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# Greek Migration Policy in the 2010s: Europeanization Tensions at a Time of Crisis

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**ABSTRACT** During the past two years Greek migration policy has seen important developments concerning the legislative framework for irregular migration/asylum management and migrant integration. Given that several among these developments are related to the transposition of related EU directives, one obvious answer might be that of Europeanization: these developments had less to do with the Greek government's plans about migration, rather they were the direct impact of Europeanization; Greece simply transposed relevant EU directives. I am arguing here for a more careful reading of the Europeanization effect which not only distinguishes the differential impact of Europeanization on policies and discourses, but also actually shows how Europeanization tendencies at different level can contrast one another. The findings of this paper contribute to a better understanding of Europeanization processes. They highlight that Europeanization involves also resistance to Europe especially at times of crisis.

**KEY WORDS:** Europeanization, migration, citizenship, Greece, reform, political parties

## 1. Introduction

The term Europeanization was coined quite early (Ladrech 1994) to describe how European integration and national policy environments and institutions were mutually shaping each other (see also Featherstone 2003). The term Europeanization has been used in a variety of contexts and policy areas and sometimes quite loosely to describe the process of change of

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discourses, policies or institutions in different areas of policy and politics that is triggered by European integration. Europeanization is a multi-level process that involves institutions, policies, discourses and ideas — it hence impregnates the social, cultural and political space at various levels. Radaelli's definition (2003, 30) may seem descriptive but is probably the most comprehensive: '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 public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies'.

Graziano and Vink (2006) argue that Europeanization is not necessarily a 'top-down' process and should not be exclusively understood as a direct effect of integration/enlargement onto member states/accession countries. Its impact is differential and affects not only policies but also actors, ideas and discourses. A lot of research has already been conducted on the Europeanization of various fields of public policy, including in the field of migration policy; however, the current financial crisis provides an entirely new context against which to examine the various aspects of Europeanization, its limits and its strengths. In effect, the current Eurozone crisis has challenged more than just the foundations of the EMU and its impact is spilling over in a number of policy areas, while it is possible that it may also be exposing more weaknesses in the Europeanization process than were previously identified.

Against this background, this paper discusses recent migration policy developments in Greece in the context of the current severe economic and political crisis that the country is going through and seeks to explain such developments. The paper argues that we may be witnessing in the countries hit hardest by the crisis, such as Greece, and inverted trend of de-Europeanization. I am suggesting that while a lot of pressure is put on the country to comply with EU instructions on how to improve its public finance and overall economic performance, an inverted trend of shifting away from European norms and policies may be taking place in other domains, notably in migration policy. In this analysis, the role of national elites in mediating the Europeanization process and of course the interactive nature of the process remains crucial.

Graziano and Vink had noted that Europeanization studies had mainly concentrated on the 'big three' countries, notably France, Germany and the UK paying less attention to small and/or peripheral countries. This paper seeks to contribute towards filling this gap by concentrating onto a small and hitherto less studied country, Greece. Greece here presents itself as a particularly interesting case given the acute economic and political crisis that the country is going through since 2010. It would not be an exaggeration to say that the country has been pointed out as the 'weakest link' of the EU integration process, likely to cause a domino effect among the other Eurozone countries because of its failure to rationalize its public finances and restructure the state *inter alia*.

This paper concentrates on Greek migration policy as there we are witnessing rather unexpected developments. During 2010 and 2011, important laws on migration management, asylum reform and migrant integration were adopted by the Socialist government (PASOK). These legislative changes were long overdue and signalled a new direction in Greek migration and asylum policy. However, in recent months the trend is inverted. This change was already evident in 2011 in relation to the parliamentary debate for the adoption of the irregular migration and asylum law, but has been strengthened in 2012 with the annulment of the 2010 citizenship law by the Council of State.

In the section that follows I present briefly the main features of Greece as a case study concerning recent developments in migration policy. Section 3 takes up the case of the Greek citizenship law reform in 2010 and its recent annulment by the Council of State (*Συμβούλιο Επικρατείας*), while Section 4 concentrates on the 2011 irregular migration and asylum new law. In either case I discuss the concrete policy developments against the background of the political elites' discourses (as revealed in the parliamentary debates when each law was voted). My aim is to investigate whether policy developments are supported as an effort to meet European standards or in line with European obligations and in support of further integration into the EU or whether, by contrast, they are presented as a national response to EU pressures or EU intervention. It is actually my contention that since 2011 we are witnessing a tendency to resist Europeanization both at the discursive and at the policy level (most recently). The role of national elites as key actors in this process is crucial as they negotiate their position among competing pressures. In the concluding section, I discuss the relevance of these findings for a better understanding of how Europeanization can evolve in countries under the grip of a strong economic and political crisis.

