Article 63(4), Regulation 2021/1060

³⁸ Recital 64, Regulation 2021/1060

³⁹ Article 35(1), Regulation 2021/1060

⁴⁰ Article 35, Regulation 2021/1060

⁴¹ Article 35(2)f, Regulation 2021/1060

⁴² Article 5(3), Regulation 2021/1147 and Article 5(3), Regulation 2021/1148

3.1.3 Preparing Member State national programmes

Member States must submit BMVI and AMIF national programmes to the EC no later than three months after the Fund-specific Regulations enter into force.⁴³ The EC reviews these programmes and can make any observations it considers necessary within two months of submission which the Member States must then address in revised programmes, with the final EC approval of national programmes required to take place within five months of the original programme submission.⁴⁴

No explicit reference is made in either the CPR or the Fund-specific Regulations as to how proposed actions with, in or in relation to third countries should be considered within the national programme approval process.⁴⁵ While the Fund-specific Regulations note the “internal nature” of both the AMIF and the BMVI and require national programmes to “primarily serve internal Union policy”,⁴⁶ how programmes’ compliance with this requirement will be assessed at the approval stage is also not outlined.

While both Fund-specific Regulations make provisions for the EC to engage “the relevant decentralised agencies... at an early stage and in a timely manner in the development of the Member States’ programmes”,⁴⁷ the scope of this involvement in relation to proposed national programme actions in and/or with third countries is not further specified.

3.1.4 Participation of third countries in the AMIF and BMVI

a. Third countries associated with the AMIF and BMVI

Both Fund-specific Regulations set out a framework for third countries to be associated with the Funds for the purposes of implementing the Schengen/Dublin system. Such countries must conclude specific agreements with the Union on “the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or lodged in that third country.”⁴⁸

Other aspects covered by these agreements include institutional and agency cooperation, EC audit access, and balancing AMIF contributions/costs, and must be “underpinned...by the principles of non-refoulement, democracy, the rule of law and respect for human rights”.⁴⁹

b. Participation of third countries in Member State national programmes

Significant portions of both AMIF and BMVI resources for 2021-27 are allocated to Member State national programmes: approximately 63.4% (€6.27bn) of all AMIF resources (€9.88bn),⁵⁰ and 70.4% (€3.69bn) of total BMVI resources (€5.24bn).⁵¹

⁴³ Article 21(2), Regulation 2021/1060

⁴⁴ Article 23, Regulation 2021/1060

⁴⁵ Recital 16, Regulation 2021/1060

⁴⁶ Article 16(1), Regulation 2021/1147 and Article 13(1), Regulation 2021/1148

⁴⁷ Art 16(4), Regulation 2021/1147 and Article 13, Regulation 2021/1148

⁴⁸ Article 7(2), Regulation 2021/1147 and Article 7(2), Regulation 2021/1148

⁴⁹ Article 7, Regulation 2021/1147 and Article 7(3), Regulation 2021/1148

⁵⁰ Article 10(2)a, Regulation 2021/1147. These are the initial allocations established in Regulation 2021/1147. The amounts allocated to National Programmes could be altered during the implementation of the Fund, for example via Specific Actions funded through the Thematic Facility.

⁵¹ Article 10, Regulation 2021/1148. These are the initial allocations established in Regulation 2021/1148. The amounts allocated to National Programmes could be altered during the implementation of the Fund, for example via Specific Actions funded through the Thematic Facility. Moreover, the whole BMVI budget was increased to 6.3 billion euros during the 2021-2027 MFF negotiations.

Both Fund-specific Regulations require Member States wishing to implement national programme actions “with or in a third country... (to) consult the Commission prior to the approval of the project”.⁵² No further details are provided as to the nature of this consultation, including the criteria that the EC might consider concerning the participation of third countries in this context, the potential outcomes of such consultation, or inputs from other EU bodies such as the European External Action Service (EEAS).

Without clarity on these elements of the consultation process, neither the 2021-27 AMIF nor BMVI have established or determined the relevant parameters dictating how Member States engage or implement actions in third countries in the context of national programmes. This poses a challenge for external policy coherence. Considering the absence of a requirement to publicise the details of Member State requests and subsequent EC consultations in this context, the Funds also do not provide for external scrutiny of the involvement of third countries via national programmes, or offer assurances that Member State involvement will be undertaken on a strategic rather than ad-hoc basis.

The 2021-27 BMVI Regulation includes an additional requirement for Member States deciding to implement BMVI-supported actions “with, in or in relation to a third country...in relation to the monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating irregular immigration and cross- border crime or for the purpose of contributing to the protection of migrants and contributing to saving the lives of migrants.” In these cases, Member States must notify the EC “of any bilateral or multilateral cooperation agreement with that third country” or before concluding any such agreement with a third country. Member States must in particular notify the EC of “provisions related to border management and return” in existing or draft agreements, and the EC will notify the Council and Frontex.⁵³

3.1.5. Monitoring

Member States implementing AMIF and BMVI national programmes are required to establish a framework “to monitor, report on and evaluate programme performance”. A separate framework must therefore be established for each programme, to include:

- Output indicators, selected from those provided in the Fund-specific Regulations (relevant indicators in relation to third countries and external expenditure are detailed below).
- Milestones to be achieved by end-2024 (output indicators).
- Targets to be achieved by end-2029 (result indicators).⁵⁴

⁵² Article 16(11), Regulation 2021/1147 and Article 13(12), Regulation 2021/1148

⁵³ Article 13(13), Regulation 2021/1148

⁵⁴ Article 16, Regulation 2021/1060

AMIF	BMVI
<p>Specific Objective 2: Legal migration</p> <p><u>Output indicators:</u></p> <ul style="list-style-type: none"> • Number of information packages and campaigns to raise awareness of legal migration channels to the Union. • Number of participants receiving information or assistance in applying for family reunification. • Number of participants benefitting from mobility schemes. <p>No relevant result indicators.</p> <p>Specific Objective 3: Countering irregular migration</p> <p><u>Output indicators:</u></p> <ul style="list-style-type: none"> • Number of returnees who received reintegration assistance. <p><u>Result indicators:</u></p> <ul style="list-style-type: none"> • Number of returnees voluntarily returned. • Number of returnees who were removed. • Number of returnees subject to alternatives to detention. <p>Specific Objective 4: Solidarity</p> <p><u>Output indicators:</u></p> <ul style="list-style-type: none"> • Number of participants who received pre-departure support. <p><u>Result indicators:</u></p> <ul style="list-style-type: none"> • Number of persons resettled. • Number of persons admitted through humanitarian admission.⁵⁵ 	<p>Specific Objective 1: Border management</p> <p><u>Output indicators:</u></p> <ul style="list-style-type: none"> • Number of immigration liaison officers deployed to third countries. • Number of cooperation projects with third countries. <p>No relevant result indicators.</p> <p>Specific Objective 2: Visas</p> <p><u>Output indicators:</u></p> <ul style="list-style-type: none"> • Number of staff deployed to consulates in third countries <p>No relevant result indicators.⁵⁶</p> <p>Annex VIII BMVI</p>

