Irregular Immigration to the EU: "the South-East Gate"

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1. Introduction

The European Union (EU) emerged from what was originally designed to be a customs and economic union. Economic development was an instrument of reconciliation after WWII and a security discourse essentially supported integration by convincing states that security was a "European issue" ("*unity is strength*"). In addition it promoted a supranational identity: "*unity in diversity".* European economic integration resulted in increased interdependence; therefore, the EU has gradually also evolved into a security community. After the Treaty of the EU in 1992 and the ratification of the Schengen Treaty, the free movement of people was celebrated as both a necessary step and a success of European integration. Within Europe, mobility was seen as a necessary factor for developing integration and the movement of people was encouraged through mobility funding programmes[1]. In brief, the EU's security discourse focuses on the concept of "unity in diversity" and on norms of economic stability and shared sovereignty, and revolves around economic and political integration. Thus, internal migration was then seen as a positive factor and EU citizens supported it. External migration was perceived as a purely humanitarian action. However, free movement within the union also touched on the question of irregular immigration as those already inside the common borders could move around (within the Schengen zone) as easily as legal citizens.

This case study focuses on the irregular immigration problem in Greece, a member state that shares borders with several candidate states, notably Turkey, or prospective candidates in the Balkans including FYROM and Albania. It explores Greek policy with respect to strengthening the mechanisms which control and deter irregular immigration. The main thrust of the study is to demonstrate whether there is indeed a coherent policy on irregular immigration between the EU and its member states on the one hand, and amongst the member states on the other.

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[1] The European Job Mobility Portal, EC, Education and Training

Therefore, the case study is also relevant to Turkey's accession process, that is, whether or not the EU perspective would allow for the further integration of Turkish policies into EU related rules and practices concerning irregular immigration. It is argued that so far Turkey has not cooperated with Greece – or the EU for that matter – in tackling irregular immigration, with the exception of a period known as 'earthquake or seismic diplomacy'[2]. This analysis attempts to demonstrate that the process of Turkey's EU accession contains the seeds for a potentially effective policy in the south-eastern corner of the Mediterranean, including the irregular crossing of EU borders migrants or asylum-seekers from the Middle East and Central Asia via Turkey.

2. Research questions

This study examines the EU and Greek policies with respect to irregular immigration in the South-Eastern Mediterranean. It considers how, when and why the EU has come to perceive illegal migration as a security threat; what is the relevance for the EU of illegal flows into Greece and how this issue has been upgraded to a security concern; which measures have been undertaken on that account; how Greek documents speak about the increasing flow of migrants. Has EU immigration policy engaged more actively with the security concerns of member states such as Greece regarding irregular immigration? Is this reflected in relation to neighbouring transit countries? What are the models to be emulated in other cases? What are the lessons learnt with respect to developing more effective and efficient policies in the near future? What are the subsequent social problems in Greece and in the EU as a result of irregular immigration? How have these shaped both EU and Greek discourse on irregular migration and why does this upgrade the migration issue to a security concern?

This set of questions will be examined in a comprehensive way with the aim of providing policy-relevant recommendations that could be implemented in the near future. As such, the study becomes relevant and timely in the light of increasing public concerns, in Greece and elsewhere, in particular at a period of a prolonged economic crisis and rising xenophobia. The discourse on irregular migration is [assuming more than ever on relevant tones echoing and igniting public concerns regarding the role of irregular migration in the society. In Greece, irregular migration is top news daily, as important as the economic crisis, which has almost led the state to bankruptcy. At

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[2] 'earthquake diplomacy' whereby the then Foreign Ministers, George Papandreou and Ismail Cem developed a relationship of trust and close collaboration between the neighbouring states

the same time, recent surveys show that 80% of the population supports building a fence along the Turkish border in Evros in order to protect the country from irregular immigration.

 In the European discourse, irregular immigration has been closely associated with trafficking, drugs, smuggling and terrorism. Therefore, managing irregular immigration has essentially become a security issue (Leiken 2005). The discursive connection of terrorism with Islamic fundamentalism, for example, touches on immigration in general since the vast majority of irregular immigrants in Europe originate from the Middle East, Asia and Africa from predominantly Muslim states .[3]

There is a vast literature on the issue of irregular immigration (Triandafyllidou 2010). In this paper, part 3 will describe and analyse the policies of the EU and Greece in order to illustrate how the discourse has shaped relevant policies. In part 4, the discourse will be described and analysed in more detail, including quantitative data. The final part will offer policy recommendations.

3. EU security vis-à-vis irregular immigration

The ratification of the Treaty of the European Union, known as the Lisbon Treaty, boosted the potential of the EU to act as a Union. Thus, those issues affecting all member states could now be tackled by the Union's political and technocratic environment in Brussels. Therefore, the European Commission would provide the expertise and propose solutions to the European Council. Irregular immigration is a recurrent phenomenon and indirectly relates to the abolition of barriers among Schengen EU member states (MS). Irregular immigration has become a security concern for the EU and reflects the policies and mechanisms that have emerged since 1997.

As a control mechanism, the European Union adopted regulations regarding the movement of people under the Treaty of Amsterdam in 1997. This treaty was the first step under the new "*Title IV of the Treaty Establishing the European Community*" to communitarise, amongst others, the policy areas of immigration, asylum, judicial co-operation in civil matters and external border controls. As a result, the new policies regarding Justice and Home Affairs (JHA) under Article II TEU, in force since 1999, have turned the EU into an "area of freedom, security and justice" (AFSJ) (Amsterdam Treaty 1997). Thus, the aforementioned policies were moved to the first pillar, the supranational body of the EU. The only exception was the judicial co-operation regarding criminal issues and

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[3] There have been many fights between irregular immigrants from different backgrounds as a result of disputes in their homelands, for example people from African tribes with different religious views, as well as Afghans.

police, which remained part of the intergovernmental area of the TEU, in the third pillar. The Treaty has developed a road map, based on five-year programmes, which set proposals, priorities and deadlines with respect to developing a more cohesive EU policy on a wide range of security issues, including immigration, and set up new mechanisms to strengthen common action in this regard.