## 2. Greek Migration Policy

Greece has experienced massive immigration flows since the early 1990s. Today 11% of the country's population is foreign born and 7.5% is foreigners according to Eurostata data published in July 2012.<sup>1</sup> However, Greek immigration policy has been largely reactive, reacting to faits accomplis (e.g. the presence of nearly half a million undocumented migrants in the mid 1990s) with ad hoc laws or presidential decrees (e.g. the regularization programme of 1998) rather than developing a long-term plan for managing migration. Even when a comprehensive migration law was voted in 2001, and again a new law in 2005, these contained no vision of how migration flows and migrant integration would develop in the future, and how the country should manage migration and promote migrant integration.

With respect to this 'suffered' migration policy (paraphrasing Sarkozy's *migration subie*), mainly reacting to migration pressures, public opinion concerns and EU directives, the period 2009–2011 has seen important legislative steps in a more proactive direction facilitating migrant integration, opening up citizenship to immigrants of non-Greek descent and improving

the management of irregular migration and the asylum system. This paper questions how it is possible that such migration policy measures are adopted under these circumstances of a weak economy, rampant unemployment and a political system in unparalleled crisis.

Given that several among these developments are related to the transposition of related EU directives, one obvious answer might be that of Europeanization: Greece simply transposed relevant EU directives such as the directive on common standards for returning illegally staying third country nationals. I am arguing here for a more careful reading of the Europeanization effect on Greece: Domestic elites are crucial actors who negotiate different options at both the policy and the discursive level. And while at the policy level they may be obliged to take a specific course of action, at the discursive level they may embrace or fight Europeanization depending on what seems the best strategy for winning the voters support.

I am arguing in this paper that this kind of anti-Europeanization political discourses emerges as an additional level of protest politics at the EU in this time of crisis. Such protest politics are more obvious at the street level with massive public demonstrations of angry citizens in Greece, Spain, Italy, Ireland and other countries who protest against the tough measures imposed by the EU (and the IMF in the case of Greece and Ireland). However, tensions of Europeanization are expressed also at the elite level in parliamentary arenas where the overall EU construction project is challenged. This is probably not a surprise for many countries with Eurosceptic elites and publics, such as the UK, Denmark or Finland. However, it is a striking incident when it happens in countries that have traditionally shown high levels of support for the EU like Greece, Italy and Spain.

In addition, this appears as an unexpected development when the relevant policy areas have little to do with the economic crisis as such but are eventually presented as closely related to it. In other words, by protesting against EU priorities in migration policy, Greek elites find an alternative dimension on which to judge the EU and find it non-compliant as regard its duties over Greece (specifically concerning assistance with border protection against illegal networks of trafficking and smuggling, irregular migration and extremely high numbers of asylum seekers). They, thus, indirectly seek to counteract the discourse that rather sees Greece as the one to blame for its problems and for the problems it causes to the entire Eurozone.

### 3. Factors That Have Shaped Greek Migration Policy Development

So far relevant studies indicate a number of factors that have guided the development of migration policy in Greece among which also European influences. Triandafyllidou (2009) argues that Greek migration policy in the 1990s was guided by regional and foreign policy concerns (political instability in the Balkans) alongside a lack of experience in immigration management. She further notes that as the situation stabilized in the Balkans and political elites realized that migration was there to stay, the factors and concerns driving Greek migration policy (and political elites'

interests for that matter) also changed. The role of migrants as cheap and plentiful labour force catering to important niches of the Greek labour market (agriculture, small family firms, construction, cleaning and generally low-pay low-prestige jobs) came to be appreciated by employers and elites. The first comprehensive immigration law voted in 2001 reflected this instrumental view of migration.

Mavrodi (2005) notes that the 2001 law was influenced by European policies, mostly through increased awareness of what was happening in other countries. She argues though that effectively the impact of EU migration legislation was rather limited. The law voted in 2001 concentrated on a short-sighted regulation of migration through restrictive legal migration channels and a large regularization programme. During the 2000s decade, European policies like for instance the EU long-term resident status directive were transposed but their implementation on the ground was particularly restrictive in line with a view of migrants as a temporary labour force (Triandafyllidou 2009).

Migration had not been an important issue in the Greek policy agenda until the late 2000s. Starting in 2007 and noting the increase in irregular migration pressures at the Greek Turkish sea and land borders, priority was given to border controls. Looking at Greek migration control policies, Geddes and Lazarou (2008) argue that Greek policy-makers presented the country as a key player in guarding Europe from migration-related threats, changing thus traditional national frames regarding migration and promoting frames that relate to EU migration-related goals such as partnership with the countries of origin including policies of co-development referring to the 2009 Tampere principles and the agenda on 'Migration and development' introduced by the European Commission in 2005. They put more emphasis on readmission agreements with countries of origin/transit. Geddes and Lazarou (2008) argue that these new orientations in Greek migration policy discourses testify to its Europeanization.

