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Security and human rights in the context of migratory trends: the case of
Greece

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Dedicated to Khadim Hussein and Sughran Bibi



ABSTRACT

This research examines the relationship between security considerations and human rights protection under the prism of securitization theory. By employing a multi-method research approach, the study investigates the contextual parameters that brought securitization into being and the mechanisms that sustain durable securitization. It also addresses the issue of actors, the role of the media while reintroducing the audience to the research agenda. Importantly, this research focus on the potential imbalance between security and human rights considerations, assessing the effectiveness of that imbalance.

Greece used as a case study to investigate the parameters mentioned above, as a case of durable securitization, which also portrays high levels of human rights deviations. As a case study, Greece's characteristics provide a unique opportunity to examine the birth of securitization, the process and context that sustain securitization into being, and the impact of the imbalance between security and human rights on public security.

Key Words: *securitization, immigration, human rights, Greece, context.*

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DECLARATION

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Nicosia. This thesis has been composed solely by myself except where stated otherwise by reference or acknowledgment. It has not been previously submitted, in whole or in part, to this or any other institution for a degree, diploma or other qualifications.

Signed Date ...25/5/2021

Elena Mara



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LIST OF ABBREVIATIONS

AIDA: Asylum Information Database

AMIF: Asylum, Migration and Integration Fund

ART.: Article

CEAS: Common European Asylum System

CoE: Council of Europe

CPT: Committee for the Prevention of Torture

CRC: Convention for the Rights of Child

ECHR: European Convention of Human Rights

ECJ: European Court of Justice

ECRE: European Council on Refugees and Exiles

ECRI: European Commission against Racism and Intolerance

ECtHR: European Court of Human Rights

ELSTAT: Hellenic Statistical Authority

EMN: European Migration Network

EU: European Union

FRA: European Union for Fundamental Rights

FRC: First Reception Center

FRS: First Reception Service

GCR: Greek Council of Refugees

GDP: Gross Domestic Product

GESSE: General Confederation of Greek Workers

HRW: Human Rights Watch

ICCPR: International Convention on Civil and Political Rights

ICJ: International Commission of Jurist

IMF: International Monetary Fund

IOM: International Organization of Migration

ISF: Internal Security Fund

MD: Ministerial Decree

MP: Members of the Parliament

MS: Member states

MSF: Medicans Sans Frontier

MSM: Mediciens Du Monde

NCHR: National Committee of Human Rights

NGO: Non- Governmental Organizations

OHCHR: United Nations High Commissioner for Human Rights

PD: Presidential Decree

RIC: Reception and Identification Center

RIS: Reception and Identification Service

RVRN: Racist Violence Recording Network

TFEU: Treaty on the Functioning of the European Union

UAM: Unaccompanied Minors

UNCAT: Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment

UNHCR: United Nations High Commission for Refugees

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INTRODUCTION

Since the end of the Cold War, migration has been elevated in the security agenda, leading prominent academics to characterize it as a meta-issue; a phenomenon that carries a series of problematization and insecurities (Huysmans 2009; Bigo 2005). The phenomenon runs parallel with a general shift away from the traditional military conception of security (Doty 1998). Arguably the end of bipolarity with the implosion of the Soviet Union allowed for the broadening of the security agenda and the incorporation of new fields of insecurity, such as in the social, political, and economic fields. (Buzan et al., 1998).

Migration, though, has not always been perceived as a security threat. In fact, by the end of World War II, migration was seen as a welcome socio-economic phenomenon that would help reconstruct the devastated European economy (Karyiotis 2007). The same trend continued during the 1960s and early 70s, and it was not until the oil crisis of 1973-74 that migration started to acquire a negative connotation, mostly as a result of the rise of unemployment (Karyiotis 2007). Still, though, the issue remained in the field of socio-political considerations that affected only certain industrial European countries (Huysmans 2000).

