

Civic stratification, ‘Plastic’ citizenship and ‘plastic subjectivities’ in Greek Immigration Policy

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Introduction

Since the early 1990s, Greece has experienced increasing migrant inflows from non European Union (EU) member states (Lazaridis 1996, 2003; Fakiolas 2000; Labrianidis and Lyberaki 2001). Irregular migration has been associated with the country’s informal sector (Lazaridis 2007a, 2007b, 2007c; Kasimis *et al* 2003; Lianos *et al* 1996), ‘security agenda’, trans-border crime, trafficking and human smugglings (Psimmenos 2000; Lazaridis 2001). This article critically discusses changes in Greek immigration policy, its adaptation to current social conditions such as the extended stay of undocumented migrants, and political pressures from the EU, with special focus on three groups of migrants: Albanians, who can only be naturalized according to the strict provisions followed by any non EU migrant in Greece (‘other’ Albanians), ethnic-Greek Albanians (Northern Epirotes) and ethnic-Greeks from former Soviet Union (Pontians). Northern Epirotes were granted special status for political reasons and only very recently their naturalisation has been facilitated by public authorities while Pontians were overwhelmingly granted Greek citizenship rights.

Taking into account the diversity of immigration status and associated rights accorded to these three groups of migrants, we critically discuss the implementation of the regularisation policies and the different degrees of inclusion-exclusion these groups have experienced in their encounters with civil servants, bureaucratic procedures and with

challenging policies for combating racism and discrimination on grounds of nationality. We argue that in this case, ethnicity plays an important part in the likely status of the migrant. We show the construction of three layers of citizenship: the citizen who belongs in the case of the Pontians, the citizen who does not belong in the case of the ‘other’ Albanians and the in-between or in-limbo in the case of ethnic-Greek-Albanians. There is fluidity between these different degrees of citizenship; therefore we argue that there is a ‘*plastic citizenship*’ (from the notion of plasticity) developed, where boundaries are blurred and processes of becoming or not are fluid, changing over time and influenced by notions of who should belong and who should not, who is entitled to what rights and who is not.

Theoretical context

Following the Aristotelian *politeia*, according to which citizens of Athens were only those whose parents were born in Athens, Greek citizenship laws are largely based on *ius sanguinis* (the law of the blood) and not on *ius soli* (law of the land, meaning the law of the place of birth). Greek is considered the person who is born by Greek parents. Only children, who are born in Greece and have no other citizenship (stateless), become Greek citizens according to *ius soli* (Papasiopi-Pasia 2004:5-10). The children of migrants, cannot become Greek citizens by birth, as they could in other countries like the USA (Shaw 2007B:2564). It is a citizenship deriving from the nation being perceived in ethnic terms; as Triandafyllidou *et al* (1997:9) argue, ‘in the Balkans, where nations are perceived in ethnic terms, the states which succeeded the Ottoman Empire set the foundation for great illusions, namely that they are represented ethnically homogeneous

societies. In this sense, the ‘others’ were supposed to be outside the borders, and minorities within them were just neglected or disguised’. People belonging to “*ethnos*” are part of ‘us’ (Greeks) as opposed to ‘the others’, and in case they do not possess Greek citizenship, the special term “*omogeneis*” is used. “*Omogeneis*” enjoy special rights in relation to the rest of the migrants.

In this paper we are critical towards Greek citizenship and immigration legislation, which views citizenship merely as “formal membership” to the Greek polity and does not leave room for accommodating ethnic and cultural diversity within the nation-state and for the mutual recognition of rights and diversity of both the majority and the minorities (Kymlicka 1995B). ‘Contemporary reality requires citizenship not to be restricted to groups which claim to be ethnically and culturally homogeneous’ (Triandafyllidou *et al* 1997:13).

Arendt (1948/76) defines citizenship as the right to have rights. Thus, citizenship is a prerequisite for the enjoyment of human rights. The condition of the excluded is defined by Arendt as “statelessness” (ibid). Sommers (2008:26-27), in actualizing her theory, has established that today “statelessness” does not mean only non membership in a national community, but it is applied to the excluded (the poor, the unemployed), and that *de jure* citizenship does not automatically imply *de facto* citizenship. Agamben (1998) makes the distinction between **P**eople (political body) and **p**eople (excluded bodies). The erasure of this division can restore humanity to those who are excluded and denied citizenship (Agamben 1998:177, 180). Jo Shaw (2007A:18-20) views citizenship as “full membership of any given community or polity”, which does not mean only “formal membership”, but also “practical access to the benefits of membership”. This broader

conception of citizenship allows us to reflect on the concept of subjectivity. The migrant is by definition the unprivileged legal subject in Europe today who is constantly shaped, changed, eventually altered; rights are conferred to, rights are taken away from migrants, according to the interests of supranational or national entities.

EU migration law, arrayed in the ceremonial mantel of security considerations, is hostile towards migrants from non EU countries, and it undermines the hesitant emergence of a European social citizenship (Marshall 1950, Kravaritou 2002), or the future emergence of an automatic or ascriptive citizenship for all residents in EU member States (Rubio-Marin 2000; Shaw 2007B:2564), migrants from non EU countries included (Kymlicka 1995A, 2000; Soysal 1994). Instead, a *plastic citizenship* emerges, a citizenship that is fluid and flexible, easily altered by public authorities.