During the last few years, we note, however, that such Europeanization of migration control policies was confined to the discursive level rather than to implementation. Low attention to migration and general reluctance to adopt a proactive and realistic migration policy plan persisted until 2009. It is worth noting that until then only the far right-wing party LAOS had tried to put migration in the election campaign agenda (in the September 2007 election in particular) albeit unsuccessfully. No other party wished to talk about the issue as all parties feared that stating publicly that Greece should accept economic immigrants through legal channels or that immigrants should become part of Greek society on a basis of equality and plurality would cost them votes (Triandafyllidou 2009).

It is in this migration policy context and with the worst economic crisis in the country's recent history looming that the Socialist party came to power and introduced two very important changes in migration legislation: it reformed the citizenship law and it overhauled the asylum and irregular migration management system. Two much needed and long overdue policy developments which, however, came at a rather unexpected timing when the country was plummeting into economic chaos. In the sections that

follow I present the relevant policy changes and analyse the policy and political process that brought them about. I also analyse the relevant parliamentary discourses (when the laws were discussed in Parliament) with a view to highlighting how these policies were legitimized (or criticized) by the main political parties and in particular what was the role of 'Europe' and the 'EU' in such discourses.

#### 4. Methodology

This paper focuses on the two most important legislative measures, notably the citizenship law reform and the reform of the asylum and irregular migration management system. The study is based on the analysis of parliament proceedings when the two laws came to discussion in the Greek parliament. Two sets of parliamentary proceedings have been reviewed: those of 10–11 March 2010 (on law 3838/2010) and those of 10–12 January 2011 (on law 3907/2011). In addition, I have conducted seven semi-structured interviews with policymakers (including the Directorate of Migration Policy in the Ministry of Interior; the Regional Directorate on Migration of the Athens Prefecture; the Human Rights section of the Greek Ombudsman and the Integration Directorate of the Ministry of Interior). The interview guide was organized around three main topics: the recent developments in Greek migration policy: their assessment (positive or negative); issues concerning their implementation (problems and efforts to overcome them); and most importantly why in their view these laws were adopted at this particular timing.

#### 5. The Citizenship Law Reform: Dwindling European Influences

Greek nationality has been based predominantly on the *jus sanguinis* principle and, until March 2010, the naturalization procedure was long and costly, and with a very uncertain outcome even for applicants who satisfied the requirements. In practice, naturalization was an option only for people of Greek ethnic origin from the former Soviet Republics. Other immigrants could apply after 10 years of legal residence distributed in the last 12 calendar years. Implementation was, however, particularly restrictive even for spouses/parents of Greek citizens, and citizenship acquisitions were counted in two-digit numbers each year (in the period 1998–2006). After 2007, the naturalization of Albanian citizens of Greek ethnic origin was facilitated and naturalizations increased to a few thousands per year. A total of nearly 60,000 naturalizations were approved in the period January 2007–September 2011. The new citizens are in their overwhelming majority co-ethnics from Albania.

When the Socialist party came to power in October 2009, it quickly proceeded to change the citizenship law, in keeping with its electoral promises, to facilitate naturalization for non-Greek origin immigrants. In March 2010, the Greek Parliament adopted law 3838/2010 on citizenship and naturalization. The new law lowered the requirement for naturalization from 10 to 7 years of legal residence in Greece. Immigrants who wish to naturalize, however, must first obtain the long-term EU migrant status<sup>2</sup> for

which they can apply after five years of legal stay. The requirements for naturalization have been lowered although they still include knowledge of the Greek language and culture. By contrast to the previous law, the authorities are required to reply to applicants within a certain time frame, and to justify a negative decision.

Concerning the second generation of immigrants, the new law provides for children born in Greece of foreign parents to become Greek citizens through a simple declaration of their parents, provided that both parents have been living in Greece legally for at least five years. Children who were born abroad of foreign parents but who have completed at least six years of schooling in Greece and live in Greece may also naturalize with a simple declaration by their parents.

In addition to reforming the citizenship and naturalization rules, law 3838/2010 has introduced full local political rights for foreign residents who have lived legally in Greece for five years. However, immigrants who wish to register to vote must also satisfy one of the following (more restrictive) conditions: be in possession of a long-term EU resident status or a national stay permit of ten years or indefinite duration, be parents of a Greek citizen, married to a Greek or EU citizen, or hold a special identity card issued to ethnic Greeks from Albania.

While the extension of local voting rights to non-EU citizens has been greeted with great satisfaction by the centre-left-wing parties and by a large part of civil society organizations, its impact so far on migrant political participation has been rather small. The total number of immigrants who registered to vote was 10,097, alongside 2665 co-ethnics from Albania adding up to a total of 12,762 new voters for the November 2010 local election.<sup>5</sup> This number represents only a fraction of the more than 60,000 people that the Ministry of Interior expected to satisfy the requirement and, certainly, a number too low to shape electoral outcomes in the different municipalities where they voted (Triandafyllidou 2011).

