

Immigrant and immigration policy-making: A review of the literature of the Greek case

Katerina Apostolatos
FIERI

Introduction

The creation of public policy is a dynamic process. Events, actors, and political institutions combine and conflict in a wide array of unpredictable ways (Gerston 1997: 20). The *process* that has led to *immigrant* and *immigration* policies in Greece, the actors involved and the levels at which they are made, is a topic that has been ignored by the academic community. The following literature review covers this area to show the need for future research. First, the extent and type of recent migration flows to Greece will be shortly presented, as well as the main immigration legislation since the beginning of the 1990s. Secondly, the existing literature will be reviewed, giving emphasis to studies which have put in the centre of their analysis not so much the content of immigrant and integration policies, but the process that has led to them. In this review of the literature we will focus on the *national* decision-making level of immigrant and integration policies in Greece. Studies that deal with the local, intermediate and supranational level are almost non-existent.

The Greek state and the management of immigration

The trend of immigration into Greece started, along with other Southern European countries, in the mid 1970s, but mass immigration was not evident until 1991 and the collapse of the Albanian communist regime. Almost all of the immigration flows into Greece in the 1990s were unauthorised, and it was not until the 2001 Census that any reliable data became available. The Census recorded some 672.000 non-Greek residents (both legal and undocumented) comprising 7 per cent of total population – the highest in Southern Europe.¹ More recent calculations from official data suggest that the 2004 immigrant population is at a

¹ In the year 2001 foreign residents comprised in Spain 3,6 per cent, in Portugal 3 per cent and in Italy 2,8 per cent of total population.

minimum of 940.000 third country nationals, supplemented by about 100.000 ethnic Greeks and 50.000 EU/EFTA nationals – around 1,15 million people or 10,25 per cent of total population (Baldwin-Edwards 2004: 3, 25). More than two thirds of all foreign residents living in Greece come from East and Southeast Europe. Greece is unique in the European Union in having one immigrant group (Albanians) constituting with 438.036 almost 60 per cent of all immigrants. The second largest group build Bulgarians (35.104 or 4,7 per cent) followed by Georgians (22.875 or 2,9 per cent) and Romanians (21.994 or 2,9 per cent). In the last years a rise of the numbers of immigrants from Asia has been registered. The largest groups among them build according to the 2001 Census immigrants from Pakistan (11.130 or 1,5 per cent) and India (7.216 or 1 per cent).

The massive influx of immigrants in the early 1990s led the Greek state to the introduction of a new immigration legislation.² In October 1991, Immigration Law 1975/1991 was passed under the title ‘Entrance-exit, sojourn, employment, expulsion of aliens, determination of refugee status and other provisions’. This was the first comprehensive law in the field of Greek immigration policy after sixty-two years. In the years after 1991, Law 1975/1991 and its subsequent changes and amendments formed the basis for the regulation of entrance and exit as well as the sojourn of foreigners living in Greece with the exception of EU-nationals. Law 1975/1991 mainly influences two areas of migration policy: admission and control policy. It does not include an integration policy comprising regulations and measures which aim to make it easier for migrants to be integrated into social, economic and cultural life in Greece. The main aim of Law 1975/1991 is to enhance the effectiveness of state controls, above all towards third country nationals at the state borders and in the country interior. To this end, a number of measures and regulations were included in its thirty-six articles. Despite its restrictive appearance, the main aim of Law 1975/1991, which was the containment of irregular migration, could not be achieved. At the end of the 1990s, around 600.000 irregular immigrants were living and working in Greece. On the one hand, this number was made up of immigrants who had irregularly entered the country and, on the other hand, regular immigrants which after the their valid documents had expired had continued to stay in Greece (so-called ‘visa-overstayers’). The majority of irregular immigrants working in Greece are part of the latter group. The rapid increase of irregular labour migration points out the ineffectiveness of border controls and controls within the country’s boundaries as well as the complexity and non-functionality of the regulations governing the regular sojourn and employment of aliens in Greece. The circumstances which are responsible for the

² Until 1991 the basic piece of legislation regulating the status of alien immigrants in Greece was Law 4310 of 1929.

failure of Law 1975/1991 are based on its imprecise formulation as well as on its implementation.

