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HIERARCHIES OF BELONGING

The Categorization and Exclusion of Third-Country Nationals in Greece

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Abstract

Since 2015, the European Union has experienced an unprecedented number of third-country nationals, mostly from conflict-torn countries such as Syria, Afghanistan, and Iraq, arriving to its borders in the search for asylum. Greece particularly has been at the forefront as more than 1.2 million asylum-seekers have reached its shores. The structure of the current Common European Asylum System means that many asylum-seekers are subject to the national asylum and immigration policies. Without acceptance and legitimate status in Greece, such third-country nationals cannot achieve full socioeconomic integration in the European Union. Moreover, ethnocultural traditions and anti-immigrant discourse in the region have impacted the response of the Greek government towards migration. Therefore, this thesis considers it necessary to examine how Greek citizenship and migration laws inadvertently categorize third-country nationals such as non-EU migrants, refugees, asylum-seekers, and undocumented migrants, into 'hierarchies of belonging'. Such hierarchies are expressed through the labels of super-citizen, marginal citizen, quasi-citizen, sub-citizen, and un-citizen, originally introduced in Kate Nash's (2009) research. Social exclusion and access to rights worsen with each category, with the sub-citizen and un-citizen experiencing the greatest marginalization. Recent changes in migration policies illustrate how belonging is constructed along legal, ethnic, racial, and socioeconomic boundaries. Further legal and administrative barriers to acquiring citizenship through naturalization are also manifestations of the country's reluctance to accept non-Greek individuals, especially those who have not yet culturally assimilated or of a lower socioeconomic status. In turn, the barriers ultimately reinforce hierarchies as third-country nationals face additional challenges to integrate and legally belong in Greece.

Table of Abbreviations

AMKA	Social Security Number in Greece
AIDA	Asylum Information Database
CEAS	Common European Asylum System
CERD	Committee on Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CFR	Charter of Fundamental Rights of the European Union
CoE	Council of Europe
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECOSOC	UN Economic and Social Council
ESC	European Social Charter
ESTIA	Emergency Support to Integration and Accommodation
EU	European Union
FRONTEX	European Border and Coast Guard Agency
GAS	Greek Asylum Service
GCR	Greek Council for Refugees
GNC	Greek Nationality Code
GNHCR	Greek National Commission for Human Rights
HRW	Human Rights Watch
ICC	International Criminal Court

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICJ	International Court of Justice
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IOM	International Organization for Migration
IPA	International Protection and Other Provisions (Law 4636/2019)
IRC	International Rescue Committee
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization
RIC	Reception and Identification Center
TCN	Third-Country National
TEU	Treaty on European Union or Maastricht Treaty
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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Introduction

By the end of 2019, the global population forcibly displaced as a result of persecution, violence, conflict, and human rights violations, reached a record high of 79.5 million.¹ Civil wars in Syria and Yemen, as well as instability and brutal violence in Afghanistan, Iraq, CAR, and other African countries have forced millions to flee to Europe in search of protection. In 2015 alone, more than a million migrants and asylum-seekers reached Europe via the Mediterranean Sea, one of the world's most dangerous migration routes.² Greece has continued to be the major entry point for asylum-seekers by sea. Out of the more than 1.8 million people that have migrated to Europe, almost 1.2 million migrants arrived in Greece as part of first entry according to the IOM.³ Although the numbers of migration have dropped since 2016 with only 128,536 arrivals in Europe in 2019, the country received the highest number of migrants at its borders, accounting for 71,386. The Dublin Regulation and the activation of the EU-Turkey Statement has resulted in thousands of refugees being stranded on the Greek Aegean islands, waiting to be granted asylum and be admitted in the mainland.⁴ Most refugees and asylum-seekers come from Afghanistan (42%), Syrian Arab Republic (25%), Iraq (5%), Palestinian Territories (5%), and the Democratic Republic of the Congo (5%).⁵ More than just the number of arrivals, the treatment of asylum-seekers in Greece affects the whole of EU. Migrants will proceed to irregular secondary movements to other EU countries depending on their chances of future integration. Moreover, the individuals who will be granted asylum will have the right to apply for naturalization after a period of time. If granted, international protection beneficiaries will become citizens of the EU and have the freedom to establish themselves in any Member State.

Consequently, increasing pressures from the EU regarding asylum and integration, in addition to coping with the repercussions of the 2009 economic depression, have triggered contradictory public and government responses in Greece. While many natives have expressed solidarity, with a plethora of volunteers and NGOs helping asylum-seekers to cover basic needs, there have also been growing trends of anti-immigrant attitudes. A study by the Pew Research

¹ (*Global Trends: Forced Displacement in 2019, 2020*)

² (*Migrant crisis, 2015*)

³ (*IOM Flow Monitoring, 2020*)

⁴ (*Kalogeraki, 2019*)

⁵ (*IOM Flow Monitoring, 2020*)

Center shows that the majority of the Greek population consider refugees from countries like Syria and Iraq a major threat to the country.⁶ The same report indicates that 72 percent of Greeks view refugees as an economic burden on Greece, taking away vital jobs and social benefits from locals.⁷ The rise of Golden Dawn, a neo-fascist political party, and reported incidences of violence against migrants are also worrying signs against inclusion of refugees in Greek society. Similarly, the Greek governments as well have demonstrated a concerning view of migration and asylum, as they move to further securitize borders to block the arrival of migrants and refugees. The constantly changing asylum and immigration laws limit asylum seekers' access to social protection, thereby reducing safeguards for refugees while also making it even more challenging to successfully integrate in Greek society. The degrading treatment of asylum-seekers by law enforcement, bureaucratic conditions for the legalization process, authoritarian limitations on freedom of movement, refusal to recognize family reunification, custody under inhuman conditions, illegal deportation, and de facto shrinking of the right to seek political asylum are a few examples of the distortion of fundamental human rights that TCNs have had to face.⁸

So, although we are theoretically living in the age of universal human rights,⁹ the reality cannot be any more different. The framework of international human rights law is built on the premise that all persons, by virtue of their humanity, should enjoy all human rights. Within this paradigm, human rights are no longer under the primary domain of state sovereignty; they are available to both citizens and noncitizens. In at least 144 countries which have acceded to the 1951 Convention Relating to the Status of Refugees (Geneva Convention), refugees should be entitled to treatment favorable as that accorded to citizens in areas such as freedom of religion, education, as well as recourse to courts and legal assistance.¹⁰ The Committee on Elimination of Racial Discrimination (CERD) emphasizes the rights of nonnationals such as protection against hate speech, access to citizenship, administration of justice, and economic, social and cultural rights.¹¹ But fundamental human rights protection is still dependent on political membership to a nation, which is the 'right to have rights'. Growing xenophobia and racism have served to deny

⁶ (Wike et al., 2016)

⁷ (Ibid.)

⁸ See Council of Europe Commissioner for Human Rights (2018) and AIDA (2020) for further information.

⁹ (Henkin, 1996)

¹⁰ (Weissbrodt, 2015)

¹¹ (CERD, 2004)

and restrict noncitizens the rights they are guaranteed under international law.¹² It is often the case that noncitizens, especially refugees and undocumented migrants, are unable to assert their rights or seek legal assistance for fear of State retribution. The situation in the Western world has worsened since 2001 with the rapid securitization of borders and antiterrorism measures that are invoked to justify indefinite detention or otherwise abuse the rights of noncitizens on the basis of national security.¹³

The aim of this thesis is to explore how citizenship and migration laws in Greece categorize migrants, refugees, asylum-seekers, and undocumented migrants. The hierarchies are expressed through the labels of super-citizen, marginal citizen, quasi-citizen, sub-citizen, and un-citizen, originally introduced in Kate Nash's (2009) research. The existence of non-Greek identities has historically been perceived as a threat to the homogenized ethnic Greek identity of the nation-state. Social exclusion and access to rights worsen with each category, with the sub-citizen and un-citizen experiencing the greatest marginalization. Amidst prevalent xenophobia and fear, the Greek government has responded to the increasing flows of 'irregular' migrants to its borders by passing legislations that aim to restrict the freedoms of refugees and asylum-seekers. Inclusion within the Greek State is thus constructed on the basis of legality, ethnicity, and socioeconomic status. For certain third-country nationals (especially refugees and undocumented migrants) who manage to arrive and reside in the country, access to citizenship or any permanent legal status has become more elusive as they face legal, administrative, and institutional barriers. The barriers equally consolidate the categories of belonging and acceptance within Greece. The intention is not to undermine the agency or activism of minoritized groups and third-country nationals, nor to further stigmatize these individuals, but to highlight the ways that dominant legal and political discourse perpetuate "more or less inclusive constructions of belonging."¹⁴

Methodology

Due to the ongoing Covid-19 pandemic, this research is limited to European Union (EU) reports on migration, peer-reviewed journal articles and books on citizenship and human rights. In addition, English translations of Greek citizenship legislation and policies have been key primary

¹² (Weissbrodt, 2015)

¹³ (Ibid.)

¹⁴ (Clarke, 2020, p. 96)

resources. I also relied on statistical data sourced from the reports of non-governmental organizations (NGO) and international organizations such as the Greek Council for Refugees (GCR), Oxfam, Médecins Sans Frontières (MSF), United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM). Furthermore, the Asylum Information Database (AIDA) was a crucial resource on understanding Greek and EU asylum policies as well as the present situation of asylum-seekers in Europe.

Structure

The literature review examines the ‘myth of human rights’, that is, the disparity between the universal human rights system and the protection of third-country nationals such as non-EU migrants, refugees, asylum-seekers, and undocumented migrants. The subsequent chapter focuses on the evolution of citizenship and T.H. Marshall’s view of an inclusive model of citizenship. This theory is examined in the issue of migrant integration and social exclusion of immigrants in the following sub-chapter. The continuing discrimination between citizens and noncitizens is then analyzed using the theories of Hannah Arendt, who emphasized that citizenship is the ‘right to have rights.’ The review concludes with an examination on the scholarship on how migrants and refugees can use communicative acts of citizenship to disrupt the distinctions between citizen and noncitizen. Their practices can help in challenging the exclusionary nature of formal citizenship and facilitate the political agency of non-status migrants.

The main body of the thesis is split into several sections: The first introduces and analyses how citizenship and migration laws in Greece categorize migrants, noncitizens, refugees and asylum-seekers. So, this section itself is divided into five sub-sections of super-citizen, marginal citizen, quasi-citizen, sub-citizen, and un-citizen, to demonstrate the exclusion of non-Greeks within the community. The section also details the history of citizenship and emphasis on ethnocultural identity, especially with regards to ethnic minorities and aliens of Greek descent. Furthermore, it delves into Greek immigration policies since the 1990s and its response to the European humanitarian crisis, commonly referred to as a ‘refugee crisis’ (a label that clearly identifies refugees as the source of the problem) in 2015.¹⁵ It highlights the discriminatory asylum and migration policies against refugees, asylum-seekers, as well as

¹⁵ (Dvir et al., 2018)

undocumented migrants. The last section describes and examines the barriers to citizenship third-country nationals experience in Greece, especially refugees. The legal, administrative, and institutional barriers present within Greek naturalization policies serve to deter and discourage certain migrant groups from becoming citizens, reinforcing the hierarchies of exclusion. The barriers also highlight the discrimination between elite and non-elite migrants through preferential visa or citizenship schemes which prioritize the integration of third-country nationals with higher socioeconomic status. Meanwhile, international protection beneficiaries in need of social and economic integration are struggling to fulfill the increasingly challenging citizenship requirements.

A note on terminology and definitions

I mainly use the term third-country national (TCN), to define individuals who are not citizens of the EU.¹⁶ It is an umbrella term that subsequently encompasses non-EU migrants, asylum-seekers, refugees, individuals with subsidiary protection, and undocumented migrants. The term noncitizen, a person who is not a national of a particular country,¹⁷ is only used in the context of political theory and citizenship studies to differentiate from the historical definition of citizen. Nevertheless, I avoid the noncitizen label when discussing these groups in the Greek and EU context because it would also include non-nationals living in Greece who hold citizenship of another Member State. As part of the EU, they do not face any significant restrictions on their freedom of movement and welfare rights, unlike TCNs.

There is no universally accepted definition of ‘migrant’ at the international level. Instead, this thesis uses the definition from the IOM, which identifies migrant as a term for individuals who move away from their place of usual residence, whether within a country or across an international border, temporarily or permanently, for a vast number of reasons. This includes people such as migrant workers as well as smuggled migrants.¹⁸ Undocumented migrants are defined on the basis of their legality, as they are typically non-nationals who have entered or stay in a country without appropriate documentation.¹⁹

¹⁶ Art. 20.1 Treaty on the Functioning of the European Union (TFEU)

¹⁷ (IOM, 2020, p. 149)

¹⁸ (Ibid., p. 132)

¹⁹ (Ibid., p. 223)

I use Larking's (2014) definition of refugee to describe asylum-seekers in the thesis as it is more expansive and inclusive. So an asylum-seeker in this case is someone "who left home because their national state is unable or unwilling to secure the conditions necessary for living what Dummett describes 'a decent human life' without the threat of an unnatural death, 'free from terror and allowing...a basic dignity.'"²⁰ They are usually TCNs in an irregular situation who are unlawfully present in the country in which they have applied for protection under the Geneva Convention.²¹ In Europe, asylum-seekers are generally identified as irregular because they do not use regular migration channels which are "in compliance with the laws of the country of origin, transit and destination."²² Nevertheless, the fact that they migrate irregularly does not suggest that States are not obligated to respect and protect asylum-seekers' rights as guaranteed by international law and regional protection systems. The distinction between migrants and asylum-seekers can be harmful because it can imply connotations of deserving or undeserving; those who migrate for economic opportunities versus those because they fear for their lives.²³ In order to refrain from such vilifying of certain groups, my definition of asylum-seekers is purposefully broad.

Yet, the international and European asylum system divides beneficiaries of international protection into individuals who are recognized refugees and those who receive subsidiary protection, when granting international protection status. Recognized refugee status follows the 1951 Convention relating to the Status of Refugees, which states that a refugee who is seeking protection "...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."²⁴ On the other hand, individuals with subsidiary protection status are those that are in danger of serious harm such as torture or the death between penalty, in their country of origin.²⁵ So I use the term 'international protection beneficiaries' when discussing both groups because they are receiving protection from the international community or in this context, Greece, since their own country is unable or unwilling to safeguard their human rights

²⁰ ((Dummett 2001, p. 32) in (Larking, 2014, p. 2))

²¹ (Ibid.)

²² (IOM, 2020, p. 175)

²³ (Loew, 2016)

²⁴ Art. 1 Convention relating to the Status of Refugees

²⁵ (*Asylum*, 2020)

1. Literature Review

1.1 Are Human Rights Universal?

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 and subsequent ratification of other international human rights conventions, human rights are arguably “humanizing” international law.²⁶ These instruments have developed with the goal of protecting the rights of all individuals irrespective of nationality, ethnicity, race, or religious background. This is evident in Article 1 of the UDHR, which states “All human beings are born free and equal in dignity and rights.” Through the formation of the International Court of Justice (ICJ) and the International Criminal Court (ICC), international law has developed mechanisms to ensure human rights are guaranteed by states and that the latter are held accountable for violations of such rights.²⁷ The intricate web of international human rights instruments serve to considerably constrain the national constitutions and other domestic laws of States that are legally bound to these treaties. Moreover, these instruments also contain positive obligations for the states to fulfil, such as protection of privacy, political rights including fair elections, requirements of an accessible judicial system, etc.²⁸

However, although international human rights law has developed to the extent where human rights cannot be legitimately claimed to be under the domain of States, the enforcement mechanisms have not kept pace with the standard-setting. The international community is still significantly limited in its response to uncooperative States that persist in violating human rights.²⁹ This is perhaps because international law is based on a Westphalian understanding of state sovereignty that has gradually developed since 1648. Sovereign states are markedly territorial entities with defined borders that have the power to exercise judicial, administrative, and legislative competence over the territory. The international community is obligated to respect the State’s external sovereignty, which means freedom from interference in this competence and the formal equality of States in relations with each other.³⁰ For example, the Charter of the United Nations itself, while promoting the ideal of human rights, contains the

²⁶ (Loew, 2016)

²⁷ (Benhabib, 2004)

²⁸ (Rosas, 1995)

²⁹ (Joseph & Kyriakakis, 2010, p. 2)

³⁰ (Rosas, 1995)

notion of sovereign equality of states and of non-intervention.³¹ Moreover, there is no general international law requiring states to apply such norms instead of their own domestic laws. Frequently, states fail to codify necessary human rights protection. Even domestic laws are consistent with international conventions, governments may lack the ability or are unwilling to implement and enforce these laws.³² States have the power to derogate from certain rights protection in times of public emergency, thereby giving them a wide margin of appreciation in the interpretation and implementation of rights provisions.³³

The limits of international human rights law are particularly apparent in the position of refugees and other migrants who arrive without lawful authorization in a state. Under the 1951 Convention relating to the Status of Refugees, the definition of a refugee has expanded to include individuals who are victims of social or political violence, and there are mechanisms in place to ensure the refugee's safety and wellbeing.³⁴ Article 14 of the UDHR also emphasizes the right to asylum as a universal human right: "Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations." Though the tension between the universalism of human rights and the sovereignty of the nation has been mediated in different ways through international norms, "the sovereignty of states in relation to membership, immigration and border control continues to be aggressively asserted by states and upheld by international law."³⁵ The obligation to grant asylum remains a sovereign privilege of the state. Not to mention in many states, xenophobia and racism have served to deny TCNs the rights they are guaranteed under international law.³⁶ More often than not, TCNs are unable to assert their rights for fear of retribution and have no way of participating in political processes in order to assure legal protection. Weissbrodt particularly highlights the discrimination that TCNs face:

"Noncitizens in various parts of the world are subject to discrimination, physical and emotional abuse, arbitrary detention, and limited access to justice, among other human rights violations. And even in those countries where court decisions or other official pronouncements purport to offer increased human rights protections to noncitizens, it

³¹ Art. 2 UN Charter

³² (Weissbrodt & Divine, 2016)

³³ (Rosas, 1995)

³⁴ (Benhabib, 2004)

³⁵ (Larking, 2014, p. 6)

³⁶ (Weissbrodt, 2015)

*remains to be seen whether such protections “on the books” are translated into actual improvements in the lives of noncitizens.”*³⁷

The most vulnerable groups of TCNs are asylum-seekers, refugees, undocumented and migrants in an irregular situation, who are unable to obtain basic governmental services such as healthcare and education without legal documentation.³⁸

Consequently, the notion that human beings are naturally endowed with rights and are “free and equal” by nature is what Larking labels “the myth of human rights.”³⁹ Unable to make rights claims based on political membership of the state, asylum-seekers and refugees can only claim the universal human rights they are supposedly guaranteed under international law. The international system even now defers to state sovereignty and lacks effective enforcement with regards to protection against human rights abuses. Domestic laws of a state govern the status of an individual and to what extent they can lay claim to certain rights. While human rights are considered universal, citizenship or political membership to a state, as the following sections in this chapter will show, is still considered fundamental in individuals’ claims to human rights protection.

1.2 Citizenship and the Nation-State

Citizenship can be described as an “essentially contested concept,” in that it resists a simple definition.⁴⁰ In this thesis, we consider citizenship as primarily a State institution. According to Aristotle in *Politics*, the State is “a compound made up of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is. The nature of citizenship, like that of the State, is a question which is often disputed: there is no general agreement on a single definition: the man who is citizen in a democracy is often not one in an oligarchy.”⁴¹ Every modern State identifies a particular set of people as its citizens and defines all others as noncitizens. In this era of globalization, borders between States are becoming increasingly porous as hundreds of millions of people migrate, be it legally or illegally, to more prosperous and peaceful countries in search of security. The limits around citizenship are thus

³⁷ (Weissbrodt, 2015, p. 30)

³⁸ (Ibid.)

³⁹ (Larking, 2014, p. 1)

⁴⁰ (Condor, 2011, p. 194)

⁴¹ (Aristotle, 1977, p. 93)

more important than ever as these noncitizens are legitimately and frequently excluded within States.⁴²

Modern national citizenship as we know today was invented during the French Revolution. The concept of rights developed during the seventeenth century, then known as ‘natural rights’ in Christian philosophy. The Enlightenment period of the eighteenth century further emphasized the elements of freedom and equality in natural rights. Fundamental rights until this period were believed to exist independently of any kind of political power and were bestowed on people because of their membership in humankind.⁴³ In *The Second Treatise of Government*, political theorist John Locke reiterated that “men are by nature all free, equal and independent”⁴⁴ and willingly consented to subordinate themselves to the power of government. Such an agreement or social contract between the State and individual was established for the protection of the people’s ‘natural’ rights.⁴⁵ The French Revolution went on to cement these inalienable rights of human beings as indivisibly linked to national citizenship. The Declaration of the Rights of Man in 1789 created a duality between man and citizen: “The man supposedly independent of all government turns out to be the citizen of a nation.” Political membership to a nation-state came to be regarded as mechanism through which people acquired, articulated, and enjoyed protection of their human rights.⁴⁶

A citizen can be broadly defined as “a member of a political community who enjoys the rights and assumes the duties of membership.”⁴⁷ The concept of citizenship subsequently comprises of three main related elements. The first is citizenship as a legal status, which is a gateway to civil, political, and social rights. The second views citizens as actors who actively participate in the state’s political institutions. The third element is citizenship as an identity derived from membership in a political community.⁴⁸ The idea of citizenship as a political principle of self-rule was first expressed by Aristotle, in which all people involved are equal and participate in the political sphere. Citizens are directly or through their elected representatives the

⁴² (Cornellise, 2010)

⁴³ (Ibid.)

