

# Greek Immigration Policy at the Turn of the 21st Century. Lack of Political Will or Purposeful Mismanagement?

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## Abstract

This article traces the development of Greek immigration policy during the last two decades with a view to explaining the role that parties, trade unions and other actors including the Church for instance have played in shaping this policy. The article outlines the reactive and piecemeal character of the policy, its important weakness in dealing effectively with immigration flows and the excessive red tape that characterises it. It is noted that nearly 20 years after the first migrants arrived in the country, Greek immigration policy remains short-sighted, dealing with immigration as a necessary evil and not as an opportunity. This lack of vision and the closed character of the policy has been supported directly or indirectly by both parties and trade unions. The two major parties have been until recently largely agreed in their exclusionary views towards immigrants. It is only since 2004 that the Socialist party has changed its plans but it remains uncertain whether and how it would implement its radical (by Greek standards) pro-immigrant policies if it came to power. Overall, Greek political elites lack the political will to adopt a proactive and realistic migration policy plan. This is partly because migration neither wins nor loses national elections. And partly because they fear that stating publicly that Greece should accept economic immigrants through legal channels and that immigrants should become part of Greek society on a basis of equality and plurality would cost them votes.

## Keywords

[Please supply keywords]

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## 1. Introduction

Starting with inflows of co-ethnics from the former Soviet Union already during Perestrojka in the 1980s, Greece experienced massive immigration from the Balkan region (Albania in particular) and also from the wider Central and Eastern European region (Ukraine, Russia, Georgia, Bulgaria, Romania, Poland among others) during the 1990s. While there is no more massive immigration during this decade, inflows have continued not only from the countries mentioned above but also from much more distant countries located in southeast Asia (Bangladesh and Pakistan) and sub-Saharan Africa.

Greek governments and Greek public opinion were unprepared to deal with these flows when they started and it took ten years for a Greek immigration policy to take shape. My main aim in this study is to present and critically discuss the development of Greek migration policy from 1991 to the present with a view

1 to identifying the main factors that have shaped it, paying special attention to  
 2 the role of political parties, trade unions, civil society actors and of course the  
 3 European context within which these policies were formed. I discuss the develop-  
 4 ment of Greek migration policy distinguishing between two phases: the early  
 5 phase spanning between 1991 and 2001, and the second phase covering the  
 6 period between 2001 and today. The main features of each law are presented and  
 7 their impact on the management of migration flows and on immigrant integra-  
 8 tion is discussed critically. Special attention is paid to explaining why these par-  
 9 ticular laws were voted, what was the rationale that motivated different Greek  
 10 governments to uphold an inefficient and unrealistic policy for managing migra-  
 11 tion and immigrant integration. In the concluding section, I suggest that Greek  
 12 migration policy has to date been shaped less by left and right wing ideologies or  
 13 policy choices but rather by a weird combination of nationalist ideology, lack of  
 14 political will and free market *laissez faire* principles.

## 15 2. Greek Immigration Policy in the 1990s: Arrest-and-Deport

16 On the eve of the 1990s when immigrant flows started, Greece lacked a legislative  
 17 frame for the control and management of immigration.<sup>1</sup> The increasing migra-  
 18 tory pressures of the late 1980s led the Conservative government then in power  
 19 to the design of law 1975/1991, which was enacted by the Greek Parliament in  
 20 October 1991, formally applied in June 1992 and which remained in force until  
 21 2001. This law was exclusively concerned with restricting migration – its title  
 22 actually was: ‘Entry-exit, sojourn, employment, deportation of aliens, procedure  
 23 for the recognition of alien refugees and other provisions’. Its main objectives were  
 24 to prevent the entrance of undocumented immigrants and facilitate the expulsion of  
 25 those already present in Greek territory, by means of simplifying the expulsion pro-  
 26 cedures, giving a certain degree of autonomy to local police and judiciary authorities  
 27 and also penalising illegal alien stay in the country. The law aimed to bring Greece  
 28 into line with its European partners, co-signatories of the 1990 Dublin convention  
 29 (ratified by Greece by law 1996/1991) and members of the 1990 Schengen treaty,  
 30 to which Greece was accorded observer status at the time.

31 More specifically, a maximum time-period was set for residence and work per-  
 32 mits regarding certain types of employment, granted by the authorities (Article 23),  
 33 along with a list naming categories of ‘unwanted aliens’ (Article 11). A special  
 34 police force was established to maintain effective border control and regulate  
 35 deportations (Article 5). The conditions for recognition of refugee status were  
 36 made stricter (Article 24), and sanctions were imposed on those who employed  
 37 foreign workers without permission or helped them in any way to cross the

38 <sup>1</sup> Law 4310 of 1929, revised in 1948, mainly dealt with issues of emigration.

border (Article 23). Moreover, the law defined as a *criminal* action the entrance and stay of any alien in Greece without documents and residence permits, and legalized, in this manner, deportations and expulsions even in the transit zones (Article 27). According to that law, undocumented immigrants, in order to obtain residence and work permit, had to demonstrate to the police authorities within one month of entering the country, that they had a potential work contract with a specific employer for a given period of time (Article 23). Additionally, the law required that the employment of non-nationals was allowed only when the job vacancy cannot be filled by Greek citizens or EU nationals, in which case the Ministry of Labour would grant work permits for the specific employment in question, only before the arrival of the foreign employees in Greece (Article 22). The law allowed for a certain degree of discretion to administrative authorities in the enforcement of its provisions. For example, the specific police unit set up to patrol the borders was given the power to decide ad hoc who would or would not get permission for entry (Article 4, § 2, 7).

Non-governmental organisations and scholars criticized heavily law 1975/1991, among other things, for its lack of touch with reality: it ignored the de facto presence of several tens of thousands of foreigners in Greece. Indeed, the aim of that law was mainly to curb migration, to facilitate removals of undocumented migrants apprehended near the borders and, if that were possible, to remove all irregular aliens sojourning in Greece. The law made nearly impracticable the entry and stay of economic migrants, seeking for jobs.