According to the Amsterdam Treaty, Member States maintain their right of policy regarding the free movement of people. They are responsible for the implementation of law and order and the protection of internal security; "*In this context, they may take foreign policy considerations into account*" (Amsterdam Treaty 1997)*.* Also, they continue to have the sole jurisdiction on introducing "*national provisions under their immigration policies*" as long as these are compatible with international agreements and the Treaty of Amsterdam (Amsterdam Treaty 1997). The Treaty aimed to regulate immigration, although irregular immigration did not seem to be a major concern. During the same period, Greece received its highest amount of irregular immigrants from Albania (Frontex 2010) but the problem did not become "European" because for Albanians, Greece was a country of destination and not of transit. The critical situation and the lack of immigration policy forced Greece to legalize a large number of irregular immigrants.[4]

In 1999, the Tampere European Council attempted to organize the priorities that member states should reach by 2004. It formally established "*a coherent approach in the field of immigration and asylum…and the fight against illegal immigration*" (European Directive 2008). Furthermore, it set policy guidelines, goals and objectives aiming "*to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organize it and commit related international crimes.*" (European Parliament 1999). Among these policies was first a readmission commitment between the EU and third countries (transit and of origin) and a voluntary return policy agreement. According to the Schengen acquis, the programme included guidelines in the area of freedom, security, justice, tackling crime and cooperation between judicial authorities of member states. The European Commission as a policy driver began the debate on a common immigration policy in November 2000 and was engaged to submit a "*scoreboard*" every six months to the Council, following the implementation and progress of the programme (European Parliament 1999).

In 2001, the European Council met in Laeken to elaborate an interim assessment of the progress in order to set new impetus for improving readmission matters. The meeting was shadowed by the terrorist attacks of 9/11 in the USA and the heads of the EU decided that certain measures

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[4] Greek legalization programme voted 1997 and implemented 1998, (Triandafyllidou, 2010)

regarding immigration had to be introduced. The European Council suggested that European readmission agreements must be "*concluded with the countries concerned on the basis of a new list of priorities and a clear action plan, the development of a European system for exchanging information on asylum, migration and countries of origin, establishment of common standards on procedures for asylum*" (European Council 2001).

In June 2002, the European Council meeting in Seville emphasized the definition of an action plan to tackle irregular immigration and operation in transit countries as a priority. The Commission presented the "*Green Paper on Community return policy; a communication on European border management and a study paper on the development of a European visa identification system*". The emphasis was on readmission policies and their improvement as well as direct relations with third countries. In the same period, Turkey readmitted the first irregular immigrants.

In 2003, the EU Council adopted the European Security Strategy (ESS), which clearly linked irregular immigration with organized crime: "*Europe is a prime target for organized crime. This internal threat to our security has an important external dimension: cross-border trafficking in drugs, women, illegal migrants and weapons accounts for a large part of the activities of criminal gangs. It can have links with terrorism*". As a result of this strategy, all member states legitimate security concerns regarding irregular immigration as it endangers not only national interests but also those of the EU as a whole.

In 2004, the European Commission assessed the Tampere programme positively and set new guidelines as ten new member states joined the EU. Through the creation of the Global Approach to Migration in 2005, the Hague Programme gave new directives to EU MS to regulate irregular immigration, border security and readmission policies by stressing the significance of cooperation with transit and origin states (Council of the European Union 2008). The programme encouraged member states to cooperate with third countries directly in order to tackle the problem.

Parallel agreements on irregular immigration between the EU and third countries are ongoing. In Greece, for example, the "*earthquake diplomacy*", which was developed by the current Prime Minister George Papandreou following the two earthquakes in Greece and Turkey in 1999, contributed to the building of better relations between the two states. In 2001, Foreign Minister

George Papandreou initiated and signed a readmission agreement with its Turkish counterpart Ismail Cem, which came into force in 2002. [5]

The current operational programme, 2009-2013, for the EU, the so-called Stockholm Programme, was put in place in the shadow of the economic crisis and was influenced by the European Pact on Migration, which will be discussed later.[6] The issue of border control in the Stockholm programme is stressed more as an issue that is separate from irregular immigration and asylum, as opposed to the previous programmes under the same title, "*management of migration flows*" (Collett 2010). Cooperation on migration between the EU and third countries has become a priority in the new programme. Thus, while the previous programmes focused on developing horizontal policies among member states, the Stockholm programme emphasized the importance of coordination among MS and the EU institutions, providing more practical solutions, such as the use of coercive methods.

Under the pressure of rising flows of irregular immigrants, FRONTEX was created in 2005 and launched in 2007 as a scheme enhancing cooperation between relevant MS authorities. The work of FRONTEX is to assist MS in implementing EU rules on external borders. Also, the role of Frontex includes "*Carrying out risk analysis; Coordination of operational cooperation between Member States; Assistance to Member States in circumstances requiring increased technical and operational assistance; Providing Member States with the necessary support in organizing joint return operations; Assistance to Member States in the training of national border guards; Following up the development of research relevant for the control and surveillance of external borders.*" (SeBoCom Pre-Study 2008)

Financial instruments were introduced to help increase the use of modern technology and synchronize the communication among MS to control and share databases (European Commission 2010b). Regulations have been developed further based on the past few years' experience in entry

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[5] In the first year, the readmission of a number of irregular immigrants to Turkey was implemented as agreed, but it was criticized by NGO's. During the past 8 years, Greece has appealed to readmit 76 000 immigrants, of which only 2500 were accepted by Turkey (Hellenic Police 2010). The Greek branch of Amnesty International has accused Greek officials of turning away over 500 people fleeing persecution since the protocol was ratified. One such case, which received wide media coverage, is of a 70-year-old Iraqi Kurd who was forced to return to Turkey in mid-November. Abdulkader Aziz Mamakala had been tortured - his skin brutally scraped away from his hands. His appeal for asylum was not accepted. "In practice, this agreement allowed Greek officials to arbitrarily turn back ships coming from Turkey," Papaioannou explained. "This did not protect any of those people in need of genuine protection." Athens News. 01/03/2010, http://www.athensnews.gr/old_issue/12951/7627

[6] The European Pact on Migration and Asylum was introduced by Sarkozy in June 2008 precisely with a view to influence the drafting of the Stockholm Programme. Unofficial discussions comment that although the Pact as such has no legal or actual policy value, it became a blueprint on which they then started drafting Stockholm, since all EU countries had signed it.

ban and return policies as well as new secure systems for ID documents and secure travelling. In terms of cooperation policies, the EU has developed a programme to "*address the push-factors for illegal immigration*"[7], which include "*poverty, unemployment, conflict, environmental degradation, bad governance, lack of access to education, health*" in the countries of origin (European Commission 2006).