Member States implementing national programmes of the AMIF and BMVI are required to establish monitoring committees composed of “relevant partners” to monitor Member State programme performance.⁵⁷ Relevant partners have only been defined for the AMIF, and shall include “regional, local, urban and other public authorities or associations representing such authorities, relevant international organisations, non-governmental organisations, such as refugee organisations and migrant-led organisations, as well as national human rights institutions and equality bodies, and economic and social partners”.⁵⁸ Moreover, relevant decentralised agencies can participate in monitoring committees for both AMIF and BMVI, although no details have been specified as to the specific tasks of the agencies or the overall committees in relation to national programme actions with, in or in relation to third countries.⁵⁹

⁵⁵ Annex VIII, Regulation 2021/1147

⁵⁶ Annex VIII, Regulation 2021/1148

⁵⁷ Recital 35, Regulation 2021/1060 referencing the 2014 European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds

⁵⁸ Article 4, Regulation 2021/1147

⁵⁹ Article 39(3), Regulation 2021/1060

Member States implementing AMIF and BMVI national programmes are required to record and store data on each action electronically, including “information on whether the operation is with the participation of a third country, or takes place in a third country. If so, identification of that third country.”⁶⁰

3.1.6 Reporting

a. Obligations for Member States

Member States implementing AMIF and BMVI national programmes must submit annual performance reports for each programme to the EC—the first in February 2023, and then every subsequent year until 2031.⁶¹

Annual AMIF and BVMI performance reports are required to include a wide variety of programme information; relevant inclusions in relation to third countries and external actions are:

- “Complementarity between the actions supported under the (AMIF and BVMI) and the support provided by other Union funds, in particular those actions taken in or in relation to third countries.”
- “The implementation of projects in or in relation to a third country.”
- “Fulfilment of the applicable enabling conditions and their application... in particular compliance with fundamental rights.”⁶²

Member States’ annual performance reports must include a summary, which the EC is responsible for translating into all Union languages and making publicly available.⁶³ There is no requirement for full annual performance reports to be published. Although summaries must cover all categories of information that the Fund-specific Regulations require be included in annual performance reports, no further information is provided as to the level of analysis that the summaries will provide on the implementation of AMIF and BMVI national programmes.

b. Obligations for the European Commission

The Financial Regulation requires the Commission to prepare annual statements to justify the funding requested for each of the EU Funds. Programme statements are submitted by the EC when presenting annual draft budgets to the European Parliament and the Council.⁶⁴ According to the Funds-specific Regulations, Programme Statements must include “core performance indicators,”⁶⁵ a simplified set of indicators than those set out above.

⁶⁰ Annex XVII, Regulation 2021/1060

⁶¹ Article 35(1), Regulation 2021/1147 and Article 29, Regulation 2021/1148

⁶² Article 35(2)c, f & i, Regulation 2021/1147 and Article 29(2)c, f & h, Regulation 2021/1148

⁶³ Article 35(2) Regulation 2021/1147 and Article 29, Regulation 2021/1148

⁶⁴ Article 41(3), Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

⁶⁵ Article 33 (2), Regulation 2021/1147, and Article 27(1) Regulation 2021/1148

3.1.7 Review & evaluation

a. Performance reviews (led by Member States)

Member States implementing AMIF and BMVI national programmes must organise at least two performance review meetings with the EC during the 2021-27 period. A single meeting can be held for more than one programme, providing the possibility for a joint review of AMIF and BMVI programmes in a particular Member State, and the EC and a Member State can further agree to carry out a written review in place of a review meeting.⁶⁶

Annual performance reports for AMIF and BMVI national programmes would appear to be the key source for the content of performance reviews, although this is not directly specified in the CPR text. As such, performance review meetings may cover information on programme implementation in and with third countries that is required to be included in annual performance reports. However, given that the CPR does not make any provision for the participation of non-state partners (either via programme monitoring committees or in general) or require the conclusions of performance reviews to be made public, it is not clear if/how this aspect of national programmes will be addressed in the review process.

b. Evaluation (led by Member States)

Member States implementing AMIF and BMVI national programmes must draw up evaluation plans that include arrangements. Such evaluations can cover more than one programme, providing the possibility for a joint AMIF-BMVI evaluation, and Member States must publish all evaluations online.⁶⁷

Member States are free to select the criteria their evaluations will focus on, the only requirement is to include “one or more of the following criteria: effectiveness, efficiency, relevance, coherence and Union added value”. Evaluations may also “cover other relevant criteria, such as inclusiveness, non-discrimination and visibility.”⁶⁸ Activities in and with third countries are not specifically required to be addressed in national programme evaluations.

c. Mid-term review and evaluation (led by the European Commission)

The EC must carry out mid-term (by end-2024) and final (by end-2031) overall evaluations of the AMIF and BMVI. Such evaluations must “examine the effectiveness, efficiency, relevance, coherence and Union added value” of each programme, be formally communicated to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and be made publicly available via the EC’s website.⁶⁹

The Funds-specific Regulations specify that the EC “shall pay particular attention to the evaluation of actions implemented with, in or in relation to third countries” in the mid-term and final EC evaluations of the AMIF and BMVI.⁷⁰ The same provision was included in the 2014-2020 AMIF and ISF-BV. However, the 2014-20 AMIF and ISF-BV mid-term evaluations—which focused on the implementation of the funds from 2014-2017—only made

⁶⁶ Article 41(1-2), Regulation 2021/1060

⁶⁷ Article 44(1-2, 5 & 7), Regulation 2021/1060

⁶⁸ Article 44 1, Regulation 2021/1060

⁶⁹ Article 45, Regulation 2021/1060

⁷⁰ Article 34(4), Regulation 2021/1147 and Article 28(5), Regulation 2021/1148

general and anecdotal reference to projects that included expenditure outside the EU without including any disaggregated information, for example on the amount of resources spent outside the EU or where the project has/had been implemented.⁷¹

3.2 Asylum, Migration & Integration Fund (AMIF) 2021-27

3.2.1 Objectives

The policy objective of the 2021-27 AMIF is “to contribute to the efficient management of migration flows and to the implementation, strengthening and development of the common policy on asylum and the common immigration policy.” This objective is required to be pursued “in accordance with the relevant Union acquis and fully respecting the international obligations of the Union and the Member States arising from the international instruments to which they are party.”⁷²

The AMIF has four specific objectives, each with associated implementation measures. Third countries are included as migration management cooperation partners in implementation measures under the first three specific objectives, and as recipients of solidarity actions under the fourth:



Source: Article 3(2) and Annex II, Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund

⁷¹ See European Commission (12 June 2018), Interim Evaluation of the Asylum, Migration and Integration Fund 2014-2017, p. 30 and European Commission (12 June 2018), Interim Evaluation of Interim Evaluation of the Internal Security Fund - Borders and Visa 2014-2017, p. 221.

