

Standard Summary Project Fiche – IPA centralised National and CBC programmes
Supporting Migration Management

1. Basic information

- 1.1 CRIS Number: 2008/020-316**
1.2 Title: Supporting migration management
1.3 ELARG Statistical code: 03.24
1.4 Location: Montenegro

Implementing arrangements:

- 1.5 Contracting Authority: EC Delegation in Montenegro**
1.6 Implementing Agency: EC Delegation in Montenegro
1.7 Beneficiary (including details of project manager):

The beneficiaries are the Ministry of Interior and Public Administration (MoI) and its Migration, Visa, and Readmission Department, the Police Directorate (PD) and its Border Police Department in particular.

The project manager will be:

Osman Subasic
Deputy Minister
Ministry of Interior and Public Administration
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and

Vesko Vukadinovic
Chief of Border Police
Police Directorate
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Financing

- 1.8 Overall cost (VAT excluded): €1.25 million**

1.9 EU contribution: €1 million

1.10 Final date for contracting: Two years after the signature of the financing agreement

1.11 Final date for execution of contracts: Two years after the final date for contracting

1.12 Final date for disbursements: One year after the final date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective

The overall objective is to contribute to the general stability of the region through the establishment and implementation of Montenegrin migration policy in line with EU standards.

2.2 Project purpose

The project purpose is to strengthen Montenegro's migration policy through a legal framework in line with EU, an enhanced migration service delivery and improved reception capacity.

2.3 Link with AP/NPAA / EP/ SAA

The **EP** identifies as a short-term priority the need to develop institutional capacity in relation to IBM, migration and visa policies.

The **2007 Progress Report** underlines the need to improve the legislative framework in the area of migration and the need to address the lack of facilities for detaining foreigners found to be staying illegally in Montenegro.

The **SAA** highlights, under Article 82, the need for cooperation in the areas of visa, border control, asylum and migration. This cooperation should involve technical and administrative assistance in the drafting of legislation, enhancing the capacity and efficiency of institutions, and the training of staff. Article 83 states that there should also be cooperation to prevent and control illegal immigration; that Montenegro should ensure the flexible and rapid implementation of all readmission agreements; and that all efforts should be made to prevent and control illegal immigration, including trafficking and illegal migration networks.

2.4 Link with MIPD

The **MIPD** states the need for capacity building of the Ministry of Interior, in particular the Police Directorate. This should include the provision of equipment and other infrastructure. It also underlines the need for supporting the implementation of a visa, asylum and migration policy.

2.5 Link with National Development Plan (where applicable)

Not applicable.

2.6 Link with national/ sectoral investment plans (where applicable)

The proposed project is linked to a number of key government strategies and plans, namely:

- The Integrated Border Management Strategy and Action Plan
- The European Partnership implementation Action Plan, adopted on 17 May 2007.

For more details see annex 3.

3. Description of project

3.1 Background and justification:

The Existing Institutional Set Up

Overall political responsibility for policing tasks lies within the Minister of Interior (MoI). Under the authority of the Ministry, the Police Directorate (PD) is responsible for law enforcement. There are some 600-700 civilian personnel in the MoI, and some 5,500 uniformed law enforcement officers in the PD, in addition to a smaller number of civilian administrators. The PD has a Border Police Department (BPD) which took over control of the borders from the army of the State Union of Serbia and Montenegro and totals approximately 1,470 personnel. Within the BPD there is a Foreigners Department totalling some 28 inspectors stationed throughout Montenegro. In addition to border surveillance, the main duties of the BPD are the prevention of illegal migration and of illegal trafficking of goods and persons; the issuance of visas; the implementation of asylum procedures; cooperation/information exchange with all relevant law enforcement agencies, and the detection and prevention of all forms of cross-border organized crime.

In order to coordinate migration issues, a Migration, Visas, and Readmission Department was established within the MoI in 2007. Once operational, this Department will be responsible for the implementation of government policy, laws and other legislation and international documents on migration, visas and readmission. The Department will also be responsible for preparing draft laws and other legislation, as well as managing data and records.

Current Issues

Montenegrin officials have little experience of managing migration issues which were the responsibility of the Belgrade-based federal authorities up until independence in 2006. The MoI has made it clear that they are keen to adopt best European and international standards and practices. But they are unclear where to begin when it comes to developing migration policy, action plans, legislation, and reception facilities for illegal migrants. This is compounded by staffing problems within the MoI where the number of civilian staff is being reduced in part due to personnel transferring to the PD. Hiring new staff is also problematic. Only six of the 10 positions in the MoI's Migration, Visas, and Readmission Department have been filled. Public sector salaries are not competitive and therefore do not attract many candidates. There is also a very limited level of inter-ministerial coordination and infrastructure. This project will seek to address these issues.