In 2008, the Report on the Implementation of the European Security Strategy concluded that "*State failure affects our security through crime, illegal immigration and, most recently, piracy. Terrorism and organized crime have evolved with new menace, including within our own societies*". The discourse underlines that together with other threats, irregular migration had a negative impact on European security. It states that "*The Mediterranean, an area of major importance and opportunity for Europe, still poses complex challenges, such as insufficient political reform and illegal migration*." By that time, Greece had not yet developed particular policies or policy instruments to handle irregular immigration.

3.1. *Broader EU security considerations*

The EU's security governance is implemented by policy instruments. In the last decade, the EU has taken two policy steps in tackling future security issues: the EU projects Stability Through Enlargement and European Neighbourhood Policy (ENP). These two instruments provide additional assurance against the fears of economic insecurity regarding the ten new MS, and extend the security zone outside the EU borders by offering incentives to the neighbouring countries around the Union. In addition, there is a funding scheme working as a policy instrument for current Member States.

Economic development strengthens the capability of the EU to set and promote "*norms and values*" to other countries as well as to expand its "*democratic liberalism*" within their systems. The operational instrument of the ENP is to offer incentives to the countries around the EU by funding various programmes that engage them to comply with the *acquis communautaire*. The most recent examples are the so-called European Neighbourhood Partnership Instrument-Cross-Border Cooperation (ENPI-CBC) programs for the period 2007-13, which amount to 583 million Euros (Cross-Border Cooperation Strategy Paper 2007-2013). Within this agreement, there is a section referring to the "*common challenges*" of the EU and its partners, which include "*increased co-*

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[7] The flowing of migration has two sides, which define emigrational behaviour. Migrants have causes and motives for leaving their place and entering another. Therefore, push factors are the reasons motivating people to emigrate from their country and pull factors the reasons attracting people to enter another country.

operation in the fight against organized crime, control of illegal immigration and trafficking in human beings" (Cross-Border Cooperation Strategy Paper 2007-2013). Thus, the EU attempts to expand its security zone regarding irregular immigration to those countries. The agreement ensures "efficient and secure borders" through "*the alignment of procedures and planning of operations at border and customs points in relation to smuggling, trafficking, organized crime, illegal immigration*". (Cross-Border Cooperation Strategy Paper 2007-2013)   For example, the EU can exercise a certain influence on Tunisia and Morocco through ENP.

The incentives are different for a candidate country, such as Turkey. The potential EU members have to implement reforms in order to fulfil the requirements in the context of the Copenhagen Criteria (Stubb and Bomberg 2003). The Turkish Foreign Office recognizes that "*Turkey is on a major migration route with ever-increasing numbers of illegal immigrants from its economically and politically unstable East trying to cross its territory towards Europe*" (MFA Turkey 2010)*.* The official Turkish position is that, "*Given the magnitude of the problem, the solutions are beyond the means of a single country, requiring international burden sharing. Providing shelter, food, medical treatment as well as bearing the return costs of such a high number of illegal immigrants puts a heavy financial burden on the already strained resources of Turkey."* (MFA Turkey 2010).

Finally, the EU provides three funding schemes regarding migrants in member states. Those funds provide 75% of EU financial support for activities regarding irregular immigration (the other 25% is the MS's own contribution).

3.2.   The EU and Greece

A joint action by Greece, Cyprus, Malta and Italy motivated the EU to pursue more critical measures to tackle irregular immigration from the South and South-East. The four EU member states created a coalition, the Quatro Group, to promote their own security interests. In 2009, the Quatro Group requested extended assistance in dealing with irregular immigration in the context of the JHA council. The Greek Ministry of Internal Affairs worked closely with its counterpart in Cyprus in the common immigration plea of the Quatro Group[8]. Cyprus, for example, with the highest per capita irregular immigration of all EU member states, urged the EU to "*take urgent action, with a view to put into practice the principle of solidarity and fair burden sharing*". (Cyprus Internet Directory 2008)

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[8]An interesting issue to be researched is the reason behind the quick dissolution of this group. It ceased to function after Berlusconi's agreement with Gaddafi.

The four states set an agenda for stressing the important security threats of illicit trafficking, drugs and financial terrorism among others, from eastern countries and from Africa. In addition, while Malta and Italy aimed at an effective readmission agreement with Libya, Greece and Cyprus underlined the importance of prioritizing a readmission agreement with Turkey, Turkey being the main transit country. Greece requested *"that the problem of irregular immigration be added to the agenda of the European Council meeting of heads of government and state on June 18 and 19 2009"* and that Greek attempts to cope with the problem had "*stretched its resources to the limit*" (Leviev-Sawyer 2009). The joint action of the four EU MS (the Quatro Group) got some EU attention.