⁴⁴ (Locke, 1952, p. 95)

⁴⁵ (Ibid.)

⁴⁶ (Cornellise, 2010)

⁴⁷ (Leydet, 2017)

⁴⁸ (Ibid.)

makers of the laws by which they are themselves bound.⁴⁹ This democratic conception of citizenship emphasizes political equality and participation, but it is also exclusionary and particularizing as there are certain prerequisites for membership that exclude certain groups of the population.⁵⁰

The modern paradigm of citizenship hence presumes that the latter involves membership in a sovereign, territorially bound State. The nation-state is not only a defined space but also a membership organization. Political membership means establishing ‘personhood’ or who out of the subjects of state are recognized as citizens. For the state, it is a foundation assignment to stabilize and operationalize a particular citizen figure that represents the modern state.⁵¹ Citizenship in such a state is a tool that produces and sustains belonging, endowing its members with certain rights denied to non-members.⁵² In this context, belonging is understood as tied to the ideas of membership and sense of community that is evoked from this membership.⁵³ Exclusions from who gets to belong in the political community tend to be justified as natural, but they are actually a social construction and then established by their own institutionalization. This “people production” of the state is in fact an essential process that legitimized the state’s power, a task that it must constantly perform.⁵⁴ Thus, belonging involves active and enduring processes of boundary-making and shaping that function within the frameworks of power to separate “us” from “them” and involve “the inclusion or exclusion of particular people, [and] social categories.”⁵⁵ Ordinary people equally participate in enforcing these boundaries on a regular basis. Citizens and the alien without citizenship (the Other) are “mutually constitutive,” in that the identity of the insider is made possible by the parallel construction of the outsider.⁵⁶ National identity of a state is constructed along these lines of exclusion and inclusion.

The most dominant approaches to constructing national belonging has been ethnic nationalism and civic nationalism, introduced by Kohn (1945, 1955). The distinction comes from the divide between French and German nationalism, which are rooted in the philosophy of

⁴⁹ (Cohen, 1999)

⁵⁰ (Ibid.)

⁵¹ (Soguk, 1999)

⁵² (Cohen, 1999)

⁵³ (Kannabiran et al., 2006)

⁵⁴ (Appadurai, 1996, p. 43)

⁵⁵ (Yuval-Davis, 2011, p. 18)

⁵⁶ (Bendixsen, 2018, p. 164)

Enlightenment and German Romanticism respectively.⁵⁷ The ethnic approach to citizenship, according to Brubaker (1992), bases itself upon the origin, culture, or the bloodline of the person. In legal terms, it is known as *jus sanguinis*. Meanwhile, the civic variant, considered the basis of *jus soli* citizenship, suggests that people who live within the boundaries of a state could become its citizens, irrespective of their ethnic origin or cultural background.⁵⁸ Civic citizenship is considered liberal, universalistic and inclusive, whereas ethnic citizenship is often portrayed as illiberal and exclusionist.⁵⁹ In a comparative study of the naturalization criteria between 26 countries, Koning (2011) argues that the more a country's laws are based on the ethnic definition of citizenship, the stricter are the criteria of inclusion of immigrants to the host country. Some theorists argue that the distinction between ethnic and civic nationalisms is flawed as it has been used to justify and present the Western (civic) type of national membership, while at the same time condemning the Eastern (ethnic) notion of national membership.⁶⁰ In reality, both concepts can function as regulatory mechanisms of inclusion and exclusion depending on current political discourse. Civic nationalism, which is perceived as more inclusive, can be quite oppressive and discriminatory towards minorities if their cultural expression undermines the principles of the state.⁶¹ Even states such as Germany, have implemented different policies regarding integration of immigrants.⁶² Koning (2011) suggests that national membership can instead be conceptualized on a continuum that ranges between 'pure' ethnic and 'pure' civic. State laws on naturalization and citizenship are always changing along this spectrum. Ultimately, citizenship in a nation-state is then caught in a struggle between expanding its beneficiaries and state policies constraining such development.⁶³ Citizenship as a form of governance and preserving national identity has become paramount. Arguably no state can thus be truly inclusive, because as Papadopolous and Tsianos (2013) state, "if you include everyone and if you assign rights to everyone, citizenship becomes obsolete."⁶⁴

⁵⁷ (Brubaker, 1992)

⁵⁸ (Ibid.)

⁵⁹ (Reijerse et al., 2013)

⁶⁰ (McCrone, 1998)

⁶¹ (Ariely, 2011)

⁶² (Sapountzis & Xenitidou, 2018)

⁶³ (Tsitselikis, 2007)

⁶⁴ (Papadopolous & Tsianos, 2013, p. 182)

In T.H Marshall's "Citizenship and Social Class," however, the essential purpose of citizenship is ensuring that everyone is treated as a full and equal member of society, which is through according them an increasing number of citizenship rights.⁶⁵ He describes the evolution of citizenship to include civil (equality before law), political (universal suffrage), and social citizenship (equal access to welfare, social and economic rights). All these aspects of citizenship are inextricably linked, as for example, one cannot adequately exercise political and civil citizenship without a decent education or living conditions.⁶⁶ Civil and political rights as well as social and economic rights are interdependent and a product of citizenship. Members of a political community bond through their "struggle to win those rights" and then by enjoyment of these rights. These individuals are loyal to their political community as they created and shaped it together.⁶⁷ Ultimately the fullest expression of citizenship for Marshall requires a liberal-democratic welfare state that guarantees civil, political, economic and social rights to all so that every member feels like a full member of society. This is often labeled as passive or private citizenship as a person is entitled to rights but does not have political obligations to the state.⁶⁸ This view of citizenship opens the doors for the conception of transnational or global citizenship as it becomes the practice of claiming and asserting rights, logically open to all. Although this allows for a more universalizing, elastic, and potentially inclusive citizenship, this does not entail the kind of collective identity, political participation, and solidarity particular to the democratic republican model.⁶⁹

The following sub-chapter highlights how the Marshallian view of citizenship is reflected in the area of migrant integration. While integration of noncitizens and foreigners into the host country has become a more visible issue at the European level, state policies are still based on discrimination between citizens and aliens.

1.3 Integration and Issues of Exclusion

In the last two years, devastating events such as the conflicts in Syria, Yemen, Central African Republic, and South Sudan, extreme violence against ethnic or religious minorities, as well as severe economic and political instability, have resulted in increased migration and

⁶⁵ (Marshall, 2006)

⁶⁶ (Ibid.)

⁶⁷ (Cohen, 2010)

⁶⁸ (Kymlicka & Norman, 1994)

⁶⁹ (Cohen, 1999)

displacement of millions of people.⁷⁰ The integration of these migrants within their host countries is necessary to not only ensure them a better life but also promote social cohesion or harmonious co-existence between people across boundaries of ethnicity, religion, race, and nationality. As an increased influx of migrants, especially in Europe, has ignited debates on how diversity challenges a country's social capital and social cohesion. So, social integration is now seen as one of the most important factors for maintaining social cohesion during periods of intense immigration.⁷¹ Migrant integration can be defined as a process by which a migrant becomes accepted into host societies. It implies "consideration of the rights and obligations of migrants and host societies, of access to different kinds of services and the labor market, and of identification and respect for a core set of values that bind migrants and host communities in a common purpose."⁷² The social bridges, bonds, and relationships formed between migrants and the communities in which they live are integral to how the migrants will experience inclusion, including their sense of belonging.⁷³ The latter largely depends on the attitudes of the receiving communities, especially on their openness and acceptance of migrants.⁷⁴ As Jones and Krzyanowski (2008) explain, "at some level belonging needs to be supplemented and recognized by the 'others,' those who already belong to the group."⁷⁵ Developing linguistic and cultural knowledge of the host society also ensures stability and security for immigrants. According to Lewis (2005), even participation in collective social actions, such as sports activities and musical and dance events, encourage social integration. Typical signs of successful migrant integration are the decrease of differences between migrants and non-migrants in areas such as health, employment, and education.⁷⁶

Access to social rights and protection is thus crucial for the successful integration of migrants. They are meant to guarantee the individual sufficient resources for their human dignity and empower them within economic, social, cultural, and political processes.⁷⁷ Under Article 27 of the International Convention on Protection of the Rights of All Migrant Workers and

⁷⁰ (IOM, 2020)

⁷¹ (Hainmueller et al., 2016)

⁷² (*Migrant integration*, 2020)

⁷³ (Ager & Strang, 2008)

⁷⁴ (Bauloz et al., 2019)

⁷⁵ (Jones & Krzyanowski, 2008, p. 49)

⁷⁶ (*Migrant integration*, 2020)

⁷⁷ (Procacci, 2006)

Members of Their Families (ICMW), for example, all migrants ought to receive equal treatment to nationals in matters of social security, according to the requirements of the host country. If national rules prevent migrants from equal treatment and access to services, they must be repaid their contributions. European Committee of Social Rights (ECSR) has extensively interpreted the European Social Charter (ESC) in matters of equal treatment between nationals and non-nationals. Social exclusion, on the other hand, not only means a lack of opportunities in society but also prevents certain groups from enjoying full rights to citizenship in the fullest sense.⁷⁸ Issues of homelessness, child poverty, unemployment, youth exclusion from the labor market, and the integration of immigrants and refugees into society, have made social exclusion a priority in public policy.⁷⁹ The absence of inclusion policies also presents a heightened risk of tensions, riots, and civil unrest among different groups, threatening the social cohesion of a state.⁸⁰ State welfare systems, especially in Europe, are thus designed to promote social inclusion and allow as many people as possible to be "active participants in the labor market and society at large, regardless of racial and ethnic background, gender, age, disability, religion, and sexual orientation."⁸¹ Public policies such as unemployment insurance, social income assistance, and universal healthcare, are also developed to provide a safety net to people in times of economic and social challenges. The safety net ensured that everyone shared in the benefits of the economy and enjoyed a basic level of support.⁸² These systems nonetheless have consistently been trapped in a fundamental struggle between countering discrimination against noncitizens and the principle of state sovereignty favoring benefits for its own citizens.

While states have arguably evolved to provide migrants with greater access to social protection, changing attitudes towards immigrants' access to social protection are influenced by attitudes towards immigration policies, be they favorable or restrictive. As Kymlicka (2005) notes, one of the main challenges of national welfare states is how to sustain and strengthen bonds of solidarity within increasingly diverse societies. Nevertheless, racism, discrimination, intolerance, and xenophobia have grown in response to the increased immigration and requests for asylum. Migration policies are increasingly used as political instruments to undermine

⁷⁸ (Anthias & Lazaridis, 2018)

⁷⁹ (Fields, 2004)

⁸⁰ (Bauloz et al., 2019)

⁸¹ (Procacci, 2006, p. 90)

⁸² (Fields, 2004)

democracy and social inclusion in countries where populism has been on the rise, by playing on the fear of communities in response to change and uncertainty. Negative portrayals by political parties and media reports present migrants as a threat to national identity, values, economic stability, security, and even to social cohesion.⁸³ Such rhetoric aims to divide communities on the issue of migration, undermining the critical social and economic contribution of migrants.⁸⁴ Migrants are "deportable noncitizens," as De Genova (2013) states, subjected to conditions of social degradation whether they are understood as economic migrants in search of employment, refugees seeking asylum from social and political violence, or 'illegal' workers.⁸⁵ International legislation might promote inclusion, but it is not able to oppose exclusion from adequate access that is established by national laws. The participation of migrants in welfare benefits within many countries in Europe is perceived less as a means of integration and more as a pull factor attracting further migration. The exclusion of migrants from social security reinforces the temporary nature of migration and strengthens policies of migration control.⁸⁶

Social exclusion is particularly evident in the distinction between legal and undocumented migrants. The revised ESC (Article 13, paragraph 4) states that nationals of the contracting parties to the ESC, lawfully resident, or regularly working within their territories, have the right to social and medical assistance. Also, according to the ESC, migrants are distinguished between legally and illegally resident, and only the former enjoy the right to equal treatment as given to nationals.⁸⁷ Under ICMW, only healthcare (Article 28) is explicitly stated as a right which cannot be denied, no matter what status of residence or work the migrant has with respect to the administrative requirements of the host country.⁸⁸ As part of the host countries' immigration policy, nationality and legal residence are becoming conditions for receiving social security benefits. Even TCNs who apply for asylum are subjected to a stringent process so grounded upon suspicion, that most of them are disqualified from receiving a legal status that would guarantee security. These officially undesirable or unwanted noncitizens are denounced as undeserving opportunists and pushed to the margins of society.

⁸³ (Bauloz et al., 2019)

⁸⁴ (McAuliffe & Khadria, 2019)

⁸⁵ (De Genova, 2013)

⁸⁶ (Procacci, 2006)

⁸⁷ Art. 13 ESC

⁸⁸ Art. 28 ICMW

So foreigners are either wholly excluded or, when accepted, are then required to fulfill additional conditions such as longer residence, residence permit, and membership of particular groups such as recognized refugees.⁸⁹ Ironically, state residence permits for long-term residence are dependent upon the condition that the immigrant does not rely on public assistance, through proof of employment and income. In Great Britain, for example, the ‘earned citizenship’ framework promotes a fundamental division between ‘worthy’ and ‘unworthy’ migrants on the basis of their ability to integrate and contribute to the economy, bolstering a narrative that deems immigrants as a burden to the state. Within such a framework, citizen identity is something that can be learned and assessed, establishing some citizens as more ‘qualified’ than others.⁹⁰ Anti-exclusion policies hence reinforce discrimination against migrants, despite the established international principle of non-discrimination regarding access to social rights.⁹¹ Even when an immigrant is guaranteed legal identification in the form of a visa or a passport, formal rights and entitlements are offset by the exclusionary attitudes and prejudices that still prevail in everyday social practice.⁹² According to a report by the Council of Europe (CoE), “social stigmatization is a widespread psychological obstacle,” that is sustained through enduring stereotypes that vilify and cast suspicion on specific groups, mainly ethnic and linguistic minorities.⁹³ In these cases, while citizenship in many ways represents belonging, ethnically minoritized groups do face exclusion and marginalized from dominant constructions of national identity, despite their citizenship and self-identification as nationals.⁹⁴ Such immigrants have to continually prove their allegiance and worth as members of the political community. Perceived discrimination does not only negatively impact migrants’ general and mental health, but also impedes their contributions to trade, skills, and labor supply, cultural transfer, and exchange, which all consist of significant benefits for receiving societies.⁹⁵

Undocumented migrants frequently do not enjoy any social protection at all, as the lack of legal residence becomes the condition that denies them social rights.⁹⁶ Access to social rights

⁸⁹ (Procacci, 2006)

⁹⁰ (Andreouli et al., 2017)

⁹¹ (Ibid.)

⁹² (Tzanelli & Yar, 2009)

⁹³ (Procacci, 2006, p. 91)

⁹⁴ (Clarke, 2020)

⁹⁵ (Bauloz et al., 2020)

⁹⁶ (Ibid.)

would help them surmount their extreme difficulties of living in the margins, while non-access to minimum social rights is only further perpetuating their exclusion. Their already precarious situation is further exacerbated because they are usually forced into the black labor market for their livelihood and are vulnerable to the discretionary power of their employers, local administrations, and volunteer organizations. States typically require people who help undocumented migrants to denounce them to administrative or police authorities. Such migrants are thus generally fearful of disclosing their unlawful status in front of authorities for fear of deportation or imprisonment, which prevents them from asking for support.⁹⁷

Immigrants, hence, experience “double invisibility”⁹⁸ since being poor or unemployed means that they will not be accepted as long-term residents and consequently pushed into an illegal status. As an undocumented migrant, they will have no access to social protection and have no choice but to depend on humanitarian assistance. Despite ethnic, linguistic, or religious discrimination, State laws normalize citizenship as a legal threshold that allows migrants to lay claim to economic, social, political, cultural, and civic rights. If a person is without the protection of their home country, and unable to establish a claim to political membership in another state,⁹⁹ they not only lose claim to individual human rights but also what Arendt calls the “right to have rights.”

1.4 Right to Have Rights

Hannah Arendt’s *The Origins of Totalitarianism*, first published in Britain in 1951, described the catastrophic consequences of the identification of ‘the rights of man’ with the rights of citizens in Europe. World War I displaced millions of people and the ensuing changes in state borders, civil wars, and political revolution following the war. Most of these refugees were stateless. Stateless in this context referred to not only those who had lost their nationality, but also encompassed those who could no longer benefit from their citizenship rights.¹⁰⁰ These people were not in this position because of their political or religious beliefs, but simply because they belonged to a stigmatized or marginalized minority.¹⁰¹ Arendt argues that the constitutional

⁹⁷ (Procacci, 2006)

⁹⁸ (Ibid., p. 96)

⁹⁹ (Larking, 2014)

¹⁰⁰ (Gündogdu, 2015)

¹⁰¹ (Larking, 2014)

democracies of Europe were complicit in the “nihilistic logic”¹⁰² of the Nazi “death factories or the holes of oblivion”¹⁰³ because they responded to the refugees and displaced peoples from the war, deprived of any rights, by treating them as legal anomalies.¹⁰⁴ In the years leading up to World War II, hostility towards the displaced in Western Europe increased as xenophobia and anti-Semitism prevailed. Many countries created barriers to refugee entry, denied permission to reside, and deported refugees.¹⁰⁵ The horrifying predicament of the stateless, as well as the victims of totalitarian governments, illustrated that “the Rights of Man, supposedly inalienable, proved to be unenforceable – even in countries whose constitutions were based upon them – whenever people appeared who were no longer citizens of any sovereign state.”¹⁰⁶

Citizenship is hence the “right to have rights” as the loss of national rights was politically tantamount to the loss of human rights.¹⁰⁷ As Arendt wrote:

“We become aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and could not regain these rights because of the new global political situation... The right that corresponds to this loss and that was never even mentioned among the human rights...”¹⁰⁸

In a territorially bounded nation-state, an individual’s legal status is dependent upon protection by the highest authority within the territory. This conundrum was evident to Arendt during the inter-war period in Europe, when states denaturalized unwanted minorities, thereby creating millions of refugees and stateless persons across borders. Her analysis of the “Decline of the Nation-State and the End of the Rights of Man” underscores the “poignant irony” of contemporary politics that asserts the inalienability of human rights which are enjoyed only by citizens of prosperous countries and the actual reality of the stateless.¹⁰⁹ As philosopher Jeremy Bentham stated, natural rights were “nonsense upon stilts,” stressing that real rights are those that are established and upheld by the state.¹¹⁰ The nonrecognition of stateless persons by a government always results in deportation to a country of origin, which is either unwilling or

¹⁰² (Ibid., p. 13)

¹⁰³ (Arendt, 1968, p. 459)

¹⁰⁴ (Larking, 2014)

¹⁰⁵ (Holborn, 1938)

¹⁰⁶ (Arendt, 1968, p. 293)

¹⁰⁷ (Ibid.)

¹⁰⁸ (Ibid., p. 296-297)

¹⁰⁹ (Ibid., p. 279)

¹¹⁰ (Bentham, 1843)

unable to recognize the citizenship status of the individual. Arendt argued that these refugees were reduced to “a condition of complete rightlessness”¹¹¹ involving their expulsion “from humanity.”¹¹² The loss of human rights not only means that the individuals are deprived of life, liberty, equality before the law, and freedom of opinion, it also implies that these people no longer belong to any community whatsoever.¹¹³ They now exist “beyond the pale of law” as having fled a state that is unable to protect them; they can no longer depend on their citizenship status to claim rights. In essence, they no longer have “a place in the world which makes opinions significant and actions effective.”¹¹⁴

Seyla Benhabib in *The Rights of Others* examines Arendt’s issue of the right to have rights in the contemporary era. Institutional and normative developments in international law have gradually begun to address the paradox of rights: the 1948 UDHR, the 1951 Geneva Convention relating to the Status of Refugees and its Protocol added in 1967, the creation of the UN High Commissioner for Human Rights, the formation of the ICJ, as well as the ICC through the Treaty of Rome. The problem of mass denationalization and denaturalization at the center of Arendt’s analysis of statelessness has been addressed by Article 15 of the UDHR, which stresses the right to a nationality. Furthermore, it forbids states to arbitrarily deprive their citizens of nationality and deny them the right to change nationality.¹¹⁵ In addition, article 26 of the International Covenant on Civil and Political Rights (ICCPR) aims to address problems arising from the legal dispossession of personhood, which was central to Arendt’s analysis of rightlessness: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”¹¹⁶ These developments are intended to protect those whose right to have rights have been denied.¹¹⁷ Benhabib writes:

“The right to have rights today means the recognition of the universal status of the personhood of each and every human being independent of their national citizenship. Whereas for Arendt, ultimately, citizenship was the prime guarantor for the protection of one’s human rights, the challenge ahead is to develop an international regime which decouples the right to have rights from one’s nationality status.”¹¹⁸

¹¹¹ (Arendt, 1968, p. 296)

¹¹² (Ibid., p. 297)

¹¹³ (Ibid.)