Montenegro's Law on Foreigners dates back to the Socialist Federal Republic of Yugoslavia. Some articles of this law, especially pertaining to foreigners and to their employment, is out

of date and inappropriate. There is an urgent need to agree on a Law on Employment for Foreigners given the expected increase in foreign investment, especially in the tourism and construction industries. But first a new more general Law on Foreigners needs to be adopted. The draft Law on Foreigners is being circulated in the MoI, while the draft Law on Employment of Foreigners is concurrently being circulated within the Ministry of Labour. Officials from different executive branches of government sit on the Legislation Reform Working Group. The current law is unclear on who should issue temporary and regular residency permits and a decision on this has yet to be taken. This proposed project aims to bring together the various actors involved in these issues, helping to expedite decisions and tie together improved and coherent legislation.

Up until independence illegal migrants apprehended on Montenegrin territory were sent to Padinska Skela, a reception centre 20kms from Belgrade. Montenegro no longer has access to that facility and is at present accommodating illegal migrants in prisons. According to PD statistics, in 2007 the Border Police apprehended 342 illegal migrants including a growing number of unaccompanied minors. This translates into 35 – 40 illegal migrants being held in prison at any one time. There have been reports of substandard prison conditions: overcrowding, poor maintenance, and inadequate hygiene. This does not comply with EU standards, and an appropriate reception centre is urgently needed. The Government has identified a site for constructing a reception centre. However, it will need support to building it in line with EU standards and for training the staff. This proposed project will help the government with formulating a feasibility study to guide them in the design, management and running of an EU-compliant reception centre.

An IOM peer-based assessment mission took place in February 2007 and underscored the points made above. It called for the urgent passing of new legislation in the field of migration; an appropriate facility to accommodate illegal migrants; and the development of administrative capacity to address legal and illegal migration issues.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

Improving understanding and management of migration will have a **positive impact** on the fight against organised crime in areas such as smuggling and trafficking in human beings as well as the implementation of readmission agreements.

Moreover, it will have a **catalytic effect** on the more positive aspects of migration, such as seasonal labour migration which in turn will have an increasingly important effect on the economy given the rise and rise of Montenegro's tourist industry.

Migration is by nature **cross border**, and therefore, neighbouring countries and EU countries will directly benefit from improved regulatory and legal frameworks for migration in Montenegro.

3.3 Results and measurable indicators:

1. A comprehensive migration strategy and action plan for Montenegro together with a legal framework in line with EU.

Measurable indicators

- Migration strategy and action plan formally adopted by the Government.

- Number of migration-related laws and by-laws, such as the Law on Foreigners and its by-laws, put forward and approved by the Parliament completely in line with EU standards

2. Improved professional knowledge and capacity of key staff dealing with migration, visas and readmission.

Measurable indicators

- at least 50 people trained from the MoI and PD as well as staff to be appointed to work in the reception centre.
- Curricula for the future training of MoI staff on migration related issues, available to the existing Police Academy.
- Manual on procedures regulations and policies guiding the work of the personnel in the Migration, Visas, Readmission Department on file and available to MoI.
- between 50-100 irregular migrants per year entering Montenegro returned to their home countries.
- Cases referred by the EU countries during the project implementation readmitted according to the EU standards and agreements signed.

3. A reception centre that will provide humane and dignified accommodation for illegal migrants constructed.

Measurable indicators

- Job description for the staffs of the Reception centre finalised and adopted by the MoI and BPD.
- Manual including rules and regulations for the day to day operations and managing of the centre on file and available to the MoI and BPD.
- Final endorsement of works.

3.4 Activities:

The activities related to the first result "Migration Strategy, Action Plan and Legislation Reform" will include the following:

- Support the establishment and consultations of an inter-ministerial migration management working group as well as advisory groups that would include civil society (NGOs) and international organisations (IOs);
- Assist migration management authorities in researching, preparing, sharing, and editing their migration strategy throughout its developmental stages;
- Assist migration management authorities to develop/revise a strategy for reintegration of returnees within the framework of the readmission agreements signed by Montenegro, as part of the Migration strategy.
- Organise a sub-working legal group within the inter-ministerial working group tasked with harmonising Montenegro's migration-related legislation policy with EU standards and international practices.