⁷² Article 3(1), Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (hereafter ‘Regulation 2021/1147’)

Comparison with the 2014-20 AMIF

- While the overall objective of the AMIF remains unchanged from 2014-20 to 2021-27, the 2021-27 AMIF adds a requirement for the fund to be pursued “in line with the Union acquis on asylum and migration.”⁷³
- Specific Objective 3 of the 2021-27 AMIF significantly boosts the profile of reintegration in the context of voluntary return within the AMIF, by including “effective initial reintegration in third countries” at the level of the AMIF’s objectives.⁷⁴

3.2.2 Eligible AMIF actions in/with third countries (scope of support)

Within the scope of the AMIF’s overall objectives and implementation measures, the 2021-27 AMIF “shall, in particular, support the actions listed in Annex III (Scope of Support).” The EC can add new actions during the AMIF’s implementation period “to address new or unforeseen circumstances.”⁷⁵

The AMIF may support any action listed in the Scope of Support Annex “in and in relation to third countries where appropriate” within the scope of its objectives,⁷⁶ providing an extremely wide basis for action in relation to third countries. Eligible actions that make explicit reference to third countries are included under the Specific Objectives for asylum (Specific Objective 1), legal migration (Specific Objective 2) and countering irregular migration (Specific Objective 3), as detailed below:

a. Specific Objectives

Specific Objective 1: Asylum

Actions to enhance the capacities of third countries “to improve the protection of persons in need of protection”, including the “development of protection systems for children in migration”, are eligible for support under the asylum objective of the 2021-27 AMIF.⁷⁷

Comparison with the 2014-20 AMIF

- Under the 2014-20 AMIF, actions to strengthen “infrastructure and services relevant to migration and asylum” were eligible only in third countries “designated for the implementation of Regional Protection Programmes.”⁷⁸ The 2021-27 AMIF does not make reference to Regional Protection Programmes, removing the policy framework that drove the selection of third countries eligible for this type of AMIF support.

⁷³ Article 3(1), Regulation 2021/1147

⁷⁴ Article 3(2)c, Regulation 2021/1147

⁷⁵ Article 5(1), Regulation 2021/1147

⁷⁶ Article 5(2), Regulation 2021/1147

⁷⁷ Annex III (2)h, Regulation 2021/1147

⁷⁸ Annex III (2)h, Regulation 2021/1147

Specific Objective 2: Legal migration

- A general provision for actions assisting “third-country nationals seeking to exercise their rights, in particular related to mobility, under Union legal migration instruments”.⁷⁹
- “Information packages and campaigns to raise awareness of legal migration channels to the Union”.⁸⁰

Comparison with the 2014-20 AMIF

→ The 2014-20 AMIF envisaged Mobility Partnerships as the “main strategic, comprehensive and long-term cooperation framework for migration management with third countries”.⁸¹ While the 2021-27 AMIF does not refer to Mobility Partnerships, eligible actions in or in relation to third countries under the ‘countering irregular migration’ objective provides for the implementation of the activities undertaken in the framework of these partnerships during 2014-20.⁸²

The range of eligible pre-departure activities for labour migration in third countries is both narrowed and generalised in the 2021-27 AMIF:

- Employment-related measures in the 2014-20 AMIF, such as pre-departure vocational training and skills assessments,⁸³ are subsumed into the more general 2021-27 provision for third country cooperation with Member State recruitment agencies, employment services and immigration services.⁸⁴
- Non-employment related pre-departure interventions in the 2014-20 AMIF, such as civic orientation, campaigns for intercultural dialogue and language tuition, are not included in the 2021-27 AMIF’s eligible activities.⁸⁵
- The 2014-20 AMIF’s eligible activity of providing “assistance in the context of applications for family reunification” is not present in the 2021-27 AMIF, which includes a more general provision for actions for third country nationals to access mobility rights under Union legal migration instruments.⁸⁶

The 2021-27 AMIF maintains the eligibility of “information packages and campaigns to raise awareness of legal migration channels to the Union”, changing their overall purpose from raising awareness of “the risks of illegal immigration” to promoting the provisions of the “Union’s legal migration acquis”.⁸⁷

⁷⁹ Annex III 3(g), Regulation 2021/1147

⁸⁰ Annex III 3(a), Regulation 2021/1147

⁸¹ Recital 25, Regulation 516/2014

⁸² Annex III (4) Regulation 2021/1147

⁸³ Article 8, Regulation (EU) 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund (hereafter ‘Regulation 516/2014’)

⁸⁴ Annex III 3(c), Regulation 2021/1147

⁸⁵ Article 13b, Regulation 516/2014 & Annex III (k) & (m), Regulation 2021/1147

⁸⁶ Article 12(b) & 13(a), Regulation 516/2014 & Annex III 4(f), Regulation 2021/1147

⁸⁷ Article 12f, Regulation 516/2014 & Annex III 4(j), Regulation 2021/1147

Specific Objective 3: Countering irregular migration

- Cooperation with consular authorities, immigration services and other “relevant authorities and services” of third countries to obtain travel documents, and facilitate returns and readmission. Includes deployment of third-country liaison officers.⁸⁸
- Temporary accommodation facilities and reception support services for returnees in third countries. Requirement to ensure a “fast transition to community-based accommodation”—no specific time limits or procedural rights/guarantees.⁸⁹
- Employment-focused measures to support “sustainable return and reintegration”, including cash incentives, training, work placement, employment assistance and business start-up support.⁹⁰ No specific measures are included to address the AMIF’s recommendation that “particular attention should be paid to vulnerable persons” in the context of reintegration support.⁹¹
- General provisions for cooperation with third countries “regarding countering irregular migration... and effective return and readmission”⁹² and “assistance and actions in third countries which help to improve effective cooperation between third countries and the Union and its Member States” on return, readmission and reintegration.⁹³

Comparison with the 2014-20 AMIF

- ➔ The 2021-27 AMIF continues the 2014-20 AMIF’s focus on expanding voluntary return, encouraging Member States to “give preference to voluntary return” and promote its uptake by providing incentives,⁹⁴ as well as including voluntary return and reintegration assistance in actions eligible for a higher co-financing rate.⁹⁵
- ➔ Despite the emphasis on reintegration support and assistance in the 2021-27 AMIF, the scope of eligible activities in this area is somewhat narrowed from 2014-20. References to post-return counselling and the “personal development” of returnees⁹⁶ are removed in favour of support and interventions wholly oriented toward economic self-sufficiency.⁹⁷
- ➔ The 2021-27 AMIF provides for a wider set of third country actors to be involved in cooperation on returns and readmission, by adding “other relevant authorities and services of third countries” to “consular authorities and immigration services.”⁹⁸
- ➔ The 2021-27 AMIF provides for a broader basis for cooperation on readmission, which no longer takes place solely in the context of readmission agreements but instead encompasses measures “countering irregular migration and (for) effective return and readmission.”⁹⁹

