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**CONTEMPORARY IMMIGRATION IN GREECE:
A SOURCEBOOK**

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CHAPTER 3

TOWARDS A GREEK IMMIGRATION POLICY WITH HUMANITY AND AN EFFECTIVE OUTCOME

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INTRODUCTION

THE management of the immigration issue over the last 20 years, as immigration began to escalate at alarming rates in Greece, has certainly not been rationally organised nor, consequently, effective. It is primarily of an impermanent and improvised nature through "sloppy" laws that were simply trying to accomplish two parallel objectives: firstly, to validate an accomplished fact for immigrants already living in Greece (while at the same time forcing them to pay significant sums to the state and to health care organisations for their "legitimization" which allowed them to stay and work here); and secondly, to introduce measures of a punitive nature, especially for immigrants aspiring to enter the country. In contrast, no significant attempt was made to scientifically measure how many immigrants could be absorbed into Greece, *i.e.*, in simpler terms, how many immigrants the country could sustain without bringing about a breakdown of the fundamental sectors of the state, such as public health, public education, public safety and general public administration. Furthermore, no studies were conducted to ascertain what kind of immigrants we need, how they can actually be absorbed

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into professions for which there is a shortage of qualified people in Greece, and how this could be done while integrating immigrants into the wider Greek society upon their admission, so that they might eventually become responsible Greek residents or even citizens. In this respect, it is noteworthy that according to data drawn from early 2010, only 130 immigrants have been recognised in Greece as long-term residents (*i.e.*, over 5 years), while others, specifically 550.000, simply have a temporary resident's permit which they are obligated to renew every two years. Among these, there are undoubtedly many immigrants who have been in Greece for years or who were born and raised here. Thus, it is in the interest of Greece to move forward towards the immediate legalisation of residence and work for these people, or even grant them Greek citizenship - as was attempted by the relatively recent Law 3838/2010¹ - provided legitimisation can be combined with the needs and interests of Greek society.

THE TRAPS OF THE IMMIGRATION POLICY

Nevertheless, and on a more general level, in order to achieve an effective immigration policy, the main basis should be that of the needs and capacity of Greek society to absorb immigrants claiming entrance to the country. It is obvious that the more immigrants to enter a country, the less chance they have of ensuring successful social integration and a decent standard of living, especially in the current crisis, *i.e.*, to ensure adequate work, housing, food, education, health care, legal protection and safety.

Indeed, the living conditions of immigrants in Greece for the period they are forced to stay here are dire, according to a comprehensive report by "Amnesty International" for Greece, with the title "*The 'Dublin II' Trap: Transfers of Asylum-Seekers to Greece*"

¹ Government Gazette of the Hellenic Republic, Law 3838/2010: Current Provisions for Greek Citizenship and Political Participation of Co-Ethnics and Legal Immigrant Residents and Other Regulations (Athens-National Printing House of Greece 2010), (in Greek).

(2010)². According to this document, if arrested, asylum seekers are detained in appalling conditions and then, because deportation is generally impractical, they are released with a service-memo and in order to survive they are either exploited in conditions verging on slavery within the “black” economy, or are marginalised and turn to lawlessness and crime³.

With this in mind, the country’s participation in the Dublin II Regulation [Council Regulation (EC) 343/2003]⁴ should be re-considered with due seriousness. According to this Regulation, because of its geographical location, Greece is the first host country for immigrants who seek asylum, especially from countries in Africa and Asia, and therefore Greece is solely responsible for the review and processing of asylum requests filed by these immigrants. As a result, our country is committed and obligated to provide such immigrants with decent accommodation, care and safety until their application has been considered; that is to say, at least for

² Amnesty International, The Dublin II Trap: Transfers of Asylum-Seekers to Greece, Report Index: EUR 25/001/2010 (Amnesty International March 2010), available at: <http://www.unhcr.gr/fileadmin/Greece/General/Greece/ektheseis/DublinIItrap-1.doc> (in Greek) and <http://www.unhcr.gr/fileadmin/Greece/General/Greece/ektheseis/eur250012010en.pdf>; cf. the comments by: J. SOTIRCHOU, Immigrants: Right to Life with Open Papers, *Eleftherotypia* (2010), available at: <http://www.enet.gr/?i=news.el.article&id=117071>, 2 January, p. 17, (accessed 15/5/2013), (in Greek), and D. GOUSETIS, The Dublin II Trap, *Kathimerini* (2010), available at: http://news.kathimerini.gr/4dcgi/_w_articles_columns_2_21/04/2010_398264, 21 April, p. 13, (accessed 15/5/2013), (in Greek).