¹¹⁴ (Ibid., p. 296)

¹¹⁵ Art. 15 UDHR

¹¹⁶ Art. 26 ICCPR

¹¹⁷ (Benhabib, 2004)

¹¹⁸ (Ibid., p. 68)

So, even though current international refugee laws and asylum procedures all very much place refugees within a system created for them, their persistent mistreatment and exclusion raise serious questions regarding the effectiveness of international law when it comes to the protection of the stateless. Their plight does not only comprise of a loss of a public space that allows them to express and act, but also involves forced reliance on humanitarian assistance for even the most basic needs, “loss of trust in the reality and regularity of life, disruption in the familiar routines of everyday life, and impediments to establishing relatively permanent dwelling places that can enable individual and collective life.”¹¹⁹ The laboring bodies of migrants are relegated to spaces of exclusion and invisibility, making it challenging for them to live lives that can be recognized as “human.”¹²⁰ The citizenship of a person determines if they are entitled to equal treatment under the international system; the rights people effectively possess are still generally determined with reference to their country of origin.¹²¹ States now increasingly use citizenship laws to control immigration, such as by impeding family reunification, detention, and encampment, rewarding special integration efforts and attracting human capital or financial investment by granting citizenship to particular candidates who have little or no personal ties to the relevant political community.¹²² The inherent contradictions both in the view of national sovereignty in international law and how citizenship is intertwined with rights produce a state of acute vulnerability for refugees. They are either unable to depend on their nationality or have not yet been granted asylum or a definitive legal status in their host countries.¹²³

¹¹⁹ (Gündogdu, 2015, p. 20)

¹²⁰ (Gündogdu, 2015, p. 208)

¹²¹ (Bauböck & Paskalev, 2015)

¹²² (Ibid.)

¹²³ (Loew, 2016)

2. Greek Citizenship, Immigration and Asylum Laws

Due to the humanitarian crisis, Greek national laws regarding citizenship and migration have become the subjects of intense debate and analysis. As the majority of migrants and asylum-seekers arrive to Europe through the borders of Greece, the exceptional number of arrivals has put an enormous burden on the Greek government and its resources. The country has had to adapt its migration and asylum policies according to EU directives, which aim to streamline the arrival and integration of third-country nationals. The most notable is the Dublin III Regulation (EC 604/2013) of the EU which provides that all asylum-seekers and refugees must apply for asylum at the port of first entry.¹²⁴ Subsequently, Greece has the disproportionate responsibility of processing most of these applications. In 2019 alone they registered 77,287 applications and issued decisions on the statuses of 31,044 applicants.¹²⁵ Since the asylum-seekers have to stay in Greece until their application for international protection is examined, they are subject to Greek asylum laws. Those who will finally acquire a permanent legal status (asylum or temporary protection), will also be subject to citizenship and migration laws which have a strong ethnocultural history and do not encourage immigration.

This chapter will explore how the Greek government's citizenship and immigration laws have evolved to inadvertently categorize migrants, refugees, asylum-seekers, and undocumented migrants depending on their legal status and access to human rights.¹²⁶ Kate Nash's (2009) categories of super-citizen, marginal citizen, quasi-citizen, sub-citizen, and un-citizen are crucial in articulating hierarchies. While the categories of super-citizen and marginal citizen specifically apply to Greek nationals, they are necessary in understanding how the Greek state establishes its ethnic Greek national identity against other ethnic, national, or religious identities that are deemed non-Greek. TCNs in the quasi-citizen, sub-citizen and un-citizen hierarchies are ultimately judged on their lack of conformity to Greek ideals. The government's policies are also important in preserving and legitimizing status inequalities, thereby further entrenching TCNs in categories and preserving national identity. Although the universal human rights framework aims to guarantee the equal provision of rights to everyone regardless of nationality, ethnicity, race,

¹²⁴ Council Directive 604/2013

¹²⁵ (AIDA, 2020)

¹²⁶ (Andreouli & Howarth, 2013)

and so forth, States nevertheless continue to determine which groups of individuals are entitled to full human rights.¹²⁷ Consequently, TCNs face difficulties in achieving social and economic integration, which conversely strengthen anti-immigrant rhetoric within the country.

2.1 Super-citizen: Ethnocultural Greek identity

Ever since Greece achieved independence from the Ottoman Empire in 1821, Greek identity has been defined based on ethnocultural bonds, common ancestry, tradition, and the Christian-Orthodox religion.¹²⁸ So, the principle of *jus sanguinis* (“right of blood”) is central to the Greek legislation on citizenship and is still predominant in the Greek Nationality Code (GNC). The GNC and broader law on issues of nationality emphasize Greek origins, indicating that citizenship may be acquired to by birth to a Greek parent, by birth in Greece (only for the stateless), as well as by recognition, adoption, or naturalization.¹²⁹ While this provisions leaves some rather theoretical space for exceptions, the label of super-citizen “*should*” apply to the ideal Greek citizen who is of Greek descent, lives in Greece, speaks the Greek language, and also Christian Orthodox. While they are not necessarily privileged economically or socially at all times, nationals of Greek descent enjoy relatively privileged and “automatic” belonging in Greece.¹³⁰ Broadly speaking, their national identity, community and place is largely unquestioned. Essentially, the super-citizen's belonging to Greece is consistently validated in everyday “economies of recognition.”¹³¹

The ethnic conception of national belonging in Greece is itself reflected in the term *ithagenia*, used in Greek citizenship legislation. *Ithis* means “directly,” and *genos* means “descent,” which is the crucial element that defines Greekness and has become a legal category that distinguishes between individuals who are of Greek descent and those who are not.¹³² *Homogeneis* (“people of the same lineage”) are classified as Greek regardless of their actual citizenship status. The notion of *homogeneia* in Greece is “based on pre-political, mostly imaginary common references and obvious consequent exclusions based on the static criterion of

¹²⁷ (Nash, 2009)

¹²⁸ (Kadianaki et al., 2018)

¹²⁹ L. 3284/2004

¹³⁰ (Clarke, 2020, p. 96)

¹³¹ (Ahmed, 2000, p. 24)

¹³² (Andreouli et al., 2017, p. 4)

race¹³³ On the other hand, non-Greeks who are from a different nation are referred to as *allogeneis* (“people of a different lineage”).¹³⁴ According to the Greek State Council, an individual without Greek descent can be seen as belonging to the Greek nation only if they have acquired “Greek national consciousness.”¹³⁵

Interestingly, the category of *homogeneis* gradually evolved also to include the category of the “alien of Greek descent” despite their citizenship of another country.¹³⁶ In the 1990s, Greece experienced a massive influx of immigrants for the first time. Following the dissolution of the Soviet Union and the collapse of Yugoslavia, immigrants, mostly from northern Balkan countries like Albania, began migrating to Greece.¹³⁷ Initially, the absence of any comprehensive migration policy signified the disinclination of the Greek government in accepting any immigrants, regardless of their ethnicity, who would challenge the status of the super-citizen Greek. Nonetheless, immigrant groups of Pontic Greeks (ethnic Greeks who either emigrated from the Ottoman empire to the former Soviet or left Greece in the 1930s and 1940s for political reasons) and Albanian Greeks residing in Northern Epirus (*Voreiopirotos*) challenged views on identity in Greece.¹³⁸ The “hierarchy of Greekness” changed as different immigrant and refugee groups came to be organized around the core of ethnonationalism.¹³⁹ Neither group was treated at the same level as Greek citizens immediately, nor were they granted Greek citizenship. Still, their Greek nationality was acknowledged as they were considered refugees who faced persecution for their Greek identity and Christian Orthodox religion.¹⁴⁰ These persons were placed within another category of citizenship established in Greece, that of “certified *homogeneis*” who held a Special Identity Card of *Homogenis* under Law 2790/2000, as amended by Laws 2910/2001 and 3013/2002, and codified by the new GNC.¹⁴¹ These cards were the equivalent of a semi-citizenship as they provided certain privileges such as freedom of movement,

¹³³." (Christopoulos & Tsitselikis, 2003, p. 86)

¹³⁴ (Tsitselikis, 2007)

¹³⁵ (Christopoulos & Tsitselikis, 2003, p. 82)

¹³⁶ (Ibid.)

¹³⁷ (Mavrikos-Adamou, 2017)

¹³⁸ (Tsitselikis, 2007)

¹³⁹ (Triandafyllidou & Veikou, 2002)

¹⁴⁰ (Adamczyk, 2016)

¹⁴¹ (Mavrikos-Adamou, 2017)

special access to the labor market, subsidized housing, access to language programs, and social services, which other non-co-ethnic migrants requesting Greek citizenship did not have.¹⁴²

In 2004, the GNC was reformed (Law 3284/2004) to provide a preferential road to citizenship for ethnic Greek migrants, thus exemplifying the ethnocultural tradition.¹⁴³ The Greek policies are granting citizenship to as many *homogeneis* as possible, under the pretext of “repatriating” those who have been separated from their country. The inclusion of migrants based on their Greek ethnicity through preferential laws, while excluding other *allogeneis* based on their non-Greek origins serves to enhance the ethnic construction of the Greek nation-state. Children born before 8 May 1984 to Greek mothers, children born before 16 July 1982 to Greek fathers, or grandchildren of grandparents born in Greece are eligible to acquire Greek citizenship.¹⁴⁴ The first and necessary condition in order to officially claim Greek citizenship is to establish the Greek origin of the applicant, that is, his or her link to a Greek ancestor. Proof of ancestry is primarily accomplished by finding records in the municipal archives of a Greek municipality concerning the ancestor of the interested person.¹⁴⁵ They then need a certificate from the local municipality in Greece certifying that their ancestor was born in Greece, has a municipality number and therefore was Greek by birth. Other documents required are the marriage certificate of that ancestor and the birth certificate of their child, until reaching the person applying for citizenship. Establishing a claim through Greek parents is typically faster, as it only requires a simple registration. In contrast, the citizenship claim through Greek grandparents is a longer naturalization process that can take up to two to three years.¹⁴⁶ Even so, it is still a smoother process for the aliens of Greek descent, as they are exempt from any naturalization requirements of residence, employment, social integration, and knowledge of Greek language or history.¹⁴⁷ Being recognized as a member of a dominant groups not only guarantees improved access to material benefits (employment, housing, social welfare) but also consolidates a stronger sense of national belonging for those who are acknowledged as the “arbiters of national culture and territory.”¹⁴⁸ Membership plays a significant part in a person’s

¹⁴² (Haksöz, 2017)

¹⁴³ (Mavrommatis, 2018)

¹⁴⁴ Art. 14 L. 3284/2004

¹⁴⁵ (*Greek citizenship by Greek origin*, 2007)

¹⁴⁶ (Ibid.)

¹⁴⁷ Art. 14 L. 3284/2004

¹⁴⁸ (Skey, 2014, p. 105)

well-being and autonomy. Meanwhile, the *allogeneis* who are not ethnically Greek experience socioeconomic, political, and cultural limitations, having to consistently negotiate their legitimacy as members of the State.

2.2 Marginal Citizen: The issue of ethnic and religious groups

Meanwhile, Greek policies on citizenship confer marginality through differential treatment based on ethnic or national identity.¹⁴⁹ Nationality laws have, for example, also been used to exclude from citizenship any Greek citizens who were believed not to possess a “Greek national consciousness or not to be of Greek descent.”¹⁵⁰ Though international human rights law prohibits such discrimination, the nationality laws in Greece have always privileged groups considered *homogeneis*, that is, ethnic Greeks. Since the 1930s and mainly during the second half of the twentieth century, the concept of *allogeneis* was and continued to be the most common method of depriving minorities – such as Jews, ethnic Turks or Macedonians, Armenians, Muslim Albanian Chams, Pomak Muslims from Thrace – of Greek citizenship. The primary purpose of such state policies was to eradicate alleged non-Greek or “anti-Greek” elements, thereby mitigating the presence of alien or non-ethnic Greek groups within the nation.¹⁵¹ The 1927 Presidential Decree was the first legal document that dealt with the process of citizenship deprivation of *allogeneis* Greek citizens. The government updated the provisions in Article 19 of the GNC in 1955, which stated that “a person of non-Greek ethnic origin, who has left Greece with no intention to return, may be declared as having lost Greek citizenship. The article also applied to an *allogenis* born and domiciled abroad. His/her minor children living abroad may be declared as having lost their Greek citizenship if both their parents and their surviving parent have lost it as well.”¹⁵²

The denominations of *homogenis* and *allogenis* have become categories that result in legal exclusion or inclusion depending on national affiliation and religion. Muslim minorities were mainly targeted under these laws as Greece is a majority Orthodox Christian nation, and the religion is embraced as a significant part of their national identity.¹⁵³ From the 1960s onwards,

¹⁴⁹ (Nash, 2009)

¹⁵⁰ (Mavrommatis, 2018, p. 10)

¹⁵¹ (Ibid.)

¹⁵² Tsitelikis, 2006, p. 10)

¹⁵³ (Lipka, 2018)

the Greek government overwhelmingly targeted Muslims in the northeastern region of Western Thrace. The 1923 Treaty of Lausanne had created a “Muslim minority,” of which an estimated 140,000 to 150,000 individuals (around 1.3 percent of the Greek population) reside in Thrace. The section on the 'Protection of Minorities' was a bilateral treaty between Greece and Turkey that established the two countries as custodians of minority rights and allowed them to monitor the affairs of their minorities across the border.¹⁵⁴ They are also the only officially recognized minority and guaranteed full political rights in Greece.¹⁵⁵ The Muslim minority is comprised of three groups: (1) those of Turkish origin, who constitute 50% of the minority population; (2) Pomaks, who speak a Slavic dialect and constitute 35% of the population; and (3) Roma, who represent the remaining 15%.¹⁵⁶ Following the deterioration of relations between the countries in the 1950s and the Cyprus conflict in the 1960s, the Greek government used Article 19 as part of a broader set of restrictive measures that aimed to balance out the demographic decline of Greeks in Istanbul. The Ministry of Foreign Affairs and the Office of Cultural Affairs monitored and constrained all economic transactions involving Muslims. Companies and networks of groups connected to the state administration systematically prevented most Muslims from buying property, receiving bank loans or driving licenses, and finding employment.¹⁵⁷

The informal status of marginal or second-class citizenship was formally legalized by Article 19. Out of the 60,000 individuals estimated to have lost their citizenship between 1955 and 1998, approximately 50,000 were Muslims from Western Thrace.¹⁵⁸ State authorities had effectively unlimited discretion of deducing whether individuals had any intention of returning to Greece. The provision was often applied arbitrarily, lacking adequate justification, and without consulting the affected individuals or families. Many of them would only find out they were no longer a Greek citizen upon their re-entry to Greece. Greece's treatment of the Turkish-speaking Muslims of Thrace became a target of fierce criticism at the CoE from the late 1980s onwards. NGOs and minority organizations such as the Federation of the Turks of Thrace systematically brought their complaints in front of European forums, chiefly in Strasbourg.¹⁵⁹ Finally, in June

¹⁵⁴ (Anagnostou, 2005)

¹⁵⁵ (Popchev, 2017)

¹⁵⁶ (Papademetriou, 2012)

¹⁵⁷ (Ibid.)

¹⁵⁸ (Ibid.)

¹⁵⁹ (Ibid.)

1998, Article 19 was abolished with the support of all major parties at the Greek Parliament. However, as the repeal of Article 19 does not have retroactive force, those who remain stateless in Greece (1,000-4,000) and those who have acquired another nationality after losing Greek citizenship have no right under Greek law to regain nationality.¹⁶⁰ They belong to the group of marginal citizens because despite being guaranteed equal protection under the law and political rights, not all in the community can enjoy them.

The country's fraught relationship with supposed non-Greek ethnic identity is principally reflected in its treatment of national minorities. While these groups have forged enduring bonds to their Greek national identity, they also face political marginality because of their divided allegiances to identities perceived as non-Greek. The Greek government only recognizes the Muslim minority of Western Thrace as a religious minority, rejecting claims of Turkish ethnicity. The State prohibits the use of *Tourkos* and *Tourkikos* (Turk and Turkish) in the titles of organizations,¹⁶¹ although they do recognize that part of the Muslim minority is of Turkish descent (in Greek, *tourkogenis*).¹⁶² Since the 1980s, Turkey's strong patronage can partly explain the Greek government's approach in Western Thrace. The Turkish consulate in the region is considered the mouthpiece of the Turkish government as it has actively supported, morally and financially, the minority's demand for official recognition as a Turkish minority.¹⁶³ To some extent, Turkey's tactic has worked as a substantial part of the minority views Turkey as a more reliable external protector of their rights than Greece and the EU.¹⁶⁴

Efforts of ethnic Turks for their recognition as an ethnic minority have not been successful thus far. For example, the case of *Ahmet Sadik v. Greece* (1995), which was eventually deemed inadmissible by the European Court of Human Rights (ECtHR) on the grounds of non-exhaustion of domestic remedies, underscores Greece's response to such demands. Dr. Ahmet Sadik, a prominent doctor and Turkish nationalist, was elected twice as an independent to the Greek Parliament. As a candidate in general elections, Dr. Sadik asserted that he was a member of the Turkish minority.¹⁶⁵ Consequently, he was convicted by the Greek criminal courts for

¹⁶⁰ (Panico, 1999)

¹⁶¹ (Borou, 2009)

¹⁶² (Popchev, 2017)

¹⁶³ (Borou, 2009)

¹⁶⁴ (Anagnostou & Triandafyllidou, 2007)

¹⁶⁵ (*Ahmet Sadik v. Greece*, 1996, § 8)

engaging in actions against the public order and inciting the local citizens to commit violence. He was imprisoned for three months.¹⁶⁶ In the aftermath of Sadik's conviction, a great deal of turmoil erupted in the Komotini region of Western Thrace, which resulted in the destruction of 400 Muslim-owned shops and buildings.¹⁶⁷

Attempts at forming any Turkish associations in Greece have also been criminalized, even though Greece is obliged to respect the right to association for every individual under Article 11 of the European Convention on Human Rights (ECHR). Article 14 of the ECHR also emphasizes freedom from direct and indirect discrimination based on ethnicity. One of the most notable cases is that of *Tourkiki Enosi Xanthis and Others v. Greece* (2008). The association was established initially in 1927 under the title House of the Turkish Youth of Xanthi, but later on, it changed its name to the Turkish Association of Xanthi. However, in 1983 the Greek government ordered that the association cease using the term "Turkish" on documents or signs. In 1986, the court ordered that the association be dissolved because its articles of association were against public policy and were incompatible with the Treaty of Lausanne.¹⁶⁸ Ultimately, the ECtHR found Greece in violation of Article 11, noting that the right of citizens to form an entity in mutual interest is one of the most crucial aspects of the freedom of association. How national legislation enshrines these rights and applies them to its citizens is indicative of the State of democracy in that country.¹⁶⁹ The court also reiterated that even if the association proved the existence of an ethnic minority, that in itself cannot be considered a significant threat to a democratic society.¹⁷⁰ Nevertheless, the Greek Court of Appeals and the Supreme Court refused to revoke its previous decision against the association. Despite the obligation of states to executed ECtHR judgments under Article 46 of the ECHR, local Greek courts have continued to affirm that these decisions are not binding and rejected requests of the association to reestablish itself.¹⁷¹ There are also other similar cases such as *Emin and others v. Greece*, and *Bekir-Ousta and others v. Greece*, which have suffered from similar consequences of non-implementation by the government.¹⁷² The cases brought against ECtHR are evidence of Greece's application of

¹⁶⁶ (Ibid., § 9)

¹⁶⁷ (Onar & Ozgunec, 2010)

¹⁶⁸ (*Tourkiki Enosi Xanthis and Others v. Greece*, 2008)

¹⁶⁹ (Ibid.)

¹⁷⁰ (Ibid.)