- Expert advice on: the Law on Foreigners; Law on Employment of Foreigners, Law on Citizenship; Law on Border Control; the MoI's Act of Systematisation of Work; development of a legal basis to register foreign workers.
- Creation of a protocol on data and information sharing; readmission agreements and formulation of a legal framework for the establishment of a Reception Center.
- Carry out an analysis of best migration management practices and experiences of EU Member States and neighbouring countries in order to ensure the development of contextually and regionally-coherent legislation;
- Facilitate the adoption and/or review of a five-year migration strategy (including the readmission component) and action plan for Montenegro by Parliament;
- Support and facilitate the formulation of new laws, secondary legislation, rule-books and special operating procedures related to migration management;
- Advocate the awareness, observance, and enforcement of new migration laws and readmission agreements among the general public and state officials through awareness-raising campaigns.

The activities related to the second result "Capacity Building of the Migration, Visas, Readmission Department and Border Police Department (BPD) staff" will include the following:

- Appoint a long-term migration advisor to be embedded within the Department;
- Carry out review of existing structures roles and responsibilities of officials in the MoI-Migration, Visas, Readmission Department;
- Assist the Migration, Visas, Readmission Department with the recruitment of new staff and the training of staff with respect to migration matters;
- Organize bilateral exchanges and study visits to, and from, EU member states, (and neighbouring states), to allow the Department to study the organizational framework, administrative procedures and other best practice methods being used to implement legislation and structures to manage regular and irregular migration flows;
- Provide advice and support the involvement of the Department's senior officials in the inter-agency ministerial working group;
- Assist the Department in creating the necessary intra and inter-agency cooperation to secure efficient and transparent migration management among the different institutions involved, also through regular meetings and working groups for e.g. Police, Border Police, MFA, MoJ, MoL (including Employment Agency and Labour Inspectorate), MoH, MoE, Statistics Bureau and others;
- Produce an Institutional Action plan (i.e. business plan) for the Migration, Visas, Readmission Department outlining steps for its transformation over 18 months;
- Develop a manual on procedures regulations and policies guiding the work of the personnel in the Migration, Visas, Readmission Department;
- Organise operational, policy and legal training for staff members of the Migration, Visas, Readmission Department and the BPD.

The activities related to the third result "Reception Centre" will include the following:

- Carry out a feasibility study for the establishment of a Reception Centre including a detailed cost estimate of construction and management of the reception centre; collecting statistical information related to irregular migration dynamics in Montenegro in order to determine the capacity and modus-operandi of the future reception centre;
- Conduct selected study visits for Ministry staff to reception centres for irregular migrants in EU member states and candidate countries to observe how similar centres are operated and managed
- Identify profile, terms of reference and training needs of future BPD staff including those directly included in the management of the Reception centre;
- Establish rules and regulations for the day to day operations and managing of the centre including production of a manual that would include admission, exit, accommodation regime and placement rules, design criteria for required spaces, rights, privileges and responsibilities, communications, care of vulnerable groups, health and legal care, maintenance of security, and monitoring instruments;
- Prepare the works tender and provide tender clarification during bidding process and participate in any relevant committees during the tendering/planning procedure.
- Carry out the works for the construction of the reception centre in line with the feasibility design study recommendations. This will include tendering, quality control and construction works.
- Assist the BPD in the identification and funding for specialist equipment as needed.

All three groups of activities will be carried out under the framework of a grant agreement to IOM.

3.5 Conditionality and sequencing

The project-level conditions are:

- 1) Appointment of counterpart personnel, allocation of working space and facilities by the beneficiary before the launch of the project;
- 2) Co-funding required for preparatory activities for the reception centre have been secured.
- 3) Appointment of relevant staff by the beneficiary to participate in capacity building activities as well as in working groups, study tours, steering and coordination committees as per work plan.

In the event that these conditions are not met, suspension or cancellation of project will be considered.

3.6 Linked activities

CARPO: Development of Reliable and Functioning Policing Systems and Enhancing of Combating Main Criminal Activities and Police Co-operation (CARDS regional 2002/03 – EUR 4.4 million) jointly implemented by the Council of Europe and IOM, which developed a regional strategy to address economic and organised crime as well as trafficking in human beings, smuggling and illegal migration.

CARDS AMV: Establishment of EU compatible legal, regulatory and institutional frameworks in the fields of asylum, migration and visa matters (CARDS regional 2002/03 – EUR 3.0 million) managed by the Swedish Migration Board and implemented by IOM, UNHCR and ICMPD: aimed at contributing to better strategic and technical understanding of EU standards and best practises in the field of asylum, migration and visa. The project supported the development of a regional strategy as well as selected individual national strategies in accordance with EU technical standards, practices and principles and contribute to enhanced co-operation and networking among beneficiaries.

