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Title: Securitisation of Migration in Greece: the role of Europeanisation

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Abstract

There is a growing literature suggesting that the EU’s stance towards migration is constituted either by lack of policies or according to Amnesty International by measures resulting or contributing to serious human rights violations. Also, a growing literature on EU’s obsession for border over-securitisation raises questions about its existing institutional structures and its role as a normative power. Moreover, the developing and increasing immigrants’ influx to Greece, part of the increased migration movement towards the Western world and especially Europe, has created a new map for exploration, analysis and debate in academia and in political circles and formation of laws. Against this backdrop, this paper aims to unpack securitisation processes through the case of Greece. In this transformational process Europeanisation plays a vital role since it triggers a strong interdependence between European policies and policy reformations in Greece.
1. Introduction

Migration has caused concern particularly in the last twenty years and it has been treated as a new security challenge by the Western world. The nature of this challenge is not determined by the mass movement of people, which ultimately is not a new phenomenon, but by the fact that migration is included in government documents and depicted in the policies of states and international / peripheral organisations as a security risk.

This particular paper aims to show the role of Europeanisation in the process of securitisation of migration in Greece, which means how Greece has responded in regards to migration to the impact of European integration. Europeanisation will be used as the prism for studying the effects of EU policies on the national migration policy.

The EU has institutionalised and developed various practices and tools, which incorporate migration issues in a securitised context. For example, migration started being converted to a security issue with the Schengen Treaty, which introduced the abolition of internal borders. Moreover, as it has been argued, the development of securitisation is linked to the progress and intensification of European integration (Huysmans 2000).

Regarding the structure of the paper, I will first build a theoretical framework on Europeanisation, then I will briefly speak about some European policies and practices and then I will expand on the Greek legislation and practices, highlighting the impact of Europeanisation.

2. Theoretical points on Europeanisation

Europeanisation deals inter alia with EU policies influence on European countries domestic policies. A widely accepted definition is given by Ladrech in his research on Europeanisation of domestic politics in France. ‘Europeanization is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making’ (Ladrech 1994, 17).

The member states adapt to different levels and degrees at EU’s influence and its policies, depending on the available domestic mechanisms. As Cowles comments, the domestic adjustment of member states susceptible to the same pressures from the EU takes place through "national colours" where national characteristics continue to play a role in shaping outcomes (Risse, Cowles and Caporaso 2001, 1). The crucial point of this adaptive process is the uncertain institutional change that the consequences of Europeanization will bring about to the country (Risse, Cowles and Caporaso 2001).

Radaelli speaks about the reciprocity of Europeanisation and the two-way effects by saying that ‘Europeanization refers to: “Processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies’ (2003, 30).
3. European migration policy and practice

The abolition of internal borders in conjunction with the new migration flows to Europe contributed to the acceleration of response towards migration overall. In fact, with the Schengen Treaty (1985 - Greece 1992) the abolition of internal frontiers is linked with taking security measures within Europe. Linking the concept of security with the fight against illegal migration is vital for the subsequent stance of the EU on migration policy, which is framed in securitisation terms. Since the Treaty of Schengen and beyond, the connection between free movement and security will be enshrined in all policy documents for free movement, which is always associated with necessary measures (Van Munster 2009, 21).

There are several scholars who have analysed the increasing securitisation of migration in the EU system. This is demonstrated through the applied practices. Van Munster (2009) focuses on the interplay between bureaucratic and political processes and on the construction of fear. Léonard (2010) holds that FRONTEX activities contribute in a great degree to the securitisation of migration and asylum in the EU.

4. Greek migration policy: Legal Framework and Practices

Comparing Greece with other European countries, one could easily observe that it has been a sender country and not receiving, in terms of migration and hence had no immigration management experience. It found itself after the end of the Cold War in front of the geopolitical changes unprepared to meet the new challenges. Before the early 90, migration was neither part of the interior and foreign policy, nor was it one of governments’ priorities.