¹⁷¹ (*Greece: Status of Minorities*, 2012)

¹⁷² (Western Thrace Minority University Graduates Association, 2012)

discriminatory legislation concerning its national minority.¹⁷³ Thus, while Muslims in Western Thrace can exercise their citizenship rights, they are guaranteed as long as they do not push the boundaries of Greek national identity. The quest for recognition of Turkish ethnic identity, along with their Greek nationality, remains elusive as Greek State policies restrict any challenges to its ethnic homogeneity.

Similarly, for decades the government has also negated the identity of many Greeks who also claim Macedonian ethnicity by denying the existence of a Macedonian nation, a Macedonian language, and a Macedonian minority in Greece. Until 1913, the northern Greek region of Macedonia was part of the Ottoman Empire, with competing forces of Greece, Bulgaria, and Serbia attempting to win the support of the Slavic-speaking peoples in order to claim the territory. Partly in reaction to such competing forces, a distinctive Slav Macedonian identity developed in the late 19th and early 20th century.¹⁷⁴ In 1936, the Greek dictator Metaxas banned the Macedonian language and forced many of them to adopt Greek names.¹⁷⁵ Anyone caught hearing speaking or singing the forbidden language would be subject to lawsuits, beatings, and intimidation. Despite the language not being officially banned for decades, fear of harassment and retribution by the government still lingers.¹⁷⁶ Most who are part of the Slavic-speaking minority are hesitant to speak to outsiders about their identity. Although it is almost impossible to accurately state the number of Slavic-speakers or descendants of ethnic Macedonians in Greece, it is estimated that more than 100,000 still live in the Greek region of Macedonia.¹⁷⁷ To themselves and others, they are just known as ‘locals’ (*dopyi*) who speak a language called ‘local’ (*dopya*).¹⁷⁸ They are absent from school history textbooks, have not been included in the census since 1951, and are very rarely mentioned in Greek society. One of the most notable reasons was the country's long-running disagreement with the former Yugoslav republic now officially called the Republic of North Macedonia.¹⁷⁹ The dispute was finally resolved in January 2019 by a Greek parliament vote that ratified the Prespas Agreement made in 2018 by the

¹⁷³ (Borou, 2009)

¹⁷⁴ (*Greece's invisible minority*, 2019)

¹⁷⁵ (*Greece: Status of Minorities*, 2012)

¹⁷⁶ (Ibid.)

¹⁷⁷ (*Greece's invisible minority*, 2019)

¹⁷⁸ (Ibid.)

¹⁷⁹ (Filis, 2019)

countries' prime ministers.¹⁸⁰ The use of the name "Macedonia" by the neighboring country implicitly recognizes that Macedonians are a people with their own rights, clashing with the repression of such identity in Greece's region of Macedonia.

Nevertheless, in a letter by the Greek Ambassador to the UK, Dimitris Caramitsos-Tzirias, to BBC, the government emphasized that the agreement explicitly acknowledges Macedonians to the extent that it is a nationality of people from the Republic of North Macedonia, but not as an ethnicity.¹⁸¹ The Macedonian language is recognized as a South Slavic language. However, it is not considered associated with "the history, culture, and heritage of Greek Macedonia."¹⁸² Rather than a national or ethnic group, the Macedonian Slavs of Greek Macedonia are instead perceived by the Greek State as a linguistic group, referred to as Slavophone Greeks or even bilingual Greeks.¹⁸³ So regardless of the agreement by the Greek government, minorities continue to experience alienation and discrimination.¹⁸⁴ The deliberate misrecognition or refusal to acknowledge ethnic identity can have severe psychological effects, as it "can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being."¹⁸⁵ Inter-generational fear and repression resulted in the Macedonian language, slowly disappearing and assimilation to Greek culture.¹⁸⁶ Although there were attempts to revive Macedonian ethnic identity in Greece through the Macedonian Rainbow party in post-1989, they were unable to galvanize support. They received only 0.1 percent of the votes in general elections of 1996.¹⁸⁷ The low percentage can also be explained by the Greek election system, designed to prevent minority parties' representation. For instance, the Greek system has a three percent election threshold not only for political parties but also for independent candidates, which makes it nearly impossible to get elected as an independent candidate.¹⁸⁸ Political rights are limited to prevent minority groups from having the opportunity of challenging the Greek status quo.

¹⁸⁰ (Ibid.)

¹⁸¹ (*Letter by the Ambassador*, 2019)

¹⁸² (Ibid.)

¹⁸³ (*Greece's invisible minority*, 2019)

¹⁸⁴ (Popchev, 2017)

¹⁸⁵ (Taylor, 1994, p. 25)

¹⁸⁶ (*Greece's invisible minority*, 2019)

¹⁸⁷ (Haksöz, 2017)

¹⁸⁸ (Ibid.)

The dominance of a singular Greek identity over any Macedonian claims, even implicit, is continually reinforced through the Greek citizens themselves, as the overwhelming majority of Greek people (around 60 to 70 percent according to different surveys) have strongly objected to the Prespas Agreement.¹⁸⁹ Frustration and anxiety manifested in large, sometimes even violent, protests in opposition to the agreement, backed by parts of the Greek Orthodox Church.¹⁹⁰ Through such action and reaction, dominant Greek nationals exercise their power as citizens to produce and sustain boundaries of inclusion and exclusion within the nation-state. Any recognition of Macedonian identity is perceived as an external threat that must be mitigated and isolated. The Greek State, through its policies and citizens, thus serves to deny the ethnic identity of the minorities living on its territory, forcibly imposing a Greek ethnic identity that emphasizes the homogeneity of the Greek nation.

2.3 Quasi-Citizen: Non-Greek immigrants and residents

Greek citizenship has become a necessary path to securing access to privileges and rights for alien immigrants or to protecting national identity for citizens. Also known as denizens, quasi-citizens have been residents in a country for an extended time and have achieved a special legal status.¹⁹¹ The status allows for access to civil, social, but not core political rights such as the right to vote or be elected. Quasi-citizens usually have the security of residence status, right to work, entitlement to social security benefits, access to healthcare and education, as well as protection from deportation on the same basis as citizens.¹⁹² In Greece, these are usually migrant workers and TCNs of non-Greek descent who have become residents. According to the Ministry of Migration Policy in August 2019, the number of legally resident TCNs stood at 552,485, which is an increase of 1.5 percent from 2018 (544,443).¹⁹³ Also, 93,962 resident permit applications were pending at the end of August, so the total number of legally residing TCNs in the country could be estimated at 646,447.¹⁹⁴

However, Greece has historically been unwilling to accept immigration as a feature of modern Greek society. By constructing itself as an ethnically homogeneous territory, the Greek

¹⁸⁹ (Tzifakis, 2019)

¹⁹⁰ (*Greece's invisible minority*, 2019)

¹⁹¹ (Nash, 2009)

¹⁹² (Sampatakou, 2005)

¹⁹³ (Gemi & Triandafyllidou, 2019)

¹⁹⁴ (Ibid.)

State was mistrustful and discouraged the integration of the few noncitizens that had settled in the country.¹⁹⁵ One of the main reasons for the lack of any relevant immigration policy or legislation was an almost total absence of immigration. Until the 1970s, the economic situation was so dire that Greece was, in fact, a net provider of emigrants due to the government's inability to sustain its own citizens.¹⁹⁶ In the 1980s, as the country became a fast-growing Western economy, the first immigrants who arrived were seasonal workers from Yugoslavia and Poland, mainly involved in agricultural production and the tourist industry.¹⁹⁷ The political changes of the 1990s in Eastern Europe and the Middle East suddenly turned Greece into both a destination and a transit country for many migrants. The collapse of Soviet communist regimes, particularly Albania, led to the entry of large numbers of Eastern Europeans of non-Greek origins into Greece, almost always illegally.¹⁹⁸ Besides the pursuit of better economic and social prospects, others migrated to reunite with their family or escape from war and political repression. The rapid development of the Greek economy between the mid-1990s and the mid-2000s was also a significant pull factor in attracting migration to the country.¹⁹⁹

Nevertheless, despite its acceptance of aliens of Greek descent in the 1990s, the government reflexively perceived the migration of non-Greek foreigners as a security issue.²⁰⁰ Initially, Law 1975/1991, eloquently entitled “Entry-exit, Sojourn, Employment, Deportation of Aliens, Recognition Procedure of Foreign Refugees and Other Provisions,” was established to curb migration.²⁰¹ The main goal was to impede the entry of undocumented migrants and expel immigrants who had already entered the country. Law enforcement and judicial authorities were empowered to deport immigrants, and businesses that employed immigrant workers faced sanctions. Lawful residence was only possible by providing documentation within a month of receiving a potential work contract and for only a specific period. The law intended to not only criminalize certain kinds of behavior but also had the effect of socially excluding migrants from Greek society.²⁰² The draconian law yielded poor results as it quickly created a stock of irregular

¹⁹⁵ (Papageorgiou, 2013)

¹⁹⁶ (Ibid.)

¹⁹⁷ (Agelopoulos et al., 2018)

¹⁹⁸ (Papageorgiou, 2013)

¹⁹⁹ (Agelopoulos et al., 2018)

²⁰⁰ (Skleparis, 2017)

²⁰¹ (Triandafyllidou & Veikou, 2002)

²⁰² (Mavrikos-Adamou, 2017, p. 36)

migrants who were absorbed mainly in the informal labor market.²⁰³ The migration legislation reflected a tendency of the Greek government to introduce a detailed legislative framework that does not reflect political and administrative realities.²⁰⁴ Expelled migrants, mainly from Albania, would return shortly using other mountainous passages between the two countries. Furthermore, the policy incurred severe political damage as it intensified tensions with neighboring countries of origin of migrants, which complained about the mistreatment of its citizens. Not to mention, the anti-immigration policy created substantial financial costs, explicitly relating to costs of detention and deportation, and the inhumane conditions of migrants provoked international condemnation against Greece.²⁰⁵

Unable to further sustain its migration policy and in the absence of long-term effective integration policy, the Greek State implemented a series of regularization programs that ran from 1998 to 2007/2008.²⁰⁶ In 1997, the government officially introduced the Presidential Decrees 358/1997 and 359/1997 in an attempt to create a regularization program for undocumented migrants present in the territory. Another attempt to provide regularization for immigrants was Law 3386/2005, which provided immigrants the opportunity to legalize their status if they could prove their residence in the country before 31 December 2004.²⁰⁷ The Greek administration was following the example of various EU member states, such as Spain, which had adopted similar regularization policies during the 1990s. However, the 2008 European Pact on Immigration and Asylum advised against any blanket policies on regularization and suggested determining the status of such migrants on a case-by-case basis only.²⁰⁸ The law also incorporated EU directives in family reunification and for long-term resident immigrants.²⁰⁹ Nevertheless, Greece still does not have a comprehensive policy framework on undocumented migration despite the existence of many such migrants in labor and society.

On the other hand, long-term residents who are non-EU nationals can acquire a long-term residence permit after a five-year legal residence in Greece under Law 4251/2014. The residence

²⁰³ (Ibid.)

²⁰⁴ (Papageorgiou, 2013)

²⁰⁵ (Ibid.)

²⁰⁶ (Skeleparis, 2017)

²⁰⁷ (Papageorgiou, 2013)

²⁰⁸ (Ibid.)

²⁰⁹ (Mavrikos-Adamou, 2017, p. 37)

requirement and guarantee of rights is transposed from the EU Directive on the status of long-term residents. They are entitled to free movement and established all over the country. They enjoy the same rights as citizens concerning social security and social protection.²¹⁰ Ideally, under EU law, long-term residents will also have access to the labor market, education, and vocational training, as well as access to all EU Member States subject to certain conditions.²¹¹ Not to mention that migrant minors are subject to obligatory school attendance as nationals, and they enjoy free access to all activities within the educational communities at all levels of education. Migrant children who have graduated from secondary education in Greece even have access to universities and technical schools under the same conditions and prerequisites as nationals.²¹²

From 2010 to 2015, immigration laws in Greece began to expand concerning the rights of immigrants. In 2010, the Greek center-left governing party PASOK adopted new citizenship legislation entitled “Contemporary provisions for Greek Citizenship and the political participation of co-ethnics and legally residing immigrants.” It gave birthright citizenship to children of migrants born in Greece if their parents completed five years of legal residence in the country.²¹³ Children of migrants not born in Greece could also acquire citizenship upon successful completion of six years of Greek school provided that the parents completed the required five years of legal residence. Rather than perpetuating a view of Greek citizenship as exclusively entitled to those who ethnically belong, the new legislation turned to the more inclusive *jus soli* (“right of soil”) criteria.²¹⁴ Since the road to naturalization for adult migrants has always been narrow and challenging, the acquisition of citizenship by second- and “one-and-a-half” generation migrant children becomes the path for inclusion and rights.²¹⁵ Moreover, law 3838/2010 provided immigrants who either held long-term residence permits or were of Greek descent the right to vote and be elected in local elections.²¹⁶ The new law represented an opportunity to renegotiate the boundaries of citizenship from ethnic-based to a more civic conception of membership. It would allow TCNs to claim their right to Greek citizenship on the basis that they are active members of

²¹⁰ Article 89(2) L. 4251/2014 (Immigration Code)

²¹¹ Council Directive 2003/109/EC

²¹² L. 4251/2014

²¹³ L. 3838/2010

²¹⁴ (Kadianaki et al., 2018)

²¹⁵ (Mavrommatis, 2018)

²¹⁶ (Andreouli et al., 2017)

society and culturally assimilated.²¹⁷ The law, however, elicited intense public discussions around the meaning of citizenship and Greek national identity. In 2011, the State Council, through judicial decision, declared that the law violated the Greek constitution. It questioned the constitutionality of the right to vote and be elected for non-ethnic Greeks, which was to be reserved only for Greek citizens. The birthright citizenship provision was also decided not to be sufficient enough to ensure that the second-generation immigrants had developed strong bonds with the Greek State.²¹⁸ A Greek national consciousness has to exist within the non-Greeks to be able to access such political rights. Despite the announced reform, in reality, the State still favored the *homogenis*, as 87 percent (9,180) of the total 10,502 naturalizations in 2011 and 2012 were among those who were of Greek ethnic origin.²¹⁹

Unsurprisingly, the newly amended legislation in 2015, passed by the Greek parliament, reinforces the dominance of the *homogeneis* in Greek citizenship law. It now states that a child born in Greece would acquire citizenship if one of the child's parents has had five years of continuous and legal residence in Greece. However, if the child is born before the completion of these five years, the child is only eligible if after one parent has legally resided in the country for ten years.²²⁰ Applicants must be able to endure the lengthy processing period, considering the red tape associated with Greek bureaucracy and the political climate against immigration in Greece.²²¹ Equally important, the rights to vote and be elected were no longer available to the long-term noncitizens. The Greek opposition and discourse in light of the new law illustrated that while the feelings of national belonging for native Greeks are considered a given, quasi-citizens of non-Greek descent are obligated to prove their loyalty.²²² Thus, an essential distinction between “actual belonging” and civic membership is created. For the Greek citizens, the distinction helps to preserve an ethnic representation of Greek and create a “hierarchy of belonging,” as stated in the research of Andreouli et al. (2017), which impedes migrants' ability to claim that they are 'truly' Greek.

²¹⁷ (Ibid.)

²¹⁸ (Kadianaki et al., 2018)

²¹⁹ (Haksöz, 2017)

²²⁰ Law 4332/2015

²²¹ (Mavrikos-Adamou, 2017)

²²² (Andreouli et al., 2017)

Additionally, certain individual rights of long-term residents in Greece have become precarious and, to an extent, inaccessible, as they are targeted by the very State that is authorized to protect them. For example, the “Childbirth Allowance and Other Provisions” is a law that introduces a new childbirth allowance of 2,000 euros for each child born in Greece from 1 January 2020 onwards.²²³ The family income should not exceed 40,000 euros per year. However, the most notable change is that the criteria for granting this social benefit to immigrants have become stricter. Third-country nationals will now need to reside legally in Greece for the last twelve years instead of five in order to receive the child and rent benefit.²²⁴ This provision excludes specific categories of immigrants residing permanently in Greece from a social benefit aimed at a general population. The proposed law also violates EU directives on equal treatment holders of single residence permits with nationals of the Member State in which they reside. According to the Explanatory Memorandum, the twelve-year residence period is considered sufficient enough to establish a strong bond with the Greek State and society.²²⁵ Yet such an assessment is inconsistent with the GNC, which allows third-country nationals to submit the naturalization application following residence for seven consecutive years. Access to a social right becomes more challenging than accessing citizenship. Thus, the legal status of non-Greek aliens continues to be relatively unstable and precarious because it has not proven to be sufficient enough to achieve the same degree of respect entitled to citizens.²²⁶

Arguably, the most successfully integrated EU group of quasi-citizens are the non-Greek Albanian immigrants in Greece. Since the 1990s, they have experienced a difficult transition from being unwanted to tolerated and even accepted in Greek society.²²⁷ As of August 2019, they comprise an estimated 65 percent of the country’s foreign population.²²⁸ According to research conducted in Greece in 1993, Greek locals identified Albanians as the most hated nation groups after the Turks. The media discourse perpetuated such a negative attitude, perceiving the Albanians as criminals and “invaders” of Greece.²²⁹ The rhetoric helps in legitimizing their racialization and functions as a mechanism of social exclusion. It is necessary to highlight that

²²³ Law 4659/2020

²²⁴ Articles 1 and 7 L. 4659/2020

²²⁵ (*Twelve years of permanent and legal residence*, 2020)

²²⁶ (Nash, 2009)

²²⁷ (Adamczyk, 2016)

²²⁸ (Gemi & Triandafyllidou, 2019)

²²⁹ (Adamczyk, 2016, p. 55)

Albanian immigrants of Greek origin were treated positively and were often issued visas and granted work permits. The Greek State, however, was not accepting of the influx of non-Greek Albanian migrants. By the end of the 1990s, the opinion on Albanians improved as the government noticed their positive contributions to the Greek economy. The construction and agricultural industries were particularly successful with the labor inclusion of Albanians.²³⁰ However, the financial crisis in 2009 reignited and intensified the xenophobic attitudes towards foreigners. Criticism of Albanians by local Greeks in the Thiva region, for example, included comments such as “they are arrogant and not straight-forward...we know from everyone that the Albanians are the worst race;” “Albanians are sly. Not only sly, but dangerous.”²³¹ Many Albanians also lost their legal residence status as a result of unemployment due to the crisis. An estimated 110,000 Albanians returned to Albania from Greece between 2009 and 2013.²³²

Interestingly, when refugees of other nationalities with significantly different cultures and religions – mainly Syrians, Iraqis, Pakistanis, Afghans, and Somalis – entered Greece in 2015, the Greek attitude towards Albanians changed again. The efforts of Albanians in assimilating helped foster a favorable perception. From the 1990s to the mid-2000s, many Albanians living in Greece adopted Greek names, while many Muslim Albanians denounced their religion by claiming to be Orthodox Christians. They also had their children christened Orthodox.²³³ Albanian children willingly attend Greek schools and learn the Greek language. Such integration means their behavior conforms to the norms and values of the Greek nation. As a result, they have consistently been the largest group of foreign nationals who have obtained Greek citizenship (60.78 percent in 2017).²³⁴ Thus, the quasi-citizen status reflects how assimilation allows certain migrants groups to become part of Greek national identity while at the same time normalizing the exclusion of TCNs (mainly from majority-Muslim countries) who are culturally and religiously different from Greece.

²³⁰ (Ibid.)

²³¹ (Fokas, 2013, p. 586)

²³² (Adamczyk, 2016)

²³³ (Kokkali, 2015)

²³⁴ (Ministry of Interior, 2017)

2.4 Sub-Citizen: Asylum-seekers and refugees

In both Europe and the US, the category of sub-citizens includes refugees and asylum-seekers who are waiting to have their asylum cases heard and who may be detained indefinitely in camps while the process is underway.²³⁵ Sub-citizens are also those international protection beneficiaries who are unable to secure employment and state benefits despite their legal residence in the country. Asylum-seekers have to live with an ambiguous legal status and lack of mobility during the current asylum process. The status of refugees in the country in which they are detained, or resident, is based on international law concerning the human rights of refugees. These rights are derived from the 1951 Convention Relating to the Status of Refugees, and based on national regulations concerning the administration of that law.²³⁶ As the following sub-section will show, Greek laws and policies on asylum and migration have instead reinforced the status of refugees and asylum-seekers as sub-citizens. Due to bureaucratic, legal, and social restrictions, these groups are stuck in limbo as they have to wait for year to even receive a decision on their application for international protection. However, though international protection status grants access to rights such as social security benefits, employment, and housing, various State policies and the impact of the economic crisis have limited the exercise of such rights.