In July 2003, Italy promoted its concerns relating to irregular immigration from Libya, while holding the Presidency of the European Union. In contrast, Greek concerns were downplayed until the European Pact on Immigration and Asylum in 2008 aimed to "*control illegal immigration by ensuring the return of illegal immigrants to their country of origin or a country of transit; To make border controls more effective; To construct a Europe of asylum*" (European Council 2008). The European Council conclusions on the follow-up to the European Pact on Immigration and Asylum (2008) adopted two key instruments in order to tackle irregular migration; the Return and the Employer Sanctions Directives, in order to provide assistance to irregular immigrants who want to return back and to tackle the pull factor encouraging irregular immigration into the EU (European Council 2010). In addition, Frontex extended its operations for border control and return, and the ongoing efforts for readmission agreements with countries of origin and transit (European Council 2010). The support of Frontex was effectively implemented after 2007 with naval operations.

3.3. *Irregular immigration in Greece*

Bearing in mind this historical background, Greece differs from other European countries in political experience when dealing with immigration. Firstly, the country has always been a country of emigration. Since the country has never been a colonial power, the Greek legal system has not developed immigration policies as early as, for example, the French and British legal systems. Irregular immigration was first noticed in Greece in 1990s, when borders with Albania were opened. Before the 1990s, most of the refugees arriving in Greece from different places such as Istanbul, Imvros and Alexandria were of Greek origin and were already considered to be Greek citizens, while other immigrants were treated by Greek society as temporary visitors. In the early 1990s, the only regulations regarding migration referred to the Greek minorities of South Albania and Caucasus, treating the rest as illegal. Secondly, unlike most of the other EU15, modern Greece has never passed through an industrial revolution. Therefore, the country never had a need to

develop and organize circular policies for working labour in the country, as for example in Germany and Sweden.

The management of irregular immigration in Greece focused on legalizing a number of those immigrants who worked illegally in the country. This law, 2434/1996, offered temporary residence permits to around 373 000 immigrants who applied for a "*white card*" - conditional working permit (Linos 2001). This law referred to the employment, and the previous regulation was included. The law applied to immigrants who had already been in Greece for at least one month. This encouraged more people to immigrate, expecting that they would become legal. In 2001, there was another attempt to legalize a number of immigrants based on a regulatory law because of potential economic and political benefit for the state (Linos 2001). Therefore, a number of the "*white card*" holders had the right to gain a "*green card*" for a longer stay. Later, the law 3386/2005 regulated the treatment of irregular immigration.

Stricter immigration and asylum policies, however, had certain unanticipated consequences in the Greek case. Despite the incremental development of EU policies towards immigration and asylum, the number of irregular immigrants in Greece is growing. At the same time, the number of arrests of smugglers illustrates that neither irregular immigrants nor smugglers have been seriously deterred as yet. The following figures illustrate this:

Year	Irregular immigrants to Greece
2002	58 230
2003	51 031
2004	44 987
2005	66 351
2006	95 239
2007	112 364
2008	146 000
2009	126 000

Source Astynomia.gr (Greek Police)

The numbers illustrate the total apprehensions of irregular migrants in Greece at the borders and within the country, thus the police counts apprehensions not people. The same person can be stopped more than once and is counted twice, three times and so on. In addition, there are a

number of irregular migrants who escape arrest and leave Greece still undocumented in order to go to Italy or elsewhere. The above table does not show how many go undetected (most likely not many), or that there are people who fall into illegality because they fail to renew their stay permits. As a result, there are different numbers in different border areas.

3.4. *Asylum*

A number of irregular immigrants seek asylum in order to gain a temporary permission and remain in the country until their application is examined. In the meantime, they attempt to move to northwest Europe. Even if they manage to get there, they are usually sent back to Greece, in accordance with the Dublin II Agreement (2003). Since Greece is a major entry-place of irregular immigrants, it is obliged to accept a large number of asylum seekers back from other EU MS every year. Greek officials have admitted that Greece asked the European Council to amend Dublin II, which was decided under QMW, but so far "*the issue is a corner stone for most EU member states, unable to handle alone such huge flow of asylum seekers, and the Greek government is negotiating amendments.*" (Interview, Greek Government Official).

In accordance with the provisions of current Greek legislation for asylum, 81/2009, the examination procedure is carried out by the police, and the interviews are held by a Refugee Committee. An application for asylum in Greece may take a few years to be examined and only a small percentage will be approved. In 2009, the number of irregular immigrants entering Greece was 126 145. Out of those, 12 727 applied for asylum and 36 people were granted asylum, 26 for humanitarian reasons and 10 for protection status. According to Eurostat, the lowest rate of approval in 2009 was in Greece (1%) and the highest in Malta (66%), Slovakia (56%), Portugal (51%), the Netherlands and Denmark (both 48%). (EUROSTAT 2009)

The UNCHR describes asylum in Greece as a "humanitarian disaster" (UNCHR 2010). Thus, there is a need for immediate action. The EU's Internal Affairs Commissioner, Cecilia Malmström said that "*The situation at the Greek land border with Turkey is increasingly worrying. The flows of people crossing the border irregularly have reached alarming proportions and Greece is manifestly not able*

to face this situation alone. I am very concerned about the humanitarian situation."[9] In addition, UN Special Rapporteur, Manfred Nowak in his report after his mission in Greece stated: "*The prisons are severely overcrowded, some of them having to host up to three times more prisoners than their capacity. Furthermore, the country is confronted with a major increase of irregular migrants coming, in particular, from the Turkish border in the north. Hundreds of migrants enter the country irregularly every day, an unprecedented number that puts the border guard stations and migration detention centres in a situation of crisis. This is further worsened by the difficulties linked to the current economic crisis the country is facing*" (Nowak 2010).

The law for the "establishment of the Asylum Service and Service First Host - Adaptation of Greek legislation with the provisions of Directive 2008/115/EC" aims, *inter alia*, to tackle irregular immigration.[10] (Public Consultation, Greek Government 2010). Following the publication of the law, the Minister of Interior Christos Papoutsis stated the intention of the Greek government to construct a fence, 12.5 kilometers in length. In a recent meeting in Erzurum (Turkey), according to Reuters, Turkish PM, "*Erdogan said his appreciation of the problem had changed after Papandreou told him there were one million illegal immigrants in Greece*" (Karadeniz 2011). The Greek Prime Minister stated that "*We give great importance to working together with Turkey on the issue of illegal immigration*." (Karadeniz 2011)

4. Illegal immigration in perspective

Governmental and intergovernmental organizations established on liberal bases might use permissive language in their formal documentation regarding irregular immigration. The EU and Member states formally try to adapt discourses based on international law and respect for human rights, as they are obliged under international conventions and treaties.