Six years after the Immigration Law of 1991 was adopted, up to 700.000 immigrants were living and working in Greece. Approximately 90 per cent of them were irregulars. Owing to this situation, the socialist government at the time was forced by increasing pressure to find a solution to the problem. In 1997, the first regularisation programme was adopted in Greece. Amnesties in other South European countries were used as a model for this measure. According to the Greek Employment Organisation (OAED), 371.641 (or 53 per cent) out of approximately 700.000 irregular immigrants living and working in Greece in the late 1990s had been registered within the framework of the first regularisation programme and filed an application for a temporary residence card ('white card'). The majority of them (241.561 or 65 per cent) were Albanian nationals followed by Bulgarians (6,8 per cent), Rumanians (4,6 per cent), Pakistani (2,9 per cent), Ukrainians (2,6 per cent), Poles (2,3 per cent), Georgians (2 per cent), Indians (1,7 per cent), Egyptians (1,7 per cent) and Filipinos (1,4 per cent). By April 2002 approximately 177.700 of the immigrants registered in the first regularisation programme had been in possession of a valid limited duration residence card ('green card') and could thus be counted as part of the regular immigrant category (Apostolatos 2004: 282). The first Greek regularisation produced a mixture of semi-regular migrants who had successfully completed the first phase of the regularisation programme, regulars who continued to built the minority of foreigners living in Greece, and, finally, irregular immigrants the exact number of which is still unknown.

In April 2001, a new Immigration Law was adopted in Greece under the title 'Entry and residence of aliens on Greek territory. Acquisition of Greek citizenship by naturalisation and other provisions'. The main aim pursued with the Law 2910/2001 is to create suitable framework conditions for an extensive long-term migration policy in line with Greece's requirements while at the same time harmonising with migration policies pursued by other EU-member states. The latest available results indicate however, that the migration-policy measures implemented within the framework of Law 2910/2001 have not proved to be as successful as planned. The Greek Ministry of Interior, for instance, and the newly established Aliens and Immigration Directorate have not yet managed to satisfy the requirements associated with their new task as central co-ordination body of the Greek migration policy despite the efforts made by the officials. The categorisation of the reasons for aliens entering Greece as well as the separation of the procedures for residence and work permits have tended to make the process less transparent and to reduce the attractiveness of these permits for foreign workers. As far as the integration of immigrants living in Greece is concerned, no results worth mentioning could be achieved to date; the majority of integration-policy measures is currently still in the planning stage.

Within the framework of the Aliens Law 2910/2001 certain categories of immigrants with irregular status had again the opportunity to become regular. The decision to implement a second regularisation programme to a certain extent confirms that the first amnesty has failed. In the first phase of the regularisation procedure of 2001, 367.860 immigrants irregularly living in Greece had been registered and filed an application for a temporary residence permit. In the second phase of the regularisation procedure, approximately 217.000 (or 59 per cent) of them satisfied the conditions for a work and residence permit. According to own estimates, the number of valid residence permits in December 2004 should not have been higher than 250.000 (Apostolatos 2004: 308). This means that the second regularisation programme has by far fallen short of its intended aim, i.e. the regularisation of approximately 600.000 foreigners. There are various reasons for this. The main reason (as ever so often), however, is the imprecise formulation of the second regularisation measure and the difficulties which have occurred during its implementation.

Since the mid 1990s, Greece has signed a number of bilateral agreements with other countries in the field of immigration policy. The majority of these agreements refers to the readmission of aliens with irregular status. This includes nationals of the contracting parties as well as third country nationals. Since the mid 1990s, Greece has concluded such agreements with Eastern and Southeastern European countries like Croatia (1995), Slovenia (1995), Roumania (1995), Bulgaria (1996) and Poland (1996) as well as with Turkey (2000; 2001). Bilateral agreements the purpose of which is police co-operation in fighting organised crime, including human trafficking, as well as co-operation for an effective control of joint (if applicable) borders account for the second category. Since the mid 1990s, Greece has signed a number of agreements of this last category, for example with Albania (1996; 1998), Bulgaria and Rumania (1998), Italy (2000) and Turkey (2000; 2001). From a migration-policy point of view, such agreements comprise the exchange of information, know-how and experience in the field of border controls, determination of forged travel documents and the prevention of irregular migration. Finally, agreements which govern regular seasonal labour between Greece and other countries account for the smaller number of bilateral agreements. In 1996, Greece concluded such an agreement with Bulgaria and in the following year with Albania.

