

The other side of "Fortress Europe": policy transfers in the EU and the liberalising effects of EU membership on Greek immigrant policy

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Introduction

The term “Fortress Europe” has been used frequently in the debates on European integration in immigration and asylum issues. The metaphor of “Fortress” points to the restrictive and defensive characteristics of common EU policies in the last two decades, but it is not new in itself. Its origin dates back to World War II, and later to the negative, liberalist criticism against the Common Market project.¹ Nowadays, however, “Fortress Europe” is used above all to criticise European immigration and asylum policy developments as being overtly exclusionist against non-EU citizens (“third-country nationals”) who aspire to migrate to the member-states of the EU. The critics of EU policies stress that the latter inflict a high price in terms of universal human rights violations and racism, while they often fail to deliver their declared policy aims. For instance, the advocates of open border policies emphasise the continuation of undocumented immigration and asylum movements despite the adopted measures (Hayter 2004: 152-153).

Yet no matter how prevalent the “Fortress” is portrayed to be, and contrary to what the critics against EU policies might assume, “the claims of pro-migrant groups tend to centre on the need for ‘more Europe’, that is, more EU competencies in order to counter fortress-like tendencies that they see as emanating from national policies” (Geddes 2008: 30). This might seem paradoxical, yet the paradox is probably caused by the overwhelming focus of current research on the efforts of EU member-states to restrict new unwanted immigration. As Andrew Geddes noted, we have to go beyond the metaphor of the “Fortress” in order to capture the nature and role of EU policies and politics in these issues. Along with reinforcing measures to restrict unwanted immigration from third countries, EU policies have also allowed the opening of doors to the highly skilled and the adoption of supranational legislation that guarantees certain rights to legally resident immigrants, including anti-discrimination norms (Geddes 2008: 29). Moreover, within the “Fortress” and deriving from the principle of freedom of movement, more rights and freedoms have been awarded to EU citizens and their families, and recently to long-term resident aliens.

I wish to expand this debate further. Focusing on the case of Greece, and contrary to the prevailing claims about “Fortress Europe”, I argue that EU norms on the rights of legally resident third-country nationals can have pro-immigrant liberalising effects on the policies of the member-states. These effects are most probable in the countries that have recently become immigrant hosts because the EU level of decision-making acts as a transmission belt of immigration policy concerns, principles and legacies across time and member-states. In particular, the long-established duality of immigration policy choices in the “older” immigration countries within the EU (duality based on restrictions to new immigration coupled with integration of the legally resident immigrants) spilled over to the EU level and gradually crystallised in common EU immigration norms. Undeniably, the latter’s primary focus has been on immigration control. However, the policy concerns and experiences of “older” immigration countries have also resulted in some attention paid to fostering immigrant integration by safeguarding a minimum of immigrant rights and of common policy standards. The resulting EU norms - both binding and non-binding - preceded or coincided with the institutionalisation of domestic immigration policies in the “new” immigration countries in the EU. In the case of Greece, common EU legislation on long-term resident immigrants and family reunification inserted elements of integration policy into Greek legislation and acted as a catalyst for the beginning of immigrant policy in this “new” immigration country.

Within the “Fortress”: the “older” immigration countries and the secondary EU attention to immigrant integration

While European concerns for unwanted new immigration materialise in immigration controls, the policy norms concerning the rights of third-country nationals mirror the debates in many European countries on the deficits in the integration of long-established immigrant communities. These two major themes are brought together in the understanding, prevailing since the 1980s, that limitations on new immigration are a necessary prerequisite for the successful integration and acceptance of existing immigrants in European societies (Bade 2003: 279).

In individual countries, linking immigration controls with integration measures (anti-discrimination policy being a part of the latter) characterised national policy-making even earlier. As early as the mid-1960s, restrictions on new immigrant entries from the Commonwealth into the United Kingdomⁱⁱ were coupled with anti-discrimination legislation (the 1965 Race Relations Act). This policy framework, which provided for immigration quotas as well as for the institutional basis for combating racism and promoting integration, prevailed in British domestic politics and created a policy legacy reaching the present (Hansen 2000: 127-130).