The reform of citizenship law in Greece was the culmination of a slow process of 'soft' changes in the centre-left political elite views on migrant integration, which prepared the ground for this legislation. Internal developments took place within the Socialist Party between 2004 and 2009 (the period during which it was in the opposition), which signalled a clear pro-migrant integration policy of the party (Gropas and Triandafyllidou 2012). The Socialist Party created in 2005 three positions within its Central Party Committee, which were to be devolved exclusively to migrant party members. In the 2008 Socialist Party Convention, the party took a firm commitment to extend citizenship to the second generation of migrants, facilitate citizenship acquisition for the first generation and also introduce local voting rights for migrant residents when it would come to power (Gropas and Triandafyllidou 2012).

This pro-immigration shift in the Socialist party policies and practices was part of a slow and gradual process that started with internal party changes and initiatives in 2004, and culminated with the pre-election platform in the period 2008–2009. Such changes had to do with a growing awareness among party elites that migration had become a stable feature

of Greek society. A notable example of how the party elites shaped the discourse and decisions within the party is the spontaneous formation of a group of experts in July 2009 under the leadership of Thaleia Dragona, a professor at Athens University and then MP with the Socialist party, who gathered a number of university professors from different fields (economics, political science, sociology and law) known for their pro-migration views and several socialist MEPs at a series of meetings over the summer and fall of 2009. This group of experts prepared a number of short policy notes which were transmitted directly to the President of the party (and then Opposition leader) George Papandreou.

When PASOK and George Papandreou came to power after the election of 5 November 2009, Thaleia Dragona was appointed secretary of state for Intercultural Education at the Ministry of Education, while the former deputy Ombudsman for Human Rights, Andreas Takis, became Secretary of State for issues of Population and Social Cohesion, basically taking charge of all migrant integration issues under the Ministry of Interior. Another Socialist MP with pro-immigration views, Anna Dalara, was appointed vice-minister for Migration in spring 2010 until the summer of 2011. The placing of people with expert knowledge and pro-migrant integration views at key positions in concerned ministries confirmed the priority that the then newly elected government gave to migrant integration issues.

In a recent analysis (Triandafyllidou 2013) of parliamentary debates on the citizenship law, the author argues that they mainly concentrated on two competing views of national identity: one that sees the nation as a community of descent and the other that considers the nation as a civic community. The Socialist party (majority) spokesperson Ioannis Diamantidis, for instance, referred to Rigas Ferraios, one of the early leaders of the Greek national independence movement and a prominent figure in early Greek Enlightenment, to reinforce a view of the nation as a civic community, a community of values, introducing the idea that this was the 'genuine' initial conception of the nation by the heroes of the national independence struggle. The left-wing party SYRIZA spokesperson, Nikolaos Tsoukalis, emphasized that Greek national history and particularly the country's refugee history militates in favour of facilitating naturalization (Parliamentary Proceedings, 10 March 2011, 23). He argued in favour of a nation based on a community of voluntary association and civic values (Parliamentary Proceedings, 10 March 2011, 24).

By contrast the Conservative party (New Democracy) spokesperson and former minister of Interior Athanasios Nakos firmly distinguished between 'foreigners', i.e. between migrants who live in Greece but who are not of Greek descent, and the 'real Greek' co-ethnic migrants:

We [with this bill] are being unfair to those who really want who really have made Greece their homeland. We are putting into the same grade, the co-ethnics for instance, with those for whom being Greek is just one feature, not even a defining one, which they can acquire with a quick and simple administrative procedure. (Parliamentary Proceedings, 10 March 2010, 12)

The categorization between ‘us’ Greek citizens and ‘them’ foreigners was compounded by the economic crisis. Mr Nakos argued against the citizenship reform proposal contending that it would attract more migrant workers to the country at a time of increasing unemployment and economic hardship and making no distinction between long-term migrants and new/potential arrivals. The far right-wing party LAOS also agreed with this position.