Malabou (2004), explains the concept of *plasticity* as follows: ‘The subject is not supple and soft, and it is not rigid either; it is something in between. The subject is “plastic”. Plastic, if you look in the dictionary means the quality of a matter, which at the same time is fluid but also resisting. Once formed, it cannot go back to its original state. For example, when the sculptor is working on the marble, the marble, once sculpted, cannot be brought back to its original state. So, plasticity is a very interesting concept, because it means, at once, both openness to all kinds of influences, and resistance’ (Vahanian 2008:6). In German, Malabou (2004) notes, the word plastic can mean both ‘capable of shaping’ and ‘capable of being shaped’. It expresses both the active and passive aspects of shaping. The subject is plastic, not elastic, it never returns to its original form, it may be shaped, but in the process of being shaped, it undergoes a transformation into

something new, which can produce a new self in Foucaultian terms (Foucault 2004: 214). Plasticity might be the name of this transformation (Vahanian 2008:5)

Plasticity is revealed both in the EU and the Greek national contexts, if one checks over both the letter of the law and its actual implementation. Law provides a sort of exceptionalism for migrants and public authorities often apply regulation in a discriminating and marginalizing manner. Migrants are transformed into new subjects of law when they are granted limited citizenship rights, through the regularization process, for example; they lose their old subjectivity, and new, differentiated from one another, subjectivities emerge, which even though one may think they are shaped by public authorities and they remain static, unable to escape their newly created form, they incorporate sperms of resistance, which eventually will be revealed. Foucault (1978:96) argues that the power over subjects always creates resistance. In this sense, if societies are closed structures that mould and shape subjectivities, and Greek and European society in relation to migrants is one of them, they cannot at the same time be contrary to freedom or any kind of personal achievements or resistance. *Plastic citizenship* in this respect creates *plastic subjectivities* for migrants in Europe and in Greece.

Here we apply the notion of *plasticity in citizenship*, implying that it emerges when boundaries are blurred and processes of becoming or not are fluid, changing over time and influenced by notions of who should belong and who should not, who is entitled to what rights and who is not; at the same time, we argue that this *plastic citizenship* leads to a transformation of migrants' subjectivities into *plastic subjectivities*, which can resist

and can have all kinds of possibilities to wiggle and escape from the rigidity of the societal structure.

Methods

The empirical part of this paper is based on the findings of the narratives collected in the greater Athens area during two projects researching migration issues in southern Europe. Athens was chosen because of the main concentration of Albanians, ethnic-Greek Albanians and Pontians¹, a metropolis where low-cost migrant labour is much in demand in various sectors of the economy. In-depth, semi-structured interviews with migrants (22 with Albanians, 19 with ethnic-Greek Albanians and 20 with Pontians), 69 guided conversations with migrants' associations, anti-racist organisation, state agencies and other key informants were conducted in 2001 and 2002. Given the known high level of suspicion amongst undocumented migrants, the interview subjects were selected carefully and approached with sensitivity. The role of intermediaries was critical here, combined with carefully controlled snowball techniques; 'snowballing is a specialized technique which does not attempt to achieve a representative sample' (Lazaridis and Wickens 1999:637). Although the migrant population surveyed was unknown as far as its strict demographic and social parameters are concerned and hence not subjectable to a rigorous sampling frame, we tried to achieve intuitive representativeness by interviewing people across age groups and socio-occupational backgrounds; in the case of migrants from Albania, the male/female ratio of interviews has been kept to approximately 2:1 to reflect the gender balance of the Albanian population in Greece. The interviews broadly

employed a life-history approach. Reflexivity was maintained to allow for diversity of interpretations, attitudes, perceptions and behaviours. What is reported is based on the interviewees' subjective accounts and interpretations of events, their view of reality as they experienced it and reported it at the time of the interview.

The European Union context.

In the EU context, different kinds of citizenship rights apply: regular EU nationals' citizenship rights, rights to non EU nationals, rights to non EU nationals married to an EU citizen. An oxymoron is observed in EU policy-making regarding the rights migrants. On one hand, the two EU Non-discrimination directives, the Race Directive (2000/43/EC), the Framework Employment Directive (2000/78/EC), and the EU Charter of Fundamental Rights (arts. 20-23) grant non-discrimination rights to non EU nationals, and on the other hand recent migration legislation deprives migrants of already existing rights. A kind of a *quasi-social citizenship* emerges for migrants, which is, however, constantly undermined by restrictive migration legislation, and the narrow stance taken by the Court of the European Communities (ECJ). For example, in case C-540/03 (judgment of 27/06/2006), the ECJ bound politically by the strict EU immigration policy refused to annul the Family Reunification Directive (2003/86/EC) claiming that integration tests imposed upon children of third country nationals do not breach the fundamental right of respect of family life and the right of non-discrimination on grounds of age. A good example of strict immigration policy and "fortress Europe" approach has been the adoption of the 'Return Directive' (2008/115/EC), where 'return' is understood

as sending back illegal migrants not only to their own country, but also to transit countries from where they came, or to any other country the immigrant agrees to return and which accepts him/her. According to this directive, it is possible to allow for up to 18 months detention period for illegal migrants and to detain unaccompanied minors and families with minors.

