

**TOWARDS A GREEK IMMIGRATION POLICY  
WITH HUMANITY AND AN EFFECTIVE OUTCOME**

*by* **Nestor Courakis**

*Professor of Criminology and Criminal Policy*

*Faculty of Law, University of Athens.*

*Due to the economic crisis and increasing crime rates, there are many who place all the blame on immigrants and who are calling for a tougher policy towards them. But this attitude is short-sighted, unrealistic and scientifically unsustainable. The approach to such a sensitive and difficult issue such as immigration must undoubtedly be not only level headed, but also imbued by a spirit of solidarity for our fellow humans. We hope that the following considerations are inspired by this very approach, as is intimated within the title of this passage.*

Certainly the management of the immigration issue over the last 20 years, as immigration began to escalate with intense rates in Greece ~~our~~ country, was not rationally organised nor, consequently, effective. It consisted primarily of an impermanent and improvised nature through "sloppy" laws that were simply trying each time 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 insurance agencies for their "legitimation" which allowed them to stay and work here); and secondly, to introduce measures of a punitive nature, especially for hopeful immigrants who

would want 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 so as to avoid a breakdown of some of the fundamental sectors of the state, such as public health, public education, public safety and general public administration. Also, no studies were conducted to ascertain what kind of immigrants we need and how they can actually be absorbed into professions for which there is a shortage of qualified people in Greece, and how this could be done while integrating immigrants in the wider Greek society upon their admission, in order for the immigrants to 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 recognized in Greece as long-term residents (i.e. over 5 years), while others, specifically 550,000 people, just 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 to grant them Greek citizenship - as was attempted by the relatively recent Law 3838/2010 - as long as legitimisation can be combined with the needs and interests of Greek society.

Nevertheless, and on a more general level, I believe that for an effective immigration policy, the main basis should be that of the needs and the capacity of Greek society to absorb immigrants claiming entrance into the country. It is obvious, that the more immigrants who enter a country, the less chance they have to ensure a 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 amount of time they are forced to stay here are verging on miserable, according to a comprehensive report by "Amnesty International" for Greece, with the title «The Trap "Dublin II". Transfers of asylum seekers to Greece» (March 2010 - see <http://www.amnesty.org.gr/wp-content/uploads/2010/05/DublinIItrap-1.doc>).<sup>1</sup> According to this document, asylum seekers, if arrested, 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 they are marginalized, and they turn to lawlessness and crime.<sup>2</sup> Furthermore, apart from the fact that these conditions of deprivation and misery are unacceptable for a modern "civilized" country, as Greece aspires to be, they also pose a serious threat to its very existence, since they can lead to acute social confrontations and, as a result, to the dissolution of social cohesion.

With this in mind, the country's participation in the Dublin II Regulation (Council Regulation 343/2003) should be reconsidered with due seriousness. According to this treaty, Greece, because of its geographical location, is the first host country in which you often find immigrants who seek asylum, especially when they come from countries in Africa and Asia, and therefore Greece is solely responsible for the examination and processing of an asylum request for these immigrants. As a result, our country is committed and obligated to provide immigrants arriving here and seeking asylum with decent accommodation, care and safety until their application is considered. That is to say, at least for a few months before the immigrants can reach their final destination, e.g. Italy. It is clear that this arrangement of the Dublin II Regulation, which Greece

---

<sup>1</sup> Cf The comments by *Joanna Sotirchou* in the "Saturday Eleftherotypia" of 2.1.2010, p 17, and by *Dionysis Gousetis* in "Kathimerini" newspaper of 21.4.2010, p 13).

<sup>2</sup> For more information on this subject see the paper I published in 'Poinika Chronika' 2003, pp. 577 to 583, and the study of judicial *Philippos Manolaros* on "Migrants through decisions of the Greek courts" in "Poinikos Logos" 2007, pp. 1767 to 1773), both in Greek language.

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 organization to "welcome" 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 desire to live in Greece.<sup>3</sup>

In view of the above, I consider the remarks made by Secretary General of Immigration Policy Prof. Andreas Takis in the "Saturday Eleftherotypia" of 2.1.2010, page 31 to be quite accurate, 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 and they know that the Dublin II issue in Greece must be rearranged and Greece has to play a leading role in the negation of this unbalanced association which we unsuspectingly took on". More explicitly, according to a proposal of the NGO "Greek Action for Human Rights", Greece could suggest a statute in which immigrants who claim to be a refugee and enter Europe, can have the discretion to choose where they wish to stay during their request and process of asylum, with the only limitation of choice being a concern for the actual saturation of the member - state, to a point of contravening guaranteed safeguards<sup>4</sup>

In conclusion, what would be worth planning for is to develop a humane and 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

---

<sup>3</sup> See relevant documentation by *Electra - Lida Koutra* on the Dublin II Regulation in the "Saturday Eleftherotypia" of 17.4.2010, p 41.

<sup>4</sup> See the aforementioned article of *Electra - Lida Koutra* in the "Saturday Eleftherotypia" of 17.4.2010, p 41.

search for a better life, while respecting their Human Rights; and on the other hand, to cope with the problems of our own country, in order for Greece, in cooperation with the European Union<sup>5</sup>, to be able to successfully handle the current exasperating circumstances, without incurring additional government expenditure, additional administrative dysfunctions and additional social tensions from people who are, in reality, unable to help.

---

<sup>5</sup> See the tribute of 'Time' magazine of 1.3.2010, page 14 to 21 on the issue of immigration in southern Europe, i.e. Greece, Italy and Spain, as well as the analysis of *Alain Morice* and *Claire Rodier* published in «Monde Diplomatique» Republished and translated in "Sunday Eleftherotypia" of 25.7.2010, pp. 31 to 34. Cf also: *Kostas Ifantis*, *Addressing Irregular Immigration in the Mediterranean*, Brussels: Centre for European Studies, 2012, focusing mainly on border security items and on the code of Frontex within this framework.