In post-War France, the particular national tradition of Republican citizenship has aimed at immigrant assimilation by applying universalist principles for all individuals and by rejecting any official recognition for ethnic or racial difference. But here, too, this framework “has been predicated on the necessity of immigration control” and on the understanding that the French society can integrate only a certain number of immigrants (Freedman 2004: 2-3). The creation of the *Haut Conseil à l’Intégration* in 1989 indicates that immigrant integration had gained substantial importance during the 1980s – and it had cared for equally substantial concerns.ⁱⁱⁱ

In Germany, the permanent character of immigration was officially accepted only in 1998. Nevertheless, the discourse on the necessity of integration and on concrete policy measures towards that end had already begun in the mid-1970s, following the stop in the new recruitment of immigrant labour. The office of the Commissioner for Foreigners (*Ausländerbeauftragte*) was established in 1978. Moreover, during the 1980s and 1990s concrete policy measures were devised at the federal, *Länder* and municipal level in educational and social integration issues. Even after the recognition that Germany is a country of immigration, however, there was a broad consensus that further immigration controls were necessary if the integration of the already resident immigrant population was to be successful (Heckmann 2003: 52; 70-74). Also in the continental states that followed liberal policies of multiculturalism (such as The Netherlands and Sweden), debates and concrete policy measures aiming at the integration of foreign immigrants had begun in the mid-1970s and early 1980s (Westin & Dingu-Kyrklund 2003; Doornik 2003).

A common socio-economic and policy feature of immigration developments in the “older” immigration countries of western and northern Europe is the long-term establishment of immigrant communities. Despite the stop of new labour recruitment in the early 1970s, new immigrant entries continued at a significant scale due to the protection of the right to family reunification. By the late 1980s these countries faced high unemployment rates and low educational achievements of the immigrant population, housing segregation in the urban areas, and rising xenophobia among natives. These phenomena evolved despite the differences in immigration traditions, national welfare systems, the national political institutions and the resulting domestic immigration and integration policies. As Bade notes, the common growing defensiveness towards immigration from outside the EU, and the understanding that integration and exclusion were interdependent, spilled over to the EU level of integration in the form of converging national policy positions (Bade 2003: 280).

The “uploading” of the dual national policies of “older” immigration countries to the EU level is mirrored in the sponsoring and development of common EU norms in the last two dec-

ades. As early as 1991, the report of the Ministers responsible for Immigration to the Maastricht European Council included a call for a common response to immigration pressures based on restrictive norms for new immigration for most purposes excluding family reunification and asylum, and for accompanying measures for “a genuine integration policy increasing the rights of third country nationals who were already resident in one Member State” (Peers 2000: 84). Indeed, the initial 1991 plans have been praised as a “balanced policy on admission, integration and control of illegal immigration” (Peers 2000: 104).

A similar picture was to be seen following the entry into force of the Maastricht Treaty and the institutionalisation of the “3rd pillar” of EU policies. The Resolution of the Council of Ministers on the priorities in Justice and Home Affairs for the period 1996 to 1998 identified as such the issues of family reunification and the status of third-country nationals who were already resident in the member-states (Peers 2000: 89). Shortly after, in July 1997, the European Commission made a proposal for a Convention on admission and integration of third-country nationals that put forward the upgrading of rights related to long-term resident status and family reunification (Peers 2000: 90-91). Although the Convention did not materialise, the same themes were repeated a couple of years later in the Tampere program of action on immigration and asylum.

Within this framework, the influence of the “older” immigration countries on the shaping of common EU principles and policies during the 1990s is revealed by their agenda-setting initiatives at the EU level, especially concerning the secondary attention to the rights of legally resident immigrants. The negotiations for a Resolution on long-term residents in 1996 began as an initiative of the French Presidency for a Joint Action in 1994, the 1997 Dutch Presidency promoted the discussion on family reunification policy, and the Austrian Presidency in 1998 included integration and the issue of long-term residents in its Strategy Paper (Peers 2000: 87-89, 102).

Therefore, the Tampere Program and the resulting binding Directives on family reunification and the status of long-term resident immigrants in the early 2000s built on the previous initiatives and uploading of policy concerns of “older” immigration countries within the EU. No matter how reluctant the debate on immigrant integration was at the EU level during the 1990s, laying the foundations of common EU immigrant policies was clearly connected to the immigration realities in central and northern Europe.