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[9] Statement by Cecilia Malmström, European Commissioner in charge of Home Affairs on the request of the Greek government to get assistance via Rapid Border Intervention Teams at the land border between Greece and Turkey.

[10] With this bill, the Ministry of Citizen Protection establishes a) an Independent Asylum Service which will be staffed by qualified and professional staff, b) Service First Host to manage the flow of irregular entrants in the country whose mission is to ensure sound and rapid entry of such persons in processes of reception conditions respecting their dignity. (Furthermore, "adjusting the Greek legislation with the provisions of Directive 2008/115/EC which sets out common principles which the EU member states must follow to address the phenomenon of irregular entry or stay of third country nationals on their territory provides for the establishment of fair and transparent process to return to their countries of origin or with ensuring effective protection of the interests of stakeholders, taking into account all circumstances of the actual situation of foreigners and the public interest. Currently, it has become the 3907/201 law. Public Consultation, Greek Government, Ministry of Citizen's Protection, http://www.opengov.gr/yptp/?p=160

EU security discourses are based on the balance between "*norms and values*" and supranational interests, while member states like Greece are mainly interested in securing their national interests. The correlation between the two perspectives is often a problematic challenge for the Union, as is seen in this case-study, because member states have the right to act as necessary in relation to their own security according to the Agreement for Immigration and Asylum (article 3). Currently, illegal migration is not seen positively by member states because their citizens are not satisfied with the undocumented immigration due to economic problems, hence governments push the responsibility to the EU to deal with the problem.

Irregular migration is creating a feeling of insecurity amongst EU citizens. This is illustrated by the rise of right-wing parties, racism and xenophobia. This behaviour varies depending on the influence irregular immigration has on the life of EU citizens. The economic crisis and the large number of irregular immigrants influence social life and set new social standards in EU member states. On the one hand, legal residents could feel unequally treated by the state and vulnerable to criminal behaviour. On the other hand, the same applies to irregular migrants.

For example, in a particular Athens district the extreme right-wing party, Chrysi Avgi, received 20% of the votes during regional elections and elected a representative in the Council of Athens, and in the recent Swedish elections an extreme right party was elected in the national parliament flagging opposition to migration.

The determination of the EU to tackle the issue seriously has taken on more coercive measures. The Rapid Border Intervention Team is the top force mechanism of the EU for border control and has been used for the first time at the request of the Greek government. Cecilia Malmström stated that she had "*immediately activated the mechanism (RABIT) to liaise with FRONTEX and to communicate among all interested partners, so as to handle this emergency situation in the most expeditious and efficient way.*" [11]

The EU uses normative language and anthropocentric "*rhetoric*" in political documents, regulations and policies regarding irregular immigration and asylum. This reflects a humanitarian approach, illustrating that a priority for the EU is the safety of human beings. "*The EU is an area in which freedom of movement must be ensured and must provide a clear added value while continuing to safeguard Europe's humanist tradition".* (European Commission 2010) This kind of language could

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[11] Statement by Cecilia Malmström, European Commissioner in charge of Home Affairs on the request of the Greek government to get assistance via Rapid Border Intervention Teams at the land border between Greece and Turkey, MEMO/10/516, Brussels, 24 October

be designed in order to mitigate opposition to the EU's domestic politics, but more importantly to establish a normative element of conduct in its international relations and create a discourse regarding the issue. Meantime, it uses strong measures to tackle the case, stressing the importance of public domestic security. Elizabeth Collet argues that even the Stockholm Programme is rich in rhetoric but only a few deadlines are set. Instead, the work is tentative and subject to later decisions (Collet 2010).

In October 2010, the Greek Minister for Citizen' Protection Christos Papoutsis, officially requested from the European Commission additional support for the country. The Commission responded directly and the Commissioner of Internal Affairs, Cecilia Malmström, ordered the expansion of Frontex activities in Greece, as well as support by the Rapid Border Intervention Teams (RABIT) of the project in the area of Evros (Ethnos 2011).

Malmström visited Athens and committed to "*provide financial aid to Greece to reform its asylum system"*. The Commissioner said they were *"committed to help and assist Greece with money, but also infrastructure and know-how to build a modern system"* (SETimes.com 2010).

It is generally accepted that irregular immigration cannot stop with only preventive measures at the borders. As Frontex argues, since the western Mediterranean reduced the number of irregular immigrants through their borders, the number increased on the Greek borders. (Frontex, Press Kit, 2010). Though Frontex was already effectively assisting the Greek security forces in patrolling the sea side (Samos, Chios area[12]) and reducing the number of irregular immigrants coming to Greece, the number of irregular immigrants entering Evros increased by 345%.

As a result, the Greek government decided that a 12.5-kilometre fence might slow down immigration from Turkey to Greece, similar to the fence Spain built along its borders with Africa.

4.1. Dublin II

As mentioned in the previous part, Dublin II is a regulation to accelerate the process of examining asylum applications in the EU. There are many critics of Dublin II. Human Rights Watch refers to "*a dual failure because two European countries, Sweden (because of its relative generosity) and Greece (because of its geographical location), have shouldered a disproportionate share of the Iraqi refugee*

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[12]Nowak said that "due to the recent drop of arrests of irregular migrants on the islands the conditions of detention in Mersinidi (Chios) can, despite some shortcomings, be described as adequate. Otherwise none of the detention facilities for migrants I have visited can be regarded as complying with international minimum standards for the humane treatment of detainees." (Nowak 2010).

burden - 62 percent of all asylum applications lodged in the EU in 2007 [13]. Left nearly alone to bear the burden, both Sweden and Greece have reacted in ways that are as unfortunate as they are predictable." Some EU MS have decided not to send irregular immigrants back to Greece, according to the Dublin II agreement, in respect of the current situation when Greece is not capable of supporting their basic human rights. There are increasing concerns in Greece that the country will be excluded from the Schengen area.[14]

In this respect, the current return policy (Dublin II) goes against the humanitarian norms and values of the EU, as it promotes protection of human rights and also returns humans to the place of origin. This seemingly contradictory attitude undermines the coherence of the EU as a security actor and thereby its security interests. In addition, the "*burden*" sharing that results from Dublin II has been stressed by UN rapporteur Mr. Nowak, whose report on the Greek case has been internationally acclaimed. Regarding irregular immigration, Nowak states: "*Greece, due to its geography, bears a particularly high migration burden. While many migrants seek to travel onwards to other EU States, Greece has to deal with an immense direct immigration influx."* (Nowak 2010).