According to the Greek Ministry of Interior by the end of July 2005 a new draft Immigration Law, which will replace the existing Law 2910/2001, will be discussed in the Greek Parliament. Changes to the existing legislation include the creation of a single permit to replace the residence and work permit. The current Greek government also intends to implement the European Council Directive (2003/109/EC) on long term resident status of third country nationals. The new draft Immigration Law will presumably also include a new (third) regularisation of undocumented immigrants living and working in Greece.

The policy-making process of Greek immigrant and immigration policy: The national level

Although Greece has experienced mass immigration for almost fifteen years, research on the process of policy-making in this area is underdeveloped. The first research studies of the late 1980s and early 1990s offered only a general view of the phenomenon of immigration into Greece (e.g. Petrinioti 1993) and concentrated more on push-pull factors (e.g. Emke-Poulopoulou 1990), on the effects on the Greek economy (e.g. Lianos et al. 1996; Baldwin-Edwards & Rothschild 1999; Sarris & Zografakis 1999; Fakiolas 2000) and to a lesser extent on Greek society (e.g. Karydis 1996). After the Aliens Law 1975/1991 was passed, some scientists – mainly jurists – started focusing on Greek immigration policies by offering a descriptive approach of the output of policy formulation. The main aim of these studies was to examine the legislation and comment on the weak points of the immigration law and the problems that would eventually appear in the implementation phase (e.g. Chlepas & Spirakos 1992; Papassiopi-Passia 1995; Sitaropoulos 2001; Skordas 2002). The other significant group of studies on Greek immigration policies includes books in Greek and book chapters or articles published in international journals in English, with short references on the outcomes of the implementation phase of the policy process (e.g. Karydis 1996; Baldwin-Edwards 1998; Rosewarne & Groutsis 2003).

Since the late 1990s, researchers in several scientific fields (e.g. economists, political scientists, sociologists) have started to show a growing interest in studying policy-making with respect to immigration issues. The small number of studies that exist on Greek immigrant and immigration policy-making are focused, as we will see below, on the *national* decision-making process. Studies that deal with the local, intermediate and supranational level are almost non-existent. To the best of our knowledge, no study uses an explicit theoretical framework.

Immigration policy is the outcome of a political process through which competing interests interact within bureaucratic, legislative, judicial and public arenas to construct and implement policies that encourage, discourage, or otherwise regulate the flow of immigrants (Massey 1999: 307). One of the first research studies that examined the influence of organised interests on the making of Greek immigration policy and the resultant conflicts and agreements was carried out by Fakiolas (1997). In the second part of his analysis of the efforts of the Greek state to regularise undocumented immigrants, the author focuses on the responses (of different government departments, state organisations, trade unions, employer associations, elected local governments and individuals) to the draft decrees on the first regularisation ever to be carried out in Greece. Fakiolas presents a brief account of the positions and rationales of the above interest groups. The research

reveals major differences of opinion between government ministries and also between local governments in different regions of Greece.

For studies focusing on the formulation phase of Greek immigration policy we should also include one by Baldwin-Edwards and Fakiolas (1998) and a more recent one completed by Kiprianos et al. (2003). The article by Kiprianos et al. (2003) focuses on the positions of political parties, labour unions and NGOs during the public debates on the first and second regularisation bill. The article analyses the influence of the actors mentioned above in the process of policy-making and identifies the weak points of the bills. According to the authors, Greece lacks a coherent immigration policy and there are two factors that offer an explanation for this: the attitude of public opinion and concerns about the possibility that the immigrants could create long run problems for the integrity of Greek social values. The study by Baldwin-Edwards and Fakiolas (1998) identifies three contradictory modes of behaviour in the Greek political and policy arena and labels them as 'institutional/bureaucratic', 'external relations', and 'modernizing/technocratic'. In the case of the institutional/bureaucratic mode, the argument is that traditional structures and patterns of behaviour shape, if not determine, policy and outcomes. The second mode focuses on the external relations of Greece with lesser (primarily Balkan) powers and with the European Union. The authors conclude that in Greek foreign policy, immigrants and immigration are viewed purely as objects of manipulation for policy objectives. The third mode consists of the modernizing and technocratic tendencies; the authors point out that the first regularisation programme, as one of many examples, was evidence of Greek policy makers accepting the reality of immigration into Greece and also the fact that at least some of the immigrants would remain.