However, these were not necessarily shared by all member-states. As the southern counterparts were becoming hosts to large-scale new economic immigration movements in the late 1980s and early 1990s, their concerns and policy debates were connected to large-scale

clandestine immigration and the entry, reception and residence of the first generation of immigrants (King *et al* 2000). At the time the member-states in the western and northern flank of the EU were dealing with their questions concerning the permanent stay of immigrants and the principles and strategies for their integration (and that of their descendants), and while common EU norms on immigrant integration were gradually taking shape, southern Europe was primarily experimenting and institutionalising approaches to immigration control.

As I will demonstrate below by analysing the case of Greece, this disjunction of migration circles and policy concerns within the EU turned the supranational level of immigration policy-making into a transmission belt of policy principles and measures from the “older” to “new” immigration countries. However, contrary to the usual claims about “Fortress Europe”, these policy transfers also resulted in pro-immigrant, liberalising policy effects.

The other side of “Fortress Europe”: the institutionalisation of immigrant rights in Greece and the role of EU membership

For the most part of the 1990s, the Greek policies and legislation on third-country nationals was seen as a manifestation of the overall securitisation of immigration policies in the EU (Baldwin-Edwards 1997); as a domestic emergency response to the sudden large immigrant influx fitting the Schengen and EU policy requirements (Baldwin-Edwards 1998: 12); and even as a result of “Fortress Europe” due to the wish of Greek governments to accede to the Schengen System (Antonopoulos 2006: 136). Indeed, the first Immigration Act adopted in 1991 introduced one of the most restrictive legal frameworks in Europe concerning the entry, residence and rights of immigrants. Moreover, its adoption and implementation coincided with the first steps towards a common EU policy on immigration and asylum issues.

The 1991 Immigration Act focused on policing measures against clandestine immigration and reflected the approach of “zero immigration”. The options for legal residence in Greece were severely restricted, as were the chances for being granted permanent resident status. Similarly to the provisions of the old 1929 Greek Law on aliens, the 1991 Immigration Act prohibited any professional activity of third-country nationals, unless they were provided with a work permit.^{iv} In turn, temporary work and residence permits were tied to the invitation by the employer and they could be renewed annually for a period of five years as long as working conditions were still met. After 5 years a

foreign worker should leave the country or apply for special renewable biannual residence and work permits to be issued by the Greek Police.^v Only after fifteen years of continuous legal residence and employment was a third-country national eligible to apply for a permanent residence status.

As a result, up to the year 2000 there was hardly any permanent residence permit issued to third-country nationals admitted for employment purposes (Groenendijk, Guild & Barzilay 2000: 50-51). Marriage to a Greek citizen did not substantially affect a foreign resident's chances to be granted a work permit (Fakiolas 1999: 195). In parallel, strict provisions aimed at cracking down on illegal immigration and penalising illegal work of third-country nationals. Measures and penalties included fines, confinement, insertion in the list of "undesired aliens"^{vi} and expulsion (Papasiopi-Passia 1995: 79).

On the positive side, the 1991 Immigration Act was the first piece of Greek legislation that explicitly provided for the family reunification of third-country nationals. Family members included the spouse, the minor children and the dependent parents. However, the right was granted following a minimum of 5 years of continuous legal residence, a condition that was very difficult to meet. Foreign citizens legally residing in Greece were provided with full access to the social security system and their children were granted access to public primary and secondary education. Nevertheless, these provisions affected only a limited number of foreign workers and their families, who could immigrate legally and continuously maintain their legal status for the period required.

The congruence of the adoption of the Act with the increasing EU cooperation in immigration and asylum issues in the early 1990s may easily lead to the tentative conclusion that the Greek exclusive emphasis on controlling immigration may have been caused by EU membership. However, once we go down the track of Greek policy developments in a time span exceeding that of the institutionalisation of EU immigration norms, it becomes evident that the EU was not necessarily the driving force behind strict immigration controls at the national level.

As a matter of fact, and contrary to the widespread assumption that Greece had not had an immigration policy before extensive immigration flows began in the early 1990s, a series of restrictive policy principles, norms, and institutional arrangements on the entry and residence

of aliens in the 1990s and 2000s had been consolidated long ago, in the 1970s and early 1980s. On the contrary, there had been only a minimum of laws and regulations related to the residence and rights of non-EU citizens. In fact, according to the records of the Greek parliamentary debates the first provision for the right to family reunification was inserted in the 1991 Immigration Act due to the wish of the Greek government to adapt to the Schengen Agreements (Greek Parliament Plenary Sessions 15/10/1991: 210).