In the years that followed, hundreds of thousands immigrants came to Greece without documents, or permits.<sup>2</sup> They crossed the northern mountainous borders between Albania or Bulgaria and Greece on foot at night, or landed with small dinghies on the Greek islands of the Aegean or Crete (usually with the ‘help’ of human smuggling networks). Some arrived at Greek airports with tourist visas which they overstayed and others crossed the northern Greek borders by bus, pretending that they were travelling for leisure. It took more than five years for the Greek government to realise that immigrants were there to stay and the new phenomenon could not only be managed through stricter border control and massive removal operations. While a parliamentary committee was set up to

<sup>2</sup> According to SOPEMI (1999), in 1997 there were 74.500 legal migrants in Greece, of whom 6% were Albanians, 8% Bulgarians and 17% Russians (Romanians, Egyptians, Ukrainians and citizens from former Yugoslavia accounted for approx. 4% each). During the same period, several researchers estimated that there were approx. 400,000 undocumented immigrants living and working in Greece (R. Fakiolas, Recent efforts to regularise undocumented immigrants, WP/97/40/EN, European Foundation for the Improvement of Living and Working Conditions, Dublin, 1997; T.P. Lianos, A.H. Sarris, and L.T. Katseli, Illegal Immigration and Local Labour Markets: The Case of Northern Greece, 34/3 *International Migration* (1996) 449–484; P.H. Linardos Rylmond, ελληνική κοινωνία και η νέα μετανάστευση (Greek society and new migration), in *Tetradia politikou dialogou, ereunas kai kritikis*, 1995, 36–37, p. 61–71; A. Triandafyllidou and A. Mikrakis, Greece: A Ghost wanders through the Capital, in B. Baumgardl and A. Favell (Eds.), *The New Xenophobia in Europe*, London: Kluwer International Law, 1995, pp. 165–179).

1 discuss a draft migration law, parties lacked the political will to carry it forward  
2 and after three years of formal and informal talks (1993–1996) the Commission  
3 was dissolved without any specific legal output. It was only at the end of 1997  
4 that two Presidential Decrees were issued introducing the first regularisation pro-  
5 gramme in Greece. It is worth noting that neighbouring southern European  
6 countries like Spain and Italy faced with similarly large and unexpected flows had  
7 already implemented a couple of ‘amnesties’ each regularising, especially Italy,  
8 large numbers of undocumented migrants.

9 Why was Greece such a latecomer in regularisation policies? The causes are  
10 twofold. On one hand, Greece was not only traditionally a source country that  
11 had experience only in emigration rather than immigration policy, but it was also  
12 a country with a strong national identity based on an ethnic and cultural defini-  
13 tion of the nation.<sup>3</sup> Immigration was thus seen not only as a factor of economic  
14 upheaval but also as a threat to the cultural and ethnic purity and authenticity of  
15 the nation. Political parties and other social actors, such as trade unions for  
16 instance, failed to see in this early period, that migration was not a phenomenon  
17 confined to Greece and its region but rather a new reality affecting the entire  
18 Europe and that it was not a phenomenon that could be dealt with restrictive  
19 measures alone. There seemed to be a naive belief among politicians in this early  
20 period that faster and simpler deportation procedures could do the job.

21 In the mid-1990s massive deportations, of Albanian citizens mainly, became a  
22 major immigration policy tool for the Greek government led by the Socialist  
23 Party (see Table 1). They were used both as a means to deter irregular migrants  
24 from entering, to push those already in the country to leave by fear of being  
25 caught and deported literally overnight and, last but not least, they were a means  
26 for exerting pressure on the Albanian government with regard to this last’s treat-  
27 ment of the Greek minority in Albania. Checks were enforced usually at public  
28 places, more often than not in locations where it was known that irregular migrant  
29 workers gathered to find daily employment or to meet co-nationals. They took  
30 place under public view and people were loaded on buses and directed to Albania  
31 without sometimes having the possibility even to notify their relatives.

32 On the other hand, the lack of a more long term and realistic perspective in the  
33 development of a Greek migration policy at the time has to be seen also in its  
34 wider geopolitical context of that period. Greece faced in the early 1990s a new  
35 reality of political instability and even warfare in its Balkan neighbourhood.  
36 While ethnic conflict escalated into war in former Yugoslavia, Greece was con-  
37 cerned that instability and conflict would come closer to its borders, not least  
38 through the so-called ‘Macedonian question’ and the presumed claims of the  
39 Former Yugoslav Republic of Macedonia to Greek territory and national culture.<sup>4</sup>

40 <sup>3</sup> Triandafyllidou, 2001, author please provide details.

41 <sup>4</sup> V. Roudometof, Nationalism and Identity Politics in the Balkans: Greece and the Macedonian Ques-  
42 tion, 14 *Journal of Modern Greek Studies* (1996) 253–301.

**Table 1** Major expulsions from Greece according to nationality (in thousands)

Nationality	1991	1992	1993	1994	1995
Albanian	84.3	277.0	221.0	216.5	241.2
Bulgarian	–	.4	1.0	0.8	1.4
Iraqi	.2	.3	11.5	1.8	3.9
Pakistani	–	.3	1.5	1.6	1.8
Romanian	.5	2.2	2.2	2.0	0.4
Turkish	–	.1	.4	0.6	2.3
Bangladeshi	–	–	–	0.4	0.5
Total	86.0	282.0	239.0	225.0	250.4

Source: Baldwin – Edwards and Fakiolas, 1998: 197.

Thus, the 1990s in Greece were marked by the rise of a defensive type of nationalism<sup>5</sup> that prompted politicians both of the Left and the Right, and their voters to look inwards and try to ‘defend’ the nation from perceived internal and external ‘enemies’ including not only neighbouring ‘Macedonia’ but also Albanian citizens who were settled as undocumented economic migrants in the country. The question was further complicated by the ethnic Greek Albanians, the ‘Voreioi-pirotēs’ who had also come together with their non-Greek Albanian co-patriots and for whom the state could not decide what policy to follow. Thus, while the then Foreign Minister Adonis Samaras, during an official visit to Albania in 1991 invited ‘our Greek brethren’ to come to their homeland, when Voreioi-pirotēs started arriving the policy changed and the same government (led by the Conservative Party) invited them to stay in Albania to keep Greek culture and ethnicity alive in that country. In short, Greek governments at the time were particularly concerned with issues of political (in)stability and ethnic conflict in the Balkans and they thus feared that large scale economic immigration from neighbouring countries put an imminent threat on the national cohesion and political stability (including the stability of the borders) of the country. Excessive though these worries may seem today, put into their context of the mid-1990s they provide for a way for understanding why irregular migration took a while to come to the policy agenda of Greek policy makers regardless of their socialist or conservative background.