Strong Institutions and a Unified Approach in the Asylum, Migration and Visa Management in the Western Balkans (CARDS regional 2004/05) this on-going project is intended to meet needs and constraints observed in the CARDS AMV project and to develop and bring forward the asylum, migration and visa issues by supporting the concrete implementation of the EU/Schengen acquis and best practices into national legislation, institutions and procedures.

The proposed intervention will build upon results achieved through the regional project and complement the ongoing regional assistance by increasing capacity of institutions dealing with migration issues at national level.

To date, the CARDS national programme, with a total of approx. €5 million, has focussed mainly on creating border management capacity in police, following the handover of green and blue borders from the Federal Army to civilian forces. It has also supported the transformation of the Police Academy, including provision of equipment and other infrastructure, including the construction of a forensics centre.

The assistance helped introduce at all levels the concepts and principles of modern border management as practised within the EU, thus contributing to the adoption of the integrated border management strategy. It also helped bring about the Vision Document on Police Reform, addressing professional development. Moreover, specific anti-trafficking training has been provided for border officials and outputs have been taken into account in the preparation of the government strategy on anti-trafficking.

In addition, one light twinning under CARDS and one twinning under IPA 2007 have been launched for the provision of prosecutorial training and capacity building for strengthening law enforcement cooperation in the fight against organised crime and corruption.

In summary, the overall EC programme has so far tackled a number of organised crime and corruption issues but only from the specific perspective of a few specialised agencies such as the border police. This proposed project now shifts the emphasis to the important area of migration by building overall capacity in the system to bring this policy up to EU standards.

In addition, the United States has supported the border police service in Montenegro with a US\$ 4 million programme including provision of patrol boats, vehicles, uniforms and temporary rehabilitation of border crossing facilities. Training has been delivered mainly on the use of the equipment that has been provided.

Austria is supporting the running of open shelters for victims of trafficking with €0.5 million, coupled with an important public awareness campaign.

Immigration training to border guards was provided by the UK's IMPACT project with participation by Italy, France, the Netherlands and Norway. The OSCE delivered a series of

basic police trainings to middle and senior managers as well as supported the establishment of a criminal intelligence unit.

3.7 Lessons learned

- *Legal Reform in the sector:* Initial timelines for the adoption of legal instruments are not always honoured and sometimes postponed, leading to delays in implementation and causing difficulties in project implementation. Agreed legal instruments are commonly subject to significant change prior to adoption. Delays in adoption of various laws continue to and have significant impact on the planning and practical delivery of police reform projects.
- *Conditionality:* Often project implementation is hampered by either insufficient staff and resources allocated to (newly established) institutions or insufficient operational funds available in the government budget to allow for appropriate implementation of the mandate of the concerned department.
- *Coordination within the government:* Further improvements – in line with the spirit of EU accession – could be realised in a stronger government leadership in the coordination efforts among the ministries and departments and a stronger focus on operational coordination and harmonisation of policies.
- *Balance between different measures:* The provision of technical assistance for capacity building remains a very high priority. However, TA will not be effective if the working environment of the counterparts is not up to standards. Therefore a balanced approach with both technical advisory support and material support is essential to realise the expected impact of the projects.

4. Indicative Budget (amounts in MEUR)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB	INV	EUR (a)=(b)+(c)+(d)	EUR (b)	%	Total EUR (c)=(x)+(y)+(z)	%	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	%
contract 1 – component 1	x	–	0.6	0.6	100							–
contract 1 – component 2	–	x	0.4	0.4	100							–
Contract 2	x		0.25			0.25	30	0.25				
TOTAL IB			0.85	0.6	71	0.25	29	0.25				
TOTAL INV			0.4	0.4	100							
TOTAL PROJECT			1.25	1.0	80	0.25	20	0.25				

Amounts net of VAT

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1 (EU)	-	Q2 2009	Q4 2010
Contract 2 (NC)	Q1 2009	Q1 2009	Q4 2010

6. Cross cutting issues

6.1 Equal Opportunity

In general, gender needs will be considered as an analytical instrument, from programme design onwards.

In supporting legislative harmonisation, steps will be taken whenever relevant to insert provisions that enhance equal opportunities.

Equal treatment and opportunities for women in the relevant institutions will be taken into account in policies and practices that reflect the working capacities and family obligations of their staff.

During capacity building activities specific attention will be given to anti-trafficking and preventive measures to protect vulnerable women.

6.2 Environment

The project is expected to have a neutral impact on the environment. The cost and design efforts in relation to the feasibility study as well as the construction and/or refurbishment of the Reception Centre, will encourage and employ environmentally sound feasibility study and construction methods.