Another important point concerns the securitisation of immigration policy. The 1991 Immigration Act recognised the Greek Police as the competent authority in immigration and asylum issues. However, this was by no means a novelty of the 1990s. For decades, the Greek Police had been responsible for aliens' issues including the issue and renewal of residence permits, the control on entry and residence of foreign nationals, the removal of illegally resident aliens, as well as land border controls. Long before extensive immigration movements began and the 1991 Immigration Act was put into force, controlling entry and residence of foreign citizens had been considered as an issue relevant to Greek national security. This is eloquently shown by the fact that aliens' issues had long been an area of competence for the Department of Aliens, a branch within the Directorate of State Security of the Greek Police.

Beyond the formal allocation of policy-making competence, continuity could be observed also in the policy-making practice. As in the 1970s and the 1980s, when regulation of aliens' issues was a task to perform mainly through the issuing of Ministerial Decisions and administrative circulars, the 1991 Immigration Act provided the executive with extended powers in rule-making. It allowed immigration policy-making to remain away from parliamentary scrutiny by authorising the issuing of a series of Ministerial Decisions and Presidential Decrees.

Furthermore, the basic principles of immigration control adopted in the early 1990s were rooted in domestic policy legacies. Already since the mid-1980s there had been basic Greek policy guidelines concerning legal immigration: a) the exceptional character of authorising entry and residence of third country nationals for working purposes; b) the direct link of their entry and residence to specific needs of the domestic labour market and their dependence on specific employers; c) the prevention of long-term settlement of third country nationals beyond a period of 5 years; and d) the short-term duration of residence and work permits (the rule being one year and renewable), which allowed for a frequent exercise of immigration controls. During the first half of the 1990s, these guidelines were preserved intact in the 1991 Immigration Act and in a series of Ministerial Decisions of the Ministries of Public Order and Employment.^{vii}

In the early 1990s, therefore, continuity existed also in the policy tasks and directions concerning third-country nationals.^{viii} In addition, some policy measures of immigration control were in fact a mere repetition of legislation dating back to several decades. For instance, the transfer of responsibility to carriers for the control of travel documents can be found in the old Greek Laws on aliens of 1929 and 1932.^{ix} Internal immigration controls pursued by residence providers, which were adopted in the mid-1990s,^x did not differ essentially from analogous policy measures dating back to the late-1970s.^{xi} Therefore, in the early 1990s Greek immigration policy-making displayed a great degree of continuity with previously established policy legacies.

During the 1990s, the Council of the EU agreed on a series of restrictive, non-binding principles concerning family reunification, student entries, and new entries for employment purposes.^{xii} Their compatibility with Greek policy priorities is indicated by the fact that Greek legislation and practices were quickly adapted (when necessary) despite the lack of any obligation to do so under EU law. The same holds for the high degree of adaptation to and implementation of “soft” restrictive norms on asylum policy during the 1990s - including the principles of safe third countries, manifestly unfounded asylum claims, and accelerated procedures.^{xiii}

Yet things were different in the case of the EU norms providing for the minimum protection of rights of non-EU citizens. Third-country nationals who are long-term residents is a case in point. Although EU immigration norms have been repeatedly criticised for lying on the restrictive “lowest common denominator”, the 1996 Resolution on long-term residents^{xiv} conflicted with Greek legislation in important points and it was never implemented. For instance, no long-term resident status was recognised. After 15 years of continuous legal residence and 10 years of social security contributions (instead of 10 years of legal residence, which was the maximum limit set by the Resolution), it was in the absolute discretion of the Greek administration to award third-country nationals an indefinite leave to remain in the country.^{xv} Moreover, the latter was to be repealed in case the third-country national exited Greece for a period longer than 2 months (instead of 6 months set in the Resolution)^{xvi} and there was no explicit reference to the rights of legally resident third-country nationals in the Immigration Act, regardless of the duration of their stay.