The notion of *plasticity* in citizenship is also observed in the national context. Relevant regulation in Greece, namely laws N.3386/2005 and N.3536/2007 (partly amended by Law 3731/2008) are largely adaptations to the requirements of two EU directives, one regarding family reunification of nationals of non-Member States (2003/86/EC), and the other long term residents in the EU (2003/109/EC). Also, art.48 of Law N.3772/09, which regulates administrative expulsion conditions for immigrants increases the maximum limit of temporary detention from 3 to 12 months and adds as a condition for expulsion of immigrants the initiation of criminal proceedings against them for a criminal offense, which is punished with at least three months imprisonment. The law does not require conviction of the immigrant, just initiation of criminal proceedings, and allows expulsion in cases of minor criminal offenses.

The relevant legal framework on migration constructs the *unprivileged legal subject* in Europe today. The *unprivileged legal subject* is the bearer of rights provided by the *plastic citizenship* notion; a citizenship that is fluid and flexible, it changes according to the interests and needs of the EU and/or the states involved in each law-making process.

Differential treatment of three groups, ‘other’ Albanians, ethnic-Greek Albanians and Pontians by the Greek State is revealing of the emergence of *plastic citizenship* and the creation of *plastic subjectivities* for migrants.

The national context: Greek immigration policy towards undocumented migrants

The influx of large numbers of migrants in the early 1990s (estimated at the time to be around 590,000 [Chletsos and Karasawoglou 1997:3], about 5% of the total population of Greece) found the Greek government unprepared and a coherent immigration policy was absent in Greece (Lazaridis 1996; Fakiolas 2000). Law 1975/1991 marked the beginning of Greece's recognition of the presence of migrants as a de facto reality and the adoption of 'EU fortress' attitude, putting emphasis on 'remedial' (deportation and expulsion procedures), 'punitive' (border controls, penalties, fines and imprisonment of irregular migrants, human smugglers, carriers and sanctions to employers of irregular migrants), and 'preventive' measures (setting the visa as a prerequisite for entry of third country migrants). The establishment of over restrictive immigration structures and non realistic mechanisms for labour recruitment with regard to legal entry left the majority of migrants under a clandestine status, leading some to argue for the emergence of 'an undocumented underclass' (Lazaridis and Romaniszyn 1998). Around 1.5 million expulsions took place between 1991 and 1997, the majority of whom were migrants of Albanian origin. Irregular migrants were entitled to free access to health services in cases of an emergency (law 1975/1991, art.31.2) and migrants' children were enrolled in primary and secondary schools under a tolerance state; although a birth and health certificate, residence permit and certification of school attendance abroad were the formal requirements for registration (decision F6/370/G1/1188/20-9-95), in practice, they were registered in schools irrespective of their legal status in Greece, and could also benefit from 'education

policies introduced to attend to their needs' such as attending classes in Greek language, and support classes in history and other subjects (Ministry of Education decision F.2/378/G1/1124); however, there were serious obstacles in operation to the rights and life-chances of newcomers.

Until 1998, Greece was the only southern EU member state that had not introduced a regularization policy (Lazaridis and Poyago-Theotoky 1999:721). Lobbying from pressure groups such as organizations against racial discrimination, and migrants' associations' organized protests and demonstrations contributed to the introduction of legislation aiming at regulating the residence of undocumented migrants. With this, Greece entered a 'reparative' phase, introducing a series of regularization programs, all inundated with implementation problems at all levels, namely institutional bureaucratic ones, characterized by racist attitudes and corruption. The first regularization took place in 1998 (presidential decrees 358/1997 and 359/1997). A two-stage process, with a temporary 'white card' being issued initially, and then a longer duration 'green-card', was introduced. This process, including the large number of social security stamps required, given that these migrants were undocumented working in the twilight zone, resulted in deterring migrants from applying. 372,000 people participated in this first regularization; nearly two thirds came from Albania; other groups included Bulgarians 6.7%, Romanians 4.5%, Ukrainians 2.7%, Poles 2.3%, Georgians 2%, Filipinos 1.5% (Kavounidi and Hatzaki 1991; Kavounidis 2002); 219,024 were issued with a green card. With that a regularization 'business' began, numerous people, including civil servants and the police, trying to profit by offering 'help' to the migrants at a certain price (Fakiolas 1997, 2003). Three regularizations followed, one in 2001 (law 2910/2001) with

315,000 applicants, one in 2005 (law 3386/2005) with 145,000 applicants and one in 2007 (law 3536/2007) (Alipranti-Maratou 2007:189). Although border controls and punitive measures continued to be major aspects of the Greek immigration policy (laws 2910/2001 and 3386/2005) and preventive measures [such as bilateral non-abiding agreements signed in 2001 with transit countries of irregular flows like Turkey, Poland, Romania and Slovakia and Lithuania for immediate deportation, re-admission, and with two major source countries of irregular migration, namely Albania (law 2482/1997) and Bulgaria (law 2407/1996) for up to six months seasonal employment, and a non-realistic guest worker scheme setting an employment contract and visa as requirements for legal entry and a drafting of procedure where an employer would choose a worker via a list provided by the consulates in the home country of the migrant] were introduced to tackle irregular flows, the phenomenon of immigration persisted and, as in the other southern European countries, regularizations became a ‘recurring’ practice .