⁸⁸ Annex III 4(f), Regulation 2021/1147

⁸⁹ Annex III 4(j), Regulation 2021/1147

⁹⁰ Annex III 4(i), Regulation 2021/1147

⁹¹ Recital 26, Regulation 2021/1147

⁹² Annex III 4(k), Regulation 2021/1147

⁹³ Annex III 4(m), Regulation 2021/1147

⁹⁴ Recital 24, Regulation 2021/1147

⁹⁵ Annex IV, Regulation 2021/1147

⁹⁶ Article 12e, Regulation 516/2014

⁹⁷ Recital 26, Regulation 2021/1147

⁹⁸ Article 12b, Regulation 516/2014 & Annex III 4(f), Regulation 2021/1147

⁹⁹ Article 13b, Regulation 516/2014 & Annex III 4(k) & 4(m), Regulation 2021/1147

- ➔ The 2021-27 AMIF removes the 2014-20 AMIF's emphasis on building third countries' capacity to engage in effective return and readmission, in favour of the more general "assistance and actions in third countries which help to improve effective cooperation" between third countries, the Union and Member States.¹⁰⁰
- ➔ The 2021-27 AMIF adds "the deployment of third-country liaison officers" to measures for cooperation with third countries on returns and readmission.¹⁰¹
- ➔ Adding "where appropriate, a fast transition to community-based accommodation" to the continued AMIF eligible action for supporting "facilities and support services in third countries to ensure appropriate temporary accommodation" for returnees, albeit without any specific time limits or procedural rights/guarantees.¹⁰²

3.2.3 Third countries and the AMIF Thematic Facility

Approximately 35.5% (€3.61bn) of the total AMIF financial envelope for 2021-27 (€9.88bn) is allocated to a new AMIF Thematic Facility, the relevant components of which for external action are:

- Emergency assistance,
- Resettlement and humanitarian admission,
- Specific Actions, and
- Union Actions.¹⁰³

Thematic Facility resources shall "address priorities with a high Union added value or be used to respond to urgent needs."¹⁰⁴ In order to provide flexibility to "respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value", the Thematic Facility can be implemented via Member State AMIF national programmes.¹⁰⁵

The EC is responsible for publishing financing decisions and work programmes "identifying objectives and actions to be supported and specifying the amounts for each of the components (of the facility)",¹⁰⁶ although the frequency and timeframe for publication are as of yet unclear. While the EC must "engage with civil society organisations and relevant networks, in particular with a view to preparing and evaluating the work programmes for Union actions" financed under the facility, arrangements for this engagement have not yet been shared with relevant stakeholders.¹⁰⁷

AMIF emergency assistance and Union Actions can be implemented under shared, direct and indirect management.¹⁰⁸ Although the 2021-27 AMIF specifies that "given the internal nature of the Fund, the thematic facility shall primarily serve internal Union policy",¹⁰⁹ entities in third countries are eligible to participate in these components of the Thematic Facility where:

¹⁰⁰ Article 13b, Regulation 516/2014 & Annex III (k) & (m), Regulation 2021/1147

¹⁰¹ Article 12(b) & 13(a), Regulation 516/2014 & Annex III 4(f), Regulation 2021/1147

¹⁰² Article 12f, Regulation 516/2014 & Annex III 4(j), Regulation 2021/1147

¹⁰³ Article 10(1-2), Regulation 2021/1147

¹⁰⁴ Article 11(2), Regulation 2021/1147

¹⁰⁵ Recital 44, Regulation 2021/1147

¹⁰⁶ Article 11(8), Regulation 2021/1147

¹⁰⁷ Article 11(3), Regulation 2021/1147

¹⁰⁸ Specific Actions and actions for resettlement and humanitarian admission are implemented via Member State AMIF national programmes ('shared management').

¹⁰⁹ Article 10(1), Regulation 2021/1147

- The third country concerned is listed in the relevant Thematic Facility work programme; *and*
- The entity is established in a third country associated with the AMIF; *or*
- Is part of an implementing consortium that includes at least one entity based in a Member State.¹¹⁰

An individualised framework for the participation of entities in non-associated third countries is not elaborated. Entities in participating third countries as part of a consortium are themselves responsible for ensuring that “actions in which they participate comply with the principles enshrined in the Charter (of Fundamental Rights) and contribute to the achievement of the objectives of the Fund.”¹¹¹ It is unclear how other aspects included in third country association agreements (such as EC audit access, balancing AMIF contributions and costs, and a commitment to the rule of law) will be addressed in relation to non-associated third countries participating in the Thematic Facility.

The AMIF Regulation imposes on the EC a general obligation to report on the use of the thematic facility. However, it does not specify the frequency of this reporting, beyond requiring that reports be made “in a timely manner”, with information “updated as appropriate.” Reporting must include “the support provided to actions in or in relation to third countries under the Union actions.”¹¹² Moreover, when reporting on the progress of the Fund, the EC shall follow the indicators established in Annex VIII,¹¹³ which is the same performance framework by which the MS are bound (see subsection 3.1.5 for further information on these indicators).

Finally, the possibility to involve decentralised agencies in monitoring and evaluation activities for the AMIF and BMVI “with a view to ensuring that the actions implemented with the support of the [Funds] are compliant with the relevant Union acquis and agreed Union priorities”¹¹⁴ could also apply to the thematic facility.

Comparison with the 2014-20 AMIF

- ➔ The requirement for Member States to consult with the EC prior to implementing AMIF national programme actions in or with third countries has been newly introduced in the 2021-27 AMIF.
- ➔ The 2014-20 did not include a Thematic Facility as set out in the 2021-27 AMIF, but did make provisions for each of its individual components. This included specific lists of eligible actions under each component,¹¹⁵ in contrast to the 2021-27 AMIF which provides for any action eligible for AMIF support to be implemented under the Thematic Facility (with the exception of emergency assistance).¹¹⁶
- ➔ During 2014-20, AMIF emergency assistance was available for actions in third countries in situations of “emergency situations of heavy migratory pressure... where refugees are stranded due to events such as political developments or conflict”.¹¹⁷ The 2021-27 AMIF amends these conditions by prioritising those situations in particular that might impact migration trends towards the EU.¹¹⁸
- ➔ During 2014-2020, Union actions and emergency assistance, which represented 39% of the allocations from AMIF, were not covered by the performance framework. Because this is not a legal requirement, the Commission has not yet developed a performance monitoring framework for Union actions and emergency assistance. Consequently, there is limited aggregated performance information on a total of 2.9 billion euros.

¹¹⁰ Article 24(1) & (3), Regulation 2021/1147

¹¹¹ Article 24(3), Regulation 2021/1147

¹¹² Recital 38 and Article 11(10), Regulation 2021/1147.

¹¹³ Article 33(3), Regulation 2021/1147. While the AMIF Regulation does not specify that Annex VIII will apply to the thematic facility, representatives of DG HOME confirmed so during an interview on 26 October 2022.