There was no previous legislation, except for the law 3275 "On habitation and movement of foreigners in Greece", voted for in 1925 and was applied only for just two years: from 1927 (the year it was ratified) until 1929. The law 4310/1929 "on establishment and movement of aliens in Greece, police control, passports, expulsions and deportations", which replaced the previous law, was in force for more than 60 years, until the early 1990s (Kapsalis and Katsoridas 2004 10). In the 1980s it became clear that the implementation of the above law, which was introduced to regulate the arrival of refugees from Asia Minor, was not enough to regulate the phenomenon of migration and in particular that the influx of foreigners to Greece (Bagkavos and Papadopoulos 2002, 95). ‘The increasing migratory pressures of the late 1980s led to the design of law 1975/1991, which was enacted by the Greek Parliament in October 1991, formally applied in June 1992 and which remained in force until 2001’ (Triandafyllidou, Maroufof, & Nikolova, Greece: Immigration towards Greece at the Eve of the 21st Century. A Critical Assessment., 2009, p. 34).

The complexity of procedures, for example in relation to obtaining a temporary permit and residence permit required by that law, focusing on policing and exclusive management of migration by the Ministry of Public Order at the time show partiality and short-termism in dealing with migration and ignorance about upcoming cumulative problems that would follow. ‘This particular policy, which is in line with that of the European Union of that time, reflects a defensive and hostile attitude towards migration flows to the country’ (Lambrakis Fatourou and Hainas 2010, 123).

It is important to highlight that migration policies in Greece had to be compatible with the broader European context. For participation in the Schengen system, Greece had to
implement specific legal terms relating to border controls, visa policy and the fight against illegal immigration (Faist and Ette 2007, 23).

The belief of the Greek society and the state for the short-term stay of migrants in Greece is proved by the way of addressing the issue until 1997, when the regularisation happened, which is a landmark in Greek immigration policy. The presidential decrees 358/1997 and 359/1997 inaugurated the first immigrant regularisation programme, which took place in spring of 1998. This programme laid the first foundations in Greece for an institutional framework formulated specifically to deal with immigration (Triandafyllidou, Maroufof, & Nikolova, Greece: Immigration towards Greece at the Eve of the 21st Century. A Critical Assessment., 2009, p. 35).

The second regularisation programme starts with the law 2910/2001 titled ‘Entry and Stay of Aliens in Greek Territory. Acquisition of Greek Citizenship by Naturalisation and Other Provisions’. Radical reform of the law of foreigners began in 2001 and had been amended five times until 2003 – this was the beginning of the institutionalisation of Greek immigration policy. Despite all the bureaucratic problems and slow processes regarding issuance of migrants’ papers, the intention of establishing a more comprehensive immigration policy aiming at the integration of migrants demonstrates the effect of the Tampere Council.

The third regularisation programme starts with the law 3386/2005 ‘On the entry, residence and social integration of third-country nationals on Greek territory’, which is a new effort to facilitate the re-acquisition of legal status by people who held stay permits and had been unable to renew them because they could not prove they had been in employment (Dimitriadi & Triandafyllidou, 2009, p. 26). This law has been revised under Law 3536/2007, “Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization”.

In 2008 in an effort to comply with the European Directive 2008/115 / EC1 changes to law 3386/2005 have been added concerning the duration and conditions of detention of illegally staying third country nationals. ‘The immigration law 3386/2005 included several new measures with a view to simplifying the management (issuing and renewal) of stay permits, and incorporating the acquis communautaire in the areas of family reunification and long term residence status (Articles 67-69 incorporate the EU directive for the status of long-term residents into the Greek legal order) (Anagnostou & Gemi, 2015).

The law 3838/2010 reflected the intension of the Greek state for entering into a new migration policy era. It granted voting rights in local elections (Ar.14, 17) to legal migrants, who held long-term residence. This law entitles second generation migrants to Greek citizenship (provided that the parents of the children lived legally for five consecutive years in Greece). This change would not last for long, as the Decision 460/2013 of the Council of State2 repealed the provisions of Articles 14 to 21 3838/2010 (Ragousi’s law), which were

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1 The use of detention for the purpose of removal should be limited and subject to the principle of …Detention is justified only to prepare the return or carry out the removal process and if the application of less coercive measures would not be sufficient'.


deemed as unconstitutional. Thus, the Greek citizenship continued to be based on the "law of the blood" (ius sanguinis) rather than the "law of the soil" (ius soli).