As a Member State of the EU since 1981, Greece has engaged in the attempts to harmonize migration and asylum policies per EU directives. The Treaty on the European Union (Maastricht Treaty or TEU) and Greece's signature of the Schengen Agreement in 1992 consolidated these efforts of the EU. TEU emphasizes that the Member States shall regard issues of asylum policy, immigration policy, and policy regarding third-country nationals as “matters of common interest.”²³⁷ Consequently, the EU has, since 1999, worked on developing a Common European Asylum System (CEAS) and improve the legislative framework on asylum.²³⁸ The cornerstone of CEAS is the Dublin system, which was established when the 1990 Dublin Convention was incorporated into EU law (2003/343/EC, also known as the Dublin II Regulation).²³⁹ It was later repealed in 2013 by the Dublin III Regulation (604/2013).²⁴⁰ The central tenet of the Dublin regime is that only one Member State is responsible for the examination of an asylum-seeker's

²³⁵ (Ibid.)

²³⁶ (Ibid.)

²³⁷ Art. K.1 TEU

²³⁸ (*Common European Asylum System*, 2020)

²³⁹ Art. 24 Regulation 343/2003

²⁴⁰ Art. 48 Regulation 604/2013

application, typically the country of first entry.²⁴¹ Legislative measures (recast Directives) as part of the CEAS, have also focused on strengthening as well as expanding procedural and substantive protections for asylum-seekers and refugees.²⁴² These include the Asylum Procedures Directive, Reception Conditions Directive, Qualifications Directive, and the EURODAC Regulation.²⁴³ The Greek legal asylum itself is based on EU legislation, as well as the 1951 Geneva Convention and its 1967 Protocol. Greece is required to provide asylum to those who meet the criteria and is also obliged to respect the binding Charter of Fundamental Rights of the EU (CFR), which recognizes the right to asylum.²⁴⁴ Thus, the development of the EU and international human rights framework has facilitated the advance for asylum-seekers by institutionalizing the protection and guarantee of their human rights.

EU developments have had a significant influence on Greek policies with respect to migration and asylum. International norms and fundamental rights obligations implied that the Greek administration had to adapt its practices to the required – generally higher – EU standards. National asylum legislation was first introduced by law 1975/1991, later replaced and developed by law 2452/1996, and in particular by the implementation of presidential decree 61/1999.²⁴⁵ The Greek police were in charge of the asylum procedure, while the Minister of Public Order made the final decisions. Unable to adapt to EU requirements, asylum remained under untrained police staff who were mostly uninterested in the complicated asylum applications.²⁴⁶ As the number of asylum applications remained low, the deficiencies of the Greek system were neglected, except for the UNHCR and a few NGOs which frequently criticized the treatment of asylum seekers and the low recognition rate.²⁴⁷

However, after 2000, the Greek asylum system then in place invariably collapsed following the increased arrivals of migrants from Asia and Africa, as well as from other “refugee-producing” countries.²⁴⁸ More and more migrants or potential-asylum-seekers entered Greece on their way to the other EU Member States, and several who had managed to move illegally were

²⁴¹ (*Common European Asylum System*, 2020)

²⁴² (*Ibid.*)

²⁴³ (*Ibid.*)

²⁴⁴ (Leivaditi et al., 2020)

²⁴⁵ (Stavropoulou, 2000)

²⁴⁶ (Papageorgiou, 2013)

²⁴⁷ (Stavropoulou, 2000)

²⁴⁸ (Papageorgiou, 2013, p. 80)

returned to Greece on the basis of the Dublin system.²⁴⁹ The country proved incapable and unable to manage the handling of such higher numbers of applicants and challenging asylum claims. Police authorities considered a majority of asylum applications as abusive, trying to bypass regular migration laws. Applications took years to process, arbitrary decisions were made on claims, and asylum reception facilities deteriorated. These administrative weaknesses and other policy priorities (aversion to altering the country's ethnocentric model) resulted in the ineffective implementation of EU legislation. Consequently, the asylum situation became a primary national and European concern. Courts in the EU even ruled that returns of asylum-seekers to Greece violated fundamental human rights. At the same time, the ECtHR repeatedly condemned Greece for abuse of migrants' and asylum-seekers' rights.²⁵⁰ Despite its obligations, the country had made no substantial advances in providing further rights or guaranteeing the protection of asylum-seekers.

In addition to the absence of a cohesive migration framework in Greece, the rise of the far-right in the country has had a significant impact on political and social discourse regarding asylum migration. Since 2012, anti-immigrant attitudes have become increasingly visible in Greek society. The parties of the far-right in Greece, security professionals, and the news media developed a discourse that rationalizes the discrimination and condemnation of immigrants regardless of accurate statistic data or documented account.²⁵¹ The contentious debate surrounding immigration found its most vocal supporters among a population suffering from the repercussions of the Greek economic crisis of 2008 and the resulting austerity measures. Immigration is perceived as an existential threat, constructing a dichotomy of an "us" (citizens) versus "them" (migrants). The group serves as a "ready scapegoat," characterized as stealing the limited jobs from Greece's unemployed citizens, committing crimes, and posing a threat to public order.²⁵² Many Greeks, particularly in downtown Athens, felt threatened by the increasing numbers of TCNs moving into the inner-city areas. In a few neighborhoods, such as Aghios Panteleimonas in Athens, a neighborhood escort program was established so frightened residents could call on someone to accompany them when they leave their homes. A vicious cycle

²⁴⁹ (Ibid.)

²⁵⁰ (Ibid.)

²⁵¹ (Mantouvalou, 2005)

²⁵² (Mavrikos-Adamou, 2017)

emerges where public perceptions and the negative images concerning the “other” dictate the vigilant attitude of “ours” and which vis-a-vis also intensifies feelings towards the “other.”²⁵³ So, rising crime and a general sense of lawlessness, fueled by the incapacity and ineffectiveness of authorities, transformed these districts into breeding grounds for extremism.²⁵⁴ Over a three-month period in 2012, NGOs, including the UNHCR, recorded 63 racist attacks in central Athens. In 18 cases, the perpetrators were identified as members of extremist groups. In another 18 cases, the immigrants claimed that police officers attacked them. The Greek police have no method for recording racist incidents.²⁵⁵ Moreover, the neo-fascist group Chrysi Avgi (also known as Golden Dawn) gained considerable momentum among the exasperated Greek population, claiming almost seven percent of the national vote in 2012.²⁵⁶ They were able to achieve such visibility by feeding on the nationalist hysteria and racist attitudes following the economic crisis, while also engaging in extreme acts of violence against migrants, leftists, LGBTQ persons, and ethnic minorities.²⁵⁷ The prevalent xenophobia against TCNs legitimated through violence and politics, eased the adoption of policies and special measures that criminalized and restricted the integration of “unwanted” migrants.²⁵⁸

Hence, measures of the conservative New Democracy-led coalition government of 2012 served to combat the entry of irregular migrants and the stay of third-country nationals. For example, in October 2012, the government extended the detention period of migrants and asylum-seekers by up to twelve months (i.e., 18 months in total).²⁵⁹ The security operations at the Greek-Turkish land border and mainland Greece illustrates the connection between policy and anti-immigration discourse. Operation Shield commenced in 2012 and involved moving 1,800 border guards to the Evros region at the Greek-Turkey border. These troops were responsible for maintaining stricter passport control and conducting surveillance along the 12.5km-long barbed wire fence at the border, constructed in December 2012.²⁶⁰ Troops allegedly pushed back boats, and the guards reportedly breached several other migrants’ rights, such as

²⁵³ (Borou, 2009)

²⁵⁴ (Malkoutzis, 2012)

²⁵⁵ (Ibid.)

²⁵⁶ (Drymioti & Gerasopoulos, 2018)

²⁵⁷ (Ibid.)

²⁵⁸ (Agelopoulos et al., 2018)

²⁵⁹ (Koutsouraki, 2018)

²⁶⁰ (Skeleparis, 2017)

illegal refoulment.²⁶¹ The issue of immigration was portrayed both in the media and by right-wing movements as a struggle between competing interests of the country seen as trying to maintain national security, and those of migrants attempting to forcibly “invade” the territory.²⁶² Nationalist, xenophobic mindset persisted with the Xenios Zeus operation, which allowed for indiscriminate stop-and-search activities to arrest and detain irregular migrants.²⁶³ Human rights organizations around the world criticized Greece for this gross violation of migrants’ rights since the operation heavily stigmatized migrants.²⁶⁴

Nevertheless, the State needed to create an asylum policy framework when between 1 January 2015 and 31 December 2016, 1,406,060 refugees arrived in Europe, mostly from Syria, Iraq, Afghanistan, and Pakistan.²⁶⁵ Of these, 1,038,864 arrived in Greece alone, both by land and sea.²⁶⁶ In 2011, facing pressure from the EU on reforming its asylum system, the Greek government passed law 3907/2011 to completely overhaul the asylum procedure country by establishing a separate civilian Asylum Service, independent from the police.²⁶⁷ Still, there was no comprehensive system to manage and integrate asylum-seekers. Consequently, the left-wing SYRIZA-led coalition government that formed after the elections of January 2015 attempted to reform the migration and asylum policies of the previous conservative government in response to the record increases in migration inflow at the Greece-Turkey sea border. The initial opening of the Western Balkan border in September 2015 relieved some of the humanitarian issues on Greek islands, which were overcrowded beyond capacity.²⁶⁸ The Greek Ministry of Migration Policy was also established to manage the reception of refugees in the country.²⁶⁹ However, as the number of refugees and migrant arrivals continued to grow, several European countries such as Germany, Hungary, Poland, Austria, and France began to pressure Turkey into controlling

²⁶¹ (Ibid.)

²⁶² (Mavrikos-Adamou, 2017)

²⁶³ (Koutsouraki, 2018)

²⁶⁴ (Mavrikos-Adamou, 2017)

²⁶⁵ (*Operational Portal*, 2020)

²⁶⁶ (Ibid.)

²⁶⁷ (Mavrikos-Adamou, 2017)

²⁶⁸ (Skleparis, 2017)

²⁶⁹ (Tsitselikis, 2018)

migration from its coastal cities.²⁷⁰ The Western Balkan route was soon closed, culminating with the activation of the EU-Turkey deal in March 2016.²⁷¹

As part of the EU's efforts in the securitization of its borders, the main aim of the deal is to prevent the arrival of refugees and asylum-seekers in Europe. Under the agreement's terms, "all new irregular migrants" arriving in Greece's islands by sea would be returned to Turkey.²⁷² Under the agreement, Turkey would receive 6 billion euros in aid to finance projects for Syrian asylum-seekers.²⁷³ The Greek government amended asylum law in April 2016 in order to implement the EU-Turkey statement. Law 4375/2016 set up an exceptional asylum regime on the Greek island and other border regions. The national legislation transposes the provisions of Asylum Procedures Directive 2013/32/EC, which underscores "common procedures for granting and withdrawing the status of international protection."²⁷⁴ The displaced persons in the country currently adhere to one of two different international protection procedures, depending on whether they arrived in Greece before or after the activation of the EU-Turkey statement. Refugees who arrived before 20 March 2016 are placed under the "normal" international protection procedure and transferred to various accommodation facilities across the Greek mainland with other displaced people when the deal came into effect.²⁷⁵

However, those who arrived in Greece after the deal's activation are subject to the exceptional fast-track procedures of the new asylum law. The legal aspects of the asylum process are so convoluted and inefficient that it creates a "procedural labyrinth"²⁷⁶ for refugees to navigate in the hope of safety. According to Law 3907/2011, the First Reception Service manages those who arrive at the five island hotspots, officially called Reception and Identification Centers (RIC) – Lesbos, Chios, Samos, Leros, and Kos.²⁷⁷ The "hotspot approach" was initially introduced by the European Commission in the European Agenda on Migration as an immediate response to the so-called refugee crisis.²⁷⁸ In line with the European legal

²⁷⁰ (Long, 2018)

²⁷¹ (Skleparis, 2017)

²⁷² (Moschopoulos, 2019)

²⁷³ (Ibid.)

²⁷⁴ Directive 2013/32/EC

²⁷⁵ (Skleparis, 2017)

²⁷⁶ (Tsitselikis, 2018, p. 9)

²⁷⁷ Art. 6 L. 3907/2011

²⁷⁸ (Mentzelopoulou & Luyten, 2018)

framework, such as the EU Reception Conditions Directive (2013/33/EU), Law 4375/2016 states that all TCNs and stateless persons who enter Greece without residence status or documentation are placed in administrative detention at the RICs.²⁷⁹ They are subjected to a three-day restriction of freedom of movement within the center, which can be further extended for a maximum of 25 days if the procedures have not been completed.²⁸⁰ However, EU law has established that the asylum process in Greece must only impose detention for the minimum necessary period.²⁸¹ Administrative delays in processing asylum decisions cannot be used to justify the continuation of detention. Nevertheless, Greek law allows authorities to detain an asylum-seekers based on one of the following grounds: a) to determine his or her identity or nationality, b) when there is a risk of escaping, c) when it is highly probable that the application for international protection has the solitary purpose of delaying the enforcement of a return decision, and d) for reasons of national security or public order.²⁸²

Following this period, asylum-seekers who have applied for international protection are then referred to the Greek Asylum Service (GAS).²⁸³ They are again subject to geographical restrictions as they are obligated to reside in the hotspot facilities in order to undergo the Fast-Track Border Procedure.²⁸⁴ Here they are deemed “admissible” or “inadmissible” based on the applicant’s interviews with the European Asylum Support Office (EASO) and GAS personnel. The Greek authorities’ decision determines whether Turkey can be considered a safe country for the applicants on an individualized basis. Those applicants deemed admissible will still have to stay on the islands until the completion of their application procedure in Athens. These individuals receive international protection in the forms of the refugee status or the subsidiary protection status, depending on their asylum claims and country of origin.²⁸⁵

Applicants that are judged inadmissible have the right to appeal. In case the appeal is rejected, they are sent back to Turkey regardless of their safety. Since 2017, GAS has been operating a state-funded legal aid scheme for asylum-seekers who want to appeal for a second-

²⁷⁹ Article 9, L. 4375/2016

²⁸⁰ Article 14, L. 4375/2016

²⁸¹ Article 16, Directive 2013/33/EU

²⁸² Article 9, L. 4375/2016

²⁸³ (Tsitselikis, 2018)

²⁸⁴ (Leivaditi et al., 2020)

²⁸⁵ (*Asylum*, 2020)

instance assessment.²⁸⁶ However, the impact of the legal aid scheme remains limited. For instance, in 2019, out of a total of 15,378 appeals, only 5,152 (33 percent) asylum seekers benefitted from state-funded legal assistance.²⁸⁷ Legal aid has become even more necessary following the 2019 legislative amendment 4636/2019 on “international protection and other provisions” (IPA). Now an appeal against a first instance decision, among other things, must be submitted in a written form (in Greek) and mention the “specific grounds” of the appeal. Or else, the appeal is rejected as inadmissible without any in-merits examination.²⁸⁸ Hence, the appeals procedures are practically non-accessible for a vast majority of asylum-seekers, which could exponentially improve their chances to finally receive asylum. The consequences of lack of access are evident in the low recognition rate, as out of the total in-merits second instance decision issued in 2019, 5.93% resulted in the granting of international protection; 6.07% resulted in the granting of humanitarian protection and 87.9% resulted in a negative decision.²⁸⁹ Even the second instance procedure, which despite its problems, is guaranteed by the EU, is now under threat as the Greek Governmental Council on Foreign Affairs and Defense announced in August 2019 that the appeals procedure would be abolished. Once the asylum-seeker’s asylum application is rejected, they will be immediately subject to the return procedure.²⁹⁰ Such abolition is a violation of both EU and international law, as Article 46 of the EU Asylum Procedures Directive and Article 47 of the CFR guarantee the right to appeal for refugees. The right to appeal is crucial as it provides asylum-seekers the opportunity to have their claims for international protection re-examined under a fair process, protecting them from arbitrary deportation to an unsafe country of origin. Organizations such as the GCR have also condemned this move, insisting that the Greek government desist from laws or policies that fail to protect the fundamental human rights of refugees.²⁹¹

The success of the appeals procedure for asylum-seekers is especially vital as they are subject to deportation to Turkey if their appeals are dismissed.²⁹² Under the EU-Turkey Statement,

²⁸⁶ (AIDA, 2020)

²⁸⁷ (Ibid.)

²⁸⁸ Art. 93, L. 4636/2019

²⁸⁹ (AIDA, 2020)

²⁹⁰ (EEDA, 2019)

²⁹¹ (AIDA, 2020)

²⁹² (Skleparis, 2017)

Turkey qualifies as a “safe third country” or “country of first asylum”²⁹³ Articles 38 and 39 of the EU Asylum Procedures Directive allows for the return of asylum-seekers to a safe third country provided that “life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;” principle of non-refoulement is respected; it is possible to request refugee status and granted protection under the Geneva Convention; the third country has ratified and implemented the Geneva Convention without any geographical limitations, and an asylum procedure “prescribed by law”²⁹⁴ In effect, State Parties to the Geneva Convention must guarantee refugees the “widest possible exercise of fundamental rights and freedoms.”²⁹⁵ Greece can use this mechanism to reject asylum applications as inadmissible and avoid examination of the merits on the basis that the asylum-seekers had the opportunity to apply and be granted international protection in another country.²⁹⁶ Until 31 December 2019, 2,001 individuals had been returned under the EU -Turkey Statement.²⁹⁷ GAS has, since mid-2016, repeatedly and identically issued negative first instance decisions for Syrian applicants on the grounds that Turkey is a safe third country for them. The decisions not only neglect an individualized assessment but also fail to consider the current legal framework in Turkey. Second instance decisions issued by the Independent Appeals Committees for Syrian applicants systematically uphold the first instance decisions if the Committee is unable to identify any vulnerability or no basis is present for permission to stay for humanitarian reasons.

Many asylum-seekers in Greece face a substantial threat if they are returned to Turkey, as in practice, the country does not adequately meet any of the conditions outlined in the EU Asylum Directive and the Geneva Convention. The country's laws and institutional practices do not assure any protection to asylum-seekers. Since 2014, Turkey has hosted the most significant number of forcibly displaced persons in the world (around 3.6 million Syrian refugees), which are presently not protected under the 1951 Refugee Convention. Instead, Turkey has declared a geographical limitation to the Convention, excluding non-Europeans from protection guaranteed by its provisions.²⁹⁸ Currently, the Turkish Law on Foreigners and International Protection of

²⁹³ (European Council, 2016)

²⁹⁴ Articles 38 and 39 Council Directive 2013/32/EU

²⁹⁵ Preamble of the Convention Relating to the Status of Refugees

²⁹⁶ (Koutsouraki, 2018)

²⁹⁷ (AIDA, 2020)

²⁹⁸ (*Refugees and Asylum-seekers in Turkey*, 2020)

2013 excludes Syrian refugees from gaining a conditional refugee status as they fall under a temporary protection regulation provided by the same law. In addition, a 2017 Amnesty International report highlighted the systemic violations of refugees' rights in Turkey, such as violations of the principle of non-refoulement, restrictions on freedom of movement, obstructed access to social rights, arbitrary detention, and absence of integration policies.²⁹⁹ The massive influx of asylum applications has also resulted in a very considerable backlog, which means long waiting periods in receiving asylum decisions. Syrian refugees have also experienced significant delays in registering and receiving temporary protection cards that allow them to access healthcare, labor market, and public-school education.³⁰⁰ The process of receiving temporary protection is entirely discretionary as the government's Board of Ministers has the authority to grant, limit, or suspend temporary protection regime without any individual assessment.³⁰¹ The UN Economic and Social Council (ECOSOC) also noted that many Syrians under temporary protection are living in devastating poverty and employed in the informal economy.³⁰² Issues of trafficking of women and child refugees, as well as child labor exploitation, have also been reported.³⁰³ Following the 2016 coup attempt in Turkey, a legislative amendment allows the deportation of asylum-seekers, international protection applicants and refugees at any stage of their asylum process if the State considers them members of a terrorist organization. Only a minority of people can appeal against such deportation as they usually do not have access to lawyers and are not informed of their rights.³⁰⁴ Therefore, it is a violation of both EU and international law to return asylum-seekers to Turkey under the 'safe third country' provision.

While refugees sent back to Turkey are suffering from a lack of human rights protection and egregious abuse by the State, the situation is not much improved in Greece either. The overstretched capacity, understaffing, and several other bureaucratic deficiencies have impeded access to international protection for both groups of asylum-seekers who arrived before and after the activation of the EU-Turkey agreement. In 2016 alone, GAS registered 51,000 international protection applications.³⁰⁵ By October 2019, there were about 70,000 migrants in Greece who

²⁹⁹ (Amnesty International, 2017)

³⁰⁰ (Ibid.)