6.3 Minorities

The equal opportunities of minorities will be addressed in a number of ways:

- Openness and encouragement of minority participation in all phases of the project;
- Use of language and training methods that are respectful of minorities;
- Mainstreaming of minority-related issues and concerns in strategic, tactical and operational activities.
- The legal framework established through the project will have a positive impact on promoting legal migration and defer/reduce illegal migration, especially amongst those minority groups that are currently more exposed to the risks of illegal trafficking and smuggling of human beings.

ANNEXES

- 1 - Log frame in Standard Format
- 2 - Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3 - Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:
 - Reference list of relevant laws and regulations
 - Reference to AP /NPAA / EP / SAA
 - Reference to MIPD
 - Reference to National Development Plan
 - Reference to national / sectoral investment plans
- 5 - Details per EU funded contract

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number:	Justice and Home Affairs
Supporting Migration Management in Montenegro		Contracting period expires 2 years after signing of the FA	Disbursement period expires 1 year after the execution of contracts
		Total budget : 1.25 M €	IPA budget: 1 M €
Overall objective	Objectively verifiable indicators	Sources of Verification	
To contribute to the overall stability of the region through the establishment and implementation of Montenegrin migration policy in line with EU standards	<p>Reduced cross-border organized crime including through increased apprehensions of irregular migrants, smugglers and traffickers</p> <p>Increased number of victims of trafficking rescued</p> <p>Increased cross-border cooperation with neighbouring countries at both policy and operational levels</p>	<p>Progress Reports from Migration, Visas and Readmission Department as well as BPD</p> <p>EC and Regional cooperation Council (RCC) Progress reports, conferences and statements</p> <p>Organised crime database on smuggling and trafficking</p> <p>Readmission statistics</p> <p>Official statistics from MoI and Police Directorate</p> <p>Official Journal</p>	
Project purpose To strengthen Montenegro's migration policy through a legal framework in line with EU, an enhanced migration service delivery and improved reception capacity	Objectively verifiable indicators <ul style="list-style-type: none"> - Formal assessment of Migration Strategy, Action Plan and legislation by IOM and partners carried out - Increased coordination meetings and professionalism of the Migration, Visas and Readmission Department and BPD measured - Properly functioning body for inter-ministerial coordination and cooperation - Reception centre for irregular migrants constructed and functioning - Accommodation of irregular migrants fully in line with EU standards 	Sources of Verification <ul style="list-style-type: none"> Official Gazette EC Progress Reports Independent assessment including civil society reports Formal opening ceremony of Reception centre Reception center Database 	Assumptions <ul style="list-style-type: none"> Ministry of Interior and Police Directorate commitment to reform; Government contribution of 25% of construction costs of Reception centre;

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
1. A comprehensive migration strategy and action plan for Montenegro together with a legal framework in line with EU	<ul style="list-style-type: none"> - Migration strategy and action plan formally adopted by the Government by the end of October 2008. - Number of migration-related laws and by-laws, such as the Law on Foreigners and its by-laws, put forward and approved by the Parliament completely in line with EU standards 	<p>Comments and minutes circulated on draft migration strategy and action plan;</p> <p>Government session conclusions, Official Gazette;</p> <p>EC progress reports, Parliament session conclusions/schedule, Official Gazette;</p> <p>Minutes of inter-ministerial coordination body sessions;</p> <p>SAA Progress reports;</p>	Government commitment to make migration management a national priority
2. Improved professional knowledge and capacity of key staff dealing with migration, visas and readmission	<ul style="list-style-type: none"> - at least 50 people trained from the MoI and PD as well as staff to be appointed to work in the reception centre. - Curricula for the future training of MoI staff on migration related issues available to the existing Police Academy. - Manual on procedures regulations and policies guiding the work of the personnel in the Migration, Visas, Readmission Department on file and available to MoI. - between 50-100 irregular migrants per year entering Montenegro returned to their home countries. - Cases referred by the EU countries during the project implementation readmitted according to the EU standards and agreements signed 	<p>Training evaluations, national migration reports, study tour reports;</p> <p>Institutional action plan document;</p> <p>Minutes of inter-ministerial meetings on migration;</p> <p>MoI and PD statistics;</p> <p>Case management files;</p> <p>Shelter for victims of trafficking statistics;</p> <p>National coordinator for prevention and fight against Human trafficking reports;</p>	Willingness of relevant MoI and Police Departments to participate in trainings, study tours;
3. A reception centre that will provide humane and dignified accommodation for illegal migrants constructed	<ul style="list-style-type: none"> - Job description for the staffs of the Reception centre finalised and adopted by the MoI and BPD. - Manual including rules and regulations 	<p>Feasibility study report, MoI statistics, Manual; Government Conclusions on the subject;</p> <p>Construction documentation including</p>	<p>Police Directorate commitment to establishing and managing the Reception center</p> <p>Government contribution of 25% to</p>