The aspect of the positions and controversies of the actors that have directly or indirectly participated in the formulation phase of Greek immigration policies since the beginning of the 1990s is also covered by the recent PhD thesis by Apostolatos (2004). For this purpose the author analysed the Greek Parliament's debates on the Alien Laws 1975/1991 and 2910/2001 and interviewed actors of the political-administrative system and various socio-economic interest groups.

Research Studies on the formulation phase of Greek immigration policies are rare, apart from those dealing with the *output* of policy formulation. The majority of the studies concentrate on the implementation phase i.e. analysing how the concrete policies are carried out and if the implementation is consistent with intended outcomes.

An analysis of the problems that appeared during the implementation of the first regularisation programme as well as of the Aliens Law 2910/2001 is provided by the Greek Ombudsman in annual reports and public letters to the

Greek Ministry of Interior.³ The Greek Ombudsman also takes the role of International and EC law into consideration and examines whether or not the Greek immigration bills are formulated and implemented in conformity with these.

The conformity of Greek immigration policies with international standards is also present in detailed form at the centre of a study completed by Baldwin-Edwards (2001) on the Greek immigration bill 2910/2001. There it is made clear that the draft law mentioned above is not in conformity with the internationally accepted fundamental rights of immigrants in several areas, such as education and healthcare for undocumented children, the duration and continuity of residence permits, excessive charges for state documents and procedures, and the right to work of family members. The author also investigates the weak points of the draft immigration law and the reasons why it would increase the extent of irregular immigration in Greece (increased bureaucratic burdens on both employers and immigrant workers, vastly higher costs of permits, maintenance of the financial burdens on potential employers etc.). Furthermore, he explains that the bill will not achieve its goals because it fails to simplify bureaucratic procedures, for both immigrants and Greek employers; to comprehend employers' needs, which may not be predictable by them; to provide legal certainty for both employers and immigrants and to recognise migrants' rights, as a *quid pro quo* for legal status; and finally to enforce laws relating to illegal immigration and employment, but focusing on those who exploit rather than those who are being exploited.

The conformity of Greek immigration policies with international standards is also at the centre of numerous reports by Sitaropoulos (e.g. 2001, 2004), mostly unpublished studies for the Greek National Commission on Human Rights.

A recent study on the implementation of Greek immigration/regularisation policies is completed by Psimmenos and Kassimati (2003); this country study is included in a special issue of the *Journal of Ethnic and Migration Studies* dedicated to immigration implementation policy in Europe. Psimmenos and Kassimati investigate the role that organisational culture and work values play for the management of immigrants' statuses, and in particular how both of these act as mediators between the state and the market. Through a detailed analysis of the impact of organisational culture – the origin of which is presented as a complex network of processes involving structural and cultural negotiations between officers, immigrants and institutions – on the implementation of immigration policies in a flexible economy, the authors come to the conclusion that guardians act as 'managers' rather than 'bureaucrats'. The officials' motivation when behaving in racist and discriminatory ways is apparently a mix of personal, financial and managerial incentives. The issue for Greek administrative officers is unfortunately not whether they will work efficiently, or follow the letter of the law, but rather

³ See: www.synigoros.gr.

why they are taking part in the control of immigrants at all. This shows how important the way immigration policies are being implemented is for outcomes. The Greek administrative officers implement their social policies on immigrants sometimes, according to the authors, in line with the rules of the organisation, but most of the time independently or even contrary to those rules. Whichever is the case, the official is concerned not with what is legal, but rather with what is the desired framework for immigration control. The results of the comparative research on immigration implementation policy conducted in four European countries (Germany, Italy, United Kingdom and Greece) are presented in an article by Jordan et al. (2003) and published in the special issue of the *Journal of Ethnic and Migration Studies* mentioned above.