The above argumentation influences the discourse of Greek citizens towards the EU as they potentially see that the EU does not do enough to help them in carrying the burden. EU security depends on the member states' capability and motivation to implement community policies which in turn enhances cohesion. The EU MS are engaged in an unofficial argumentation, accusing each other for their lax policies in managing irregular migrants (Triandafyllidou 2010). Disagreement among the member states regarding such an important security issue arguably disturbs the cohesion of the union and could create the feeling of discourse of discord among EU citizens.

Corruption is also part of the problem. The situation in some member states is worse than in others. It is clear that corruption influences social aspects of residence in a country, as for instance if there is not the appropriate funding for some activities and implementation of regulations. In 2010, Greece was in the 78th global position in terms of corruption while Denmark, Finland and Sweden, all EU member states, were the least corrupt states (Transparency International 2010). Malmström indirectly criticized Greece implying that the EU has to supervise the country. The EU Internal

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[13]Iraqis filed 38,286 asylum applications in the EU in 2007, of which 24,100 were filed in Sweden (18,600) and Greece (5,500). Statistics from UNHCR, "Asylum Levels and Trends, 2007," pp. 25, 35, and 36. From HRW, 26112008, http://www.hrw.org/en/node/76211/section/8#_ftn17

[14]This is what was stated by the former Minister of Interior Prokopis Pavlopoulos, in a public debate on Megatv.com, January 2011)

Affairs Commissioner also said: "*In order to receive such support, Greece must improve its administrative ability to manage funds and implement reforms*" (SETimes.com 2010).

In order to illustrate the numerous problems with the management of European funds for irregular immigration, one must observe the operation of the voluntary return programme. The EU provides funding, but unofficial sources state that due to the current economic crisis, the Greek government does not have the financial resources to meet this obligation. For instance, Greece started implementing the voluntary return of immigrants programme towards their countries in July 2010, while in the rest of the EU MS it has been in operation since 2007. Even though 2000 people have already entered the programme, there are hundreds more who wish to join, but cannot. Those people are in reality trapped in Greece. The Ministry of the Citizens' Protection, which is responsible for the implementation of the programme, has a list of certain nationalities, including from Afghanistan, Bangladesh, Sudan and Iraq, who are currently entitled to apply for the service of voluntary return. (Interview, IOM 2010)

4.2.   The security dimension of irregular immigration in Greece

The security discourse of immigration in Greece is protective towards ethnicity. In Greece, irregular immigration is represented as a threat to national integrity and to the nation. There is no tradition of immigration, and social inclusion for immigrants and especially irregular immigrants is problematic at best. Moreover, the societal identity is a factor which significantly influences the treatment of immigrants (Collins 2007: 168). In Greece, the idea of circular immigration[15] has never before been an issue since Greek nationalism is closely related to societal homogeneity, the identity of Orthodox Christian and ethnic Hellenism. This idea has existed in Greece in all political spheres, from left to right, as a general norm. In Greece, the public debate allows stronger anti-immigrant expressions than what is generally accepted at EU level. For example, the previous minister of Internal Affairs, Pavlopoulos, said the time for someone to acquire Greek citizenship should be 10 years. Recently he stated that "*The importance of dealing with illegal immigration is to 'hit' at the root of the problem, but this is impossible when the police has fallen dramatically, and when the government form a law on citizenship that has made Greece a real magnet for illegal immigrants*" (Ethnos 2011).

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[15] The EU's official explanation of circular immigration is third-country nationals residing in the EU, such as business people from third countries, and third-country nationals established outside the EU, such as nationals wishing to engage in seasonal or temporary work within the EU or to study there before returning to their country. (Europa, "Free movement of persons, asylum and immigration")

The Greek security discourse is different from the EU discourse, regarding irregular immigration in general. Legalizing irregular immigrants from time to time has been the last resort in dealing with the irregular immigrants because they have not been able to deal with it in advance due to inappropriate respect and exact implementation of the laws. This behaviour arguably encourages irregular immigration, as people who stay illegally in Greece wait for the time when they will become legal.

The head of the International Organization of Migration (IOM) office in Greece, Mr. Esdras, argues that the Greek legislation mainly focuses on regulating the mobility of immigrants and not on immigration policies (referring to the old law)[16]. This system for irregular immigration encourages immigrants to come illegally to Greece hoping that at some point the government will legalize them (Interview with Esdras, IOM). On the other hand, the current Interior Minister Mr. Ragousis has said, "*We believe there is a national, social and economic need for the integration of legal immigrants into Greek society*" (Nikolakopoulos 2010). Currently, legal immigrants in Greece are those who have acquired legal residence officially titled from the regularization of 2005 and 2007, which related only to immigrants who were in Greece before January 1, 2005. Thus, by legalizing irregular immigrants, the Greek governments gave a "hope" to illegal immigrants of becoming legal. In the same article, it is mentioned that the requested period for an immigrant to apply for a Greek citizenship is 5 plus 2 years and that there are supplementary restrictions.

The inflows of irregular migrants have not been reduced and one of the reasons is the failure of the Greek/Turkish bilateral readmission agreement. The historical disputes between Greece and Turkey as well as the mutual climate of mistrust led to the dysfunctional border management. The change of Turkish position could be seen as a diplomatic opportunity for Turkey to bargain about immigration policies in the current negotiation with the EU for its interests.