³⁰¹ (Koutsouraki, 2018)

³⁰² (ECOSOC, 2016)

³⁰³ (Koutsouraki, 2018)

³⁰⁴ (Amnesty International, 2017)

³⁰⁵ (Tsitselikis, 2018)

had pending asylum applications.³⁰⁶ The numbers are significant, considering the country processes almost 11 percent of EU asylum applications due to the Dublin Regulation requiring asylum seekers to apply in the country of first entry. The lack of resources and a permanent burden-sharing mechanism has made it difficult to process applications efficiently.³⁰⁷ Another major area of concern is the Greek policy of assessing international protection applications based on nationality rather than arrival date and vulnerability. Syrians' applications are given priority but are only examined on their admissibility. Subsequently, if GAS determines that the Syrian asylum-seekers could have applied for asylum in Turkey, their application is judged inadmissible. Meanwhile, the applications of Pakistani, Bangladeshi, Algerian, Moroccan, and Tunisian nationals are assessed on merit. In contrast, Afghans, Iraqis, and Iranians have to wait for months for any processing of their applications.³⁰⁸ As Triandafyllidou (2017) points out, there is an implicit categorization of asylum applications: the “easy” cases of Syrians are processed first because they can be repatriated back to Turkey under the EU-Turkey statement. Pakistani, Bangladeshi, and North Africans – considered to be “economic migrants” – can also be processed and repatriated swiftly. The cases of Afghans, Iraqis, and Iranians require an individual examination of the merits of the application.³⁰⁹ Consequently, they are left waiting in harsh living conditions with no verdict on their future.

Moreover, as a result of the EU-Turkey Statement, asylum-seekers who must live on the islands have to survive in degrading conditions and a state of permanent insecurity within the camps. They are in a state of limbo and excluded from state integration policies, such as access to the labor market and social welfare benefits.³¹⁰ Under the EU Reception Conditions Directive, Greece is obliged to provide an adequate standard of living for international protection applicants. They must guarantee their sustenance and protect their physical and mental health,³¹¹ provide emergency care and essential treatment of physical and mental illnesses, as well as provide vital medical assistance to applicants with special needs.³¹² Guarantee of necessary healthcare is directly reflected in Greek laws 4375/2016 and 4540/2018. Nonetheless, concerns

³⁰⁶ (Kitsantonis, 2019)

³⁰⁷ (Psaropoulos, 2020)

³⁰⁸ (Triandafyllidou, 2017)

³⁰⁹ (Ibid.)

³¹⁰ (Skleparis, 2018)

³¹¹ Article 17, Directive 2013/33/EU

³¹² Article 19, Directive 2013/33/EU

of healthcare, education, access to services for survivors of gender-based violence, as well as mental health and psychosocial support services, continue to be particularly acute for those living on the Greek islands. People have to queue in line for hours day and night only to be provided with food of poor quality and not enough for sustenance. The long periods to collect food impose a heavy burden for those who require special assistance such as pregnant women, unaccompanied children, the elderly, and the disabled.³¹³ Residents at all locations also described shortages of soap, shampoo, and detergent.³¹⁴ Human Rights Watch (HRW) even noted the lack of sanitation, as well as dirty and unhygienic facilities. Medics have even reported recurring cases of diarrhea and skin infections because of unsanitary conditions. Vulnerable groups such as children, babies, and pregnant women are particularly at risk in these camps.³¹⁵ “We are treated like wild animals here,” a young woman from Kinshasa, DRC, remarked from inside her UNHCR-branded tent on Chios.³¹⁶

Overcrowding is another significant issue as, in addition to the applicants awaiting the processing of their applications, most migrants who arrived in Greece after activation of the EU-Turkey deal continue to remain on the islands. More than 42,000 refugees, migrants, and asylum seekers live in abysmal circumstances on the five islands. The notorious Moria camp on Lesbos, for example, hosts over 19,500 persons even though it only has the capacity for 2,800.³¹⁷ The congestion has gradually led to the formation of an informal camp in the surrounding olive grove known as “The Jungle,” where refugees live in unheated tents, on mattresses or blankets on the ground, and without sufficient infrastructures.³¹⁸ The additional substandard conditions, as well as food insecurity, have forced the international protection applicants to resort to harmful survival mechanisms. The centers have fallen so below international humanitarian standards, that some have been judged even “unfit for animals.”³¹⁹

Safety and protection are significant issues as several instances of violence, and suicide attempts have been observed in the camps. Fighting is reportedly quite common between

³¹³ (*Vulnerable and abandoned*, 2019)

³¹⁴ (Frelick, 2016)

³¹⁵ (Oxfam, 2019)

³¹⁶ (HRW, 2017)

³¹⁷ (Fotiadis, 2020)

³¹⁸ (Leivaditi et al., 2020)

³¹⁹ (Frelick, 2016)

different groups of asylum-seekers and has resulted in violent attacks on people in the camp.³²⁰ Vulnerable people are particularly at risk of abuse and do not have access to mental or physical health resources. While the asylum procedure is supposed to assess people based on their vulnerability and transfer them to mainland Greece, but due to lack of space in those reception centers, more than 4,000 vulnerable asylum-seekers remain in the overcrowded hotspots.³²¹ According to a report by Oxfam (2019), camps in certain instances have become so dangerous that many women fear going outdoors after dark. In extreme cases, women have even “resorted to wearing diapers at night to avoid having to go to the toilet after dark.”³²² In a few cases, asylum-seekers develop severe mental health problems after arriving in Moria due to the squalid living conditions, overcrowding, and the never-ending wait for their asylum claim to be processed. In 2018, the International Rescue Committee (IRC) reported that 30 percent of clients at its mental health and psychosocial support in Lesbos had attempted suicide, and 60 percent have considered attempting suicide.³²³ MSF reported in the same year that the refugee camps in Greece are experiencing an “unprecedented health and mental health emergency,” especially child refugees who are “increasingly attempting suicide, self-harming or having suicidal thoughts.”³²⁴

Greece is thus a visible example of how asylum laws can make the status of migrants even more precarious. The Dublin Regulation presumes that asylum laws and practices are at the same level in all EU countries afforded the equal status of protection everywhere within the EU.³²⁵ Despite the extensive common legal framework for asylum procedures by the EU, actual policies addressing asylum, treatment of asylum seekers, and the granting of refugee status differ significantly across the Member States.³²⁶ One of the main aims under the Lisbon Treaty was to “frame a common policy on asylum...based on solidarity between Member States.”³²⁷ Solidarity under the CEAS means that the Member States share the responsibility of asylum-seekers' applications when it is a disproportionate burden on individual States (Italy, Spain, and Greece)

³²⁰ (Leivaditi et al., 2020)

³²¹ (Gemi & Triandafyllidou, 2019)

³²² (Oxfam, 2019, p. 6)

³²³ (Roussou, 2018)

³²⁴ (*Self-harm and attempted suicides increasing*, 2018)

³²⁵ (Gopalakrishnan, 2017)

³²⁶ (McNally, 2017)

³²⁷ Article 64.2, Treaty of Lisbon

who lack the resources and capacity.³²⁸ However, rising populist rhetoric and nationalism in many countries such as Hungary and Poland have resulted in their governments refusing to participate in the relocation of asylum-seekers. Meanwhile, Bulgaria, Croatia, and Slovakia are only relocating a limited number. As Hall (2012) concludes, “it is now clear that, for the most part, feelings of social solidarity stop at national borders.”³²⁹ Subsequently, the large numbers of asylum-seekers have no choice but to settle into Greek refugee camps as they realize that there is no way onwards, and the other EU Member States are unwilling to aid in their integration.

So, many asylum-seekers find themselves even more vulnerable and traumatized living in Greek camps or RICs. They have already suffered traumatic experiences, experienced conflict, and persecution, abuse, exploitation, and survived dangerous sea routes from Turkey to Greece.³³⁰ Most of them arrive from countries torn apart by war and violence, such as Syria, Iraq, and Afghanistan. These refugees have left behind their homes, families, and jobs in search of a better life, only to find themselves at risk of further violence, abuse, and abandonment. The majority's main objective was to continue their journey towards Germany and Scandinavian countries eventually.³³¹ It must be noted that since 2017, there has been an increase in the number of people who have been granted international protection: 17,355 in 2019, up from 15,192 in 2018, and 10,351 in 2017.³³² Nevertheless, progress has been slow as asylum-seekers often have to stay in these conditions for 18 months and even longer.³³³ It is evident that such prolonged living detainment conditions have had severe long-term effects on the physical and mental health of asylum-seekers, which tend to persist beyond the period of living under those conditions. Inevitably, frustration and tension in camps, or between host and refugee communities, have increased, as asylum-seekers protest their ill-treatment at the hands of the Greek government and the EU. On the island of Lesbos, for example, protests by both locals and in refugee camps have erupted as conditions deteriorate and crime escalates.³³⁴ In early February 2020, around 300 asylum-seekers began a peaceful protest inside the Moria camp, which soon intensified into clashes with riot police as the group attempted to march into Mytilini (capital of

³²⁸ (McNally, 2017)

³²⁹ (Hall, 2012, p. 367)

³³⁰ (Oxfam, 2019)

³³¹ (Agelopoulos et al., 2018)

³³² (AIDA, 2020)

³³³ (Leivaditi et al., 2020)

³³⁴ (Higginbottom, 2020)

Lesvos). Residents, fearful of rising violence and feeling outnumbered, have also mobilized. Thousands have protested that Athens process or remove the refugees. Many people have reported that their houses and stores have been robbed, and are forced to sleep with a gun in case of an attack.³³⁵ In Moria, groups of men and women have acted as neighborhood guards, making sure that people entering the village were local. Such insecurity and fear, along with the increasing frustration of asylum-seekers on the islands, feeds further into the xenophobic rhetoric of far-right movements against third-country nationals.³³⁶

In 2017, the political leadership of the Ministry of Immigration Policy had announced its commitment to transitioning housing support from camps to social housing.³³⁷ Since the country lacked developed policies and framework for integrating asylum-seekers into Greek society, the majority of housing interventions for international protection applicants had been so far limited to the Greek islands and camps. The aim was to implement this through the ‘Emergency Support to Integration and Accommodation’ Program (ESTIA), supported by the UNHCR, the EU, the Greek State, Greek municipalities, and NGOs.³³⁸ The initial version, known as the Housing and Relocation program, was mainly concerned with social housing for asylum seekers who were already approved for relocation to other EU countries. Eventually, the program extended to include the most vulnerable asylum seekers living on the islands.³³⁹ The program also includes a cash assistance scheme, which aims to restore dignity and “empower asylum-seekers and refugees who can now choose to cover their basic needs.”³⁴⁰ Nevertheless, the emphasis on the most vulnerable is flawed because it only considers particular asylum seekers who face a disability or increased social problems as deserving of intervention. By not considering all asylum-seekers a vulnerable group, ESTIA legitimizes and normalizes the phenomenon of such people living in camps. Another major issue of the program has been that it fails to develop and connect social integration policies to housing. Not only is there no provision in the program planning for mandatory implementation of social integration policies, but the Greek State itself has retreated from addressing the extreme poverty and social exclusion that asylum-seekers

³³⁵ (Ibid.)

³³⁶ (Skeleparis, 2017)

³³⁷ (Kourachanis, 2018)

³³⁸ (Ibid.)

³³⁹ (Ibid.)

³⁴⁰ (*Cash Assistance Update*, 2020)

experience. Social intervention simply aimed at ensuring better housing conditions neglects the other necessary aspects of social integration that allows for the beneficiaries to become proper members of society – examples include Greek-language classes and vocational training for entering the labor market.³⁴¹ The lack of such policies has also resulted in very few of the beneficiaries leaving the program and financially empowered to live independently. The beneficiaries must live in a situation of welfare-dependency and are unable to integrate into Greek society. In turn, the overcrowding means that while the number of beneficiaries to be added is increasing, a majority of them end up excluded from the program. So, out of the 136,258 asylum applications submitted in Greece from 2015 to 2018, only 24,494 asylum seekers have been hosted in social apartments.³⁴² The repressive type of policies ultimately functions as a form of social control that relegates the 'undesirable' asylum-seekers to the margins and preserves the 'homogenous' national identity of the Greek State.

However, the Greek government has moved to restrict further access to social benefits and accommodation to asylum-seekers. In March 2020, an amendment to the asylum legislation was introduced, which stated that “material reception conditions in form of cash or in kind” will be interrupted for asylum-seekers and refugees once they are granted the status of international protection. Consequently, beneficiaries residing in social housing, including hotels and apartments, are now obligated to leave within 30 days of receiving the decision.³⁴³ According to the Minister for Migration and Asylum, welfare benefits and accommodation work as pull factors for migration, meaning that they will attract more refugees and migrants to Greece.³⁴⁴ Starting from 1 June 2020, the authorities will gradually enforce the eviction of 11,237 people, including particularly vulnerable groups such as pregnant women, single-parent families, and persons suffering from chronic conditions.³⁴⁵ Some of the people who are forced to leave the programs are also survivors of violence, even torture, who are possibly traumatized and have not yet learned Greek.³⁴⁶ These beneficiaries will be responsible for their circumstances even though they are not financially or socially empowered enough to lead a healthy, normal life in the host

³⁴¹ (Kourachanis, 2018)

³⁴² (Ibid.)

³⁴³ Article 111 L. 4674/2020

³⁴⁴ (*End of the benefits to refugees according to Mitarakis*, 2020)

³⁴⁵ (*Lack of effective integration policy*, 2020)

³⁴⁶ (Monella & Dell’Anna, 2020)

country. Keerfa, a leading Greek anti-racism organization, has called the evictions a "crime against humanity"³⁴⁷ While the ESTIA program's framework lacked practical social integration efforts, removing international protection recipients from the program is not a solution either. Aside from ESTIA, the absence of a long-term national integration program for refugees means there are no shelters dedicated to refugees or beneficiaries of subsidiary protection. There is also no provision for financial support for living costs.³⁴⁸ The lack of homeless shelters in Greece means that beneficiaries without housing or resources to rent a house continue to remain homeless or live in abandoned houses or overcrowded apartments. In a report published in January 2019, Pro Asyl and Refugee Support Aegean documented cases of beneficiaries of international protection who are forced to live under deplorable conditions. The report also noted that refugees still do not have secure access to housing, food, or healthcare.³⁴⁹ The new amendment only further exacerbates the issue of homelessness and poverty for refugees in Greece, potentially triggering another humanitarian crisis as more and more international protection beneficiaries will be forced into painful situations. International protection status in Greece, therefore, cannot guarantee a dignified life for beneficiaries of protection and is no more than protection "on paper"³⁵⁰

Similarly, international protection beneficiaries are only in principle, granted economic and social rights. Under Law 4375/2016, these individuals have access to wage employment or self-employment on the same terms and conditions as Greek citizens.³⁵¹ Another new law (4368/2016) also allows free access to healthcare and pharmaceuticals in medical centers and hospitals, as well as entitled to social security and welfare services. Beneficiaries of international protection should thus enjoy the same rights and social assistance that are accorded to nationals without discrimination.³⁵² If a refugee is unemployed or loses their job, they may contact the Manpower Employment Organization, which would insure them as unemployed.³⁵³ The person can then receive unemployment benefits for a specific period and also participate in vocational

³⁴⁷ (Smith, 2020)

³⁴⁸ (AIDA, 2020)

³⁴⁹ (*Returned recognized refugees face a dead-end in Greece*, 2019)

³⁵⁰ (Ibid.)

³⁵¹ (Skeleparis, 2017)

³⁵² (AIDA, 2020)

³⁵³ (Skeleparis, 2017)

training programs. Other benefits include family allowance, maternity allowance, and access to daycare facilities.

However, these social benefits are only available to the beneficiaries if they have at least one year of work experience with social security, which is very rarely the case.³⁵⁴ In practice, challenges in accessing these rights also result from bureaucratic barriers, which make no exemptions for the inability of beneficiaries to submit certain documents such as family status documents, birth certificates, or school diplomas. Civil servants can even refuse to grant such benefits, in direct contravention of the principle of equal treatment enshrined in Greek and EU law.³⁵⁵ Even when beneficiaries attempt to register for unemployment, they face obstacles in accessing benefits since they do not always possess official rental contracts to prove their residence.³⁵⁶ Equally important, the implementation of austerity measures to stimulate the Greek economy had a severe impact on the Greek welfare system and social expenditure.³⁵⁷ State funding for language and vocational training courses, intercultural schools, and immigrant civil society organizations has also decreased since the beginning of the crisis.³⁵⁸ Consequently, there have also been cuts in the healthcare sector and a deterioration of the quality of provided health services. Even before the economic collapse, Greece did not have a completed public universal healthcare system due to a shortage of primary healthcare provision, increased contribution of social security funds, and high out of pocket payments.³⁵⁹ In response, local NGOs, volunteers, and some municipal authorities have taken the responsibility of providing essential health, social security, and welfare services to noncitizens, asylum-seekers, and even citizens.³⁶⁰ STEPS, an NGO supporting the homeless in Athens, has established a food distribution center, a free medical clinic, and laundry services for anyone in need. Since the start of the Covid-19 pandemic, they have also collaborated with other local NGOs in delivering meals to vulnerable people at drop-off points throughout the city. Nevertheless, civil society actors and organizations have only been partially able to bridge this gap, as they face budgetary cuts and lack of sufficient funds. As STEPS founder Tassos Smetapoulos points out, though the organization has been able

³⁵⁴ (Ibid.)

³⁵⁵ (Skeleparis, 2018)

³⁵⁶ (AIDA, 2020)

³⁵⁷ (Papanastasiou & Papatheodorou, 2018)

³⁵⁸ (Skeleparis, 2018)

³⁵⁹ (Adam & Papatheodorou, 2016)

³⁶⁰ (Ibid.)

to deliver more than 15,000 meals, it is not sufficient enough to cover the needs of the vast majority of refugees and other noncitizens.³⁶¹ Without institutional support, many unaccompanied refugee children are especially affected, as they have usually have no choice but to return to black-market jobs and overcrowded rural housing to survive.³⁶² Such black-market jobs perpetuate conditions of vulnerability, as they put minors at an increased risk for sexual and labor exploitation while at the same time bolstering organized crime and illegal activities in the country. Refugees who have already lived in declining living conditions on the Greek islands, hence end up experiencing further exclusion as they enter Greek society.³⁶³

Those who are beneficiaries of international protection and residing in the mainland have limited access to the labor market due to issues of high unemployment in Greece.³⁶⁴ The Greek debt crisis resulted in a near-total collapse in labor income and pensions, high rates of unemployment, and skyrocketing youth unemployment.³⁶⁵ Notably, the unemployment of immigrants increased more rapidly than that of natives, reaching 28.1% in 2016.³⁶⁶ As of 2019, 29% of foreigners in Greece face unemployment compared to 16.7% of the native population.³⁶⁷ Although legally residing third-country nationals enjoy equal access to the labor market as Greek nationals, priority is usually accorded to Greek and EU citizens over job opportunities.³⁶⁸ As a result, a majority of these groups are employed in lower-paid jobs such as construction, manufacturing, agriculture, and domestic services, which lack security.³⁶⁹ A 2018 UNESCO Policy Brief noted that around 53.3 percent of employed immigrants they interviewed did not have access to social security, highlighting the precarious labor conditions refugees and other migrants face in Greece. Many of the respondents relied on additional financial assistance from humanitarian organizations, remittances, and government welfare to sustain their households.³⁷⁰ Thus, it becomes challenging for TCNs and international protection recipients to find stable employment. Paradoxically, the search for better employment is one of the primary incentives

³⁶¹ (Mishra, 2020)

³⁶² (Ibid.)

³⁶³ (Adam & Papatheodorou, 2016)

³⁶⁴ (Skeleparis, 2017)

³⁶⁵ (Drymioti & Gerasopoulos, 2018)

³⁶⁶ (Cavounidis, 2018)

³⁶⁷ (*Migrant integration statistics*, 2020)

³⁶⁸ (Skeleparis, 2017)

³⁶⁹ (Kalogeraki, 2017)

³⁷⁰ (Skeleparis, 2018)

for refugees migrating to the EU. Poverty subsequently has also increased, with TCNs being more likely than Greek nationals to be at risk. The gap has continued to worsen in the crisis' aftermath.³⁷¹ For instance, while the at-risk of poverty rate in 2008 for those without Greek citizenship was 32% compared to 19% for Greeks, in 2016, the corresponding rates were 41% and 19%.³⁷² The high unemployment and poverty rates, without adequate access to social welfare, therefore forces incoming international protection beneficiaries into further severe conditions of precarity and vulnerability.