Further conflicts between Greek and EU policy norms and principles arose after the entry into force of the Amsterdam Treaty and the subsequent adoption of binding EU norms. The on-going integration on immigration policy issues continued to focus on controlling new im-

migration. Nevertheless, since the Tampere program (1999) it also incorporates principles on the fair treatment of legally resident immigrants as well as on asylum policy. As a result of the obligation to adapt to EU legislation,^{xvii} Greece finally established a long-term resident status similar to the norms of most other member-states in 2005.^{xviii}

The setting of common standards for legal immigration was not unique to the EU. The binding EU norms on long-term resident immigrants and family reunification in the early 2000s included policy principles that had been developed during the 1990s in the Council of Europe. Family reunification had been the subject of a series of rulings of the European Court of Human Rights since the 1980s on the basis of Article 8 ECHR. In 1998 the Parliamentary Assembly called for granting foreign nationals the right of permanent residence after 5 years of lawful residence; between 1998 and 2000 security of residence of long-term immigrants became the topic of drafting a Recommendation of the Committee of Ministers to the member-states; and integration policy principles, such as the increased protection offered to foreign nationals after 5 years of legal employment and/or residence, had been included in a series of Council of Europe Treaties (Groenendijk 2001: 13-18).^{xix}

Nevertheless, the norms of the Council of Europe contained in Recommendations were not legally binding whereas those contained in Treaties acquire binding force following the ratification by the member-states concerned. By contrast, within EU the liberalising effect of supranational norms on immigrant rights – such as family reunification and long-term residence status – has been directly linked to the emerging binding instruments (Directives) under the Tampere programme (1999-2004).

The timing of Greek policy changes shows that binding EU legislation has been the main driving force behind the liberalisation of Greek provisions on the rights of legally resident foreign immigrants (and asylum seekers). This point is supported by the debates that accompanied these changes. While important liberalising amendments to the Law on Aliens were made in 2001,^{xx} the Greek government was still reluctant to proceed with further modifications to the family reunification provisions, preferring instead to wait for the outcomes of EU policy negotiations (Mavrodi 2005: 17). The long-term resident status was established for the first time in 2005 under the provisions of the new Law on Aliens, whereby adaptation to binding EU legislation constituted one of its main purposes (Greek Ministry of Interior 2005).

To a large extent, these developments have gone unnoticed. Why? On the one hand, there is no doubt that the main focus of the common EU policy measures on immigration and asylum has lied on security issues, border controls and fighting unauthorised immigration. During the 1990s, EU cooperation on Justice and Home Affairs had been clearly imbalanced,

paying attention to removing illegal immigrants and controlling new immigration rather than fostering immigrant integration measures (Peers 2000: 226). This legacy continued well through the present decade, attracting negative criticisms and publicity on EU immigration norms as a whole. On the other hand, the liberalising effects of EU immigration norms on the national level do not concern all EU member states. Greece has had to liberalise its policy on the rights of legally resident third-country nationals (and asylum seekers) both because these issues became the subject of binding EU regulation *and* because the preceding Greek policy standards had been more restrictive or absent altogether.

Therefore, if the need for adaptation to EU norms depends on their legal effects, the existing national policy standards and the degree to which the latter differ from those agreed at the EU level, it becomes important to take into consideration not only the national policy developments but also the dynamics and historical evolution of the EU policy framework. As the Greek case demonstrates, the latter lies behind the creation of pressures for adaptation and may shape the direction of the eventual national policy change. As I showed in the previous sections of this paper, the policy framework of the EU (especially in the initial years of its institutionalisation) reflected the policy concerns and legacies of “older” immigration countries to a great extent. In such a way, immigration policy-making at the EU level during the 1990s and early 2000s provided a transmission belt of policy directions, principles and measures across time and space, from the “older” countries of immigration to Greece.

Conclusions

The Greek case and the careful analysis of policy developments at the EU level point out to an important finding: away from the spotlights of academic research and public opinion, common EU norms may promote the liberalisation of immigration policies in the EU member-states. The reason for this effect is to be found in the dual character of EU immigration policies: notwithstanding the bias in favour of immigration controls, the EU framework of cooperation has also included a secondary attention to the integration of third-country nationals who already reside in the member-states.

In the early stages of EU integration in immigration issues during the 1990s, this duality of policy directions reflected the broad policy preferences of the “older” countries of immigration in central and northern Europe, which shared common immigration experiences in the post-War era. On the contrary, but at the same time, the main preoccupation of the “new” coun-

tries of immigration in the European South was to cope with the entry and residence of the first generation of immigrants. However, their participation in the process of establishing a common EU immigration policy exposed them to different gears of policy developments in Europe. The latter brought them into early contact with debates and policy initiatives on immigrant integration at the EU level that preceded the direct confrontation with such concerns in southern Europe.