In Turkey, according to Kemal Kirinci, there have been a number of *"acrimonious and bitter debates that have preceded each critical decision concerning Turkish membership",* which has provoked scepticism towards the EU in the country. (Kirinci 2007). Turkey has been criticized by various EU MS for its particular approach with regard to the Cyprus conflict. Also, Eurosceptics fear potential mass immigration from Turkey to the EU and the difficulty of the current Turkish immigrants in integrating in Europe. As a result, "*Public policy makers* (in Turkey) *have become reluctant to adopt*

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[16]"The current law on migration does not actually regulate flows. Also, integration is indeed only on paper. The main immigration policy has been regularizations." (Triandafyllidou and Maroukis 2010)

and implement the acquis as perspective Turkish membership in their mind steadily falls" (Kirinci, 2007).

Concerning border management in particular, Kirinci states that it has been influenced extensively; "*Turkish authorities have also been reluctant to negotiate a readmission agreement with the Commission as well as put into place a border agency that would replace the current institutional set up in respect to controlling securing managing Turkey's borders. This bad faith and reluctance with the EU is taking place surprisingly against a background of considerable reform in respect to developing modern asylum system as well as efforts to combat illegal migration and trafficking in Turkey*" (Kirinci, 2007). Thus, it appears to the Turkish public that there is not a push factor for Turkey to combat irregular immigration towards the EU, but it is requested of Turkey to carry the whole burden without any EU support. In other words, the issue is politically sensitive as the EU demands Turkey to undertake a greater role in this respect. As a result, Frontex argues that "*The readmission agreement between Greece and Turkey, although in force, is not effectively implemented. The Turkish authorities accept for readmission mostly only Turkish nationals.*" (Frontex 2010)

Frontex states that in Germany during 2010 the number of irregular immigrants of Afghan nationals transiting via Greece and Western Balkans doubled compared to 2009 (Frontex 2010). In an interview by the author with two young irregular immigrants, it was stated that they flew from Algeria and Morocco, entered Greece through Evros and then came to Athens. They could not find work. They both could speak only French, not English or any other EU language. The plan was to cross FYROM, Serbia and Hungary in order to travel to Germany and England respectively (Interview 2011)[17].

4.3.   Current situation

In the past, when the economic situation was better, immigrants could earn enough money to pay a night stay in a crowded flat but lately it has become even harder. "*This is dangerous both for them and for society. For the illegal immigrants this is a humanitarian disaster as they are in a life-threatening situation. There is no legal status to cover them; this means that even if they die or get killed no one will look for them. It should also be considered that a large number of them are children. They are vulnerable to anyone's desire and any type of exploitation and trafficking. Examples are the children outside the port of Patras.*" (Interview, 10/2010, Esdras)

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[17] Interview with irregular migrants, conducted in Keramikos Athens, 10/01/2011

The current situation in Greece is a ´crisis´, according to UNHCR. As the economic crisis has reduced the number of jobs, there are thousands of irregular immigrants who cannot work at all. Apart from the detention camps, which are limited in number in comparison with the population, the rest of irregular immigrants survive in the streets of Athens and other big cities. There is no provision from the state in sanitation, water and food, thus they have to find those themselves. As a result, criminality increases and daily fights among residents, migrants and organized groups are common phenomena. As a result, the current situation of irregular immigration in Greece has created security discourses of hatred.

These discourses are heated even more by political figures who publicly condemn irregular immigration and usually accuse the government and the EU of incapability to deal with the problem. At the same time, government figures transfer the responsibility to the irregular migrants and to the neighbouring countries. In addition, regarding internal affairs, the Greek Health Minister, Andreas Loverdos, stated that the cost of hospital provisions for irregular immigrants is more than 150 million Euros. Discursively, such a comment illustrates the defensive approach of the ministry towards irregular immigrants who are seen as a burden on the health system. Also, it underlines the vulnerability of migrants to criticism as well as creating anti-immigration behaviour, which could lead to more problems regarding security. The economic fact itself highlights the critical situation of Greek politics, especially in the current economic crisis, to support basic human rights. This kind of statement adds to the Greek discourse questions such as "*who pays the bill for the irregular immigrants?*" Mr. Loverdos added that "*the National Health System in Greece is to support those who are in a real emergency situation but not those who just go to the hospital in Greece because it is free...or going for hospital tourism to Greece*", referring to people from Balkan states (TV Interview, Fakeloi 2011).

In a public televised debate between the former Minister of Justice Prokopis Pavlopoulos and the current sub-minister of Citizens Protection Othonas, there was a common discursive approach treating illegal immigration as a security discourse. Mr Pavlopoulos argued that the problem of uncontrolled illegal immigration in Athens exists for three reasons. Firstly, the government did not continue his work to complete the three detention centers outside Athens so those people would be held in them. Secondly, the government let them out of the current detention camps. Finally, by introducing a new law for citizenship, the government gave hope to illegal immigrants that they could become legal. The response of Mr. Othonas was that the detention centers were overloaded by more than 200% with illegal immigrants inside and under "inhuman conditions". He added that

"*There is no point in arresting illegal immigrants in the city centre of Athens because all prisons and detention camps are overloaded and there is no place to hold them. There is no point in arresting them and just carrying them from one area of Athens to another*". In addition, Mr Othonas argued that the current PM came into agreement with Turkey to open a small port near Ismir in order to readmit illegal immigrants to Turkey. "*Most illegal immigrants do not have international protection because they cannot or are not entitled to apply for asylum. Those who do manage to apply get a semi-legal status and their application is not proceeding in the right way*" due to the problematic mechanisms. "We have first to implement our obligations and then to demand our right from the EU, such as the amendments of the Dublin Protocol" (megatv.com 2011/01/07).