Socioeconomic factors such as education, social security, language lessons, access to employment and unemployment benefits, labor participation, and healthcare, are crucial in fostering integration and lessening the inequalities between immigrants and citizens.³⁷³ Social protection structures and expenditure assist in alleviating poverty, unemployment, and declining living standards. They help immigrants develop a sense of belonging within the host society.³⁷⁴ However, the lack of adequate social support structures in Greece implies that individuals are disproportionality given the burden of dealing with social problems of poverty, joblessness, and marginalization.³⁷⁵ Barriers to welfare benefits, as well as limited access to employment, perpetuate the exclusion of international protection recipients from being a part of Greek society, reinforcing the hierarchical difference between citizen and noncitizen "other." As lack of citizenship means that refugees are limited in their freedom of movement, they are unable to move to the other EU Member States for better opportunities. Hence, they must survive in Greece until they can naturalize.

2.5 Un-Citizen: Undocumented and irregular migrants

However, even sub-citizens are, to an extent, in a better position than un-citizens. The arrival of undocumented and 'irregular' migrants has been a concern since the start of the humanitarian crisis in 2015 when more than 850,000 undocumented people passed through Greece.³⁷⁶ So, this hierarchy includes asylum-seekers who have entered Greece through irregular routes and are either detained in the Greek hotspots or deported to Turkey. If the asylum-seekers are

³⁷¹ (Cavounidis, 2018)

³⁷² (Ibid.)

³⁷³ (Skleparis, 2018)

³⁷⁴ (Laurentsyeva & Venturini, 2017)

³⁷⁵ (Papanastasiou & Papatheodorou, 2018)

³⁷⁶ (Stavis-Gridneff et al., 2020)

undocumented, they are supposed to be referred to the police for deportation.³⁷⁷ In addition to the hotspots, Greece continues to use several pre-removal detention centers, older dedicated detention facilities, and several border guards and police stations.³⁷⁸ The conditions in these camps and centers, as mentioned in the earlier chapter, deprive TCNs of their human dignity and rights. Unlike the asylum-seekers in the sub-citizens category, who have the chance to apply for asylum in Greece, the un-citizens are prevented from attempting to even claim asylum, despite the fact that it is a recognized human right under EU and international law.³⁷⁹ Moreover, undocumented migrants (TCNs mostly from South Asian and African regions) also fall under this category as they have no recognized legal identity in Greece, while the prospect of regularizing their status has become more tenuous under the current regime.

The current New Democracy-led government since July 2019 reflects the ongoing villainization of TCNs who are undocumented or in an irregular situation. Xenophobia and the scapegoating have continued to linger, palpable in the government sustaining its popularity through passing laws and creating policies that serve to restrict irregular migration. For instance, IPA, introduced in November 2019, would make it easier for Greek authorities to detain asylum seekers for more extended periods, up to 18 months.³⁸⁰ It would undermine significant protections for vulnerable groups such as unaccompanied children and would also introduce several procedural changes that would obstruct access to a fair asylum process.³⁸¹ Asylum-seekers can be easily excluded from the process without having their needs for international protection addressed adequately. The law has been repeatedly condemned by national and international human rights organizations, the Greek Ombudsman, the Greek National Commission for Human Rights (GNCHR), UNHCR, and civil society organizations.³⁸²

Furthermore, the Greek government has now started detaining TCNs incommunicado at covert extrajudicial sites before deporting them to Turkey without due process, to which they are entitled under international law.³⁸³ According to former UN Special Rapporteur on the human

³⁷⁷ (Skleparis, 2017)

³⁷⁸ (Fili, 2018)

³⁷⁹ (Nash, 2009)

³⁸⁰ Art. 46 L. 4636/2019

³⁸¹ (*Greece: Asylum Overhaul Threatens Rights*, 2019)

³⁸² (AIDA, 2020)

³⁸³ (Stavis-Gridneff et al., 2020)

rights of migrants, François Crépeau, it is the equivalent of a domestic “black site.”³⁸⁴ Many migrants have claimed that they had been arrested, stripped of their belongings, abused and deported from Greece without even being allowed to claim asylum or seek legal representation. This process is known as refoulement, which contravenes customary international law as it applies even to states that are not parties to the 1951 Convention Relating to the Status of Refugees. The hostile, xenophobic attitude is especially visible in the Greek security forces and law enforcement who are in charge of these detention facilities. According to the Head of Greek police, “We have to make their lives miserable, otherwise they will be under the impression that coming to Greece they will be free to do what they want.”³⁸⁵ The prospect of a prolonged stay inside a Greek detention center under appalling conditions is supposed to discourage irregular migrants from journeying to Greece. Through legal and security mechanisms, “irregular” migration is effectively criminalized, and TCNs are penalized regardless of their dire circumstances.

Such legislation and practices can partly be explained by the normalization of ant-immigrant opinions within Greece in the aftermath of the economic crisis and the rise of far-right movements. Though the popularity of the Golden Dawn collapsed in 2019, frustration and intolerance of refugees is increasingly evident within the local communities in response to the strain of constant flow of asylum-seekers. The deteriorating situation on the islands has resulted in local armed vigilante groups have started patrolling the borders, attacking those who arrive on the islands. In Lesbos, migrant and refugee boats have been prevented from reaching the shore. A temporary reception center was set on fire to prevent it from hosting new refugees.³⁸⁶ Islanders have also attacked humanitarian aid workers and journalists, blaming them for helping or facilitating the arrival of TCNs.³⁸⁷ Lack of solidarity is also visible in broader society, as the Greek public has been largely opposed to integration and extending citizenship rights to refugees, with 74 percent of nationals viewing TCNs a burden on the country.³⁸⁸

³⁸⁴ (Ibid.)

³⁸⁵ (Fili, 2018)

³⁸⁶ (Ibid.)

³⁸⁷ (Stavis-Gridneff et al., 2020)

³⁸⁸ (Connor, 2020)

The Greek government has additionally justified its recent measures as a legitimate response to the actions of Turkish authorities, which confirmed on 29 February 2020 that Turkey was opening up its borders for migrants to enter Europe, unable to handle the vast numbers of refugees fleeing the Syrian war.³⁸⁹ Greece deployed significant military forces and the police to the Greece-Turkey border on 1 March. A border standoff occurred where Turkish forces reportedly fired tear gas at the Greek forces while migrants attempted to cross the border fence. The Greek government claimed that within 24 hours, they prevented nearly 10,000 migrants from crossing the borders and arrested over 150 people over the weekend. The country also suspended asylum applications for a month and allowed immediate deportations by presidential decree on 3 March 2020.³⁹⁰ The asylum-seekers could not apply for asylum under the fast-track international protection procedure in place since the EU-Turkey deal. Migrants arriving on the islands would be transferred to the mainland for an immediate return to their countries of origin.³⁹¹ According to the UNHCR, “neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications.”³⁹² Nonetheless, the Greek prime minister Mitsotakis maintained that Greece was shielding itself from an “outright migrant invasion.”³⁹³ The refugee-migration issue is considered a threat to the eastern borders of both Greece and Europe, thus justifying the State of exception where human rights can be suspended for asylum-seekers. While the asylum system officially resumed in April, the suspension worked, to an extent, as a deterrence policy since the number of arrivals is 97% below levels for the previous April, according to statistics from the Greek Ministry of Migration and Asylum.³⁹⁴

However, TCNs have all but stopped arriving on the Greek islands despite maritime pushbacks and aggressive detention policies. While the government has been previously accused of pushbacks and violence against asylum-seekers on its sea borders, it has been escalating its “aggressive surveillance” since early May to prevent refugees or irregular migrants from arriving.³⁹⁵ Following the reopening of the asylum procedures, the Greek Minister on Migration

³⁸⁹ (*What do Greeks believe about migration*, 2018)

³⁹⁰ (*Ibid.*)

³⁹¹ (Roussinos, 2020)

³⁹² (*UNHCR statement*, 2020)

³⁹³ (Vasilaki, 2020)

³⁹⁴ (Schmitz et al., 2020)

³⁹⁵ (Souliotis & Georgiopolou, 2020)

and Asylum, Notis Mitarakis, claimed that there had been zero arrivals to Greece in April. However, residents of the Aegean island Samos reported that on 28 April, they had seen newly arrived migrants in the village.³⁹⁶ Video records from the Turkish coast guard and refugees showed a boat carrying 22 asylum-seekers arrived at a cove on Samos in the morning that day. Instead of being taken to the Samos' refugee camp, the migrants were detained and stripped of their phones. They were then driven to port, where they were eventually loaded onto a black-orange life raft without any engine or paddle. On 7 April, Greek national newspaper Efimerida Ton Syntakton had reported the apparent use of orange life rafts in previous push-back operations.³⁹⁷ The raft was set adrift in the open sea and later picked up the next day by the Turkish authorities. Nevertheless, the port authorities in Samos maintain that there were no arrivals of asylum seekers to the island on 28 April. In May, the Hellenic Coast Guard stopped 17 attempts by migrant boats from approaching the islands. They have also deployed more than 50 Coast Guard vessels, 10 Navy vessels, and 24 land, air, and sea craft provided by the EU's border monitoring agency FRONTEX.³⁹⁸ Thus, the Greek government has turned away hundreds or possibly thousands of refugees and asylum-seekers even though the asylum system in place has been designed to, at the very least, acknowledge their status. The push-backs violate the rules of the official EU directive as well as Greek policies on asylum, which refer to the process of an asylum request. The fast-track procedure since 2016 has meant that individuals are subject to a personal interview and have the right to remain in Greece until a final decision on their application.³⁹⁹ Furthermore, they are also guaranteed the right to file a legal claim to contest any dismissal of their application. However, the push-backs prevent asylum-seekers and refugees from even accessing these rights, let alone exercise them. As the European Center for Constitutional and Civil Rights states:

“Push-backs are a set of state measures by which refugees and migrants are forced back over a border – generally immediately after they crossed it – without consideration of their individual circumstances and without any possibility to apply for asylum or to put forward arguments against the measures taken. Push-backs violate – among other laws – the

³⁹⁶ (Ibid.)

³⁹⁷ (Ibid.)

³⁹⁸ (Ibid.)

³⁹⁹ (Schmitz et al., 2020)

prohibition of collective expulsions stipulated in the European Convention on Human Rights.”⁴⁰⁰

The tactics are thus not only violating the Greek Constitution and international law, but they also appear to be supported by the EU as well, since they serve the purpose of preventing the entry of further migrants from the Aegean or Evros into Europe. EU's support became evident when European Commission chief Ursula von der Leyen, when visiting the Turkish border with other European leaders, expressed gratitude to Greece for being “our European shield.”⁴⁰¹ Furthermore, the Commission pledged 700 million euros in aid to assist Greek authorities. Moreover, FRONTEX, the EU's border agency, has been preparing a "rapid border intervention" team to support Greece in patrolling its borders.⁴⁰² Hence, Greek violation of refugee rights and international Conventions is legitimated through the overt support of the EU.

While the Greek government and the EU are restricting the arrival of TCNs seeking asylum, the migrants who have managed to enter Greece without legal documents are now subject to mechanisms of control and exclusion. The State has used access to welfare rights to determine which types of migrants are considered deserving of fundamental rights, namely the right to health, work, and economic welfare benefits. These privileges are instrumental in reinforcing the notion of who should belong and be included in the Greek State.⁴⁰³ Differentiation of rights through state policies is part of a “boundary-producing” discourse that distinguishes between the citizen who should be supported by the welfare state and the “illegal” migrant who should be excluded.⁴⁰⁴ The right to health, for instance, is guaranteed under international law regardless of the individuals’ legal status. According to General Comment 14 to the International Covenant on Economic, Social and Cultural Rights (ICESCR), “States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health services.”⁴⁰⁵ However, the government has increasingly restricted the right to health for undocumented migrants and other

⁴⁰⁰ (*Push-Back*, 2020)

⁴⁰¹ (European Commission, 2020)

⁴⁰² (*Ibid.*)

⁴⁰³ (Bendixsen, 2018)

⁴⁰⁴ (*Ibid.*, p. 163)

⁴⁰⁵ (CESCR, 2000, para 34)

vulnerable groups by revoking their access to a social security number (known as AMKA) in July 2019.⁴⁰⁶ Without AMKA, undocumented migrants (who already do not possess the AMKA) are denied free access to healthcare, including regular treatments and medication, as well as experience difficulties in accessing other social services.⁴⁰⁷

So, the criminalization of irregular migration implies that the undocumented migrants who have managed to arrive in Greece live in fear of being detected and deported back to their country. As they are unable to seek out any stable employment without proof of legal residence, undocumented migrants are only able to work in the informal economy or have low-paid jobs without any social security and stable income.⁴⁰⁸ In Greece, migrant illegality and the threat of deportation have worked efficiently to erase the public presence of undocumented South Asian migrants, mainly from India and Pakistan, around the towns of Megara in West Attica and Thiva in Boeotia, central Greece.⁴⁰⁹ Around 200,000 of these migrants, mostly undocumented men, are estimated to be in the country. They are typically young, poorly educated, low-skilled or unskilled, and are from rural lower or lower-middle-class backgrounds. Due to the number of farms and high demand for laborers, many of them are employed in agriculture.⁴¹⁰ A majority have migrated due to familial poverty, political and civil tensions, lack of employment opportunities, and also because of violence against ethnic or religious minorities. The laboring bodies of migrant farmworkers are tolerated as they work for lower wages than their Greek counterparts, and do the hard labor that locals are unwilling to do. Nonetheless, there is no desire to integrate them into society, as Kukreja's (2019) research demonstrates, because "the [undocumented] worker should only be seen in the fields and not in the streets of Megara."⁴¹¹ Xenophobia and Islamophobia are used against these racialized young Muslim migrant men, who are stereotyped as terrorists and misogynists. The securitization of migration has also made ordinary citizens an extension of border enforcement, and so migrants are never sure of whom they could trust. The predominance of far-right ideology in rural southern Greek communities

⁴⁰⁶ (Orcutt et al., 2020)

⁴⁰⁷ See Bendixsen (2018) for why Greece is not the only country in the EU with issues of providing the right to healthcare to irregular migrants. In Norway, for example, migrants without any legal status are denied access to "necessary healthcare" given by a specialized branch of health services. However, they do guarantee the right to "emergency healthcare," which is healthcare that cannot be put on hold.

⁴⁰⁸ (AIDA, 2020)

⁴⁰⁹ (Kukreja, 2019)

⁴¹⁰ (Ibid.)

⁴¹¹ (Ibid., p. 8)

emphasizes mythologies of crimes and gendered violence committed by South Asian men, influencing informal anti-immigrant policing. In the Megara region, Indian and Pakistani migrant men have been beaten up by local men a few times on local roads. The police reinforce the limited mobility of migrant workers, who tend to be apprehended by the police if they travel to town but not while they are laboring in the farms.⁴¹² Such coercive power has resulted in a siege mentality and an acute sense of permanent visibility within the migrants. The ever-present threat of deportation means that the migrants discipline themselves into adhering to the limits on their movement and visibility in Greek public space. Everyday activities for these people without status become criminal and illicit acts with severe consequences.⁴¹³ For them, there is too much at stake, as in the possibility of acquiring a regularized status and familial dependence on remittance. Thus, these migrant workers go to the farm, do their work, and return to their dormitories to avoid any trouble.

Moreover, the Greek State, through the enactment of a controversial law on migrant labor, has institutionalized the immobility and precarity of undocumented migrants. As demonstrated earlier, the particularities of both the labor market and migrants' legal status result in the majority of them being entrapped in certain Greek regions or occupations such as agriculture or the domestic care sectors.⁴¹⁴ In 2016, an amendment to Immigration Code 4251/2014 was passed, which permitted irregularly residing migrants access to the labor market under special conditions.⁴¹⁵ Migrants, who once possessed a residence permit or whose deportation has been suspended for humanitarian or technical reasons, as well as undocumented migrants, can acquire a six-month work permit. The latter is applicable only for three specific employment sectors – agriculture, textile, and domestic care – and only within a particular region.⁴¹⁶ Labor is declared only via the *ergosimo*, a payment voucher that allows employers to contract migrant workers exclusively in the agricultural and domestic care sectors. The voucher helps minimize employers' social security costs for the migrant workers and makes it inaccessible for labor inspectors to evaluate employment relations. Since the permit is only valid within the prefecture where it has been issued, migrants are geographically confined for the

⁴¹² (Ibid.)

⁴¹³ (De Genova, 2002)

⁴¹⁴ (Floros & Jørgensen, 2020)

⁴¹⁵ Article 13a L. 4384/2016

⁴¹⁶ (Ibid.)

possibility of legal work.⁴¹⁷ During the six-month period, their deportation is suspended.⁴¹⁸ According to Kapsalis (2018), these migrants are in a condition of “para-legality” as the permit constitutes a parallel state of tolerance (of labor) and illegality (of residence).⁴¹⁹ Unless the employer timely renews the permit for another six months, the migrants become deportable again. Migrants have to depend on their employers, who have the discretion of ending or extending migrant legality in Greece. The constant temporariness of migrants under the Greek law reinforces “the universal disposability of all labor” for economies benefiting from migrant contributions.⁴²⁰ Institutionalizing such insecurity secures access to a flexible labor force that is expendable and without any easy path to citizenship or permanent residence in Greece.⁴²¹ Their limited inclusion is in itself a form of subjugation as it depends on the subordination of labor. Still, the number of migrants through Article 13a has been rapidly increasing, from fewer than 1,500 by the end of 2017 to 9,436 by the end of 2018.⁴²² While the law intends to build a pathway for formal employment, beneficiaries remain within “a continuum of unfreedom” even if they are in a relatively better position than migrants with no rights.⁴²³ However, the value of formality is undermined when these migrants are confined to specific geographical limits, with no prospect of social security and wholly reliant on their employer.⁴²⁴ The permit, along with the *ergosimo* voucher, does not grant irregular migrants any new rights, but in fact, perpetuates a constant fear of deportability looming over them.⁴²⁵ Their partial inclusion into society facilitates their incorporation into the labor market, but also exclusion from any welfare benefits, and access to citizenship. Thus, regional and occupational limitations, in combination with the “para-legal status,” reifies the unwantedness and undesirability of including irregular migrants within the Greek borders of legalized belonging.

The perception of irregular immigration as a homogeneous threat to the stability of the country and the EU ignores the particular vulnerability of undocumented migrants. Rather than focusing on human rights protection, state laws are supporting more vigorous immigration

⁴¹⁷ (Floros & Jørgensen, 2020)

⁴¹⁸ (Ibid.)

⁴¹⁹ (Kapsalis, 2018, p. 78)

⁴²⁰ (De Genova, 2013, p. 1194)

⁴²¹ (Lorey, 2011)

⁴²² (Kapsalis, 2018)

⁴²³ (Ibid.)

⁴²⁴ (Floros & Jørgensen, 2020)

⁴²⁵ (Ibid.)

enforcement and detection of irregular migrants. In Greece, the current domestic migration policy aims to create a hostile environment in order to deter the presence of 'unwanted' migrants in the country. Undocumented migrants are acceptable to the extent that they provide cheap and disposable labor. By forcing the invisibility of laboring undocumented migrants through informal and formal policing, the Greeks are protected from confronting their racism and xenophobia. It reinforces racial and ethnic hierarchies, as well as normalizes coercion.⁴²⁶ The self-surveillance and distrust fostered in migrants mean that political solidarity and claims of human rights are difficult to achieve. These un-citizens are thus compelled to live on the margins of society without the protection of domestic or international human rights law.

⁴²⁶ (Kukreja, 2019)

3. Barriers to Citizenship

The hierarchies of exclusion are ultimately a reflection of the several barriers migrants and refugees face in accessing citizenship. The latter plays a vital role in immigrants' ability to integrate into a host country and to achieve upward mobility economically, socially, politically, and culturally.⁴²⁷ According to Bauböck et al. (2013), "national citizenship is the highest standard of equal treatment because immigrants become citizens with all the same rights, same responsibilities, and same voice in a democracy."⁴²⁸ As the previous chapter demonstrated, Greece continues to privilege an ethnic notion of national belonging over a civic or *jus soli* conception of citizenship. So, the primary path of acquiring citizenship for foreigners of non-Greek descent is naturalization. Naturalization is the process by which an alien may acquire Greek nationality.⁴²⁹ It is also a way of "social reproducing the nation" by converting outsiders into members of the State.⁴³⁰

However, TCNs in Greece suffer from alienation and hardship due to social exclusion and discrimination within Greek society and its institutions. The anti-immigrant backlash from Greek natives is a result of the fear of loss of jobs, security, and national culture. Integration through naturalization thus can have a positive impact on the wellbeing and livelihoods of non-Greek immigrants as it signals acceptance and validation from the Greek state.⁴³¹ It can help bridge the gaps in employment and poverty between noncitizens and nationals. Nevertheless, the process of naturalization demonstrates the political disinclination of the Greek government in accepting and integrating immigrants. The naturalization requirements and process act as barriers for many migrants, as well as perpetuate the exclusion of vulnerable migrant groups. The barriers are higher as TCNs are expected to prove their loyalty and show that they enrich the State.⁴³² Changes in the law since 2019 have further strengthened the legal barriers to acquiring citizenship. Other obstacles on the path to citizenship include unemployment, poverty, as well as

⁴²⁷ (Escamilla, 2018)

⁴²⁸ (Bauböck et al., 2013, p. 40)

⁴²⁹ (Tsitselikis, 2006)

⁴³⁰ (Aptekar, 2016, p. 1159)

⁴³¹ In Hainmueller et al., (2017), a study on Swiss restrictive naturalization laws showed that the most substantial positive effects of naturalization has been for the most vulnerable immigrant groups, such as migrants from Turkey and former Yugoslavia, as opposed to immigrants born in Switzerland.