During the early to mid-1990s trade unions were also puzzled with the phenomenon. Qualitative interviews conducted by the author in 1996, with the Confederation of Greek Labourers, the Construction Worker Union of Athens

<sup>5</sup> A. Triandafyllidou, A. Mikrakis and M. Calloni, *New Greek Nationalism*, Sociological Research Online, 1997, 2, 1, at: [www.socresonline.org.uk/2/1/7.htm](http://www.socresonline.org.uk/2/1/7.htm).

1 and the Labour Centre of Athens<sup>6</sup> showed that while a working-class solidarity  
 2 ideology was promoted by some, the interviewees were puzzled about the sudden  
 3 immigration developments. Under those circumstances, sticking to national  
 4 workers' solidarity rather than universal working class solidarity was the preferred  
 5 option. Thus, trade union representatives would interfere at a police raid to avoid  
 6 the deportation of an ethnic Greek Albanian irregular worker but would not take  
 7 action in favour of 'other' Albanian workers. Similarly the Construction Trade  
 8 Union of Athens would fight for the rights of co-ethnic Greeks from the former  
 9 Soviet Union rather than for the rights of 'other' immigrants that were seen as  
 10 illegitimate competition because they were working for lower wages since they  
 11 were undocumented<sup>7</sup> This early policy choice of implementing large scale arrest-  
 12 and-deport operations costed Greece – and the EU that partly subsidised and  
 13 supported these measures as a means of controlling irregular migration towards  
 14 Europe – a considerable amount of money without resulting to the desirable  
 15 effect of actually holding migration at check. Actually these measures apart from  
 16 being inhuman and ineffective they also reinforced a common view of migration  
 17 as a crime and of all migrants as criminals.<sup>8</sup> They were abandoned to a large extent  
 18 after the mid-1990s as the Greek government realised that a massive regularisa-  
 19 tion programme was probably the only realistic measure to deal with the several  
 20 hundreds of thousands of irregular migrants who resided and worked in the  
 21 county in the mid 1990s already.

### 22 2.1. *The First Regularisation Programme*

23 After a 2-year period of consultations (1994–1996) in the framework of a parlia-  
 24 mentary committee preparing a new immigration bill (which did not manage to  
 25 produce such a bill), the first regularisation programme in Greece was enacted by  
 26 two presidential decrees 358/1997 and 359/1997. The programme took place  
 27 in the first semester of 1998: 371,641 immigrants applied for the White Card  
 28 (limited duration permit) which was the first step in applying for the temporary  
 29 stay permit (Green Card) of 1, 2 or 5-year duration. Only 212,860 undocu-  
 30 mented foreigners managed to submit an application for a Green Card. The main  
 31 reason for this was that while this first regularisation programme was ambitious  
 32 in its conception and rather open in its conditions, it met with insurmountable  
 33 organisational and practical difficulties. For one, the state services responsible for

34 <sup>6</sup> See Triandafyllidou, 2001, chapter 7. Author please provide details.

35 <sup>7</sup> See also T. Lianos, *Illegal Migrants to Greece and their Choice of Destination*, 39(2) *International*  
 36 *Migration* (2001) 3–28.

37 <sup>8</sup> See also M. Pavlou, *The smugglers of fear. Racist discourse and immigrants in the press of a would be*  
 38 *metropolis*, in A. Marvakis, D. Parsanoglou and M. Pavlou (Eds.) *Μετανάστες στην Ελλάδα* (Immig-  
 39 *grants in Greece*), Athens: Ellinika Grammata, 2001, pp. 127–162Y. Panousis, *Media, television 'ene-*  
 40 *mies' and migration*, in X. Kontiadis and Th. Papatheodorou (Eds.) *The reform of migration policy*, Athens:  
 41 Papazisis, 2007, pp. 203–229.

managing the programme were hardly prepared to receive and process the hundreds of thousands of applications.<sup>9</sup> In addition, proof of legal employment for a minimum number of days was an important prerequisite; the reluctance of many employers to pay social insurance contributions made it very difficult for many applicants to meet this requirement. As a result, a significant number of applications were unsuccessful in passing to the second but necessary phase of the Green Card application phase and despite the repeated extensions of the deadlines, presumably fell back into undocumented status.

Although this programme was ill-designed and ill-managed, it opened the door for the development of a comprehensive migration policy in Greece since it was a direct official acknowledgement that migrants were there to stay and that the Greek authorities had better take this into account. This programme laid the first foundations in Greece for an institutional framework able to deal with immigration. In addition, the data collected through the regularisation procedure offered some first insights to the socio-economic and demographic features of the immigrant population.<sup>10</sup>

### 3. Greek Immigration Policy Coming of Age

#### 3.1. *The First Immigration Law in 2001*

In 2001, and before the first regularisation programme had come to a close, the Socialist government led by Costas Simitis issued a new law (law 2910/2001) entitled ‘Entry and sojourn of foreigners in the Greek territory, naturalisation and other measures’. The Socialist government supported the bill arguing that it was inaugurating a new era in migration management in Greece. The then Interior Minister Vaso Papandreou, in a short statement on TV on the occasion of the voting of the law in Parliament noted that migrants were welcomed as long as

<sup>9</sup> The main weaknesses of the programme had to do with the inability of the Greek hospitals to examine thousands of applicants so that these last would receive the ‘good health’ certificates necessary for their applications. Also, the Ministry of Justice was unable to issue in such a short time criminal record certificates to the thousands of applicants. On top of this, the Employment Institute (OAED) responsible for managing the programme suffered from staff shortages. The temporary personnel eventually hired did not have the necessary training to perform their tasks efficiently and transparently. The whole process suffered from severe ideological and ethnic bias (and sometimes outright corruption) that conditioned decisions on the eligibility of applicants (C. Mpagavos and D. Papadopoulou, *Μεταναστευτικές τάσεις και Ευρωπαϊκή μεταναστευτική πολιτική* (Migratory trends and European migration policy) INE, Employment Institute GSEE ADEDY, 2003, Athens Study Nr. 15; I. Psimmenos and K. Kassimati, *The Greek case: Immigration Control Pathways: Organisational Culture and Work Values of Greek Welfare Officers*, IAPASIS Project Report, KEKMOKOP, Panteion University, Athens, July 2002, available at: <http://www.eui.eu/RSCAS/Research/IAPASIS/Reports.shtml>, accessed on 9 January 2008.