¹¹⁴ Article 16(5), Regulation 2021/1147

¹¹⁵ Articles 16-17 & 20-21, Regulation 516/2014

¹¹⁶ Article 11(2), Regulation 2021/1147

¹¹⁷ Article 2(k), Regulation 516/2014

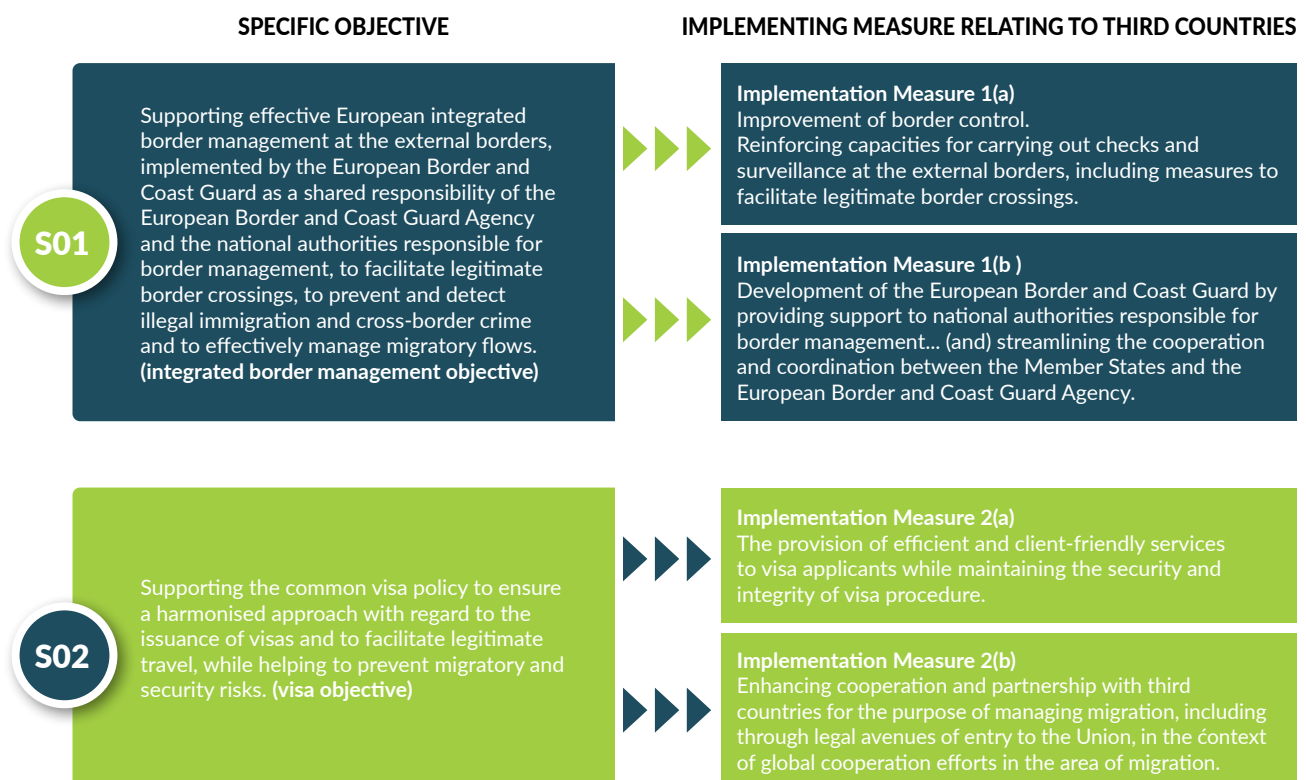
¹¹⁸ Article 31(1)c, Regulation 2021/1147

3.3 Instrument for Financial Support for Border Management and Visa Policy (BMVI) 2021-27

3.3.1 Objectives

The policy objective of the 2021-27 BMVI is to “ensure strong and effective European integrated border management at the external borders,¹¹⁹ thereby contributing to ensuring a high level of internal security within the Union.” This objective must be pursued “while safeguarding the free movement of persons within (the Union) and fully respecting the relevant Union acquis and the international obligations of the Union and the Member States.”¹²⁰

The BMVI has two specific objectives, each with associated implementation measures. Third countries are included as potential locations for BMVI implementation under both objectives, including in the context of joint actions by Member States and the European Border and Coast Guard (Frontex), and as migration management cooperation partners under the second objective:



Source: Article 3(2) and Annex II, Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy

¹¹⁹ “External borders” in the BMVI are defined as “Member States’ land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders” (Article 2(3), Regulation 2021/1148).

¹²⁰ Article 3(1), Regulation 2021/1148

Comparison with the 2014-20 ISF-BV

- The overall objective of the BMVI remains unchanged from 2014-20 to 2021-27, although the border management objective does not refer to non-discrimination and compliance with fundamental rights. Instead, a separate article on non-discrimination and compliance with fundamental rights is included in the BMVI Regulation, which applies to both the border management and visa objectives.

3.2.2 Eligible BMVI actions in/with third countries (scope of support)

Within the scope of the BMVI's objectives and implementation measures, the 2021-27 BMVI "shall, in particular, support the actions listed in Annex III (Scope of Support)." The EC can add new actions during the BMVI's implementation period "to address new or unforeseen circumstances."¹²¹

The BMVI may support any action listed in the Scope of Support annex "in and in relation to third countries where appropriate" within the scope of its objectives,¹²² providing an extremely wide basis for action in relation to third countries. Eligible actions that make explicit reference to third countries are detailed below.

a. Policy Objective

While the BMVI's policy objective has no associated implementation measures, the BMVI regulation sets out a number of eligible actions under the objective within its scope of support. These are largely related to large-scale IT projects and associated training programs and infrastructure, which tend to be high-cost activities. Given the BMVI's focus on expanding the global consular presence of EU Member States, eligible actions provided for under the BMVI policy objective create the potential for high levels of expenditure in third countries.

b. Specific Objectives

Specific Objective 1 (integrated border management)

- Joint deployment of immigration liaison officers to third countries and "secondments of border guards and other relevant experts to Member States or from a Member State to a third country".
- Reinforcing cooperation and operational capacity of networks of experts or immigration liaison officers.¹²³
- A range of actions to "develop the European Border and Coast Guard (and)... streamline the cooperation and coordination between the European Border and Coast Guard Agency and Member States", including capacity building, joint procurement, establishing common standards and "measures related to the referral of vulnerable persons in need of assistance and persons who are in need of, or who wish to apply for, international protection."¹²⁴ Activities here could address any aspect of the returns process, in line with the mandate of Frontex.¹²⁵
- Actions to enhance the awareness of external border policies among stakeholders and the general public ("stakeholders" here could include migrant or potential migrants in third countries, via awareness-raising and information campaigns).