The implementation process of Greek immigration policies and its outcomes is also covered in the PhD thesis completed by Apostolatos (2004). The author investigates the level at which these policies have achieved their goals (*ex-post* evaluation), as well as the reasons for a possible decline, and differentiates between the political and administrative frame conditions of implementation i.e. the system-internal milieu of the authorities who are responsible for the implementation of immigration policies on the one hand, and on the other hand the geographical, economic and social factors, which weaken the efficiency particularly of immigration control measures and lead to a 'policy paralysis' (Cornelius et al. 1994: 4) in this area.

Finally, we should look at two recent research studies on gender and migration in Southern Europe. The first is by Anthias and Lazaridis (2000) and the second by Tastsoglou and Maratou-Alipranti (2003). Although gender has played a major role in the migratory movements toward Greece,⁴ according to the authors no specific policy has been formulated in this area.

After analysing the implementation process, an *evaluation* of the policies should follow. What researchers usually neglect is the completion of a so-called *Objectives-Realities-Comparison*. Apart from comparing the intentions of policies (*Objectives-Problem*) with their results (outcomes) (*Realities-Problem*) and finding out if and where the policies have departed from their aims, it is of great importance to investigate *why* this occurred.

An *ex-post* evaluation of the first regularisation programme of undocumented immigrants in Greece is completed by Skordas (2000). There the author offers some possible explanations for the complications that arose during the implementation phase, such as the cumbersome bureaucratic structure of the system, the difficulties of co-ordination between different spheres of admini-

⁴ Some nationalities in Greece, such as Ukrainian, Filipina and Moldavian, have a predominantly female presence, with around 70 per cent of the immigrants being female; others (e.g. Pakistani, Bangladeshi, Indian) are over 90 per cent male (Baldwin-Edwards 2004: 4).

strative authorities, and the problematic formulation of the bill that allowed misinterpretations as to which categories of immigrants were entitled to participate in the programme.

Concluding remarks

As was made clear in the introduction, research on Greek immigrant and immigration policy-making can be considered as weak. Up till now the majority of research in this area has tended to be legal/institutional (focused upon the laws and regulations rather than on the policy-making process itself). Almost all existing studies focus on the national level of policy-making and concentrate only on two phases of the policy-cycle, namely formulation and implementation. In the latter, the usual form of analysis includes a description of the implementation process without, as already mentioned above, investigating the not so apparent reasons *why* the policies have departed from their aims. Another issue is the lack of comparative studies on the international as well as on the local level. To the best of our knowledge almost all studies do not use the theoretical framework of policy-analysis. Furthermore the role of International and Constitutional Law is usually not taken into consideration.

A great problem for the completion of research studies on Greek immigration policy-making for scientists in all migration-related fields is the enormous data deficit. The existing statistical sources are in general extremely unreliable and difficult to access.

Bibliography

- Anthias, F. & G. Lazaridis (eds.) (2000). *Gender and Migration in Southern Europe*. Oxford and New York: Berg.
- Apostolatou, A. (2004). *Griechische Einwanderungspolitik seit 1990 im nationalen und europäischen Kontext: Eine Analyse der Formulierung und der Implementation* (Greek Immigration Policy since 1990 in National and European Context: An Analysis of Formulation and Implementation). University of Salzburg [forthcoming Nomos Verlag, 2006].
- Baldwin-Edwards, M. (1998). *The Greek Regularization: A Comparative Analysis with the Spanish, Portuguese and Italian experiences*. University of Reading, Center for Euro-Mediterranean Studies, Working Paper 98/2, April.