<sup>10</sup> See J. Cavounidis, *Migration in Southern Europe and the Case of Greece*, 40(1) *International Migration* (2002) 45–69; T. Lianos, *Illegal Migrants to Greece and their Choice of Destination*, 39 (2) *International Migration* (2001) 3–28.

1 they had (regular) jobs. However, migrants were welcomed *only* so long as they  
 2 had work. If they became unemployed or the labour market no longer needed  
 3 them, they were expected to leave. This was the justification put forward by the  
 4 Minister for the short duration of the permits, that required frequent renewals  
 5 and hence frequent checks that the migrant had still a regular job (necessary to  
 6 renew their permits), and the absence of a long-term integration perspective for  
 7 the immigrant population.

8 Law 2910/2001 was voted as a means to combat irregular migration, cater to  
 9 the needs of the Greek labour market and overall protect Greek society from a  
 10 deregulated situation of massive undocumented migration. It was also presented  
 11 as responding to Greece's international and mainly EU obligations and recog-  
 12 nized the international character of the migration phenomenon. As Mavrodi<sup>11</sup>  
 13 shows, however, the law paid actually little attention to EU migration legislation  
 14 and was rather concentrated on a short sighted regulation of migration through  
 15 restrictive legal migration channels and a large regularization programme. Migrants  
 16 were seen by socialists and conservatives alike, as a needed albeit temporary and  
 17 dispensable labour force.

18 This view of migration in purely instrumental terms should come as no sur-  
 19 prise since none of the Greek parties had any votes to gain in campaigning in  
 20 favour or against immigrants. Immigrants after all were not voters and since the  
 21 public opinion was negative<sup>12</sup> why should the government be concerned with  
 22 adopting a long term plan for immigration? In a recent research interview, a  
 23 socialist MEP noted that at the time and even until recently there was strong  
 24 resistance on the part of local party committees to view migration as a long term  
 25 phenomenon and to recognise the need for integrating migrants not only in the  
 26 labour market but also in society and on an equal footing. Indeed, the two main  
 27 parties were largely in agreement in their short-sighted and instrumental view of  
 28 migration policy, seemingly unaware of how ineffective it was.<sup>13</sup>

29 In this context, it was only left-wing NGOs and the gradually emerging  
 30 migrant associations that lobbied to put migration on the agenda. Contrary to  
 31 the experience of other southern European countries, important national institu-  
 32 tions like the Church were not particularly active in the area of migration. It is  
 33 actually quite surprising that the Greek Church did not even seek to attract the  
 34 substantial number of co-ethnic and other migrants from Albania, Bulgaria,  
 35 Romania and Russia who are Christian Orthodox. The explanation may lie in the  
 36 close connection between Greek ethnicity and the Christian Orthodox religion

37 <sup>11</sup> G. Mavrodi, 'Europeanising' national immigration policy. *The case of Greece*, Arbeitspapiere No. 8,  
 38 Bielefeld: Centre on Migration, Citizenship and Development, 2005.

39 <sup>12</sup> A. Triandafyllidou, and A. Mikrakis, Greece: A Ghost wanders through the Capital, in B. Baumgartl  
 40 and A. Favell (Eds.), *The New Xenophobia in Europe*, London: Kluwer International Law 1995, pp. 165–79.

41 <sup>13</sup> A. Triandafyllidou, Ελληνική Μεταναστευτική Πολιτική: Προβλήματα και Κατευθύνσεις (The  
 42 Greek Migratory Policy: Problems and Directions), ELIAMEP Policy Texts, Nr. 6, 2005.



which prevents the Greek Church from having an Ecumenical vocation and addressing issues that contest the ethnic homogeneity of its flock. 1  
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Law 2910/2001 had a twofold aim. First, it included a second regularisation programme that aimed at attracting all the applicants who had not been able to benefit from the 1998 ‘amnesty’ as well as the thousands of new immigrants who had, in the meantime, arrived in Greece. Second, the new law created the necessary policy framework to deal with immigration in the medium to long term. Thus, it provided not only for issues relating to border control but also for channels of legal entry to Greece for employment, family reunion, return to their country of origin (for ethnic Greeks abroad), and also studies or asylum seeking. It also laid down the conditions for naturalisation of aliens residing in the country. 3  
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Another 362,000 immigrants applied to acquire legal status within the framework of the new programme. Even though the implementation phase had been more carefully planned, organisational issues arose quickly. In the Athens metropolitan area in particular, the four special immigration offices set up by the regional government to receive and process the applications were unable to deal with the huge workload they were faced with. Following repeated recommendations by trade unions, NGOs, and the Greek Ombudsman<sup>14</sup> the law was revised and the relevant deadlines extended. Nonetheless, resources were still insufficient as work and stay permits continued to be issued for one year periods only. Hence, by the time one immigrant was done with the issuing of her/his papers, s/he had to start all over again to renew it. In addition to the cumbersome nature of the procedure, the costs (in money but also in time spent queuing) associated with this renewal process that are incurred by the migrants constituted a further hindrance. Only in January 2004 (Act 3202/2003) did the government decide to issue permits of a two-year duration, thereby facilitating the task of both the administration and the immigrant applicants. 12  
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Law 2910/2001 established a complex administrative procedure for the issuing of stay permits with the purpose of employment or studies. During the last trimester of each year, stated the law (Article 19), the Organisation for the Employment of the Labour Force (OAED) would issue a plan outlining the domestic labour market needs. OAED would verify the need for workers in specific sectors and areas and would forward the relevant data to the Greek consular authorities. Interested foreign citizens would then be able to apply at their local consulates and register for the advertised types of work. At the same time Greek employers who were interested in hiring a foreign worker would apply to their local prefecture (*nomarchia*). Subsequently the employer would choose by name people from the lists that in the meanwhile would have been sent by the consular authorities to prefectures. A prefecture would then issue and send, under certain conditions, 28  
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<sup>14</sup> See special report for law 2910/2001, submitted to the Minister of Interior in December 2001, <http://www.synigoros.gr/porismata.htm#>. 40  
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1 the work invitation a specific foreign citizen at his/her country of origin and the  
 2 foreign citizen would then be able to issue a visa for work purposes. The new  
 3 migrant would have to produce a new series of documents upon arrival to Greece  
 4 so as to issue a work permit (that would replace his/her work visa) and a stay  
 5 permit, conditional upon the former.