Temporary statuses and entrapment in a ‘regularization cycle’: the case of “other Albanians”.

“Other Albanians” are entrapped in constant ‘regularisation cycles’. The regularization programmes have viewed the migration phenomenon as ‘transitory’ and have granted temporary, transient statuses resulting in migrants’ entrapment in a ‘regularisation cycle’. Permits have to be renewed on an annual basis; the procedures to be followed are demanding. The residence permit in the 1998 regularisation was to be issued for one to three years, depending on the applicant’s employment contract duration and type of

employment, the state of the labour market and the general interest of the host country's economy. This could be extended for up to two years. In the 2001 regularisation, the duration of the work and residence permit was to be in accordance with the duration of the job contract but more than 75% of the cards were issued for one year. Similar was the case with the permits issued during the 2005 regularisation.

Acquisition of a long term residence status is difficult to achieve. Based on the provisions of the law 1975/1991 which was in force up till 2001, after five years of legal residence one could request to renew his/her permit for another two years and after 15 years of legal residence one could obtain a residence permit of indefinite duration. Presidential decree 359/1997 relaxed slightly the standards, in that a 5 year card would be issued provided one had been residing in Greece for at least five years and had substantial means to support oneself. Law 2910/2001 retained the standards high; after six years one could extend one's permit for two years at a time, and after 10 years it could be extended indefinitely. Law 3386/2005 introduced the status of 'long term resident' for third country nationals who were issued with residence permits under law 2910/2001 and resided legally in Greece for the past five years, provided evidence that they could support their dependents, had a place to stay and substantial knowledge of the Greek language, history and culture. The regularisation cost was high; it involve expenses for issuing documents by the embassies (birth and family status certificates), translating and certifying these documents by state agencies, stamp fees (around 150 Euros in 2001) for residence permit. Also, lack of trained personnel and computerisation facilities and other bureaucratic difficulties related to delays and difficulties in acquiring these documents increased the 'cost of regularisation' including loosing time and wages while waiting in

long queues. In other words, the civil service was unprepared to deal with the high number of applicants and cope with the work load. As a migrant woman put it: *'It is a nightmare over there... the police shout at us, the personnel shout like maniacs, they have no respect for us... everybody shouts... they make you feel exhausted, a wreck, it is humiliating, a psychological war against us'*. Another migrant added: *'I could not express myself, my Greek is not that good; an official said to me, what can I do for you my girl, if you do not know how to speak properly go back to your country'*. Some migrants hired lawyers or other intermediaries to collect, prepare and submit the documents to the relevant authorities on their behalf. Thus a 'regularisation business' emerged, which included paying a 'speed up fee' (called by migrants *grigorosimo*) to bypass existing infrastructural and attitudinal problems relating to the discriminatory attitude and behaviour of civil servants; in addition, contradictory information received by different employees tends to cultivate confusion and suspicion amongst migrants, who stressed the 'luck element' as an important ingredient of the process.

Currently, Greece's major legal instrument concerning immigration is Law 3386/2005 regarding entry, residence and social integration of third country nationals into the Greek territory, revised by Law 3536/2007 on determining matters in migration policy and other issues falling into the competence of this Ministry. Under the 2005 Law, hundreds of thousands of illegal migrants were not able to obtain a residence permit. Besides visas and stamped passports, a migrant can be regularised by providing public documents certifying that one of the following occurred before the end of 2004: a) the birth of a child in the country, b) marriage to an EU citizen, c) a child's enrolment in primary or secondary school. The 2007 Law abolishes the obligation to supply an employment

contract for the renewal of residence permits for construction workers, private nurses and domestic workers, with more than one non-permanent employer. Moreover, migrants in paid employment can officially buy insurance stamps at 20% of the number needed annually, in order to renew their residence permit and not to be forced, as in the past, to buy them at extremely high prices in the black market. They may, also be employed in other regions than the one where their residence permit has been issued, one year after this permit has been granted.

Structural limitations of the legislative framework and lack of *administrative preparedness* due to structural endogenous weaknesses, hindered further the regularization process and outcomes, tested civil servants patience, resulted in frustration amongst migrants producing an ‘in limbo’, ‘marginalised’ status. To compensate for the delays, a short term solution was introduced; the deadlines for application and duration of permits were extended. The deadline, for example, for applying for the green card in the 1998 regularization was extended four times.

In addition, a ‘semi-regularized’ status was introduced to counteract these delays, the so called ‘certification of having submitted an application and documentation for a residence permit’ in the 2001 and 2005 regularisations. This document does not constitute a valid residence permit; rather, it is a ‘quasi-documented’ status which protects them from deportation. However, they are deprived from social rights and benefits and from the freedom of movement. That is, one cannot travel back and forth to the country of origin since with this document one is not allowed to re-enter the host country. As a result, the applicant relied in an ‘in-limbo’ state. As Doni said: *‘If I want to visit Albania, I can’t... I would have liked to be free... I have applied for residence permit and it will be issued a*

month before it expires. You have the permit for a month'. Another migrant, Ravena described her in-limbo status as follows: 'It is as if you are in a golden cage. That is, you have the luxury of being in the cage but you cannot go out... I won't be able to come back'. Another migrant, Aldi said: 'The grandfather of my wife died and she couldn't go to the funeral, they wouldn't let her back in and the papers were late ...I have submitted my application on 20 October 2002 and they provided me with a certificate and got it on 15 October 2003'.

