



**The Regularisation of Unauthorized Migrants:
Literature Survey and Country Case Studies**

Regularisation programmes in Greece

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III. Regularisation Programmes in Greece

Background

Far from having a tradition as an immigrant-receiving society, Greece has long been considered a migrant-sending country. In the 1980s and 1990s, however, this pattern shifted as political and economic turmoil in the wake of the end of the Cold War sent migrants from Eastern European nations in search of work and Greece started receiving large numbers of unauthorized immigrants. As a largely monocultural society, Greek authorities debated for years how to absorb these new immigrants economically and culturally. According to Eurobarometer polls, public sentiment towards immigrants in Greece is intolerant and xenophobic, and faced with a large flow of immigrants in the early 1990s, the country responded by passing a very restrictive immigration law in 1991 (Linos 2001, Baldwin-Edwards and Safilos-Rothschild 2000). Law 1975/1991 also denied undocumented immigrants access to education, health care, and forbade receipt of government assistance. As one scholar asserts, Greek immigration policy is based on an "exclusionary ideology for all other than ethnic Greeks" (Baldwin-Edwards 2004a). Faced with the growing reality of a large undocumented population within its borders, however, Greece ultimately opted for two programmes to regularize unauthorized migrants, one in 1998, and one in 2001.

Legal channels for economic immigration into Greece

The immigration law of 2001 allows economic migrants to enter under the following conditions:

- **Work permit system:** admission for economic purposes is based on the needs of the Greek labour market, an evaluation that occurs on an annual basis and sets the number of work permits to be granted (Lykovardi and Petroula 2003). Residence permits are issued for one year and are renewable. After two years of residence, a permit is granted for two years, and after 10 years a residence permit of indefinite duration is issued.
- **Seasonal workers:** Seasonal workers are granted six-month work contracts, but not residence permits.

According to Baldwin-Edwards (2004b), legal immigration is difficult to quantify, especially since there have been no official statistics since 1998, although it appears 3,000 seasonal and temporary workers are offered permits per year.

Unauthorized immigration and demographic context

Many economic migrants and asylum seekers arrive by crossing the border into the country illegally (Reyneri 2001). In the case of Albanians, who are the largest number of migrants, most women enter legally to work while most men enter illegally (Baldwin-Edwards 2004a). The Greek coastline is porous and poorly patrolled, making detection difficult. After Albanians, the largest number of foreigners are Poles, Egyptians, and Filipinos.

According to EUROSTAT and the UN, the current population in Greece is 11 million, up from 10.6 million in 2000, and 10 million in 1990.¹ Estimates as to the number of foreigners vary. The United Nations Population Division places the migrant stock in 2002 at 534,000, with a net annual migration of 35,000. However, other scholars state that there are up to 1 million legal and irregular immigrants living in Greece (Lykovardi and Petroula 2003, Linos 2001). According to Greece's National Statistics Office, in 2001 there were 797,091 foreigners, accounting for 7.3 percent of the total population (Baldwin-Edwards 2004b).

¹ <http://www.unpopulation.org>, <http://europa.eu.int/comm/eurostat/>

Trying to obtain a grasp on the number of undocumented foreigners currently living in Greece is problematic, partly due to Greece's lack of statistical tools, and partly due to many immigrants' constant flux of status. As a result, most estimates on the number of undocumented migrants are unreliable. The International Organization for Migration (2003) reports that up to 95,000 Albanians, Romanians and Iraqis enter the country illegally each year. According to Jandl (2003), in 2001 there were a total of 219,598 apprehensions, and of those 167,168 were from border guards and 6,864 were from the coast guard. However, of those, 75 percent were Albanian, and it is acknowledged that circular migration and repeat attempts at entry are highly likely. Thus, using border apprehensions as an indicator of the total numbers of undocumented migrants does not produce an accurate estimate of the numbers of migrants attempting to cross annually.

Table 5: Estimated Foreign-born and Undocumented Population in Greece, 1990-2002

Year	Undocumented population	Total foreign born (official numbers)	Total population	Foreign born as percentage of total pop.
1990	180,000	42,021	10 million	.42
2000	525,000	797,000	10.5 million	7.3
2002	300,000	762,200	11 million	6.9

Sources: EUROSTAT, UNPD, Reyneri 2001, SOPEMI 2003

Estimates of the numbers of unauthorized migrants living in Greece (525,000 in 1998, an increase of 345,000 from 1990's estimate of 180,000) indicates a large number of foreigners living in Greece without documents--one out of ten--according to some estimates (Reyneri 2001). It is thought that most Albanians who live in the country are there without authorization (Baldwin-Edwards 2004a).