The adoption of common binding EU norms provided for a transmission belt of policies and priorities of “older” immigration countries across time and space. In the case of Greece, the dual EU policy framework and its binding EU norms created pressures to include aspects of integration policy for the legally resident immigrants. Thus, the Greek participation in the European “Fortress” resulted in the adoption of pro-immigrant policy measures at home. At the time of its adoption, this liberalisation of Greek policy norms would have been unlikely outside the framework of EU membership. Certainly, this is a neglected side of EU integration in immigration issues that deserves more attention. Undoubtedly, These findings invite for a reconsideration of the nature, the policy dynamics, and the limitations of “Fortress Europe” and they should be tested in further cross-country comparative research.

- i Initially, “Fortress Europe” was connected to the fortification of the continental European shores by the Axis powers during the second World War against the Allied forces. In the late 1980s and early 1990s, critics of the common market project used the term again when associating European economic integration with European protectionism in international trade. These critics advocated the abolition of state and supranational economic interventionism (the “Fortress Europe” in economic terms) in favour of international market liberalism (Wolf 1994).
- ii According to the Protocols attached to the Amsterdam Treaty, the United Kingdom and Ireland enjoy special status concerning the adoption of measures of common EU immigration and asylum policy. However, the British national experience with immigration forms part of the wider European framework of immigration policy developments.
- iii At the same period, the well-known *foulard* affairs (1989, 1994) provided the framework for polarised French debates on the integration of foreign (particularly Muslim) immigrants.
- iv Law 1975/1991, Article 23. Until the mid-1990s, the relevant Ministerial decisions allowed for a maximum of 5.260 working permits for third-country nationals per year (Papasiopi-Passia & Kerameos 1995: 434-439). See also Common Ministerial Decisions No 30353/1993, No 33700/1994 and No 33140/1995. All of them prohibited the issuing of working permits to nationals of African, Latin American and Asian countries. To the best of my knowledge, these Decisions were not challenged and there has been no case-law on this particular issue, although this policy clearly violated the principle of non-discrimination.
- v Ministerial decisions 4803/13/8a of 1992 and 4803/13/9a of 1992.
- vi Including a third-country national into the list of “undesired aliens” meant the prohibition of his/her future entry into the country (Papasiopi-Passia 1995: 28-29).
- vii Law 1975/1991; Ministerial decisions 4803/13/8a of 1992, 4803/13/9a of 1992.
- viii The term “third-country nationals” refers to third-country nationals of foreign origin as opposed to foreign citizens of Greek ethnic origin. The latter have been subject to more favourable treatment (Triandafyllidou & Veikou 2002; Mavrodi 2008).

- ix Laws 4310/1929 and 5405/1932.
- x Ministerial Decision 4803/13/4-μβ of 1995.
- xi Ministerial Decision 9760/28-134012 of 1977.
- xii SN 2828/1/93, 1 June 1993; OJ 1996 C 274/10; OJ 1996 C274/3; OJ 1996 C 274/7.
- xiii *Inter alia*, Law 1975/1991; Law 2452/1996; Presidential Decree 61/1999.
- xiv *Council Resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States*, OJ C 080, 18/03/1996, pp. 2-4.
- xv Law 1975/1991 Art. 13.
- xvi Law 1975/1991 Art. 18.
- xvii Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ 16, 23/1/2004, pp. 44-53.
- xviii Law 3386/2005. The EU Directives on asylum conflicted with existing Greek domestic legislation in several points, too. All “misfits” between the Greek and EU legislation had to do with safeguarding the rights of asylum seekers concerning the examination of their claims and their reception conditions. See Council Directive 2003/9/EC; Council Directive 2004/83/EC; Council Directive 2005/85/EC. Despite long delays, the adaptation of Greek legislation to the so-called asylum Directives finally took place in 2007 and 2008. See Presidential Decree 220/2007; Presidential Decrees 90/2008 and 96/2008.
- xix Like the European Convention on Establishment, the Convention on Social and Medical Assistance, and the Convention on the Participation of Foreigners in Public Life at Local Level

(Groenendijk 2001: 17 ff 38). See also the European Convention on the Legal Status of Migrant Workers.

^{xx} Law 2190/2001

References

Archives of the Greek Parliament [in Greek]

- 1991 Greek Parliament Plenary Sessions

Antonopoulos, Georgios A. (2006). "The Legal Framework of Migration in Greece and its Effects", *International Review of Law Computers and Technology*, Vol. 20, No. 1-2 (pp. 135-147).