Many migrants were trapped in this status for 6-7 months and could not enjoy the rights to which they were entitled due to the implementation shortcomings, mainly inability of civil services to issue permits on time. As a result, migrants feel deprived from the freedom to arrange holidays or travel home in emergency cases such as death, weddings etc. As Ermal said: *'I would have liked the procedure to be different. From the moment I obtained the permit I had to start running around preparing the necessary documents which had to be submitted to the authorities so that I renew my work permit. Once I do that I have to start running around gathering together the documents for renewing my residence permit... All I do is run around collecting the necessary documents ... I am in Greece seven years now ... the first few years I was undocumented... but since I run run run, I pay a lot of money, in order to get the residence permit I had to pay 50Euros... this is a lot of money for someone like me'*

Foreigners' children born in Greece are not automatically granted the Greek citizenship and are either registered on their parents' permits as dependent children under the family reunification provisions or issued with a 'foreign student residence permit'; after completion of their studies they have to depart from Greece or be issued with a residence

permit following the regularization procedures followed by adult migrants. Naturalisation requirements have been high to reach in terms of minimum duration of legal residence (10 years at least during the last 12 years prior to submitting the application in the case of migrants and 5 years in the case of refugees). Naturalisation should be facilitated for persons who are born in the territory of a member state and legally reside and for persons who legally reside for a period of time prior to the age of 18 (Tsitselikis 2007).

In December 2008, Law 3731/2008, was adopted which facilitates only the regularization but not the naturalisation of migrants' children born in Greece; they could acquire the status of long-term residents when they reach the age of 18 and only if their parents continue to reside legally in Greece. Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, does not require the applicant to be born in the country, or to have reached a certain age limit. The only conditions set by this provision are that the applicant should have stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family and sickness insurance. Also, Member States may require the applicant to comply with certain integration requirements according to national law. The list of the directive's conditions should be considered as exhaustive. In this respect, art.40 par.7 of Law 3731/2008 is in violation of European Community law and of the International Convention of the Rights of the Child, which has been ratified by Greece through Law 2101/1992, and art.21 par.1 of the Greek Constitution, which protects childhood.

Again, Greek law envisages creating a new category of migrants with special rights, excluding from this category children who are not born in Greece, but moved in the country at a very young age, children whose parents decided to return to their country of

origin and left their child behind, and children who are born in Greece, but their parents were never regularized. For the time being it seems that the naturalisation requirements structure *transient, temporary* belongings in the case of migrants' children and second and 1.5 generation too. As a young woman, Clodia, said: *'To start with I was covered by the documents my parents had, then I got a student permit. Then someone said to me: "marry a Greek man and you won't have a problem". I did not do this. I have pride. I will try to find a job. Shame. We are 10 years here.'*

One of the main lessons that Greece learnt from its experience is that the policy of regularization must be accompanied by other policies and administrative practices which will facilitate the efforts of migrants to remain legal and successfully integrate into the host society.

Northern Epirotes

The Greek immigration policy toward the Northern Epirotes is different. These were viewed as 'temporary guests'. Special legislation to target this group was introduced in 1998. The Greek state did not encourage their permanent settlement for political reasons, so as not to erode the Greek presence in traditional areas of settlement (viewed by the Greeks historically as being Greek territories) in southern Albania. No policies were introduced towards their social integration. On the contrary, policies focused on encouraging their stay in Albania; the so called 'Albania Project (1991-1999) aimed at discouraging outmigration and provided humanitarian support (food, clothes and medicines), school equipment, vocational training, support for business activities, support for infrastructural works. The political and economic unrest in Albania in 1997 due to the

Pyramids scandal led to a shift of the Greek immigration policy towards this group; given that their resettlement to Albania was to be postponed, legislation was introduced to regulate their residence and employment rights in Greece. In particular, up till 1998, co-ethnics from Albania entered Greece with visas issued by the Greek consulates in Albania, whereas others crossed the borders mainly on foot. Upon their arrival, some were issued with residence permits by the local police authorities or short duration permits which enabled them to travel back and forth; some renewed their visas, others overstayed and resided in a *semi-tolerance* state. In addition, demonstrations and protests by Northern Epirotes' associations in Athens in the late 1990s pressurized the government to pass legislation to clarify their legal status in Greece.

Facilitation of acquisition of the Greek citizenship was not considered for two reasons. First, the state did not want to encourage out-migration and second, this required the signing of a bilateral agreement between Greece and Albanian recognising dual citizenship rights. However, the Albanian constitution was blurred on this matter, which according to representatives of the Northern Epirotes associations in Athens, namely Saint Kosmas, Delvina, Dropoli, ENBH, would put at risk their properties in Albania at times of political tension between the two countries.