6 The procedure for acquiring a residence permit with the purpose of studying  
 7 was similar to that. Every year, the Ministry of National Education and Religious  
 8 Affairs determined the number of foreign students who could enter Greece in  
 9 order to study, by department and sector. Based on the relevant report of the  
 10 Ministry, those who were interested applied for a visa to their local consulates and  
 11 followed a procedure similar to the one described above.

12 The logic of the two cases discussed above was the same, despite the fact that  
 13 the procedures differed as to the specific documents that needed to be submitted.  
 14 It is obvious that, although the above procedure is logical, it was supported by a  
 15 series of time consuming and costly (for the Greek state, the consulate authori-  
 16 ties, the Greek employers and the foreign workers) administrative actions. More-  
 17 over, the coordination of the whole procedure was, in our opinion, unfeasible  
 18 because it was based on a series of assumptions (that all the steps are going to be  
 19 accomplished correctly and in a short period of time) that were not realistic. The  
 20 law emphasized the lawful character of the procedure and neglected the essence:  
 21 the needs of the local labour market, and the importance of filling vacant places  
 22 in a short time, and also the fact that many immigrants, pressed by poverty or  
 23 political oppression, will try to migrate illegally.

### 24 *3.2. The New Immigration Laws of 2005 and 2007*

25 Since 2001 political elites have made steps towards recognising the positive con-  
 26 tribution<sup>15</sup> of migrants to Greek society and economy. Looking at party electoral  
 27 platforms and other initiatives to integrate migrant populations there emerges in  
 28 the middle of this decade, for the first time, an alignment of parties along the  
 29 right and left wing axis as regards migration policy. Thus, the Socialist party (in  
 30 power between 1993 and 2004, and main opposition party since 2004 with  
 31 40.5% of the national vote in 2007), the Greek Communist Party of Greece  
 32 (which received 8% in the 2007 election) and the Coalition of the Democratic  
 33 Left (5 % in the 2007 election) have all put forward in their party programmes,  
 34 a set of pro-active measures regarding the regularization of undocumented immi-  
 35 grants, the protection of all immigrant workers' rights, the naturalization of

36 <sup>15</sup> For instance, Minister of Interior P. Pavlopoulos made a related declaration when he announced the  
 37 most recent migration Act in January 2007 and the Prime Minister C. Karamanlis in his speech during  
 38 the celebration of the Epiphany on 7 January 2008 noted that 'we appreciate the presence and work  
 39 of those people who have come from foreign countries to live in our society and contribute to it'. The  
 40 message was broadcasted on television live that morning.

the second generation and more generally an approach favouring integration of immigrants on the basis of equality of rights and duties with Greeks. The election platforms of the three parties are largely in agreement on the above issues although none of these issues became prominent in any of the last two pre-election campaigns (March 2004 and September 2007).

The Socialist party has taken also a number of initiatives since 2004 with a view of bringing immigrants closer to the party. These were measures directly decided and put forward by George Papandreou, elected leader of the party in 2004, which were sometimes met by resistance among local and regional party committees (Int. 14). Thus the Socialist party has instituted since 2005 three positions in its Central Party Committee that are reserved for migrants. Immigrants were registered as party members and participated in the internal party election in 2006 gaining thus some weight within the party as they could decide the party election (Int. 14). It remains still to be seen whether this sudden interest for immigrants will be long lasting and whether when the Socialist party comes to power, these progressive positions will become policy.

Contrary to these views of the left wing parties, the extreme right wing LAOS party (approximately 3% in the last election of 2007, first time it has entered Parliament but had elected an MEP in 2004 too) has adopted a nationalist and xenophobic view on the issue arguing that Greece is under threat because of the demographic problem and the uncontrolled entry of foreigners to the country, especially of citizens from neighbouring countries that allegedly challenge the territorial integrity of the nation.

It is worth noting that the Conservative Party (in government since 2004, 42% of the national vote in the September 2007 election) has no positions on migration published in its party programme although the Minister of Interior often makes statements on TV (on the occasion of conferences, EU Interior Ministers' Meetings or other events) about how legal migrants are respected and should be integrated in Greek society on the basis of equality. At the same time the government discourse on migration concentrates on the fight against irregular migration, sometimes even misquoting<sup>16</sup> the actual numbers of apprehended migrants. The conservative government thus follows a two-pronged strategy. On one hand

<sup>16</sup> The Greek Minister of Interior Prokopis Pavlopoulos was stating in the Greek Parliament on 3 June 2008: 'We had 112,000 illegal migrants in 2007. We have no cooperation from Turkey. I will accuse [Turkey] on Thursday [5 June 2008] when I go to Luxembourg [for the Justice and Home Affairs summit of EU Ministers] (...) forgive me for the tone. Do not consider it hypocritical or emotional. It is the anxiety that I feel every night when they release all the slave ships at the coasts of Greece, without any control from Turkey, all these people that we have to take care of with respect to their rights and their life'. In this statement it appears that Greece received 112,000 irregular migrants in 2007. The number actually refers to irregular migrants detected in Greece in 2007 of whom nearly half were detected in the interior. From those actually detected on the border, 35,000 were detected in the Greek-Turkish border, and of those 35,000, less than 15,000 were arrested in the Aegean sea. However, as the statement and apparently the speech in Parliament goes, the 112,000 people figure is directly related to the arrival of irregular migrants (and asylum seekers) on the coasts of the Greek islands in the Aegean.

1 it deliberately puts publicity on the Greek Turkish border issue and the lack  
2 of cooperation with Turkey. This comes partly as a response to criticisms from  
3 other member states and European NGOs<sup>17</sup> on the violation of human rights of  
4 irregular migrants and asylum seekers at the borders and in the nearby police  
5 detention centres. On the other hand, the government shows a realistic ad hoc  
6 approach to migration and labour market management within the country: As  
7 one of our interviewees suggested (Int. 2) the Minister is ready to revise the migra-  
8 tion law as many times and as often as it is required to make it more functional  
9 and less bureaucratic. This low profile strategy can be explained on one hand by  
10 the lack of popular support for a more progressive policy within the government  
11 and among its local party members and also because of fear of losing votes to the  
12 right, in favour of the extreme right wing party of LAOS.