⁴³² (Aptekar, 2016)

administrative and institutional barriers. This chapter emphasizes how these barriers to citizenship make it challenging for immigrants to be able to obtain legal status that would not only protect them but also represent inclusion and membership in the Greek community. Marginally lowering requirements and stringent naturalization criteria can help immigrants reap the full benefits from Greek (and EU) citizenship. Instead, the barriers in turn further entrench noncitizens, migrants, and refugees within the hierarchies of belonging.

3.1 Benefits of Naturalization

Since citizenship has both instrumental and psychological dimensions, naturalization can improve the economic outcomes of immigrants.⁴³³ As an instrument, naturalization provides TCNs with access to jobs, especially in governmental institutions, that are only available to citizens. Having citizenship also indicates for employers that the immigrant candidate has specific skills, such as the ability to speak Greek, and also has lower chances of returning to their country of origin.⁴³⁴ Thus, companies are more likely to employ naturalized migrants and invest in them. Psychologically, naturalization can enable a greater attachment to the host country for immigrants, as well as create a sense of better security and belonging.⁴³⁵ Immigrants would even feel more empowered to search for higher salaries or better jobs. In the case of Greece, while the unemployment levels have increased since the economic crisis, citizens are arguable in a better socioeconomic position than immigrants. Improved economic integration can have a positive impact as well on the negative perception of natives regarding immigrants. Naturalization would, at the least, improve the economic prospects of immigrants to mitigate such inequality.

Also, naturalization has a significant impact on the social and political integration of immigrants. Acquiring citizenship could potentially provide TCNs with the necessary motivation and resources to focus more on their political and social integration to establish an improved future for themselves and their family within the host country.⁴³⁶ Naturalized citizens are also able to exercise critical political rights, such as the right to vote and be elected, which could incentivize immigrants to become more politically engaged and publicly voice their opinions about the host country's politics.⁴³⁷ Furthermore, naturalization allows immigrants to enjoy other

⁴³³ (Bloemraad et al., 2008)

⁴³⁴ (Ibid.)

⁴³⁵ (Bevelander & DeVoretz, 2006)

⁴³⁶ (Hainmueller et al., 2017)

⁴³⁷ (Bevelander & Pendakur, 2011)

long-term benefits of social integration, such as greater civic participation, social capital, and increased communication with native Greeks.⁴³⁸ For TCNs, naturalization implies acceptance and recognition by the state, thereby fostering increased attachment to the host country. As Banulescu-Bogdan (2012) states, citizenship is an essential milestone for TCNs. It is a “rite of passage” that demonstrates that the newly naturalized are committed to their responsibilities and rights as citizens.⁴³⁹ Similarly, citizenship might help natives to recognize third-country nationals as their equals. When noncitizens feel less discriminated, they are more likely to social interact with locals, participate in their community, and ultimately develop a sense of belonging that goes beyond achieving legal status.⁴⁴⁰ Nevertheless, deeply entrenched racism and xenophobia in the host country society cannot only be resolved with granting immigrants citizenship. Especially in *jus sanguinis* citizenship regimes like in Greece, which categorizes *homogeneis* as “true” citizens because of their Greek descent, rooted natives might not view naturalized immigrants as proper equals.⁴⁴¹ Regardless, access to citizenship is of paramount significance for many noncitizens, especially international protection beneficiaries like refugees, who must achieve economic and social integration in order to alleviate their vulnerability.

3.2 Greek Naturalization Law

However, Greek laws imply that the acquisition of citizenship is a reward for immigrants' full integration into society rather than as a catalyst that facilitates inclusion.⁴⁴² The previous subsection emphasizes the need for naturalization for integration, meaning that TCNs should have relatively easier access to citizenship through low requirements for naturalization. However, the argument of citizenship as a prize is frequently articulated in defense of tightening naturalization requirements. For instance, the Dutch Minister of Home Affairs noted that “citizenship is the crown on participation and integration into society.”⁴⁴³ The logic, as mentioned earlier, is evident within the Greek criteria, as new laws and policies have implemented a higher bar that restricts access to citizenship to only those immigrants who have completed the integration process. Subsequently in Greece, a foreigner applying for naturalization must be:

⁴³⁸ (Ibid.)

⁴³⁹ (Hainmueller et al., 2017, p. 7)

⁴⁴⁰ (Bauböck et al., 2013)

⁴⁴¹ (Hainmueller et al., 2017)

⁴⁴² (Ibid.)

⁴⁴³ (Ibid., p. 2)

- a. Be at least 18 years old at the time of filing the naturalization declaration and application.
- b. Not have a criminal conviction during the last ten years before the application of naturalization.
- c. Not be expelled from Greece. If the individual does not hold lawful residence in Greece, they cannot acquire citizenship.
- d. Has lawfully resided in Greece for seven continuous years before the submission of the application.
- e. Hold one of the categories of residence permits foreseen in the GNC (long-term residence permit, residence permit granted to recognized refugees or subsidiary protection beneficiaries, or second-generation residence permit).⁴⁴⁴

Equally important, applicants should also have acquired sufficient knowledge of the Greek language, integrated into economic and social life, as well as actively participate in the political life of the country.⁴⁴⁵ After applying to the administrative office of one's local municipality, the person will then be interviewed by the Naturalization Committee on their knowledge of the Greek language, history, and culture. The government has attempted to harmonize the naturalization procedure through Law 4604/2019, which established that the examination procedure would no longer be conducted through oral interviews.⁴⁴⁶ The candidate will have to prove their knowledge through a written test, where they must answer correctly 20 out of 30 written questions from a pool of 300 questions.⁴⁴⁷ The requirement of a written test instead of an interview would allow help to reduce the disparities in the depth and level of difficulty of examinations, a crucial barrier for immigrants. However, since a Ministerial Decision to formally establish the new procedure has not yet been issued, the old procedure of interviewing applicants is still taking place.⁴⁴⁸ The interviewing process ultimately aims to test the extent to which foreigners have assimilated into the national culture. Naturalization in Greece not only requires the nationalization of the immigrant, that is, to think and act like a national but also ensures the country's "cultural survival."⁴⁴⁹

⁴⁴⁴ Article 5 L. 3284/2004 GNC

⁴⁴⁵ Article 5A L. 3284/2004

⁴⁴⁶ Article 32 Law 4604/2019

⁴⁴⁷ (AIDA, 2020)

⁴⁴⁸ (Ibid.)

⁴⁴⁹ (Andreouli & Howarth, 2013, p. 6)

3.3 Legal and Permanent Residence Barriers

One of the main barriers to naturalization that TCNs face is the requirement of legal residence. All migrants, regardless of their reasons for migrating, require legal status to reside in Greece. This has become even more vital considering the heightened criminalization and surveillance of undocumented migrants in Europe. Hence, TCNs must first apply for a residence permit to live in Greece. The validity of the permits varies depending on the reasons for staying in the country, such as work, education, etc. Until December 2019, individuals recognized as refugees or beneficiaries of international protection were granted a three-year residence permit which could be renewed following a decision of the Head of the Regional Asylum Office.⁴⁵⁰ However, since law 4636/2019 entered into force on 1 January 2020, recipients of subsidiary protection will no longer have the right to receive the three-year residence permit. Instead, they will obtain a one-year residence permit that is renewable for a period of two years.⁴⁵¹ The renewal process of permits can take up to 6 months due to the high number of applicants. Though beneficiaries are granted a certificate of application that is valid for 4 months while pending the issuance of a new permit, in practice those holding this document experience several obstacles in accessing services such as welfare benefits.⁴⁵² Thus, the Greek government is creating additional legal residence barriers for individuals with subsidiary protection even though they are considered equally deserving of international protection as recognized refugees. These individuals live in as precarious conditions as recognized refugees but are suffering from further legal and social exclusion.

Immigrants have the option of applying for long-term or permanent residence in Greece after meeting the requirement of a five-year residence. They must also establish:

- a. Sufficient income to cover their needs and the needs of their family and is earned without recourse to the country's social assistance system.
- b. Full health insurance, providing all the benefits provided for the equivalent category of insured nationals, which also covers their family members

⁴⁵⁰ (AIDA, 2020)

⁴⁵¹ Article 24 (1) L. 4636/2019

⁴⁵² (AIDA, 2020)

- c. Fulfilment of the conditions indicating integration into Greek society, i.e., “good knowledge of the Greek language, knowledge of elements of Greek history and Greek civilization.”⁴⁵³

The long-term permit allows TCNs to acquire the quasi-citizen status as they would be granted the right to free movement all over the country and can travel to other EU Member States for short periods of time. They also are technically provided the same rights as nationals with respect to education, employment, social security, and welfare.⁴⁵⁴ However, for the beneficiaries of international protection who choose to apply for a permanent residence permit, the criteria can create significant barriers. The permanent residence option can be appealing as it does not have an expiration date, unlike the temporary residence permits. International protection recipients would not have to consistently renew their permits, providing stability to their legal status in Greece. It also guarantees refugees the right to travel and have similar protections as EU citizens, which is one of the primary motivations for asylum-seekers entering the EU. The five-year requirement does include half of the period between the lodging of the asylum application and the grant of protection, or the full period if the asylum procedure exceeded 18 months.⁴⁵⁵ The CoE’s Commissioner for Human Rights acknowledged that Greek laws comply with the relevant recommendation, however the Commissioner recommended that the entire asylum procedure period should be included for the international protection beneficiaries as opposed to only half of the period.⁴⁵⁶ Accounting for the entire period between application and receiving asylum decision would at least reduce the time barrier. But the socioeconomic requirements are a major obstacle for refugees and other immigrants in the country. The high disparity between TCNs and citizens regarding unemployment and poverty suggest that refugees are dependent on welfare benefits and do not have adequate access to stable employment. Subsequently, many also cannot afford full healthcare insurance for themselves and their family. It is important to note that recognized refugees do not necessarily have to apply for long-term residence since they can get their three-year permit renewed through GAS. Nonetheless, acquiring the long-term permit is clearly an indication of a TCN’s integration in Greece, which reduces the burden of proving successful integration in the naturalization interview later. Therefore, not providing any clear

⁴⁵³ Article 90(2)(a) L. 4251/2014

⁴⁵⁴ Article 89(2) L. 4251/2014

⁴⁵⁵ (Ibid.)

⁴⁵⁶ (CoE Commissioner for Human Rights, 2018)

legal exemptions for vulnerable groups such as refugees to meet the requirements of permanent residence impedes opportunities for inclusion and integration of certain types of TCNs.

Moreover, the seven-year requirement has made it even more challenging for international protection beneficiaries to become Greek citizens. Prior to an amendment to naturalization laws in March 2020, refugees were allowed to apply for naturalization after a legal residence of three years in Greece.⁴⁵⁷ As they are already granted a three-year permit after their asylum decision, refugees could forego the protracted procedure of applying for renewal of their permit. As the New Democracy-led government has moved to restrict migration, so have they proceeded to constrain the integration and inclusion of migrants within Greek society. Both recognized refugees and individuals with subsidiary protection must now lawfully reside in the country for seven years, same as other non-Greek foreigners without special status, before applying for Greek citizenship.⁴⁵⁸ Even though the required seven-year residence can be legally justified for foreigners residing in Greece for other reasons, the extension of this time for refugees violates international legal obligations under Article 34 of the 1951 Geneva Convention which emphasizes that states must “facilitate the assimilation and naturalization of refugees” and “in particular make every effort to expedite naturalization proceedings.” As illustrated in the previous chapter, refugees and migrants already live in such precarious socioeconomic conditions. So, the additional legal barrier of seven years just serves to perpetuate their exclusion and reiterates the deep-rooted xenophobia within Greek institutions.

3.4 Administrative and Institutional Barriers

Even after TCNs are eligible for naturalization and apply for Greek citizenship, the bureaucratic conditions result in unnecessary waiting periods for immigrants to receive their naturalization decision. The entire process of receiving Greek citizenship can take up to five years due to the high number of applications and understaffed departments. On average, the applicant can expect to wait three years for the interview, 1.5 years for the decision to be published in the National Gazette, as well as another year to take the oath of citizenship and finally register at the local municipality.⁴⁵⁹ The CoE’s Commissioner for Human Rights has also noted the extremely slow process: “The naturalization procedure is reportedly very lengthy,

⁴⁵⁷ (Ibid.)

⁴⁵⁸ Article 36, L. 4674/2020

⁴⁵⁹ (*Greek citizenship*, 2018)

lasting in average 1,494 days due to a considerable backlog pending since 2010.”⁴⁶⁰ At the end of 2017, for instance, there were 25,766 naturalization applications still pending. The increasingly slow and delayed process is also evident in the fact that a total of 2,530 foreigners were granted citizenship by way of naturalization,⁴⁶¹ which is a significant decrease from 3,483 in 2017 and 3,634 in 2016.⁴⁶² Equally important, the application for citizenship can be quite expensive for migrants: 700 euros for long-term residents and 100 euros for refugees. The cost and the delayed waiting periods are significant burdens on immigrants who are in unstable employment and require access to social services guaranteed under Greek citizenship.

Thus, naturalization law functions as an “instrument of exclusion and subordination.”⁴⁶³ Such barriers also illustrate social control in the way immigrants are tested on their eligibility and fitness. The naturalization law prefers the inclusion of only certain types of migrants – ideally, those who have already economically and socially established themselves in Greece and have the resources to go through the application process. The distinction between elite and non-elite TCNs, such as refugees, is particularly evident when the legal, administrative, and institutional barriers are eased for TCNs who invest in property or buy homes in Greece. The Golden Visa scheme, present in Malta and Cyprus as well, provides foreign investors with permanent residency and the ability to apply for citizenship following a property investment of 250,000 euros.⁴⁶⁴ New law 4605/2019 expands on providing permanent residence to individuals willing to invest in the Greek capital markets and financial institutions. Since 2019, the Greek government has been planning to grant citizenship to TCNs who purchase real estate worth at least 2 million euros.⁴⁶⁵ A further amendment through Ministerial Decision 9907/2019 was introduced to make the system even more attractive for foreign investments by expediting the process of receiving the visa to two months. The majority of investors who have taken advantage of the visa scheme are from China, Russia, and Turkey.⁴⁶⁶ Meanwhile, international protection beneficiaries in Greece have to go through all the challenging barriers of residence and integration requirements, along with bureaucratic inefficiency, to receive a decision on their

⁴⁶⁰ (CoE Commissioner for Human Rights, 2018, para 74)

⁴⁶¹ (Ministry of Interior, 2019)

⁴⁶² (Ministry of Interior, 2018)

⁴⁶³ (Spiro, 1999, p. 480)

⁴⁶⁴ Art. 20 par B L. 4251/2014

⁴⁶⁵ (Manifava, 2019)

⁴⁶⁶ (Gemi & Triandafyllidou, 2019)

naturalization application. The process of naturalization can also become too complicated when most impoverished immigrants are having to work several jobs or unable to receive assistance with the application. If poverty and such precarious conditions keep deteriorating, the accumulated disadvantages are then passed on to the next generation of noncitizens who also then face similar barriers to citizenship.⁴⁶⁷ Meanwhile, undocumented and irregular migrants who have been unable to obtain legal residence are completely excluded from the system. Greece does not offer any pathways for undocumented immigrants to obtain legal residency and then be able to naturalize.⁴⁶⁸ The current securitization and criminalization of illegal migration indicate that those who are undocumented will continue to be deprived of any access to permanent legal status. As Aptekar (2016) points out, naturalization thus becomes a mechanism of hierarchy in itself because only the most “deserving” immigrants would become citizens and benefits from its protections.

⁴⁶⁷ (Papanastasiou & Papatheodorou, 2018)

⁴⁶⁸ (Escamilla, 2018)

4. Conclusion

Migration still remains a highly politicized and security issue in Greek public and political discourse. Boundaries of belonging provide a sense of “physical and ontological security” for the dominant super-citizen group that feel increasingly exposed due to the growing mobility of ‘Others’ in regions once considered ‘theirs’.⁴⁶⁹ The large numbers of refugees and other TCNs passing through Greece since 2015 has reinforced a prevalent fear in Greek society of losing national identity and *Greekness* (Ελληνισμός).⁴⁷⁰ The strict application of *jus sanguinis* principles, preferential citizenship of alien Greeks, as well as the exclusion of non-Greek TCNs highlights the ways the Greek government has tried to preserve the country’s homogeneity and ethnocultural traditions. The aftermath of the 2009 economic crisis as well as the disproportionate responsibility of hosting asylum-seekers on Greek islands and the mainland, have pushed the country to adopting a stricter anti-migration stance in its policies. Quasi-citizens, or long-term residents, are experiencing increased legal obstacles to social protection due to their non-Greek status. Meanwhile, even when sub-citizen TCNs receive international protection after months or years of living in overcrowded, degrading conditions, they are unable to integrate in Greek society due to issues of unemployment and poverty. The new laws on eviction from social housing and deprivation of cash assistance add to the existing insecurity of international protection beneficiaries. The limitation on their freedom of movement outside of Greece means that they must find way to survive in the country. However, the undocumented and TCNs in an irregular situation plausibly experience the most marginalization. The Greek State continues to pass restrictive laws which criminalize irregular migration and establish legality as the ground for access to fundamental human rights. Undocumented migrants are tolerated to the extent that they contribute their labor to the lower-paid economic sectors of Greece, such as agriculture and domestic care. The hope of achieving integration or permanent legal status remains elusive due to their continuing state of deportability.

Belonging in Greece is entrenched into such hierarchies as the government establishes barriers for TCNs in achieving full integration and feeling included. Acquiring citizenship is key for many TCNs as it allows them unrestricted freedom of movement and residence, right to work

⁴⁶⁹ (Skey, 2014, p. 109)

⁴⁷⁰ (Mavrikos-Adamou, 2017)

and education, as well as social protection in the form of healthcare and unemployment benefits. Hence, the legal, administrative, and institutional barriers within the Greek naturalization process are significant indicators of the government's resistance to expanding its national identity to certain migrant groups. Most evidently, the laws clearly distinguish between the kinds of TCNs the country is willing to accept, as 'elite' migrants who invest more than 250,000 euros are automatically granted preferential permanent residence, while refugees and TCNs in vulnerable conditions must continue to struggle against the barriers to legal inclusion.

The limitations to naturalization will only be detrimental to the Greek State in the long-term as TCNs such as refugees and long-term residents would gradually comprise an increasing percentage of the country's population.⁴⁷¹ The EU-Turkey Statement, as well as the recent policies of detention and pushbacks are clearly failing as more and more asylum-seekers continually arrive in Greece for protection.⁴⁷² The core rationale underlying these anti-migration efforts was that they would act as a deterrence for those planning to undertake the perilous journey to Europe. Realizing that they would be trapped on Greek islands under appalling conditions and returned to Turkey, asylum-seekers would cease crossing the maritime border.⁴⁷³ In practice, however, this did not happen as migration remains a constant feature in the Greek-Turkish sea and land borders. In the end, Greece could risk becoming overwhelmed with permanently resident TCNs and refugees as it creates obstacles to social integration and citizenship acquisition. The extended constraints on securing citizenship rights not only denies them political and social rights, but also dilutes the country's political system and the contributions of TCNs to the economy. Other languages and civilizations do not undermine national identity but on the contrary, strengthen it.⁴⁷⁴ Moreover, as the overwhelming majority of refugees and asylum-seekers aim to move to other EU States in search for better socioeconomic prospects, reducing citizenship barriers would eventually provide them the freedom to leave Greece.⁴⁷⁵ Since the country is already experiencing unemployment, poverty, and austerity cuts

⁴⁷¹ (Tsitselikis, 2006)

⁴⁷² According to the IOM's *Flow Monitoring – Europe* (2020), the number of arrivals has reduced over the years, from 50,508 in 2018 and 74,613 in 2019 to 9,913 as of 27 July 2020.

⁴⁷³ (Dimitriadis, 2020)

⁴⁷⁴ (Tsitselikis, 2006)

⁴⁷⁵ See Kuschminder & Koser (2016) for more information on why refugees want to leave Greece. From May to June 2015, in interviews with over 1,000 asylum-seekers from Afghanistan, Iraq, Iran, Pakistan and Syria, 73 percent of them in Greece wanted to move on to other EU countries.

in social expenditure, granting citizenship to vulnerable TCNs would assist in mitigating the burden on Greece's State institutions.

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