	for the day to day operations and managing of the centre on file and available to the MoI and BPD. - Final endorsement of works.	architectural plans, works, tender, etc; Reception centre manual and statistics; Official Gazette; Monitoring Reports of the Commission; PD reports Reports following in situ visits to the Reception center	construction costs of Reception centre.
Activities	Means	Costs	Assumptions
<ul style="list-style-type: none"> ➤ Support the establishment and consultations of an inter-ministerial migration management working group as well as advisory groups that would include civil society (NGOs) and international organisations (IOs); ➤ Assist migration management authorities in researching, preparing, sharing, and editing their migration strategy throughout its developmental stages; ➤ Assist migration management authorities to develop/revise a strategy for reintegration of returnees within the framework of the readmission agreements signed by Montenegro, as part of the Migration strategy. ➤ Organise a sub-working legal group within the inter-ministerial working group tasked with harmonising Montenegro's migration-related legislation policy with EU standards and international practices. ➤ Expert advice on: the Law on Foreigners; Law on Employment of Foreigners, Law on Citizenship; Law on Border Control; the MoI's Act of Systematisation of 	<p>Contract 1 (EU): grant for €1 million</p> <p>Contract 2 (NC): supporting services for € 0.25 million</p>		Beneficiaries commitment to monitor works as well as to ensure co-financing

<p>Work; development of a legal basis to register foreign workers.</p> <ul style="list-style-type: none"> ➤ Creation of a protocol on data and information sharing; readmission agreements and formulation of a legal framework for the establishment of a Reception Center. ➤ Carry out an analysis of best migration management practices and experiences of EU Member States and neighbouring countries in order to ensure the development of contextually and regionally-coherent legislation; ➤ Facilitate the adoption and/or review of a five-year migration strategy (including the readmission component) and action plan for Montenegro by Parliament; ➤ Support and facilitate the formulation of new laws, secondary legislation, rule-books and special operating procedures related to migration management; ➤ Advocate the awareness, observance, and enforcement of new migration laws and readmission agreements among the general public and state officials through awareness-raising campaigns 			
<ul style="list-style-type: none"> ➤ Appoint a long-term migration advisor to be embedded within the Department; ➤ Carry out review of existing structures roles and responsibilities of officials in the MoI-Migration, Visas, Readmission Department; ➤ Assist the Migration, Visas, Readmission Department with the recruitment of new staff and the training of staff with respect 			

<p>to migration matters;</p> <ul style="list-style-type: none"> ➤ Organize bilateral exchanges and study visits to, and from, EU member states, (and neighbouring states), to allow the Department to study the organizational framework, administrative procedures and other best practice methods being used to implement legislation and structures to manage regular and irregular migration flows; ➤ Provide advice and support the involvement of the Department's senior officials in the inter-agency ministerial working group; ➤ Assist the Department in creating the necessary intra and inter-agency cooperation to secure efficient and transparent migration management among the different institutions involved, also through regular meetings and working groups for e.g. Police, Border Police MFA, MoJ, MoL (including Employment Agency and Labour Inspectorate), MoH MoE, Statistics Bureau and others; ➤ Produce an Institutional Action plan (i.e. business plan) for the Migration, Visas, Readmission Department outlining steps for its transformation over 18 months; ➤ Develop a manual on procedures regulations and policies guiding the work of the personnel in the Migration, Visas, Readmission Department; ➤ Organise operational, policy and legal training for staff members of the Migration, Visas, Readmission Department and the BPD. 			
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<ul style="list-style-type: none"> ➤ Carry out a feasibility study for the establishment of a Reception Centre including a detailed cost estimate of construction and management of the reception centre; collecting statistical information related to irregular migration dynamics in Montenegro in order to determine the capacity and modus-operandi of the future reception centre; ➤ Conduct selected study visits for Ministry staff to reception centres for irregular migrants in EU member states and candidate countries to observe how similar centres are operated and managed ➤ Identify profile, terms of reference and training needs of future BPD staff including those directly included in the management of the Reception centre; ➤ Establish rules and regulations for the day to day operations and managing of the centre including production of a manual that would include admission, exit, accommodation regime and placement rules, design criteria for required spaces, rights, privileges and responsibilities, communications, care of vulnerable groups, health and legal care, maintenance of security, and monitoring instruments; ➤ Prepare the works tender and provide tender clarification during bidding process and participate in any relevant committees during the tendering/planning 			