13 During the last election campaign of September 2004, LAOS has tried to bring  
14 migration on the main agenda but other parties did not follow. The issue has  
15 remained in the margins of election campaigns. As a matter of fact the two main  
16 parties, the Socialists and the Conservatives, have until now adopted similar  
17 restrictive and reactive rather than proactive policies when they were in govern-  
18 ment. It remains to be seen whether the Socialist party new positions will be  
19 voted and implemented if and when the party comes to power. Overall, as it has  
20 happened in several European countries, LAOS plays an indirect role in the con-  
21 tinuation of a restrictive migration policy by holding the conservative govern-  
22 ment at check threatening to start a negative campaign and steal votes from the  
23 already tight government majority in Parliament (151 out of 300 MPs).

24 Nonetheless, it should be noted that occasionally conservative party MPs have  
25 taken a progressive stance towards specific issues of migration. For instance,  
26 MP Katerina Papakosta had put on the agenda in 2007 the question of women  
27 migrants and their special needs and role towards their families. The municipality  
28 of Athens under two conservative Mayors (initially Dora Bakoyanni and more  
29 recently Nikitas Kaklamanis) has introduced several measures and special welfare  
30 programs for its immigrant residents promoting their integration. None of these  
31 initiatives however has led to a shift in the government approach towards a more  
32 long-term management of migration.

33 Parallel to the shift in the Socialist party positions towards a pro-immigrant  
34 integration view, trade unions have also changed their views and policies on the  
35 matter during the past years. The role of the General Confederation of Greek  
36 Workers (GSEE), the main trade union platform in Greece has been prominent  
37 during the last decade as regards migration issues. GSEE has been vocal on issues  
38 of migrant admission and the related legal and bureaucratic hurdles that migrants  
39 face during this last decade. Although GSEE has been dominated by the Socialist

40 <sup>17</sup> Pro Asyl, *'The truth may be bitter but it must be told'. The Situation of Refugees in the Aegean and the*  
41 *Practices of the Greek Coast Guard*, Frankfurt a. M. and Athens 2007.

Party since the 1980s, it still remains an important agent in civil society. Moreover, GSEE is also seen as an important partner in industrial relations since its structure and funding allow the confederation to have offices in all parts of Greece and to develop scientific expertise on issues of labour, migration, welfare, pension reform and overall social policy. Against this background, the recent cooperation (2006–2008) between GSEE and the Hellenic Forum of Migrants, the major federation of migrant organisations in Greece, in an EQUAL programme should not be underestimated.

Other trade unions like the Communist Party-led federation of trade unions PAME, the Labour Centre of Athens (EKA), or the Union of Construction Workers of Greece have overcome also their ambivalent attitude of the 1990s and have widely embraced and supported the struggle for migrants' regularization and working rights. This evolution is certainly related to the growing importance of immigrant labour force in the total national labour force, especially in sectors like construction or also cleaning and catering where trade unions are still strong and where it was impossible to ignore any more the role of immigrant workers. Having said this, it is still rare in Greece to find immigrants in leading positions in mainstream trade unions. With the notable and eventually tragic exception of Konstantina Kuneva a Bulgarian citizen (and indeed an EU citizen since 2007), secretary general of a trade union of cleaning staff in the Athens metropolitan area, no immigrant has become a prominent public figure of the trade union movement to this date.

The impact of other civil society actors such as migrant organisations or NGOs on immigration legislation has been limited, able to change details (e.g. the right to work for family members that come to Greece through family reunification provisions) rather than shape the overall approach (Mavrodi 2005). It is also true that up to now Greek governments have only allowed for human rights' NGOs to be heard in Parliament when discussing migration legislation and not migrant or other advocacy organisations.<sup>18</sup>

The role of local and regional actors in this debate and/or in the formation of migration policy has been of little importance given the centralised structure of the Greek state. Although as early as law 2001 the implementation of regularisation programmes and several matters related to the migrants' documentation have been delegated to municipal administrations, local authorities (with the exception of the Municipality of Athens that has taken up a relatively progressive and pro-active view on migration matters) have failed to become active players in the making of migration policies. They have only played the part of the complying local agents that try to follow the rule of law without contesting the authority delegated to them or the ways to perform their tasks. Regional authorities too

<sup>18</sup> Mavrodi, 'Europeanising' national immigration policy. The case of Greece.

1 appear to play a secondary part mainly as a nodal point for processing papers  
2 rather than as a socio-political actor involved in migration policy making.

3 Overall the low level of decentralisation and the lack of important regional  
4 differences in terms of immigrant concentration (with the exception of Athens  
5 and a few smaller municipalities with a higher than average percentage of immi-  
6 grant residents that have created migration services or that have organised migra-  
7 tion related cultural events) makes the periphery-centre and local-national axes  
8 of policy making or implementation of little relevance for shaping migration  
9 policies.

10 Despite the above mentioned developments within the main Greek parties and  
11 the larger trade unions as regards their positions on migration, the bill introduced  
12 by the Conservative government (law 3386/2005) voted by the Parliament in  
13 August 2005 has mainly been geared towards incorporating the EU Directives  
14 2003/86 (on the right to family reunification) and 2003/109 (on the status of  
15 long term residents) to the national legal order and simplifying some stay permit  
16 procedures for issuing or renewing permits. The 2005 law did not alter substan-  
17 tially the logic of the Greek migration policy. This law has been in force since  
18 1 January 2006 but was modified in February 2007 by law 3536/2007 mainly on  
19 aspects of secondary importance.

20 Both Acts (3386/2005 and 3536/2007) have included new regularization  
21 programmes. Law 3386/2005 introduced a regularization program for undocu-  
22 mented migrants who had entered Greece before 31 December 2004. Law  
23 3536/2007 introduced a new, smaller regularization program enabling those who  
24 had not been able to renew their permits, according to Law 3386, in time and  
25 those who were not able to collect the necessary insurance stamps. Thus the aim  
26 of these two programs (the second one ended on 30 September 2007) has been to  
27 incorporate to the legal status certain specific categories of immigrants who have  
28 lived in Greece for several years but who, for various reasons, had not been able  
29 to regularize their residence and employment in the country.