- Baldwin-Edwards, M. (2001). *An Analytic Commentary on the Greek immigration bill*. MMO Working Paper No. 1. Athens.
- Baldwin-Edwards, M. (2004). *Statistical Data on Immigrants in Greece*. A study conducted for IMEPO, Ministry of Interior. Final Report, 15 November, 2004. Athens. 100 p.
- Baldwin-Edwards, M. & R. Fakiolas (1999). 'Greece: The Contours of a Fragmented Policy Response', in M. Baldwin-Edwards & J. Arango (eds.), *Immigrants and the Informal Economy in Southern Europe*. London: Cass, 186-204.
- Baldwin-Edwards, M. & C. Safilios-Rothschild (1999). 'Immigration and Unemployment in Greece: Perceptions and Realities', *South European Society and Politics*, 4 (3) 204-219.
- Chlepas, Nikos; Dimitris Spirakos (1992). *Ο Νόμος 1975/1991 περί αλλοδαπών και το Σύνταγμα* [The 1975/1991 Aliens Law and the Constitution]. Athens: Sakoulas.
- Cornelius, W.A., P.L. Martin & J.F. Hollifield (1994). 'Introduction: The Ambivalent Quest for Immigration Control', in W.A. Cornelius, P.L. Martin & J.F. Hollifield (eds.), *Controlling Immigration: A Global Perspective*. Stanford, 3-39.
- Emke-Pouloupoulou, H. (1990). *Μετανάστες και πρόσφυγες στην Ελλάδα 1970-1990* [Migrants and Refugees in Greece 1970-1990]. Athens: EPPSKE.
- Fakiolas, R. (1997). *Recent efforts to regularise undocumented immigrants*. European Foundation for the Improvement of Living and Working Conditions, Working Paper No. WP/97/40/EN, Dublin.
- Fakiolas, R. (2000). 'Migration and Unregistered Labour in the Greek Economy', in R. King (ed.), *Eldorado or Fortress? Migration in Southern Europe*. London: Macmillan, 57-78.
- Gerston, L.N. (1997). *Public Policy Making: Process and Principles*. Armonk: M.E. Sharpe.
- Greek Ombudsman. Annual Reports (in Greek, in: www.synigoros.gr).
- Jordan, B., B. Strath & A. Triandafyllidou (2003). 'Comparing Cultures of Discretion', *Journal of Ethnic and Migration Studies*, 29 (2) 373-395.
- Karydis, V. (1996). *Η εγκληματικότητα των μεταναστών στην Ελλάδα* [Immigrants' criminality in Greece]. Athens: Papazisis.
- Kiprianos, P., S. Balias & V. Passas (2003). 'Greek Policy towards Immigration and Immigrants', *Social Policy and Administration*, 37 (2) 148-164.
- Lianos, T., A. Sarris & L. Katseli (1996). 'Illegal Immigration and Local Labour Markets: The Case of Northern Greece', *International Migration*, 34 (3) 449-484.
- Massey, D.S. (1999). 'International Migration at the Dawn of the Twenty-First Century: The Role of the State', *Population and Development Review*, 25 (2) 303-322.

- Papassiopi-Passia, Z. (1995). *Τα δικαιώματα των αλλοδαπών κατά τον Νόμο 1975/1991* [The rights of aliens according to Law 1975/1991]. Athens: Sakoulas.
- Petrinioti, X. (1993). *Η μετανάστευση προς την Ελλάδα. Μια πρώτη καταγραφή, ταξινόμηση και ανάλυση* [Immigration to Greece: A preliminary record, classification and analysis]. Athens: Odysseas.
- Rosewarne, S. & D. Groutsis (2003). 'Challenges to the Integrity of a European Migration Program: Greece as the Recalcitrant State'. Paper presented to conference entitled 'The challenges of Immigration and Integration in the European Union and Australia', University of Sydney, 18-20.02.2003.
- Psimmenos, I. & K. Kassimati (2003). 'Immigration Control Pathways: Organisational Culture and Work Values of Greek Welfare Officers', *Journal of Ethnic and Migration Studies*, 29 (2) 337-371.
- Sarris, A.H. & S. Zografakis (1999). 'A Computable General Equilibrium Assessment of the Impact of Illegal Immigration on the Greek Economy', *Journal of Population Economics*, 12: 155-182.
- Sitaropoulos, N. (2001). 'The New Greek Immigration Law: A Step Forward?', *Immigration and Nationality Law and Practice Journal*, 15 (4) 228-234.
- Sitaropoulos, N. (2004). 'Equal Treatment between Persons Irrespective of Racial or Ethnic Origin: The Transposition in Greece of EU Directive 2000/43', *International Journal of Human Rights*, 8 (2) 123-158.
- Skordas, A. (2000). 'The Regularisation of Illegal Immigrants in Greece', in P. de Bruycker (ed.), *Regularisations of Illegal Immigrants in the European Union*. Bruxelles, 343-387.
- Skordas, A. (2002) 'The New Immigration Law in Greece', *European Journal of Migration and Law*, 4: 23-48.
- Tastsoglou, E. & L. Maratou-Alipranti (eds.) (2003). *Gender and International Migration: Focus on Greece*. The Greek Review of Social Research. Athens.