³ For more information on this subject N. COURAKIS, Foreigners, Immigration Policy and Crime, (July 2003) (7) *Poinika Chronika*, 577-583, (in Greek) and the study of P. MANOLAROS, Migrants Through Decisions of the Greek Courts, (2007) *Poinikos Logos*, 1767-1773, (in Greek).

⁴ European Parliament, Council Regulation (EC) No 343/2003 of 18 February 2003: Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in One of the Member States by a Third-Country National, (Brussels-European Parliament 2003), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>, (accessed 15/5/2013).

a few months until the immigrants are able to depart for their final destination, *e.g.*, Italy. It is clear that this provision of the Dublin II Regulation, which Greece accepted without much investigation and deliberation into what it entails, has come to bring about some very painful consequences not only for Greece, which does not have the necessary financial resources and administrative organisation to host such large numbers of immigrants, but also for the immigrants themselves who are literally trapped in a country in which they do not want to stay (by estimation, only 10% of these immigrants wish to live in Greece⁵).

In view of the above, the remarks made by the former Secretary General of Population and Social Cohesion of the Hellenic Ministry of Interior, are considered to be quite accurate⁶. He stated that "it is necessary to urge the progressive modification of commitments under Dublin II which are disproportionate and are a burden from which European Community solidarity cannot be absent. Our partners are not naive, they know that the Dublin II issue in Greece must be rearranged and Greece has to play a leading role in the negotiation of this unbalanced association which we unsuspectingly took on". More explicitly, according to a proposal of the NGO "Hellenic Action for Human Rights", Greece could propose a statute in which immigrants who lay claim to refugee status and enter Europe, be allowed the discretion to choose where they wish to stay for the duration of the processing of their application of their asylum request, the only limitation of choice being a concern for the actual saturation of the Member State, to a point of contravening guaranteed safeguards⁷.

⁵ See relevant documentation by E.-L. KOUTRA, Euro-Regulation Imprisons Refugees in Greece, *Eleftherotypia* (2010), available at: <http://www.enet.gr/?i=news.el.article&id=152486>, 17 April, p. 41, (accessed 15/5/2013), (in Greek).

⁶ See A. TAKIS (2010), in: J. SOTIRCHOU, Immigrants: Right to Life with Open Papers, *Eleftherotypia* (2010), available at: <http://www.enet.gr/?i=news.el.article&id=117071>, 2 January, p. 31, (accessed 15/5/2013), (in Greek).

⁷ See E.-L. KOUTRA, (2010), *ibid.*, p. 41.

CONCLUSION

In conclusion, what would be worth planning for is to develop a humane yet effective immigration policy for this country. That is, a policy that will achieve the truly difficult harmonisation of two potentially conflicting goals: on the one hand, to deal with the problems of some immigrants who are forced, or have chosen to leave their homes in search of a better life, while respecting their Human Rights. On the other hand, to cope with the problems of Greece so that, in cooperation with the European Union⁸, the current exasperating circumstances can be successfully dealt with, without incurring additional government expenditure, additional administrative dysfunctions and additional social tensions between people who are, in reality, unable to help.

⁸ See *Time*, Immigration: Why Europe's All at Sea: Southern Europe's Immigration Test (2010) 175(8), *Time*, 14-21 on the issue of immigration in Southern Europe, *i.e.*, Greece, Italy and Spain, available at: <http://content.time.com/time/magazine/europe/0,9263,901100301,00.html> as well as the analysis of A. MORICE / C. RODIER, The "European Perception" to Immigration Control, (first published in *Le Monde Diplomatique*) republished and translated in *Eleftherotypia of Sunday* (2010), available at: <http://www.enet.gr/?i=news.el.article&id=186254>, 25 July, 31-34, (accessed 15/5/2013), (in Greek). *Cf.* also: K. IFANTIS, *Addressing Irregular Immigration in the Mediterranean* (Brussels-Centre for European Studies 2012), available at: <http://thinkingeurope.eu/publications/addressing-irregular-migration-mediterranean>, (accessed 15/5/2013), focusing mainly on border security issues and on the code of Frontex within this framework.