The new Migration Code (Law 4251/2014) with the title ‘Immigration and Social Integration Code and other relevant provisions’ regulates matters of entry, stay and social integration of third country. This law incorporated previous Greek laws and EU legislation. With the intention of simplifying the existing migration law scheme, this particular law is significant as it provides a temporary stay permit, which before it was almost impossible, as many people lost their legal status due to delays in the bureaucracy of the permit process. For the analysis of the Europeanisation subject, this particular law is very useful as it fully incorporates the EU legislation. ‘The Migration Code introduces important improvements in the simplification and codification of the legal provisions and in fully aligning Greek legislation with relevant EU directives’ (Triandafyllidou, Migration in Greece: Recent Developments in 2014, 2014). The categorisation follows the relevant European logic for stay permits and the Code transposes into national law the relevant EU directives for family reunification, migration for study or vocational migration of researchers, the Blue Card directive and so on. It also transposes and incorporates into a single text all European directives concerning the migration of students, trainees, researchers, highly skilled worker (Blue Card), and so on (Triandafyllidou, Migration in Greece: Recent Developments in 2014, 2014). The new Code has signs of maturity in the way migration is regarded in Greece and the simplest proof for this is the fact that ‘social inclusion’ has been added to the title.

EU’s requirement for Member States to draw up national action plans every two years underlines the important influence of the EU in the country’s internal politics. The preparation of the National Action Plans for Social Inclusion of migrants as a vulnerable population group "are an integral part of the Greek convergence strategy with the EU" (Βουρνά, 2010, σ. 3) and prove the top-down pressure for Europeanisation and development of the Greek immigration policy.

There is growing literature on ‘crimmigration’ (i.e. merging of criminal and migration law)4. This neo-logism suggesting the convergence between criminal justice and migration control systems, although it has emerged in the U.S., it is relevant to the migrant detention matters in the EU and its member-states. Law scholars focusing on human rights have pointed out the increase of migrants’ detention under administrative law in the last decade. Cornelisse states that ‘the institutionalised practice of immigrant detention has become an inherent part of a policy package that has as its main aim to deter future migrants and to remove those already on national territory as rapidly and effectively as possible’ (Cornelisse, 2010). The EU Returns Directive5 had an impact on the period of detention, including Greece, which extended the maximum detention stay. ‘Although it could be argued that the Return Directive

3 Different types of stay permits are organised into six categories: stay permits for work or professional reasons; temporary stay permits: stay permits for humanitarian or exceptional reasons; for study, training or voluntary work; for victims of trafficking or human smuggling; for family reunification, and stay permits of long duration.


has contributed to a convergence – and overall to a reduction - of maximum detention periods across the EU, the implementation of the legal measures provided within the Directive has had a considerable impact on the extension of detention periods beyond six months, and has brought about the extension of the maximum time limits of detention in ten Member States in comparison with legislation in place before the transposition of the Return Directive’ (Manieri & LeVoy, 2015, p. 10). Besides the detention period though, there is a number of issues connecting to the crimmigration in Greece regarding ‘violations of the rights of migrants and asylum-seekers occur often have to do with political asylum, expulsion and conditions of detention in special ‘reception centres’ (Tsitselikis, 2013, p. 423).

5. Concluding Remarks

On the case of Greece, it is important to also highlight the separation between "soft" and "hard" EU policies. The hard policies require the application of the relevant European legislation, whereas the soft are those which create opportunities for change structures in national level. ‘Whether domestic actors will seize them depends on the domestic institutional and political context’ (Gemenis & Lefkofridi, 2013, p. 11). This is of particular importance for Greece, which adopts all European regulations, but shows difficulty in implementing these, due to internal issues, such as bureaucracy. Regarding policy transfer from the European to the domestic level, the logic of ‘soft framing’ can facilitate Europeanization. Radaelli states that in cases of directives and other informal rules, compulsory transport policy may not work, nevertheless it pave the way for future changes (Radaelli 2000).

Generally, soft power exerted by the EU through its principles and models can help to change the Greek migration policy - this could potentially mean participation of Greece in a more securitised European territory, a ‘Fortress Europe’. Also, ‘soft Europeanisation’ includes all actions within and around the EU (such as NGOs actions), which do not belong within the regulatory framework, but nevertheless form a part of the interactive process that shapes and transforms the migration policy and surrounding migration ideology.
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