<p>procedure.</p> <ul style="list-style-type: none">➤ Carry out the works for the construction of the reception centre in line with the feasibility design study recommendations. This will include tendering, quality control and construction works.➤ Assist the BPD in the identification and funding for specialist equipment as needed.			
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ANNEX 2: indicative amounts (in million €) Contracted and disbursed by quarter for the project

Contracted		2009 Q1	2009 Q2	2009 Q3	2009 Q4	2010 Q1	2010 Q2	2010 Q3	2010 Q4	2011 Q1
Contract 1			1.0							
Cumulative			1.0							
Disbursed										
Contract 1			0.6			0.3			0.1	
Cumulative			0.6			0.9			1.0	

ANNEX 3: Description of Institutional Framework

The project will involve predominantly the Ministry of Interior and its Department for Migration, Visas and Readmission; as well as the Police Directorate and its Border Police Department. The MoI has administrative responsibilities over the Police Directorate's operational authority. The MoI and the PD are co-located. In 2007, MoI consisted of approximately 600-700 civilian personnel. The PD totals approximately 5,500 uniformed law enforcement officers and a lesser number of civilian administrators; it is the most recently created state agency. Its Border Police Department took over border control from the army of the State Union and totals approximately 1,470 personnel. The Border Police includes the Foreigners Department; totalling 28 inspectors in the Foreigners Department: of which six are based at headquarters, five in the Police Centre in Podgorica, and 17 in municipalities throughout Montenegro.

ANNEX 4: Reference to laws, regulations and strategic documents

- Reference list of relevant laws and regulations
 - Law on Movement and Residence of Foreigners – 1980
 - Law on Foreigners – in procedure
 - Law on Employment and Work of Foreigners – 2004
 - Law on Border Control – 2005
 - Law on Citizenship – will be active on 5th May 2008
 - Asylum Law -2005
 - Governmental Decision on Temporary Visa Regime – 2006
 - Instruction on Temporary Residence Permit for Victims of Trafficking – 2006
 - Anti-trafficking Strategy in Montenegro -2005
 - National Action plan for Combating trafficking in Montenegro -2006

- Reference to European Partnership

In line with the European Partnership, Montenegro has to meet the following Justice, Freedom and Security short term priorities:

Develop institutional capacity in relation to visa policy and align visa policies with those of the EU by:

- 2) *Adopting the Law on Foreigners*
- 3) *Adopting the National Strategy for Managing Visas and Migrations*
- 4) *Adopting sub legal acts for implementation of the Law on Foreigners*
- 7) *Amending the rules on duration of temporary foreigners stay*
- 13) *Establishing the independent organizational unit for migrations and visas*
- 15) *Organizing trainings for officers regarding the work on visa files*

As well as the following medium term priorities (3-4 years) with regard to visa, border control, asylum and migration are to be met:

Further aligning visa policy with EU legislation and practice by:

- 3) *Consistently observing the Law on Foreigners and adopting a strategy on visa system and migrations*
- 4) *Building the Reception Centre for Foreigners*
- 5) *Improving standards of visa procedure*

- Reference to Stabilization and Association Agreement

The Stabilization and Association Agreement states:

Article 80 ***Reinforcement of institutions and rule of law***

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the

judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organized crime.

Article 82

Visa, border management, asylum and migration

The Parties shall cooperate in the areas of visa, border control, asylum and migration and shall set up a framework for the cooperation, including at a regional level, in these fields, taking into account and making full use of other existing initiatives in this area as appropriate.

Cooperation in the matters above shall be based on mutual consultations and close coordination between the Parties and should include technical and administrative assistance for:

- a) The exchange of statistics and information on legislation and practices;*
- b) The drafting of legislation;*
- c) Enhancing the capacity and efficiency of the institutions;*
- d) The training of staff;*

Cooperation shall focus in particular:

- b) On the field of legal migration, on admission rules and rights and status of the person admitted. In relation to migration, the Parties agree to the fair treatment of nationals of other countries who reside legally on their territories and to promote an integration policy aiming at making their rights and obligations comparable to those of their citizens.*

Article 83

Prevention and control of illegal immigration; readmission

The Parties shall cooperate in order to prevent and control illegal immigration. To this end, Montenegro and the Member States shall readmit any of their nationals illegally present on their territories and agree to fully implement the Agreement between the Community and Montenegro and bilateral agreements between Member States and Montenegro in so far as the provisions of these bilateral agreements are compatible with those of the European Community Agreement on the readmission of persons residing without authorisation, including an obligation for the readmission of nationals of other countries and stateless persons.