In the parliamentary debate, there was thus evidently a left-right wing rift. Both spokespersons of the majority party PASOK and of the left-wing party SYRIZA supported the new bill through referring to a ‘modern state of law’ and arguing that the previous law was ‘out of date’ and inadequate for a country that belongs to Europe. This argument brought together a number of elements: a modern state, good governance, clear and transparent rules, equality of rights for all and European standards. Thus, belonging to ‘Europe’ was presented as part and parcel of respecting equality, providing universal access to the welfare state, respecting the law but also fighting irregular migration, and thus playing our due part and honouring the country’s obligations towards the EU. The following excerpt from the speech of the socialist party spokesperson is an eloquent example of this argument:

It is not possible that we want simply and only cheap, third-world labour force, ignoring the consequences on our welfare state, on our health services, and on the rights of Greek workers, ignoring also the human rights, the European practice, and our obligations as a modern organized polity. Securing the rights of legal migrant workers means also securing the rights of Greek workers and societal cohesion. (I. Diamantidis, Parliamentary Proceedings, 10 March 2011, 4)

‘Being European’ was presented with a series of positive attributes as being fair, democratic and transparent but also as being firm, law-abiding and efficient. It, thus, served to legitimize the position of the governing party that migrants should be firmly integrated into society as naturalized citizens rather than be kept disenfranchised and insecure as easily exploitable and cheap workers.

The analysis of the parliamentary debate on the citizenship law reform reveals that in an area of exclusive national competence and which lies at the heart of national sovereignty, notably citizenship law, European ‘soft’ influences through references to what other EU countries do, the European human rights tradition, the need to show that Greece is a modern, well-governed and efficient state were arguments adopted by the incumbent party elites to support and legitimize their positions. Even though Europeanization and European policies had no direct link with the reform of citizenship law, the reform was presented as necessary and appropriate for a European country like Greece.

The terms of the debate, however, changed and so did the Greek policy in this domain with the elections of May and June 2012 when the neo-Nazi party Golden Dawn received 7% of the national vote with a clear

anti-immigrant agenda and as the crisis became ever more acute leading many natives to unemployment and poverty. When the Conservative party New Democracy came to power in July 2012, the new minister of interior hurried to introduce a bill amending again the citizenship law, substantially returning to the previous situation when first generation immigrants had to wait for 10 years before applying for naturalization. He also proposed to prolong the required legal stay of parents of a child born in Greece from 5 to 10 years for the child to obtain Greek citizenship. He also proposed that a child who came to Greece at an early age should be able to naturalize through a preferential channel only if she/he has completed the entire compulsory education (9 years) in Greece. The new bill also proposed that second generation children fulfilling the new requirements obtain Greek citizenship at age 18 and not upon birth.

On 13 November 2012, the State Council found the 3838/2010 law unconstitutional. The reasoning of the State Council judges was that voting rights of whichever type are for citizens only even if the Constitution does not specify this as regards local election. In addition, they sustained that the new provisions for naturalization of first or second generation migrants are against the Constitution because they disregard that naturalization can only happen if there is a 'real bond' between the foreigner and the Greek nation. Such 'real bond' cannot be ascertained, they argue, by formal legal requirements, such as the length of residency or the fact of being born in Greece or the fact of having studied at a Greek school for 6 years. A minority among the State Council judges contested these arguments and supported a *jus soli* definition of the Greek nation.

On 14 November 2012 and on the basis of the media reports of the Council of State's decision, the Prime Minister Antonis Samaras announced on television that law 3838/2010 would stop being implemented until further notice. This announcement by the Prime Minister in the media was greeted with enthusiasm by both the Conservative party and far right-wing party supporters, while it was heavily criticized by the left-wing DIMAR and the socialist PASOK (at the time junior partners in the government coalition headed by Mr Samaras) as well as the main left-wing opposition party SYRIZA. The decision of the Council of State was published on 5 February 2013, and the 2010 citizenship law (and all the naturalization decisions issued on the basis of that law) was annulled.

In this new phase of the citizenship debate, European influences remain relevant in indirect ways, through the left-wing camp arguments in favour of a more open definition of Greek citizenship. While for the right-wing political elites, Europe is irrelevant as it is the very essence of the nation and its protection from aliens who have no 'real bonds' (i.e. blood ties) with the Greek nation that is at stake. In the following section, I shall take up the case of the recent law concerning asylum and irregular migration voted in January 2011 which offers a different view on how Europeanization can actually have a 'hard' impact on national immigration policies, while political party discourses supporting policy developments remain critical to European influences.

## **6. Irregular Migration Management and Asylum Law Reform: Resisting Europeanization**

Greece is one of the main geographical points of entrance to the EU for irregular Asian and African migrants and asylum claimants travelling from Africa or Asia through Turkey to Greece. FRONTEX estimated that in 2010 three quarters of all irregular migrants that cross borders illegally (i.e. not visa overstayers) entered the EU through the Greek–Turkish border. Greece has until recently lacked the political will to implement an appropriate asylum system.

The socialist government that came into power in November 2009 introduced Presidential Decree 114/2010 in an effort to process the backlog of asylum applications that had formed during the previous years and which exceeded 45,000 at the end of 2009. In addition, Law 3907/2011 passed by the Greek Parliament in January 2011 introduced two separate Agencies, the Asylum Agency and the Agency for First Reception. It thus set new standards concerning the first reception of irregular migrants, the distinction between irregular migrants and asylum seekers, the processing of asylum applications, the waiting period for the judgment of these applications, and, most importantly, took the asylum committees out of the authority of the Greek police (which had basically taken over the whole asylum system since 2008).