The Greek state introduced a *flexible, temporary, privileged status* to accommodate the special needs of this group, taking into consideration both long-term 'national interests' and the short-term needs of this group. They are granted a *favourable legal status*, short of citizenship or '*quasi-citizenship*' to facilitate their labour market and social integration in Greece and movement between the two countries. A special identity card for co-ethnics (*ethniko deltio taftotitas omogenous*) was introduced in 2001. The card

constitutes both a work and a residence permit and has to be renewed every three years. The renewal procedure does not require re-submission of documents (such as a photocopy of previous special identity card photographs, stamp fee) but still requires some effort, that is all family members should be present at the police station. The regular renewal of this card indicated that the Greek state viewed as *temporary* the residence of this group and aimed to discourage their permanent settlement in Greece. This card provided in principle equal rights to Greeks in the Greek labour market (public and private sectors), civil and welfare services with the exception of rights to vote and serve in the Greek army. Spouses, irrespective of their ethnicity, and children are granted this card upon proving their kin ties with the applicant. The Greek Ministry of Interiors has recently issued data on co-ethnics' special ID cards holders stating that their number is currently 189.000.

The implementation process, similar to the case of the regularization programmes has been problematic and undermined its effects and outcomes and contributed to shaping a 'degraded citizenship' status. Interviews conducted with Northern Epirotes show similar feelings of frustration to those expressed by our Albanian interviewees. The issuing of these cards by the police authorities (Aliens department) has been mentioned by our interviewees and representatives of Northern Epirotes associations as a major shortcoming of the implementation process. Access has been problematic due to limited infrastructure and personnel, resulting in long queues of applicants and in incidents of frustration. However the experiences are not homogenized; much seems to depend on the officer in charge. The case of Giannis, shows the bureaucratic difficulties migrants were encountered with. He said: *'The translation of documents was delayed by three weeks at*

the relevant ministry, and getting it stamped meant another week of wait. One month passed by. It took three more months to receive my papers.’ Some tried to bypass delays by bribing officials. As Eva said: *‘We had no other option. They are not helpful at all. They shout at us. They need more personnel ... The police treat us as criminals. You couldn’t ask them for a clarification and they would shout at you. Maybe another part of the Ministry should deal with our case, not the police’*. Elias added: *‘I saw them shouting and then hitting someone... their behaviour is unacceptable... they treat us as animals’*. Mary, stressed the verbal abuse they were subjected to; she said: *‘They say “come one you Albanian shit, you are here to make us feel so tired all summer months...”’* Another woman, Giouli added: *‘The policeman in charge said: “what? You will now become Greeks? Why don’t you go back to your country?” and I couldn’t say anything because he was in charge of my life at that particular moment’*. In other words, applicants were racialized by the personnel responsible for issuing their special ID cards, questioning the applicants’ Greekness, thus constructing boundaries between ‘us’ and the ‘other’. Those who submitted applications at non-central aliens branches did not encounter so many delays. As Dimitri said: *‘Friends who applied in areas outside Athens they got theirs in one week’*. In order to bypass bureaucratic delays, a ‘certification document’ was introduced in 2001 which constitutes a ‘semi-legal’ status, declaring that someone has submitted the relevant documents to the police authorities and awaits a response on one’s application. This protects the holder from being deported and has to be renewed every six months. Northern Epirotes have been treated as lower class citizens and this shaped their views about their legal status and belonging and formation of identity patterns. Another problem is that of fake documents supplied by Albanians who want to pass as Northern

Epirotes. Distinguishing the ethnic Greek Albanians from the ‘other’ Albanians has been particularly difficult, especially since the latter started changing their names to Greek names and being baptised Greek Orthodox.

A shift in the policy towards Northern Epirotes occurred with the adoption of art.41 par.1 of Law. 3731/2008. In terms of naturalisation, they have to follow the same procedure as all other migrants, but they do not have to fulfil the minimum length of residence in Greece requirement, which is 10 consecutive years in the last 12 years before the submission of their application. Also, the requirement of an oral interview is not necessary anymore for the so called “*omogeneis*” who are considered *a priori* by the Greek administration as having sufficient knowledge of Greek language, history and culture. Greek citizenship law is a law of administrative decisions. The final decision on whether one may become Greek citizen is taken by the Minister of Interiors, who may decline any application for naturalization without any justification (art.8 Law 3284/2004). This means, in essence, that the immigrant, whose application has been declined, has no legal right to bring an action before the Greek courts against the decision of the Greek administration.

The reason for this change in policy towards Northern Epirotes has been the amendment of the Albanian constitution which now allows Albanian citizens to have dual citizenship. Thus, there is no fear anymore by Greek public authorities that if they are granted Greek citizenship, they would lose Albanian citizenship, and consequently, lose their political rights in Albania, jeopardizing the very existence of the Greek ethnic minority in the country.

Pontians.