Estimates also differ as to the percentage of undocumented immigrants currently in the Greek workforce, with a range from as high as 20 percent (Linos 2001), to as low as 10 percent (OECD 2000), to a mid-range of 12-13 percent (Reyneri 2001). Regardless of the actual percentage, the number forms a high percentage of the Greek workforce, in which 16-20 percent of the people work in the informal sector.

Regularisation Programmes

1998

The sudden influx of irregular migrants, particularly Albanians, into Greece created a situation that the government was not prepared to handle bureaucratically, and Greek society was not prepared for culturally. Without a system of legal protection, undocumented migrants became vulnerable to exploitation and blackmail by employers and discrimination by the larger society. Despite a large number of mass expulsions (over 1 million by 1995), Greece continued to see an influx of foreigners that it became impossible to ignore. In 1997, Greece set up a Committee for the Regularisation of Illegal Immigrants, which received statements and opinions from ministries, trade unions, employer associations and other groups. Although the Ministry of Foreign Affairs, the public and the Greek Orthodox Church were opposed to a legalization programme,

regularisation did receive support from the Agriculture Ministry, trade unions, and employers' associations (Baldwin-Edwards and Safilos-Rothschild 2000). After much discussion and debate, the Greek government, enacted legislation for the first time in November 1997 that allowed irregular migrants to apply for a "white card,"—an initial six-month residence permit that was a prerequisite for a "green card" application—a renewable work and residence permit of 1 to 5 years. In actuality, the white card was a registration phase. To qualify for a green card, an immigrant had to prove legal employment since January 1, 1998 and had to be employed for 40 days at the minimum wage (Linos 2001).

In this first legalization programme, over 370,000 migrants applied, 65 percent of whom were Albanian. Because of the requirements, 150,000 migrants who received a white card were unable to move onto the second legalization phase, and only 220,000 went on to apply for the green card status (Reynari 2001). By February 2000, only 107,000 cards had been awarded, and then 75 percent were awarded for only 1 year. While ultimately over 90 percent of applicants were accepted, the renewal acceptance rate was only 54 percent (Baldwin-Edwards 2004a).

2001

Law 2910/2001 provided a framework for a "Green Card II" regularisation programme, which like its predecessor would allow for a six-month residence permit that would need to be replaced by a work and residence permit. Registration ran from June 2, 2001 to August 2, 2001. To qualify, immigrants had to prove either that they had a legal status in the past and had been living in the country continuously since their documents expired, or that they had been living in the country for one year since the date of the law's enforcement (Lykovardi and Petroula 2003). In order to obtain a work permit, a foreigner must apply before the six-month visa has expired, although they do not need to provide proof of work.

The 2002 amendments to the law allow for immigrants who have been residing legally for 2 years to be granted residence for another 2 years, allows them to change employers, and suggests that after 10 years, they can apply for permanent residence.

Table 6: Applicants to Regularisation Programmes in Greece, 1998-2002

Regularisation Programme	Number of applicants	Number of permits granted
1998—White card	370,000	370,000
Green card	228,000	220,000
2001	368,000	228,000

Sources: Reynari 2001, Mediterranean Migration Observatory 2004

Because Greek officials were unable to process all the applications for regularisation, they extended the validity of all temporary permits until December 31, 2002. 368,000 migrants apparently applied for this Green Card, but only 220,000 fulfilled the requirements associated with it. According to figures obtained by Mediterranean Migration Observatory from the Ministry of the Interior, as of March 2004 a total of 228,401 residence permits had been issued. However, according to MMO director Martin Baldwin-Edwards, many of these permit holders will have gone through the 2001 legalization, some will have started with the 1998 legalization

and not needed the 2001 one, and some (maybe 30-50,000) will still have been legal from the early 1990s.²

Analysis of the programmes

There are two questions that need to be asked in analysing the Greek regularisation experience. First, why did the government choose to regularize migrants despite strong public opposition? Second, why have both programmes been plagued with such problems? According to Linos (2001), in addition to recognizing the need to modernize its immigration laws, the Greek government considered that the potential economic advantages of a legalization programme—primarily social security and tax contributions, outweighed public opposition. With such a large informal workforce, and with the need for cheap labour in certain sectors, the government could justify the implementation of such a programme. In addition, since Greek institutions (courts and government) are largely protected from the influence of public opinion, pushing unpopular legislation through was not an issue. Nevertheless, it is a concern that the programmes have little accountability to public opinion (Fakiolas 2003).

Criticisms of the Greece experience with regularisation have been wide reaching. The general consensus is that the programmes have been messy, with poor and contradicting data, incompetent government oversight, and no clear overarching migration management strategy or policy for immigrant integration (Lykovardi and Petroula 2003, Papantoniou-Frangouli and Levanti 2000, Samokhalov 2004).