¹²¹ Article 5(1), Regulation 2021/1148

¹²² Article 5(2), Regulation 2021/1148

¹²³ Annex III (1)D, Regulation 2021/1148

¹²⁴ Annex II 1(e), Regulation 2021/1148

¹²⁵ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

Specific Objective 2 (visas)

Eligible actions to support consular operations and cooperation include:

- “Infrastructure and buildings required for visa applications and consular cooperation.”
- Operating equipment and ICT systems required to process visa applications and facilitate consular cooperation.
- Training for consular staff and other staff facilitating consular cooperation.
- Operating support for Member State agencies and authorities implementing visa policy.¹²⁶

Other relevant eligible actions include:

- Activities to raise awareness among stakeholders and the general public regarding visa policies (“stakeholders” here could include migrant or potential migrants in third countries, via awareness-raising and information campaigns).
- Support for Member States issuing humanitarian visas.¹²⁷

Comparison with the 2014-20 ISF-BV

Under the 2014-20 ISF-BV, actions in relation to and in third countries were more general and referred to both specific objectives without making any distinction between the two. The Fund could support any of the following:

- (a) information systems, tools or equipment for sharing information between Member States and third countries;
- (b) actions relating to operational cooperation between Member States and third countries, including joint operations;
- (c) projects in third countries aimed at improving surveillance systems to ensure cooperation with Eurosur;
- (d) studies, seminars, workshops, conferences, training, equipment and pilot projects to provide ad hoc technical and operational expertise to third countries;
- (e) studies, seminars, workshops, conferences, training, equipment and pilot projects implementing specific recommendations, operational standards and best practices resulting from operational cooperation between Member States and Union agencies in third countries.¹²⁸

c. Third countries and higher co-financing for BMVI national programme actions

¹²⁶ Annex II, 2(a-c and j), Regulation 2021/1148

¹²⁷ Annex II, 2(k & h), Regulation 2021/1148

¹²⁸ Article 4(2), Regulation 515/2014

Within national programmes, the BMVI explicitly encourages Member States to “pursue, in particular, the actions listed” in the Regulation as eligible for a higher Union co-financing contribution of 90%.¹²⁹ Of these, actions relevant to third countries and the external use of the BMVI’s resources are:

- Measures supporting “inter-agency cooperation between a Member State and a neighbouring third country” with which the Union “shares a common border.”
- Joint deployment of immigration liaison officers.
- Anti-trafficking measures, including “in the framework of border control and enhancing cross-border cooperation for detecting traffickers.”
- Increasing consular representation of Member States in third countries where visa requirements to enter the EU are in place, in particular “third countries in which no Member State is currently present.”¹³⁰

3.3.3 Third countries and the BMVI Thematic Facility

Approximately 30% (€1.57bn)¹³¹ of the total BMVI financial envelope for 2021-27 is allocated to a Thematic Facility,¹³² the components of which are:

- Specific Actions.
- Union Actions.
- Emergency assistance.¹³³

The EC is responsible for publishing financing decisions and work programmes setting out Thematic Facility priorities, and must engage with civil society organisations and relevant networks to do so.¹³⁴

In order to provide flexibility to “respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value”, the Thematic Facility can be implemented via Member State BMVI national programmes.¹³⁵

Entities in third countries are eligible to participate in actions supported by the BMVI Thematic Facility where they are:

- Established in an overseas country or territory linked to a Member State,¹³⁶ or
- Established in a third country listed in the relevant work programme, and are participating as part of a consortium that includes at least one entity based in a Member State.¹³⁷

¹²⁹ Article 13(17), Regulation 2021/1148

¹³⁰ Annex IV (2, 4, 5 & 11), Regulation 2021/1148

¹³¹ An additional allocation of €1bn will be made to the BMVI Thematic Facility as provided for in Article 5 of Regulation (EU, Euratom) 2020/2093 (see Article 7(2 & 4), Regulation 2021/1148).

¹³² Article 7(3), Regulation 2021/1148

¹³³ Article 8(1), Regulation 2021/1148

¹³⁴ Article 8(3), Regulation 2021/1148

¹³⁵ Recital 46, Regulation 2021/1148

¹³⁶ Entities in overseas countries or territories are eligible for EU funding subject to the rules and objectives of the Instrument in question, and any arrangements applicable to the Member State to which they are linked (Recital 62, Regulation 2021/1148).

¹³⁷ Article 20(1-3), Regulation 2021/1148

Entities participating in Thematic Facility actions as part of a consortium are responsible for ensuring “that the actions in which they participate comply with the principles enshrined in the Charter (of Fundamental Rights) and contribute to the achievement of the objectives of the Fund.”¹³⁸ This provision effectively makes entities in third countries themselves responsible for assessing compliance with EU fundamental rights in the context of individual actions, a legally complex role that is not further defined within the Regulation.

The BMVI Regulation imposes upon the EC a general obligation to report on the use of the thematic facility. However, it does not specify the frequency of this reporting, beyond requiring that reports be made “in a timely manner”, with information “updated as appropriate.” Reporting must include “supporting actions in or in relation to third countries and the share of the thematic facility used for supporting such actions”.¹³⁹ Moreover, when reporting on the progress of the Fund, the EC shall follow the indicators established in Annex VIII,¹⁴⁰ which are the same as in the performance framework to which the MS are bound by (see subsection 3.1.5 for further information on the indicators).

Finally, the possibility to involve decentralised agencies in the monitoring and evaluation activities of the AMIF and BMVI “with a view to ensuring that the actions implemented with the support of the [Funds] are compliant with the relevant Union acquis and agreed Union priorities”¹⁴¹ should also apply to the thematic facility.

The Funds-specific Regulations obligate the EC to report on the use of the respective Thematic Facilities included in the AMIF and BMVI, however neither specify the frequency of this reporting, beyond requiring that the reports be made “in a timely manner”, with the information “updated as appropriate.” For the AMIF, reporting must include “the support provided to actions in or in relation to third countries under the Union actions”, and for the BMVI “support for actions in or in relation to third countries and the share of the thematic facility used for supporting such actions.”¹⁴²

Comparison with the 2014-2020 ISF-BV

- ➔ The requirement for Member States to consult with the EC prior to implementing national programme actions in or with third countries has been newly introduced in the 2021-27 BMVI.
- ➔ The 2014-20 BMVI did not include a Thematic Facility as set out in the 2021-27 BMVI, although it did make provisions for each of its individual components. This included specific lists of eligible actions under each component,¹⁴³ in contrast to the 2021-27 BMVI's provision that any action eligible for BMVI support be implemented under the Thematic Facility (with the exception of emergency assistance).¹⁴⁴
- ➔ During 2014-2020, Union actions and emergency assistance, which represented 18% of the allocations from the ISF-BV, were not covered by the performance framework. Because this is not a legal requirement, the Commission has not yet developed a performance monitoring framework for these actions. Consequently, there is limited aggregated performance information on a total of 522.5 million euros.¹⁴⁵

¹³⁸ Article 24(3), Regulation 2021/1148

¹³⁹ Recital 40 and Article 27(4) Regulation 2021/1148

¹⁴⁰ Article 27(3), Regulation 2021/1148. While the BMVI Regulation does not specify that Annex VIII will apply to the thematic facility, representatives of DG HOME confirmed so during an interview on 26 October 2022.