Meantime, EU political figures act in a similar manner. For instance, CDU- Vice Chairman Günter Krings said to the German daily Rheinische Post that Greece should exit the EU Schengen Agreement. "The Greeks should have the decency to leave the Schengen area better today than tomorrow, if they are not willing or are not able to control their borders" (Karadeniz 2011) .

It appears that the main problem for the EU is the difference in understanding among the EU member states regarding the issue of immigration and of illegal immigration. The understanding of a Greek citizen who experiences those events in his neighbourhood perhaps differs from the understanding of another citizen in northern Europe.

5. Conclusion

Economic development has been the motivating force supporting EU integration since its establishment in 1957. When the economy goes well, immigrants are more welcome, due to the need for labour. The contribution of immigrants to the development of the EU is important, from both internal and external immigration. The case appears more problematic in times of crisis, such as the current period.

The European security discourse regarding irregular immigration seems to be politically-oriented in rhetoric. The regulations relating to detention centres and deportation have not appeared to be an effective deterrent, so the problem has not been addressed. On the contrary, they have encouraged more migration and marginalized even further the situation of existing irregular immigrants in the EU. Therefore, the transformation currently revolves around practical and urgent measures in order to prevent human disaster and instability in the near future (such as the operation of Frontex, RABIT). This illustrates that European discourses on illegal immigration have

been shifted from human-centric to more problem-solving in order to pass through the difficulties in the EU due to the economic crisis.

The EU cannot absorb a large number of irregular migrants in the current political and economic situation. It therefore operates with multilevel tasks and promotes a supranational immigration policy in order to deal with the issue as a whole, hence the development of Frontex personnel in Greece, the promotion of voluntary return for immigrants and the EU negotiations for readmission agreements with satellite (transit) countries, such as Turkey. The European discourse influences the Greek discourse by engaging Greek governments with international agreements and the need to build an immigration policy in order to deal with irregular immigration.

The Greek discourses have not shifted and irregular immigration is still seen as a threat to the security of the state and the citizens. One of the main obstacles in Greece is the lack of coherent legal immigration, which pre-supposes the fact that anyone who migrates to Greece is irregular. The Greek tactic of legalizing irregular immigrants (the last regulation in 2006) has not resolved the problem and has encouraged more immigrants to try their luck. In Greece, the evolution over the years has been towards finding a way to repatriate these immigrants and keep the country with as little immigration as possible, which has failed totally. This has been a big problem for Greece, and thus coordination with the EU in solving this issue is crucial, for both the EU and Greece. Meanwhile, the Greek discourse criticizes the EU as being unrealistic in understanding the problem, and there is no fair burden sharing.

The way to tackle the problem includes negotiations between Greece and Turkey on a new basis for the readmission agreement. Also, it presumes the readmission agreement between Turkey and the EU. Another way to tackle the problem is the prospective Greek legislation to replace inadequate old national legislation regarding irregular migration. Finally, the issue of "fair burden-sharing" among the EU MS includes a possible amendment of particular articles in Dublin II regarding the fair share of burden.

All of the above may facilitate border control, but the global economic crisis could make the problem even worse when it comes to the "humanitarian crisis" in Greece, which certainly challenges the security interests of the EU. When human security is undermined, a fear of violence (domestic and international) will appear sooner or later. In 2011, the number of irregular immigrants in Greece may be reduced, but mainly because Albanians are allowed to visit EEA countries. Thus, in the statistics, a large number of irregular migrants will no longer be considered,

but the problem will not be solved unless the problematic management of the push factors is readdressed.

The problematic described in the previous part implies that there is a need for a common European immigration and asylum policy in dealing with unequal burden-sharing but more importantly the need of the EU to address the push factors. The management of migration requires fundamental and progressive changes, oriented towards the political economy. Regarding this dimension of the issue, the root problems of immigration have to be readdressed and the management of agreements with third countries must be reassessed. The EU should move towards this approach wisely, using its previous experience in the issue, in other words applying "trial and error".

Furthermore, the social, political and economic policies of host countries have to be reassessed regarding pull factors that encourage irregular immigration. A clear immigration policy should be drafted for Greece or on a EU basis, assessing the security needs of the Union as a whole and the needs of any individual MS. For instance, to avoid tolerance of the employment of irregular migrants, the policy has to be re-examined and implementation of enforcement measures must apply. Meanwhile, the factors pushing employers to hire the illegal labour also have to be re-assessed, and this demands less corruption and more transparent control mechanisms. Political management of irregular immigration facilitates the social aspect of the problem, which then stops being a security problem and could potentially strengthen the economy of a country. Thus, migrants who fill core sectors of the economy, such as tourism and agriculture, are currently treated as irregular, but under certain policies (circular immigration) could have become very helpful in the economy and socially accepted.

In addition, the management of the undocumented migrants in each MS could potentially be assisted by independent committees, including representatives from the state, civil society, NGOs and migrants. The operation of NGOs and professionals in the care of the irregular migrants may reduce the problem of their exploitation by smugglers. Finally, education of the professionals working in this field, as well as the public, has to be considered as an idea in order to avoid violent behaviour and ensure the basic human rights of the undocumented migrants. The EU citizens should learn to recognize the basic differences between types of undocumented migrants and an advice centre for cases with irregular immigrants could deal with issues between residents and irregular immigrants.

The problem of irregular immigration in Greece could paradoxically help strengthen the EU by improving its management mechanisms. It will demonstrate the ability of the EU to support its interests and the interests of MS and to prove "unity is strength" and "unity in diversity".

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               II: Civil Service, Migration

               III: Civil Service, Security

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EU-GRASP

Changing Multilateralism: the EU as a Global-regional Actor in Security and Peace, or EU-GRASP in short, is an EU funded FP7 Programme. EU-GRASP aims to contribute to the analysis and articulation of the current and future role of the EU as a global actor in multilateral security governance, in a context of challenged multilateralism, where the EU aims at "effective multilateralism". This project therefore examines the notion and practice of multilateralism in order to provide the required theoretical background for assessing the linkages between the EU's current security activities with multi-polarism, international law, regional integration processes and the United Nations system.

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