The 1997 programme is largely considered a failure, as not only were many immigrants excluded from applying, but also because large numbers who were regularized fell quickly back into an irregular status as initial visas lasted only six months. Lykovardi and Petroula of the Hellenic League for Human Rights (2003) note that many immigrants were afraid of being expelled if they signed up for the programme, and that overall, Greek administrators proved to be inept in the overall processing of applications. Another challenge was communication between employers and migrants, which complicated applications, as well as the general unfamiliarity of migrants with public services (Papantoniou-Frangouli and Leventi 2000). These problems have also apparently carried over into the 2001 regularisation process, as Greek bureaucracy was not prepared to process such a large number of applications, and backlogs of up to 14 months have not been uncommon (Samokhalov 2004). Baldwin-Edwards (2004a) emphasizes the corruption and abuse that pervaded the programmes, and asserts that they were "implemented by untrained officials with explicitly nationalistic and xenophobic mentality."

The ECRI reports that the bureaucracy facing immigrants wishing to regularize their situation "presents a significant obstacle to the stabilization of the situation of immigrants in Greece" and suggests that, to correct for the shortcomings of the 1997 and 2001 programmes, a third regularisation programme may be inevitable.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Baldwin-Edwards, Martin. 2001. *An Analytic Commentary on the Greek Regularisation Bill, 2000*. MMO Working Paper No. 1 [online]. Athens: Mediterranean Migration Observatory www.uehr.panteion.gr

² E-mail correspondence with Martin Baldwin-Edwards, April 30, 2004.

- Baldwin-Edwards, Martin. 2004a [forthcoming]. *Albanian Emigration and the Greek Labour Market: Economic Symbiosis and Social Ambiguity*. South East Europe Review.
- Baldwin-Edwards, Martin. 2004b. *Immigration into Greece, 1990-2003: A Southern European Paradigm?* Presentation for Panel: "International Migration: Promoting Management and Integration." [online]. Athens: Mediterranean Migration Observatory.
www.mmo.gr/pdf/publications/publications_by_mmo_staff/UNECE%20paperV3.pdf
- Baldwin-Edwards, Martin and Constantina Safilos-Rothschild. 2000. Immigration and Unemployment in Greece: Perceptions and Realities. In *Unemployment in Southern Europe: Coping with the Consequences*. ed. Nancy Bermeo. London: Frank Cass.
- European Commission Against Racism and Intolerance. 2004. *Third Report on Greece* [online]. Strasbourg: Council of Europe. www.coe.int
- Fakiolas, Rossetos. 1997. *Recent Efforts to Regularise Undocumented Immigrants in Greece*. WP/97/40. European Foundation for the Improvement of Living and Working Conditions.
- Fakiolas, Rossetos. 2003. Regularising undocumented immigrants in Greece: procedures and effects. *Journal of Ethnic & Migration Studies*. vol. 29 no. 3: 535-557.
- International Organization for Migration. 2003. *World Migration 2003: Managing Migration—Challenges and Responses for People on the Move*. Geneva: International Organization for Migration.
- Jandl, Michael. 2003. *Estimates on the Numbers of Illegal and Smuggled Immigrants in Europe*. Presentation at the 8th International Metropolis Conference [online]. Vienna: International Centre for Migration Policy Development.:
www.icmpd.org/uploadimg/Metropolis%20Presentation%2D9%2D2003%2DMJ%2D1.pdf
- Lazaridis, G. and J. Poyago-Theotoky. 1999. Undocumented Migrants in Greece: Issues of Regularisation. *International Migration*, vol 37 no. 4: 715-738.
- Linos, Katerina. 2001. *Understanding Greek Immigration Policy*. Working Paper. Kokkalis Graduate Student Workshop.
- Lykovardi, Kalliopi. 2002. *General Overview of Discrimination in Greece* [online]. Geneva: International Organization for Migration: www.iom.fi/anti-discrimination/pdf/Greece%2011%20January%202003.PDF
- Lykovardi, Kalliopi and Eleni Petroula. 2003. *EU and US Approaches to the Management of Migration: Greece* [online]. Eds. Jan Niessen et. al. Brussels: Migration Policy Group: www.migpolgroup.com/uploadstore/Greece.pdf
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD. www.oecd.org
- Papantoniou-Frangouli, Maria and Kleio Maria Levanti. 2000. *The legalization of aliens in Greece*. *International Migration Review* vol. 34 no. 13: 950.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization.
www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- Samokhalov, Vselvod. 2004. *Greece and Migrants: The Process of Integration*. Working Paper. Athens: International Center for Black Sea Studies.
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>