- Reference to Multi-annual Indicative Planning Document (MIPD) 2007-2009 for Montenegro

Objectives of pre-accession assistance under the MIPD 2007-2009 include the following:

(3) In the area of European standards, in addition to assisting the overall process of European integration, attention will be given to:

- b. Progressive alignment with the *acquis* i.e. transposition and enforcement of legislation in the areas covered by the EU “*acquis*” including internal market, agriculture, environment, energy, security (integrated border management, visa and migration policy)*

Among the main priorities and objectives under these standards, the MIPD lists the following:

Support to Integrated border management (IBM) Strategy and Action Plan; strengthen border police and the other bodies involved; develop a policy for a visa, asylum and migration including for security of travel and identity documents

The expected results and time frame stated in MIPD include the following:

Existence of a satisfactory legal framework for a visa policy and a sustainable system for its implementation

MIPD recommends the following programmes to be implemented:

Definition and/or implementation of visa and asylum and migration policy

- Reference to national / sectoral investment plans

The **European Partnership Implementation Action Plan** adopted in May 2007 specifies in its short-term priorities the need to adopt and review a number of legal frameworks and instruments such as the Law on Foreigners and its by-laws, the national strategy for managing visas and migrations, the Act on the systematisation of the Ministry of Interior including the organizational unit for migrations, visas and readmission. Medium-term priorities include building the Reception Center for Foreigners and improving standards of visa issuance.

ANNEX 5: Details per EU funded contract

The overall intervention will be implemented through one grant agreement with IOM (see annex 5). IOM has long experience in assisting governments establish and develop their Migration Management systems. In Montenegro, IOM has been cooperating with the MoI in managing irregular migration flows and has over the past years been the sole partner in the implementation of voluntary return activities. IOM has also been assisting the MoI with the planning and designing of the Migration, Visas and Readmission Department, working closely with the MoI to develop the Department and seeking the interest and support of national and international counterparts.

This experience coupled with their expertise and knowledge of the Montenegro migration environment put IOM in an unrivalled position in terms of the most effective implementation of this proposed project.

The first component of the grant agreement (approx. € 0.6 million) will be devoted to institution building, while the rest (approx. €0.4 million) to investment. It is anticipated that the co-financing from the Ministry of Interior (approx. €0.25 million) will be mainly used for the feasibility study and design, as well as, if needed for preparatory works for the reception centre.

Grant to the International Organisation for Migration (two components: TA+ works)

Technical assistance component

Under the grant, IOM will mobilize a Long-term advisor who will be embedded within the MoI Department for Migration, Visas and Readmission. This person will be in charge of overall project management and will draw on short and medium term experts to implement Activities 1,2,and 3. The IOM mission in Podgorica will act as Secretariat for the project and will include a Project Administrator.

The Long-term advisor will sit within MoI premises and will have overall responsibility for the day-to-day co-operation and co-ordination with institutional entities, as well as capacity development of the Migration, Visas and Readmission Department and police and formal reporting requirements.

The Secretariat will backstop the Long-term advisor and be in charge of all operational requirements and organizational issues such as contracting of short and medium term experts, facilitation of meetings, study tours, expert visits, financial and narrative reporting, meetings minutes, logistical arrangements for on-site Reception center assessments and quality control.

Profile of the Long-term advisor (LTA)

- a) A senior migration official with at least ten years of professional experience, including some experience in the key areas covered by this assignment under activity 1 and 2
- b) Sound knowledge of EU standards on those issues
- d) Strong written, oral and inter-personal communication skills
- e) Excellent oral and written English
- f) Experience in managing a team

g) Experience in similar technical assistance assignments in third countries will be considered an asset.

In addition to the LTA, IOM will draw on a pool of short and medium-term experts from EU MS. These experts shall either work as advisors and trainers and/or perform specific studies or assignments within the scope of the project.

Profile of short and medium term experts

- a) Relevant University degree
- b) Minimum of 5-8 years professional experience in their respective field
- c) Relevant experience in at least one of the area and subjects covered under activities 1, 2 and 3
- d) Good written and oral command of English
- e) Proven contractual relation to public administration or mandated body
- d) Experience in organizing and providing training preferably for interior officials and police officers

Works Component

The Ministry of Interior/Police Directorate will assist IOM in carrying the construction of the Reception center for irregular migrants through official tendering procedures and following a feasibility study carried out with IOM support. Associated administrative and financial support will be provided by the Ministry of Interior/Police Directorate in the management of the construction process. The reception centre will likely be located in Danilovgrad, close to the asylum centre and prison facilities.