The end of the Cold War put pressure on European countries' borders (Edwards 2009), turning even emigration countries like Greece into immigration destinations literally overnight (Karyiotis 2007). The construction of migration as a security threat ran parallel with the process of European integration and the abolition of internal borders, with the consequent fortification of external borders and the creation of the so-called "Fortress Europe" (Bigo 2002; Huysmans 2000; Rudolf 2002).

The perception of migration as a threat deepened after 9/11, placing migration and asylum-seeking in the same discourse as terrorism and transnational crime (Karyiotis 2012; Huysmans 2008). The refugee crisis of 2015-2016 only reinforced the notion of migration as a security threat and brought to the fore the grave consequences of the security logic in the human rights of people on the move (Crepeau and Atak 2016).

While for some states, migration was elevated gradually in the security agenda as a long-standing phenomenon, for others, such as Greece, the matter acquired a sense of emergency. This trend resulted from the rapid increase of irregular influx since the 1990s and the fact that such countries are at the EU's external borders (Karyiotis 2012). Nevertheless, and in the broader European context, the social construction of migration as an exceptional security threat used to justify policies that found in breach of International Human Rights Law, giving EU countries the impetus to deny their international responsibilities and implement policies of wartime nature, such as the militarization of borders (Browning 2011). Additionally, EU countries exhibit a high degree of racism, xenophobia, and intolerance, reflected not only in the number of hate crimes and xenophobic attitudes but also in the unprecedented rise of far-right xenophobic parties (Eurobarometer survey on discrimination 2015).

The process of turning a political issue like immigration into a security issue can be best explained by applying the theoretical framework of securitization.

Mainstream securitization theory, as presented by the Copenhagen School, suggests that an issue becomes a security priority once the elites framed it as such. The process by which elites portray security threats is called the securitizing act, and it entails a security discourse. An issue must be accepted by the audience to be effectively securitized. Once the securitizing act is accepted, the elites are entitled to adopt extraordinary measures that fall out of ordinary politics to counter what is perceived as an existential threat to the referent object. (Buzan et al., 1998). The Copenhagen School's contribution lies in introducing new areas of security concerns beyond the traditional state-centered conception of security. By importing concepts of economic, societal, political, and environmental threats, the Copenhagen School broadens the spectrum of new forms of security issues, previously underexamined by security studies, thus offering a more comprehensive understanding of the challenges faced by states and societies in the new international environment.

However, the security equation of Copenhagen School is deemed insufficient by several scholars, mainly from the Paris School of thought and the approach of sociological securitization (Balzacq 2010). The main points of problematization concern the identity of the securitizing actor, the under-investigated role of the audience, the absence of context from the initial theory, and the nature of extraordinary measures.

Securitization theory resembles in many of its basic features the preexisting notion of the “sovereign state of exception” as first described by the German philosopher Carl Schmitt in 1922.

The sovereign state of exception is “*essentially extra-judicial: something prior to or other than law*” (Humphrey 2006, 679). The central premise of the Schmittian argument is that in exceptional circumstances, a legal space should be open for uncontrolled state power to restore order. For Schmitt, the law’s suspension is both a constitutional provision provided to the sovereign and a safety valve that would allow the return to normalcy. More recently, Giorgio Agamben argued that the state of exception is no longer exceptional but rather a way of governance. As such, the exception became the rule, and the law is no longer suspended but clashed under the power of the sovereign and creates a legal space of permanent “anomie,” in which no rights exist (Agamben 1998)

Prominent, as it might be in many parts of the academic literature, the relation between securitization and the state of exception has not yet been fully established. Given the distinctions between the Schmittian and Agambian conceptions of the state of exception, on both the prerequisite for the existence of constitutional provisions and the difference between exception and routine, we can draw the assumption that each notion corresponds to each respective branch of securitization. Namely, the Copenhagen school corresponds to Schmitt’s state of exception, while the Paris School corresponds to Agamben’s state of exception.