The new asylum agency (at the time of writing not yet effective) will be autonomous and decentralized (with several regional offices). First Reception Centres are being constructed in selected places where there is a notable inflow of immigrants. These centres (will) receive irregular migrants upon their arrival and refer asylum seekers to the regional asylum office that may function within the local reception centre. The regional asylum offices will be responsible for receiving and processing the applications, conducting interviews and issuing decisions at the first instance, within a time limit of 30 days.

In short, the new law transposes the EU directive on common standards for returning illegally staying aliens and promises<sup>4</sup> to significantly improve Greece's record in both asylum and irregular migration management. Contrary to developments in naturalization policy, the reform of the asylum and irregular migration management policies was largely due to external influences and mounting pressures from the European Commission, other EU member states and the European Court of Human Rights (ECHR) on Greece to respect its international and European obligations in these areas.

As regards irregular migration management, the Greek state had to transpose the EU directive on common standards for returning illegally staying aliens and this was a clear obligation that needed to be respected. At the same time, however, the state had to respond to harsh criticisms (Antigone 2011; Triandafyllidou and Dimitriadi 2011) concerning its failed asylum system. Greece had been under the spotlight because of its continuing inability to provide effective protection to asylum seekers arriving at its shores and having to be handled in Greek territory in line with the Dublin II regulation. Already on 31 January 2009, the European Commission had started infringement Proceedings with Greece because of its failure to

implement the Dublin II regulation, bringing the country in front of the European Court of Justice. The infringement concerned mainly the fact that Greece lacked legal guarantees for a substantial examination of the application of asylum claimants. Not only were asylum applicants routinely placed in detention and when released given no assistance for housing or subsistence, but also, and most importantly, their applications were routinely rejected without a proper examination or interview. On 21 January 2011, the ECHR found that Greece's broken asylum system and appalling detention conditions meant that Belgium's transfer of an Afghan asylum seeker to Greece in 2009 under the Dublin II Regulation had breached the prohibition on ill-treatment and denied him an effective remedy (Triandafyllidou and Dimitriadi 2011).<sup>5</sup>

The above decisions clearly put pressure on Greece to reform her asylum policy and reorganize her management of irregular migration. The parliamentary debate concerning the approval of this law, however, shows a pronounced discontent of the Greek party elites with these pressures and their views that national interests were to a certain extent contrasted to the interests of other member states.

The Socialist party spokesperson (Lambros Mihos) pointed to the ambivalent role that the EU plays in this field, where the Greek state needs to update its policies and harmonize them with EU directives but where Greece and asylum seekers are caught in a trap:

Something terrible is happening in Greece. Desperate souls enter, without any control [the country]. (...) they are looking for a paradise in Europe and unfortunately 80% of these people go through Greece but [Greece] ends up becoming their final destination instead of a transit country. Greece is a very good safety valve for Europe and they [the migrants/asylum seekers] know that. (Parliamentary Proceedings, 11 January 2012, 8)

He also noted the obligation of Greece to provide asylum. Analysing the somehow contrasted interests of Greece and other EU countries, he argued for a balanced viewpoint favouring reciprocity (that should be honoured on both sides):

The problem however so far has been that in a community of law and values [as the EU is], in a relationship that is based on reciprocity [between Greece and the EU] we were raising claims without providing for guarantees that we would fully respect the international and European norms. (Parliamentary Proceedings, 11 January 2012, 12–13)

The Conservative party spokesperson (Maria Kollia Tsarouha) pointed out the difficulties in addressing the irregular migration and asylum issues given Greece's geographical position. She also pointed to the fact that western and northern member states found a convenient solution with the Dublin II convention which promotes, she argued, unilaterally the interests of the member states, which have no external EU borders at the expense of Greece:

We need a more radical reform [of our migration control policy] in line with our country's interests. Guarding the country's borders is a task directly related to the national sovereignty. For this reason borders should be guarded by the national forces (...) We also need to change our country's stance on what concerns the implementation of the Dublin II Regulation, which has proven to be inefficient for the protection and promotion of our country's interests. The government must exercise further pressure on the EU with a view to reforming the common decisions of member states in this policy area. [such decisions] must be taken with a view to our mutual interest, they should not be unilateral as it happens now. (Parliamentary Proceedings, 11 January 2012, 22)

The Communist party spokesperson (MP Nikolaos Papakonstantinou) referred to the class dimension and global inequality characterizing international migration and accused both major parties for the lack of an efficient migration management and asylum policy:

[we ask that] FRONTEX forces must leave our territory. [the problem is] the classified activity of FRONTEX, the introduction of somebody else's law in our country and [the compromise] of our national sovereignty (...) we ask for the withdrawal of the Dublin II regulation which keeps trapped in our country hundreds of thousands of migrants. We underline this: to abolish the Dublin Regulation. We should be disobedient as a country, precisely because there are hundreds of thousand of migrants whose final destination are other European countries and who are trapped here. (Parl. Proceedings, 11 January 2011, 30–31)

The far right LAOS Party spokesperson (Athanasios Plevris) adopted a discourse critical to the EU arguing that the whole of Europe is in danger by massive migration of Muslims:

There is a terrifying mistake here, which is happening to us as a nation state but also to all nation state of Europe. What is this? That instead of looking at the substance of the problem, notably that 400 million Africans, Asians, hard core Islamists want to invade Europe — which is the actual problem — each nation state in Europe seeks to transfer the problem to another. On one hand with Dublin II, northern Europe traps migrants in the countries of first reception, on the other hand there is a logic which says 'give them papers to go further to other European countries'. (Parliamentary Proceedings, 11 January 2011, 39)

Europe will drown. (...) There should be a common European policy, they [other European countries] have to understand and we are trying to make them understand. (...) Dublin II has to be reformed. It is not possible that only the [first] reception countries suffer all the pressure.

There should be a proportional quota. It is true however that in discussing the abolition of Dublin II we will not find many allies in the North. (Parliamentary Proceedings, 11 January 2011, 40)

The far right party LAOS argues that Greek and other European countries' interests coincide but European countries have not yet understood the nature of the problem so as to ally themselves with Greece. However, he also concludes that there are contrasted interests between Greece and 'the North', i.e. northern European countries.

Although European influences was particularly important in shaping the content of the law, Europeanization was opposed by political parties in their parliamentary discourses. All parties were critical to the EU arguing that the European legislation puts an unequal and unfair burden on the country. Some parties like the Greek Communist Party and the left-wing Syriza went as far as asking that Greece negates its Dublin obligations. The Socialist party mitigated its criticism using the argument of reciprocity — Greece had failed in its efforts but was ready now for a new start — but other parties were more openly critical arguing that some European norms run counter to important national interests and violate the principle of cooperation and reciprocity. Nonetheless, there has been little contestation in practice of this new law and EU funds from the European Asylum Fund and the European Borders Fund have been used to promote its implementation (which still however remains excruciatingly slow).

## 7. Europeanization Tensions at Times of Crisis

This paper uses the case of Greek migration and asylum policy developments in recent years to argue that Europeanization manifests itself in multiple, sometimes reinforcing, yet often also contradictory ways. Thus, it manifests itself not only through mutual positive influences between the national elites and the EU level but also through the national elites' resistance to ideas, policies or norms initially formulated and consolidated at the level of EU policy and politics. Europeanization is expressed, perhaps paradoxically, also through the rejection of the EU and specific aspects of European integration. In effect, as the crisis has been unravelling in both the core and the periphery of the EU, we are witnessing a wide range of resistance ranging from rejection, to scepticism, to strong criticism of the way in which policies are decided and pursued, the principles upon which they are based and the manner in which the related institutions function.

In the first case discussed here, the Greek citizenship law reform, the change in the policy was the culmination of a set of gradual and incremental changes in the Greek political landscape and in the positions of the centre-left and left-wing parties with regard to migrant integration. Such change was particularly notable within the Socialist party discourses and structures. In this case, Europeanization was an instrumental and 'soft' influence: it was utilized by party elites along with references to national history to promote their own position in favour of a more civic conception of Greek citizenship and of a durable integration of migrants in Greek

society. However, when the crisis has become deeper and more acute, and as the far right-wing forces have been gaining electoral ground, the 'soft' influence loses ground and even policy is overturned. Greek citizenship policy returns to its traditional ethno-cultural blueprint, while European trends become irrelevant in the debate.

In the second case concerning the reform of the asylum and irregular migration management policy, we witness a 'hard' impact of Europeanization as the law on irregular migration and asylum reforms was directly triggered by the need to transpose the EU directive on common standards for returning illegally staying aliens as well as by concrete decisions of member states to stop returning asylum seekers to Greece. However, these 'hard' influences were actually opposed by the parties in their parliamentary discourses which accused the EU policies for being the main sources of Greece's problems in this domain and for adopting unilateral solutions (the Dublin II regulation and the first safe country principle), serving the interests of some countries (in the north and west) at the expense of countries in the European periphery like Greece that due to their geographical position bear the brunt of asylum seeking and irregular migration flows to Europe. Even the role of Frontex, which Greece had asked to intervene in the fall of 2010, was deplored in the 2011 parliamentary debate as a violation of national sovereignty.