¹⁴¹ Article 13, Regulation 2021/1148

¹⁴² Recital 38 and Article 11(10), Regulation 2021/1147, and R40 and Article 27(4) Regulation 2021/1148

¹⁴³ Articles 16-17 & 20-21, Regulation 516/2014

¹⁴⁴ Article 11(2), Regulation 2021/1147

¹⁴⁵ European Court of Auditors (2021). Report of the European Court of Auditors on the performance of the EU budget – Status at the end of 2020. Available online. p.149

3.4 Key findings and recommendations

3.4.1 Key findings

- ➔ Both the AMIF and BMVI acknowledge that their primary purpose is to serve internal Union policy but provide for the external use of their resources in and in relation to third countries as a means of achieving their objectives. However, this poses specific challenges for external policy coherence as the objectives of home affairs funds are much narrower than the EU's objectives towards a third country. As the basis for action in relation to third countries is extremely wide given the Funds may support any action listed in the Scope of Support, special effort should be made to ensure that the requirements in relation to external policy coherence are put into practice.
- ➔ The Funds-specific Regulations include provisions that could regulate the capacity of Member States to engage or implement actions in third countries in the context of national programmes, but only if these provisions are further operationalised. This is particularly important for three provisions:
 - the provision that requires MS to consult the Commission prior to the approval of a project with or in a third country;
 - the provisions that requires external policy coherence;
 - the provisions that requires the EC “to pay particular attention to the evaluation of actions implemented with, in or in relation to third countries” in the mid-term and final EC evaluations of the AMIF and BMVI.
- ➔ In their annual performance reports, MS are obliged to include a range of programme information that contains relevant provisions in relation to third countries and external actions, such as:
 - “Complementarity between the actions supported under the (AMIF and BVMI) and the support provided by other Union funds, in particular those actions taken in or in relation to third countries.”
 - “The implementation of projects in or in relation to a third country.”
 - “Fulfilment of the applicable enabling conditions and their application... in particular compliance with fundamental rights.”¹⁴⁶

However, there is no obligation to make the above information publicly available.

- ➔ Member States are not specifically required to include information about activities in and with third countries in the mid-term and final national programme evaluations (to be submitted by 31 March 2024, and by 30 June 2029, respectively). This is problematic for two reasons. First, these are the main documents on the performance of the funds which the MS are required to make publicly available. Second, these reports are a key source of information in view of the EC's mid-term evaluations, in which the EC is required to “pay particular attention to the monitoring and evaluation of actions and programmes related to third countries”.
- ➔ The EC is responsible for publishing financing decisions and work programmes “identifying objectives and actions to be supported and specifying the amounts for each of the components (of the facility)”.
- ➔ The EC has an obligation to engage with civil society organisations and relevant networks, in particular with a view to preparing and evaluating the work programmes for Union actions, financed under the facility. However, arrangements for this engagement have not yet been shared with relevant stakeholders.

¹⁴⁶ Article 35(2)c, f & i, Regulation 2021/1147 and Article 29(2)c, f & h, Regulation 2021/1148

- The EC shall report on the use of the thematic facility for supporting actions in or in relation to third countries and the share of the thematic facility used for supporting such actions, although the Regulations are not specific on the frequency of this reporting.

3.4.2 Recommendations

The study makes a number of recommendations addressed to both Member States and European co-legislators, based on the key findings presented above. In particular, the recommendations target the availability of data, external policy coherence, the monitoring and evaluation framework and human rights safeguards.

Key recommendations for Member States:

- **Inform the members of the Monitoring Committee about planned and ongoing actions already supported with, in, or in relation to third countries.** Those Member States still in the programming phase should inform the members of the Monitoring Committee about planned actions to be supported with, in, or in relation to third countries.
- **Include in the agenda of the performance review meetings with the EC, a point on the performance of actions supported with, in, or in relation to third countries.**
- **Include sufficient information in the annual performance reports on the implementation of actions in or in relation to third countries. In particular on:**
 - The complementarity between the actions supported under the AMIF and BMVI and the support provided by other EU funds.
 - The assessment of the implementation of projects in or in relation to a third country.
 - The fulfilment of the applicable enabling conditions and their application, in particular compliance with fundamental rights.
- **Address activities in and with third countries in the mid-term and final national programme evaluations** (to be submitted by 31 March 2024, and by 30 June 2029, respectively).

Key recommendations for the European Commission:

- **Ensure that funding under AMIF and BMVI spent outside the EU is aligned with the EU's overall objectives in any given third country.** The EU's external objectives, which include responding to the needs of the country, as well as respecting the EU's overall external action objectives set out in the Lisbon Treaty, should comprise the overall framework for action in any given third country; external dimension funding should further be aligned with these objectives. Given that both funds can support any action listed in the Scope of Support in third countries, relevant processes and responsibilities, including cooperation with DGs in charge of external affairs, should be developed and publicly communicated.
- **Ensure that adequate funding is allocated to asylum in the EU from the funds under direct management.** the study has revealed that a rather high proportion of the small percentage of funds directly managed by the EC is being spent outside the EU, in a context where needs in the EU are high—including needs that could fall under asylum and integration priorities and the need for transnational actions within the EU.
- **Operationalise the obligation that requires Member States wishing to implement national programme actions “with or in a third country... consult the Commission prior to the approval of the project”.** The EC should provide further detail as to its expectations for such a consultation, including any criteria relating to

the needs and participation of third countries in the actions, the potential outcomes of the consultation, and input from other EU Agencies and EU bodies, including the European External Action Service (EEAS).