When the influx of Pontians into Greece escalated in the early 1990s (Diamanti-Karanou 2003), legislation was passed to set up the 'repatriation visa' requirement and facilitate their legal integration. In parallel, social policies were introduced towards the integration of the newcomers. Compared with 'other' migrants and Northern Epirotes, Pontians have received more support for transfer of household belonging, support for settlement, rent, child support, unemployment, vocational training, appointments in the public sector and could participate in a housing settlement programme, called the Pontian programme, implemented in 1990-2000 by the National Foundation for the Admission and Resettlement of Expatriate and Repatriate Greeks (EIYAPOE). The migration of Pontians was viewed as permanent migration. Law 2130/1993 set the 'repatriation visa' as a prerequisite for granting them with Greek citizenship. The consulates would issue the 'repatriation visa' upon proof of one's Greek origin; upon their arrival in Greece applicants would be issued with a residence permit and submit an application for defining their ethnicity. The Prefect would ascertain and recognise one's Greek citizenship on the basis of the repatriation visa and residence permit. Greek citizenship is granted via a special procedure, including an interview with a special committee set up to evaluate one's Greek origin (law 2970/2000) and their so-called Greek national consciousness (law 2910/2001, art.76); that is the committee would investigate whether one feels and s/he belongs to the Greeks of the former Soviet Union, has contact with the Greek customs, traditions and way of life, speaks the Greek language. Based on unpublished data

obtained by the Ministry of Interior, 122,665 Pontians acquired Greek citizenship during 1989-2003 and 155,319 Pontians were recorded in the 2000 census as having Greek IDs.

Similar to the North Epirotes, in the case of Pontians the legal process was demanding and bureaucratic. According to interviews we conducted with representatives of Pontian associations, acquisition of citizenship was not a rapid process. Delays were noted and applicants encountered problems relating to the bureaucratic inefficiency of the Greek civil service, and problems related to lack of fluency in Greek language. As in the case of Northern Epirotes, the process of evaluation of applications became stricter when it was rumoured that foreigners started being granted Greek citizenship on the basis of 'false' repatriation visas and fake residence permits (interview with representative of the Faros association). As the checks became stricter, the processing of applications slowed down, as these had to be checked not only by the Ministry of Public Order but also by the Ministry of Interior. Data had to be crosschecked with the consulates which had to provide lists of repatriation visa holders and data on the applicant's name, date of birth, passport number and repatriation visa number. These incidents fuelled suspicion and doubts on the claimed 'Greekness', which resulted in bureaucratic difficulties similar to those encountered by Northern Epirotes. The case of Ina, a 17 years old Pontian woman, illustrates these points: *'I was young, with a passport. We got residence permit immediately, almost immediately I would say, within two months... many years passed by, many papers have been issued, the bureaucracy involved is something incredible, that is for my dad to prove that he is my dad, that the name he has is his, it is incredible.... We just received a letter saying that we will get the ID card but it is not yet clear when we will receive it. We are waiting of yet another paper ... its such a hustle .. four years*

passed and we are still waiting.. The way they treat you is really strange. It depends who it is you are talking to in a particular day. S/he may answer your questions or may not '.

Giannis said: *'At the time when I was gathering all the necessary documents together I went to the Prefecture and they told me that it will take one to one and a half years for them to be processed... I found someone I knew and he did them in a day... You go to the relevant departments and one civil servant is chatting on her mobile, the other one is playing in his PC, the next one daydreams... all these people.. what can I say... nothing works in this country'.* Once they obtain the necessary document, they have 'formal citizenship rights'. They are not 'migrants' or 'others'.

Although the process has been decentralised since the early 1990s and implemented by the local prefectures, the procedure is still cumbersome. Nevertheless, a number of factors facilitated the legal integration of Pontians. The majority arrived legally, that is via invitation by relatives already residing in Greece, others used their passport or the passport of a family member and arrived with repatriation or tourist visas. Pontians could also approach Pontian associations and the Repatriates Information and Support Centres (KEPYP); these were established in areas of high Pontian concentration, such as Ano Liosia, Aspropyrgos, Lavrion, Archanes, Athens city centre, Kallithea and Aegaleon, and offered advice and information on citizenship and education matters, recognition of qualifications and diplomas obtained abroad, training courses available, loans etc.

They view the acquisition of Greek citizenship as a right to which they are entitled, as a formal acknowledgement of their Greek origin. As Maria said, *'Once we got the Greek identity card, we felt independent so to speak ... I liked the fact that I was formally Greek now. I got what was entitled to'.*

Discussion and concluding remarks

As seen from the cases above, *differentiated, stratified statuses* are granted, that is residence permit (Albanians), quasi-citizenship (Northern Epirotes), and citizenship (Pontians). Two co-ethnic groups have been admitted on the basis of their Greek ancestral ties and have been viewed as ‘one of us’ and granted favourable legal statuses to facilitate their social and labour market integration. Hence boundaries have been constructed between ‘us’, the ‘others’ and the other ‘others’.

The Greek immigration policy has structured a ‘temporary’, ‘transient’ status via the regularization process in the case of undocumented migrants and entrapment in a ‘regularization cycle’. Long term residence and naturalization criteria are high to reach. Differential legal statuses have been introduced towards the two co-ethnic groups under study on the basis of migration type (permanent or temporary) and ‘national interest’. The Greek state aimed at flexibly accommodating the members of these two groups taking into consideration the specificities of each case and not at ‘hierarchizing’ these groups in terms of Greekness (that is considering one group to be more Greek than the other) as suggested by Triandaffylidou and Veikou (2002). In the case of Northern Epirotes the legal context structured a ‘temporary’, ‘flexible’ and favourable/privileged belonging and in the case of Pontians a ‘permanent’ and ‘officially recognised’ status.