30 Act 3386 regulates matters of entry, stay and social integration of third country  
31 nationals in Greece (refugees and asylum seekers are excluded from its field of  
32 effect). The new law abolishes the existence of separate work and stay permits and  
33 introduces a stay permit for different purposes. The application fee of 150 euros  
34 for issuing a residence permit with a one year duration remains, but the fee rose  
35 to 300 euros and 450 euros for permits with two and three years duration corre-  
36 spondingly. As a result of protests by immigrant organizations and other institu-  
37 tions this provision was amended so that dependent family members did not have  
38 to pay the fee. According to sources in the Ministry of Interior Affairs (Int.2)  
39 the delays have been reduced in certain municipalities but despite that, issuing  
40 or renewing a permit in three months is considered a record. It is also worth  
41 noting that the new law has special provisions for the protection of human  
42 trafficking victims.

Law 3386 determines the right and the procedure to family reunification by incorporating the relevant EU directive to the Greek legal order. It waives the application fee for the stay permits of dependent persons within a family (spouse and children). It also incorporates the EU directive for the status of the long term residents. A basic knowledge of Greek language and of Greek history and culture are among the conditions for acquiring this status. The original Presidential Decree that determined the details for the certification of Greek language knowledge was particularly restrictive and was heavily criticized by NGOs and immigrant associations. Finally, a new ministerial decree was issued in November 2007 that simplified the procedure of proving one's fluency in Greek and one's knowledge of Greek history and culture.

Finally, the law introduces an Action Plan for the social integration of immigrants based on the respect of their fundamental rights and with the purpose of their successful integration into the Greek society, emphasizing on the following sectors: certified knowledge of the Greek language, following introductory courses of history, culture and way of life of the Greek society, integration to the Greek labor market and active social participation (Article 66, paragraph 4). This program has largely remained on paper as the Ministry of Finance has not made available the necessary resources. Moreover, a Social Integration Directorate was created as a response to the establishment of the European Fund for the Integration of Third Country Nationals<sup>19</sup> in the summer of 2007, the funds made available by the European Union for this purpose are not yet being used by the Greek government due to bureaucratic inertia and lack of political will.<sup>20</sup>

It is worth noting that unfortunately this law continues to prohibit (Article 84) the Greek public services, legal entities, organizations of local government, organizations of public utility and organizations of social security to offer services to foreigners who are 'unable to prove that they have entered and are residing in the country legally.' The only exception to this prohibition is hospitals in emergency cases and in cases of offering health care to minors (under 18 years of age). Children's access to the public education system is regulated by law 2910/2001 regardless of their parents' legal status.

Overall this law reiterates the restrictive migration management logic of the previous one, requiring for frequent renewals of stay permits, tying stay permits to jobs, and even hampering migrant business development by requiring that independent professionals should invest at least 60,000 Euro to obtain a permit for this purpose. The main reason for adopting the new law was actually the

<sup>19</sup> 12.06.2007 2007/435/EC: Council Decision of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, Official Journal *L* 168, 28.06.2007, p. 18–36.

<sup>20</sup> This most recent insight comes from a private conversation of the author with a Ministry of Interior employee who has worked at different posts in the various migration-related service of the Athens Region (16 February 2009).

1 incorporation of new EU legislation into national law rather than a political will  
2 to overhaul the migration management system.

3 The 2005 law bears a clear imprint of EU migration legislation as nearly half  
4 of all the articles adopted refer to the transposition of EU directives, notably the  
5 family reunification and the long term resident status directives. Overall the  
6 EU has shaped a more open and integration oriented approach in Greece as it has  
7 been the main source of information, policies, and practices for developing the  
8 national migration policy and more recently, it is the main framework within  
9 which migration laws have to be developed. Moreover, the EU *acquis* provides the  
10 framework for human rights protection in relation to both asylum seeking and  
11 irregular migration control policies.<sup>21</sup>

12 However, on the whole there has been no direct policy learning or transfer of  
13 policies and practices from other countries, be they ‘new’ hosts in southern Europe like  
14 Spain or Italy or ‘old’ hosts with long experience in migrant integration for instance  
15 such as France, the Netherlands, Britain or Sweden for that matter. On the con-  
16 trary, Greece seems to have been stuck for a long time with its national interests’  
17 concerns and an overarching view that migration is an unwanted burden for the  
18 country despite developments in other European countries and at the EU level.<sup>22</sup>

19 It is only after the 2005 law that we see an impact of EU legislation on national  
20 policy. Our fieldwork with the Ministry of Interior also suggests that the recent  
21 emphasis on a National Migration Plan and on the development of a national  
22 integration framework programme (both yet to start however) is due to a happy  
23 combination of factors: pressure to comply with EU policies, the fact that migra-  
24 tion has come of age in Greece after more than 15 years of experience as a  
25 host country, the mobilization of migrants themselves, and the sometimes fortu-  
26 nate coincidence of skilled and open minded bureaucrats holding key positions  
27 in the Ministry.

#### 28 **4. Concluding Remarks: Lack of Political Will or Purposeful Mismanagement** 29 **of Migration?**

30 Greece today has a 1.2 million strong immigrant population (Triandafyllidou and  
31 Gropas 2009) including approximately 200,000 co-ethnic immigrants from  
32 Albania (*Voreioipirotes*) and an estimated 200,000 irregular migrants.<sup>23</sup> Immig-  
33 grants thus account for more than 10% of the total resident population (of

34 <sup>21</sup> Pro Asyl, *The truth may be bitter but it must be told. The Situation of Refugees in the Aegean and the*  
35 *Practices of the Greek Coast Guard*, Frankfurt a. M. and Athens 2007.

36 <sup>22</sup> A. Triandafyllidou and M. Veikou, The Hierarchy of Greekness. Ethnic and National Identity Con-  
37 siderations in Greek Immigration Policy, 2 (2) *Ethnicities* (2002) 189–208; A. Triandafyllidou, Ελληνική  
38 Μεταναστευτική Πολιτική: Προβλήματα και Κατευθύνσεις (The Greek Migratory Policy: Problems  
39 and Directions).

40 <sup>23</sup> Maroukis, 2008, author please supply details.



approx. 11 million) and for 12%–14% of the total labour force. Children of foreign parents account for about 15 % of the school population (data provided from IPODE, November 2008, [www.ipode.gr](http://www.ipode.gr)) as there were approximately 188,000 pupils of foreign nationality enrolled in Greek schools (public and private) in school year 2007–08 out of a total of 1,131,000 pupils.