- **Define how internal affairs funding spent outside the EU will be aligned with the EU's overall objectives in third countries and in other regions. Further, set out and publish a process for meeting the obligation of assessing coherence with external affairs objectives.** Both funding in shared management and direct management must respect the obligation of ensuring coherence with external affairs objectives in the country in question; although this requires a process. In particular, further detail should be provided as to the information that the MS and other beneficiaries of home affairs funding need to provide, the potential outcomes of the assessment, and the input to be sought from other EU bodies such as the EEAS.
- **Elaborate on the obligation to “pay particular attention to the evaluation of actions implemented with, in or in relation to third countries” in the mid-term and final EC evaluations of the AMIF and BMVI, for actions supported under shared and direct management.** So far, mid-term evaluations have made general and anecdotal reference to projects that included the expenditure of funds outside the EU without including any disaggregated information, for example on the amount of funds spent outside the EU, where the projects were implemented, or who the beneficiaries of these projects were. In order to meet this obligation in the evaluations, more detailed information must be requested, analysed and published.
- **Assess the potential for the adoption of a delegated act in accordance with Article 31 of the BMVI Regulation and Article 33 of the AMIF Regulation to amend, review and complement the monitoring and evaluation frameworks, including on information to be provided by the Member States in relation to third countries.** Previously in 2019, the EC's internal auditing service identified the need to strengthen the monitoring of the implementation of national programmes and to improve the reliability and consistency of the data reported by MS, as recalled by the European Court of Auditors in its *Report on the performance of the EU budget at the end of 2019*.
- **Develop and adopt a performance framework for the AMIF and BMVI Thematic Facilities.**
- **Inform about the frequency and timeframe for the publication of financing decisions and work programmes “identifying objectives and actions to be supported and specifying the amounts for each of the components (of the facility)”, as well as information on supported projects supported by the thematic facility.**
- **Continue engaging with civil society organisations and networks with a view to preparing and evaluating the work programmes for Union Actions financed under the Thematic Facilities.**
- **Define the frequency and timeframe for reporting on the use of the Thematic Facilities for actions with, in or in relation to third countries, and on the share of the thematic facility used for supporting such actions, as well as the content of the reporting.** This information should be published in an open, machine-readable format which allows data to be sorted, searched, extracted, and compared, as required by the AMIF and BMVI Regulations. At a minimum, it should be possible to sort the data by specific objective, name of beneficiary, amount legally committed, and the nature and purpose of the measure.

Key recommendations for the European Parliament:

- **Scrutinise the role of the EC and MS in implementing EU internal affairs funds outside the EU, making fuller use of its budgetary powers.** This should include requesting and reviewing the processes outlined above that would enable the EC to assess external coherence and the fundamental rights compliance of EU funding.
- **Improve the availability and transparency of funding-related data in relevant and upcoming legislative proposals.**

Appendix 1

The new basis for the engagement of the EUAA and EBCGA outside the EU

Alongside the changes to the two Home Affairs Funds, the mandates of the two dedicated agencies in charge of asylum and border management were also recently amended. The following paragraphs explain how their roles outside the EU have expanded and reflect on how this may result in a higher amount of resources being spent outside the EU.

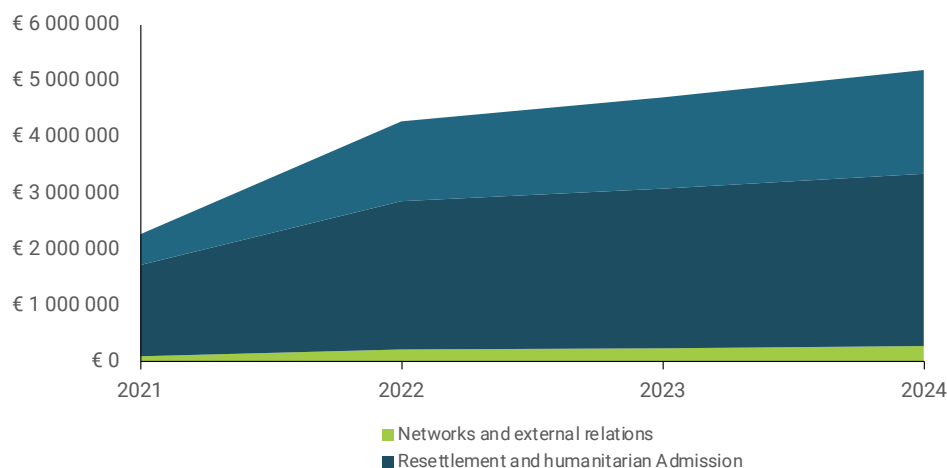
On 19 January 2022, Regulation (EU) 2021/2303 on the establishment of a European Union Agency for Asylum (EUAA) entered into force, transforming the European Asylum Support Office (EASO) into the European Union Agency for Asylum (EUAA). This new mandate confers new tasks on the Agency and broadens its role in relation to the external dimension of asylum in two ways. First, the Agency is expected to step up its cooperation with third countries with the aim of supporting asylum and reception capacity building. Such cooperation may involve a variety of activities, ranging from the coordination of resettlement activities and the capacity building of priority third countries' asylum and reception systems,¹⁴⁷ to the "facilitation of operational cooperation between Member States and third countries". Second, the Agency may deploy experts from its own staff as liaison officers in third countries.¹⁴⁸ While this is not a task specifically imposed by the Regulation, it has broad agreement at the EU level, as it has also been mentioned in the New Pact, meaning it is expected that the Agency will be called upon to implement work in this respect.

This is also reflected in the agency's budget forecast for 2022-2024 (see Figure 5). The proportion of the budget dedicated to the external dimension is expected to almost double between 2021 and 2022, and then increase by 10% each successive year until 2024. Among the three categories included in the budget (networks and external relations, resettlement and humanitarian admission, and support for third countries) the largest increase is allocated to support for third countries, with a cumulative variation of 13%.

¹⁴⁷ According to the 2020-2022 strategy, the main geographical priorities lie in the Western Balkans region, Turkey, and the Middle East and North Africa (MENA) region.

¹⁴⁸ Articles 38 and 39 Regulation (EU) 2021/2303 on the establishment of a European Union Agency for Asylum (EUAA).

Figure 5 | 2022-2024 Budget allocation to the external dimension of the EUAA



Source: https://euaa.europa.eu/sites/default/files/2022-01/SPD%202022-24%20Rev%201_final.pdf, p.15

Similarly, the latest Regulation covering the European Border and Coast Guard Agency¹⁴⁹ also enhanced the role of Frontex in third countries. Cooperation with third countries now encompasses all areas of the agency's operational work, from information exchange, risk analysis, joint operations, to return, training and research.

In any case, cooperation should serve to “promote European Integrated Border Management standards”, and “act within the external action policy of the Union, including with regard to the protection of fundamental rights and the principle of non-refoulement”.¹⁵⁰ While these provisions could serve to limit the scope of Frontex's external activities, enforcement and accountability in EU external actions it can prove challenging.

The EBCGA only provides a very partial overview of its budget allocation to the external dimension of migration. The budget line “reinforc[ing] the external dimension” covers two priorities. First, it seeks to enhance partnerships with priority third countries, including through structured cooperation frameworks and the deployment of Frontex liaison officers to non-EU countries. Second, the provision of technical assistance and capacity building activities to strengthen the capacity of priority third countries to effectively deal with migration and cross-border crime. The EBCGA budget forecast reserves €1.2 million in 2022, €1.4 million in 2023, and €1.5 million in 2024, displaying a slight increase with an accumulative variation similar to the external dimension of the EUAA. However, this budget line does not include the EBCGA's high-cost activities, like operational cooperation on border management and return activities. While the EBCGA is obliged to report annually to the European Parliament, European Commission and Council of the EU on its cooperation with non-EU countries, the 2021 report only includes a narrative and not financial reporting.¹⁵¹

¹⁴⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

¹⁵⁰ Art. 72 (4), Regulation (EU) 2019/1896

¹⁵¹ See Council of the European Union (30 June 2022). Report on cooperation between Frontex and third countries in 2021, doc. 10868/22, LIMITE, available online.



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