The implementation of the legal framework in all three groups under study exhibits inherent weaknesses and structural problems relating to the function of the Greek civil

service, such as long queues and delays in issuing documents and processing of applications. Northern Epirotes encountered these problems especially at the initial stage of being issued with their cards and to a lesser extent during the renewal process of the cards. The Albanians encountered these problems much more than the former given that they had to renew their permits on an annual basis. In the case of Pontians, the hurdles end as soon as they acquire the Greek citizenship.

The implementation of the process resulted in structuring: a quasi-documented status and in-limbo, marginalised belongings in the case of the Albanians. A degraded, devalued, vulnerable, insecure lower class status in the case of Northern Epirotes; the problematic implementation of the process in this case undermined an official privileged legal status and resulted in treating the members of this group as second-class citizens; their Greekness was questioned by the Greek civil servants and police despite policy goals towards treating the member of this group equally to Greek citizens. Finally, administrative shortcomings of the Greek civil service are illustrated in the implementation process in the case of the Pontians too, especially when it comes to them proving their Greek origin.

Pontians have been naturalized, since almost the very beginning of their arrival in Greece. Nevertheless, Northern Epirotes seem to fare considerably better in the Greek labour market if compared to Pontians. One reason for this might be the absence of the language barriers in the case of Northern Epirotes, given that most of them spoke some Greek when they arrived. In the case of the “other” Albanians, however, the emergence of plastic subjectivities has proven to be somewhat beneficial. The majority has been rather flexible, trying to learn the Greek language fast, integrating themselves into the

Greek religious tradition through baptism. ‘This is an attempt to adopt “Greekness” in order to assimilate, or to achieve, if possible, the production of bonds, sentiments and solidarities relating to collective origin and belonging to produce advantages and privileges, the forms and degrees of which may depend upon gender, class differences, different levels of education, religious values and so on, which may interplay with those of “Greekness” to produce hierarchal outcomes for the individuals’ (Lazaridis 1999:113-114). In the case of Pontians, formal law and practices intervened in order to allow them to integrate faster. However, the security felt by favourable law allowed them to resist and to preserve their old subjectivities for a longer period of time. Older generations, for example, did not feel the necessity to learn Greek, in order to faster integrate into the Greek national order, inter-group marriages were favoured according to their country of origin tradition and favourable housing loans had the effect to allow the vast majority of Pontians to live in separate neighbourhoods within large cities and form “ghettos” (Labrianidis, Hatziprokopiou 2008: 230-231). Pontians view themselves as a distinct group in relation to the rest of the Greek citizens. Naturalisation, alone, did not prove to be a sufficient integrating factor for them. Interestingly, informality and plasticity in law implementation may, at times, even benefit more ‘vulnerable’ groups as far as success in integration is concerned. This does not mean, however, that the more ‘vulnerable’ groups of immigrants cannot resist as well. Permanently hostile immigration law and administrative practices may contribute to the formation of subjectivities which contains not only the sperm of resistance², but potentially the sperm of revolution. The re-consideration of such laws and practices by Greek public administration is crucial, in this

respect, and can shape and mould subjectivities towards the direction of peaceful integration of immigrants. For the time being, however, the policy or preferential treatment towards some groups has raised legal problems and have encouraged the civic participation of Pontians³ and Vorioepiotes while not encouraging the more active inclusion of the ‘other’ Albanians.

We could therefore argue that, due to the differential treatment of the three categories of immigrants discussed, there is a ‘*plastic citizenship*’ developed by the Greek state, where boundaries are blurred and processes of becoming or not are fluid, changing over time and influenced by notions of who should belong and who should not, who is entitled to what rights and who is not. *Plastic citizenship*, however, creates plastic subjectivities. In this way, people from different ethnic backgrounds and cultures like the ones discussed in this paper, are not entrapped in their new subjectivities, which are rigidly shaped by the Greek and European public authorities. They can still have a part to play in Greek and European society by resisting and formulating their own subjectivities, which are moulded in terms of plasticity. Thus, they will be able to co-exist, negotiating their claims of culture and ancestral ties in a shifting and changing world, and re-examining as they go along some of their cultural traits in order to strive for inclusion into the host society.

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NOTES

¹ Zografakis et al (2008) and Labrianidis, et al (2004:6) estimate that the real number of migrants exceeds the one million, making up as much as 9% to 10% of the population and over 12% of the labour force. According to Kasimis (2008:513), almost two thirds are from Albania, Bulgaria and Romania; of these Albanian accounts for 57.5% of the total. Women make up 45.5% of all migrants. The Greek Ministry of Foreign Affairs estimates Pontians to be around 200,000 (Alipranti-Maratiou 2007:188; Kassimati 2003) and the ethnic Greek Albanians to be around 300,000.

² In October 1999, undocumented migrants rallied in the centre of Athens to protest against racism, following a series of racist murders by a Greek (Gropas and Triandafyllidou 2005).

³ Pontians have a wide range of associations organized under a larger umbrella body named Nostos. The Vorioepiotes have many associations organized under the umbrella association Agios Kosmas, which compared to Nostos has less visibility.