These data suggest that migration has acquired an important place in Greek society and economy which is not however reflected in the state policy towards migrants. During the 1990s and to a certain extent to this day, Greek migration policy has been characterised by the ‘fear’ of migration and an overall negative view of migration as an unwanted evil or burden to Greek society and economy.

Initially these fears were related to questions of territorial integrity and national unity and were fuelled by the fact that the vast majority of immigrants in Greece came from neighbouring countries in the Balkans (notably Albania and Bulgaria). Collective memories of nation-formation wars in the Balkans (in particular the national war of independence in the 19th century, and the Balkan wars of the early 20th century, that led to the incorporation of the northern regions of Macedonia and Thrace to the modern Greek state) were projected to this day to become geopolitical factors that should affect the design of migration or minority policies.<sup>24</sup> In other words, many of the concerns that have prevented a more long term planning of migration and immigrant socio-political incorporation policies during the 1990s have had to do with fears of emergence of ethnic (Albanian) parties, and also with concerns that immigrants are all citizens of neighbouring countries and hence they could be cause of political instability and nationalist claims over Greece in the future. These concerns were largely shared among the leadership of both the Conservative and the Socialist party although there was significant variance in opinions in either party. In other words, there were fervent xenophobic nationalists in both parties as there were more moderate ones, privileging a civic and territorial view of the nation and a concomitant openness to migration and migrant integration.

It is these regional and foreign policy concerns alongside a lack of any experience in immigration and a generally closed attitude towards foreigners and immigrants that explain the delay with which Greece enacted its first regularisation programme (in 1998) and adopted its first comprehensive immigration law (2001). These regional concerns also explain the delay with which the Greek state created a special status to accommodate the ethnic Greek Albanian immigrant population.<sup>25</sup>

<sup>24</sup> See for example: A. Triandafyllidou, and R. Gropas, Constructing Difference: The Mosque Debates in Greece’, *Journal of Ethnic and Migration Studies*, 2009, in press; Dia Anagnostou, Deepening democracy or defending the nation? The Europeanisation of minority rights and Greek citizenship, 28 (2) *West European Politics* (2005) 336–358.

<sup>25</sup> A. Triandafyllidou and M. Veikou, The Hierarchy of Greekness. Ethnic and National Identity Considerations in Greek Immigration Policy, 2(2) *Ethnicities*, (2002) 189–208.

1 As the situation stabilised in the Balkans and political elites realised that migra-  
2 tion was there to stay, the factors and concerns driving Greek migration policy  
3 and political elites' interests for that matter also changed. Migrants provided for  
4 plentiful and flexible labour force in specific sectors of the Greek economy, nota-  
5 bly in agricultural, in small family enterprises, in construction, in caring and  
6 cleaning services and in a series of other jobs of low prestige and low pay. The first  
7 comprehensive immigration law voted in 2001 reflected this instrumental and  
8 opportunistic view of migration. Migrants should be allowed to stay in Greece, as  
9 the then socialist Minister of Interior stated, as long as the Greek labour market  
10 needed them but they should also be prepared to go when they would no longer  
11 have jobs. This was the main rationale of immigration policy and our immigrant  
12 informants (Int. 13) coming from different migrant associations and different  
13 migration experiences agree that keeping people insecure and thus exploitable has  
14 been a deliberate aim of Greek migration policy, supported by the two major  
15 political parties.

16 Although during this last decade there has been a significant shift in the posi-  
17 tions of the Socialist and other left wing parties as well as trade unions and other  
18 civil society actors towards migration, this has not as yet translated into a majority  
19 policy shift. The Conservative party has continued implementing a restrictive  
20 migration policy in line with the rationale that prevailed in the early 2000s and  
21 integration measures are still hard to come by. National integration plans are  
22 declared but not enacted and second generation provisions for instance are non  
23 existent. European policies and funds are transposed and integrated into the  
24 national policy but their implementation on the ground is left wanting. Although  
25 small left wing parties, NGOs and migrant associations organise gatherings and  
26 public events discussing immigration policy and seeking to influence the govern-  
27 ment, they have to date been successful only partly. They have managed to change  
28 specific details in migration laws (e.g. the waiving of the stay permit renewal fee  
29 for dependent family members) but they have not managed to shape in decisive  
30 ways the policy agenda. The Socialist party on the other hand has concentrated its  
31 initiative mostly within the party mechanism by integrating immigrant members  
32 into party central and regional/local committees but has pressurised the govern-  
33 ment less hard as regards immigration policy as well as border enforcement. As  
34 a matter of fact, migration is not yet an important issues in the policy agenda.  
35 Migrant integration in particular is not a priority. Partly because migrants do  
36 integrate through family and neighbourhood networks and through personalised  
37 relationships with natives who are their employers or indeed their friends but not  
38 through state policies or institutional structures that are largely lacking.<sup>26</sup> During

39 <sup>26</sup> See also E. Fokas, The Thiva Case Study, Project Report for the WAVE (Welfare and Values) Research  
40 Project, unpublished manuscript, presented at a seminar in Athens: KEKMOKOP, Panteion University,  
41 20 February 2009.

the past couple of years the government has paid more attention to the management of Greece's borders not least because it has been exposed to criticisms from fellow member state governments and European NGOs for its shortcomings in this field although state policies in border enforcement and asylum seeking processing remain highly problematic.

Overall, Greek political elites lack the political will to adopt a proactive and realistic migration policy plan. Partly because migration does not win nor lose national elections. And partly because they fear that stating publicly that Greece should accept economic immigrants through legal channels and that immigrants should become part of Greek society on a basis of equality and plurality would cost them votes.

It is indeed difficult to explain this continuously negative and reactive immigration policy of Greece to this date if one looks at the changes in the left-wing part of the political spectrum and in organised civil society. A possible explanation actually is that even within left wing parties and other NGOs the pro-immigrant positions are mainly led by their leaders and by a minority of activists while the majority of Greek citizens remain at best neutral and at worse suspicious toward such developments. The question that remains open however is whether a voluntaristic perspective on the part of left wing political elites will lead to the desired change. In the meantime, problems with migration policy implementation remain acute because the political will to solve them is lacking.

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