Bade, Klaus J. (2003). *Migration in European History*, Blackwell Publishing.

Baldwin-Edwards, Martin (1998). "Where Free Markets Reign. Aliens in the Twilight Zone", *South European Society and Politics*, Vol. 3, No. 3 (pp. 1-15).

Baldwin-Edwards, Martin (1997). "The Emerging European Union Immigration Regime: Some Reflections on Its Implications for Southern Europe", *Journal of Common Market Studies*, Vol. 35, No. 4 (pp. 497-519).

Doomernik, Jeroen (2003). "Integration Policies towards Immigrants and their Descendants in the Netherlands", in Friedrich Heckmann & Dominique Schnapper (Eds.), *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*, Stuttgart: Lucius & Lucius (pp. 165-183).

Fakiolas, Rosetos (1999). "Greece", in Angenendt, Steffen, *Asylum and Immigration Policies in the European Union*, Deutsche Gesellschaft für Auswärtige Politik, Berlin: Europa Union Verlag.

Freedman, Jane (2004). *Immigration and Insecurity in France*, Aldershot: Ashgate.

Geddes, Andrew (2008). *Immigration and European Integration. Beyond fortress Europe?*, Second edition, Manchester & New York: Manchester University Press.

- Greek Ministry of Interior (2005). Introductory report to the draft law “Entry, residence and social integration of third country nationals in the Greek Territory”, Athens, 23 June 2005 [in Greek].
- Groenendijk, Kees, Elspeth Guild & Robin Barzilay (2000). *The legal status of third-country nationals who are long-term residents in a Member State of the European Union*, Nijmegen: University of Nijmegen.
- Hansen, Randall (2000). *Citizenship and Immigration in Post-War Britain. The Institutional Origins of a Multicultural Nation*, Oxford: Oxford University Press.
- Hayter, Teresa (2004). *Open Borders. The Case Against Immigration Controls*, Second Edition, London & Ann Arbor (MI): Pluto Press.
- Heckmann, Friedrich (2003). “From Ethnic Nation to Universalistic Immigrant Integration: Germany”, in Friedrich Heckmann & Dominique Schnapper (Eds.), *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*, Stuttgart: Lucius & Lucius (pp. 45-78).
- King, Russel, Gabriella Lazaridis & Charalambos Tsardanidis (Eds.), *Eldorado or Fortress? Migration in Southern Europe*, Basingstoke & New York: Palgrave/Macmillan.
- Mavrodi, Georgia (2005). “‘Europeanising’ national immigration policy: the case of Greece”, Working Paper no.8/2005, Bielefeld: Centre for Migration, Citizenship and Development
- Mavrodi, Georgia (2008). “A matter of experience? Sources, institutions and processes of immigration policy formulation in Greece (1990-2005)” [in Greek], in: Jenny Cavounidis, Antonis Kontis, Theodoros Lianos and Rossetos Fakiolas (eds), *Immigration in Greece: Experiences – Policies – Prospects* [in Greek], Athens: IMEPO (pp. 264-281).
- Papasiopi-Passia, Zoe (1995). *Τα δικαιώματα των αλλοδαπών κατά το νόμο 1975/1991* [The rights of aliens pursuing to law 1975/1991], Athens - Komotini: Ant. N. Sakkoulas Editions.

Papasiopi-Passia, Zoe & Zoe Koliou-Kerameos (1995). *Recueil des Textes de Statut Juridique des Etrangers* [in Greek], Vol. 1, Thessaloniki: Sakkoulas Editions.

Peers, Steve (2000). *EU Justice and Home Affairs Law*, Harlow: Pearson Education.

Triandafyllidou, Anna & Mariangela Veikou (2002). "The hierarchy of Greekness. Ethnic and national identity considerations in Greek immigration policy", *Ethnicities*, Vol. 2, No. 2 (pp. 189-208).

Westin, Charles & Elene Dingu-Kyrklund (2003). "Immigration and Integration of Immigrants and their Descendants: The Swedish Approach", in Friedrich Heckmann & Dominique Schnapper (Eds.), *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*, Stuttgart: Lucius & Lucius (pp. 105-134).

Wolf, Martin (1994). *The Resistible Appeal of Fortress Europe*, London: Centre for Policy Studies