This study confirms the importance of national elites (already amply documented (see for instance the papers in Börzel and Risse (2012)) in mediating EU influences and shaping, even bending, Europeanization. It also confirms the distinction between 'hard' and 'soft' influences which here becomes particularly clear in the case of the asylum and irregular migration law. Particularly, the analysis of the policies and discourses presented in this paper casts light to the interactive character of Europeanization that may involve not only positive influence but also rejection and resistance to EU discourses or policies. Europeanization may act as a facilitator for national policies even in areas where there is no clear requirement for harmonization or for institution building and where the prerogative of member state sovereignty is recognized, such as in citizenship law. Notwithstanding the importance of national structural factors such as the gradual change of the socio-demographics of Greece and the socio-economic settlement of the migrant populations which made their durable integration a logical outcome of this process, the study points to the crucial role of specific social and political actors (party elites and specific experts in key positions) in promoting policy change utilising European discourses and policies as a legitimising factor.

This paper brings to the fore, however, two new findings with regard to Europeanization processes. First of all, it shows that it is not only new member states shortly after accession where domestic incentives can become more important and may thus lose momentum in their policy reforms (Sedelmaier 2012; Spendzharova and Vachudova 2012). It is also in old member states like Greece when during a period of crisis, EU incentives are weak and domestic concerns grow strong that elites adopt discourses that are against the EU, while they also promote policies against

the EU tide, to protect their interests and gain votes. Indeed in the citizenship field where national sovereignty remains of paramount importance, national developments, notably rampant unemployment and poverty as well as the spectacular rise of an extreme far right party, led to a *volte-face* in Greek policy. European influences became irrelevant and Greek citizenship was re-appropriated by the national political elites as a field of contestation. The debate centres around who is Greek (by descent or by residence and socialization in Greece) without looking into any European standards for guidance. The study in other words confirms the primacy of national over European politics even in countries with more than 30 years of EU membership like Greece. Future research should actually address more closely the dynamics of such national re-appropriation and de-Europeanization process both at the level of discourses and at the level of actual policy changes. Given the current overall European crisis, we may be witnessing such processes in different countries in different policy domains in the near future.

Secondly, and in a more positive vein, in studying the soft and hard influences, this study points to the ways in which discourse and policy may counter-balance each other eventually promoting or ‘allowing’ Europeanization to take place while dissolving or at least loosening political tensions. In the case of the Greek irregular migration and asylum law reform, while the actual reform was directly triggered by Europeanization (the obligation to transpose relevant directives and respond to infringement procedures started by the European Commission), resistance was expressed at the discursive level. Policies were eventually reformed and in this sense ‘europeanized’ although EU policy in this domain was rejected (in discourse) as serving other member states’ interests against those of Greece. Such resistance does not mean that Europeanization is not exerting any influence — on the contrary it does not only by triggering effective policy changes but also by generating discourses about what is the good or the ‘wrong’ policy for the country and ‘what should be done.’

In short, while this study confirms the need to distinguish between soft and hard EU influences and shows that the role of national political elites cannot be underestimated, it also uncovers more subtle processes of political debate and negotiation which ‘allow’ Europeanization to take place despite strong national elite resistance and disagreement. It likewise shows that at times of crises such ‘letting steam off’ processes may not be sufficient, and national prerogatives and concerns may overturn reforms, when the policy under consideration concerns citizenship, notably an issue that lies at the heart of national sovereignty. What is new here is that such counter-reforms and Europeanization fatigue can happen not only in new member states but also in old ones under crisis circumstances.

## Notes

1. [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-11072012-AP/EN/3-11072012-AP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-11072012-AP/EN/3-11072012-AP-EN.PDF) last accessed on 30 January 2013.
2. Concomitantly to this change, law 4018/2011 facilitated the acquisition of the long-term EU resident status (which had become a stepping-stone to naturalization). It reduced the application

- fee from 900 to 600 and made it easier for applicants to prove their knowledge of Greek by sitting a test (law 3789/2010).
3. Data provided by the Secretariat for Population and Social Cohesion, Ministry of Interior, 15 November 2011.
  4. Although law 3907/2011 has been voted two years ago, its implementation proceeds with hiccups. The new asylum offices do not yet exist (Pro Asyl 2012), while new reception centres are slowly being constructed. Programmes of assisted voluntary return have been beefed up with the help of the local branch of IOM involving now approximately 12,000 people, while written statements of postponed return have been issued to approx. 1600 people in the period 2011–2012 (data provided by the Ministry for the Protection of the Citizen, 30 May 2012). Discussing fully these important implementation issues, however, goes beyond the scope of this paper.
  5. Several member states stopped implementing Dublin II and returning asylum seekers to Greece since 2008: Finland stopped returning asylum seekers to Greece on 18 April 2008, shortly after Norway, the UK in September 2010, Sweden in November of the same year and Germany in January 2011.

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