Based on the theoretical framework of the state of exception and by implementing the securitization theory, this research aims to investigate the relationship between security considerations and human rights standards. The first aim is to examine the potential human rights deviations deriving from securitizing practices, along with the consequences, not only on migrants but mostly on society. The hypothesis under investigation is that the lack of human rights protection borne out of security considerations could potentially undermine the very value that their implementation aims to protect in a binary way. First, by triggering the implementation of the “weapons of the weak.” “Weapons of the weak” is the manifestation of migrants’ resentment to the state of exception, appearing as a form of non-compliance to the exercise of the state’s sovereign power (Ellerman 2009). Accepting that the social contract is by definition a reciprocal relation, the failure or unwillingness to protect the human rights of migrants, and the loss of all claims against the state that are attached to citizenship status, result in the breaking of that contract

and to the implementation of individual acts that turned against the state and the exercise of state power, such as criminality, suicide attempts, and destruction or falsification of identity papers. Second, securitization and lack of human rights protection can create those contextual changes that brought to the surface attitudes that can potentially lead to further social insecurity. Given the rise of racism and xenophobia in Europe in general, and in Greece that is the current case study in particular, as portrayed by polls conducted by various NGOs and European Union bodies, this research aims to investigate the contextual transformation caused by securitization in society, supporting that securitization can create those forces that transform the norms of a given society, affecting the societal and cultural disposition of a given audience. To put it differently, can we argue that securitization of migration could act as a creator or accelerator of behaviors previously unidentified in a given society.

Additionally, this research aims to shed light on the under-investigated and contested securitization theory elements, namely, the identity of the securitizing actor, the role of the audience, the importance of the context, and the nature of extraordinary measures. As for the latter, this research aims to identify the “state of exception” surrounding migration, being either temporary or permanent and the consequences on the respect of immigrants’ human rights. Furthermore, the current research aims at elaborating on the notion of “securitization climax.” The securitization climax attempts to achieve further extraordinary measures against an already securitized issue (Lupovici 2016). There is a set of facilitating conditions for a case to be considered a case of securitization climax. First, there must be an already established securitization of an issue; second, the actor must proceed to securitizing moves on the same audience that accepted securitization in the first place, third the actor should aim in the implementation of further measures than those already implemented, and finally, the actor must create a climax presenting the threat as even worse than already accepted (Lupovici 2016, 418-420). Lupovici (2016) examines securitization climax in cases where an issue is partially or totally de-securitized, while political elites or professionals try to reintroduce the issue as a more salient threat. In the current research, the attempt is to examine the securitization climax in cases of prolonged securitizations. Thus, the contribution to the literature lies in the identification of long-standing securitizations and the relation between speech acts and routinized practices in sustaining or further elevating an issue in the security agenda.

This research follows a multi-method approach, as has been suggested by Balzacq and other theoreticians of sociological securitization (Balzacq 2010; Floyd 2016; Robinson 2017). Accordingly, this research employs a mix-method single case study approach, described as Qual+quan, which is translated as a parallel mix method design in which the qualitative phase dominates. The methods employed for utilizing the research are discourse analysis; interviews; secondary research; archival research; and quantitative content analysis. The implementation of multiple methods of analysis derives from the notion that securitization cannot be analyzed solely through the linguistic aspect but need to be analyzed socially and linguistically simultaneously (Vuori 2008). Furthermore, in addition to the units of analysis prescribed by the Copenhagen School of thought that include referent objects, actors, and speech acts, it should consist of functional actors, audience judgment, context, and routinized acts as prescribed by Balzacq (2010).

This thesis uses a single case study, meaning that there is no comparative analysis. The focus will be placed on the within-case variation of the phenomenon. Greece offers a very fertile field for investigation. Being an EU country since 1981, Greece turned into a migrant-receiving country by 1990 in the form of a shock wave. Furthermore, the country represents the EU's most cohesive society regarding nationality and religion (Karyotis 2012). Also, Greece presented to be today one of the most intolerant and xenophobic countries in the EU, thus appears as a prominent case study for this research. (Eurobarometer survey on discrimination, 2015).

Research Questions

This research aims to answer the following research questions.

1. Can the issue of migration in Greece be considered as a case of successful securitization? If yes, who were the actors involved; what are the reasons, and how was this accomplished?
 - If securitization of migration is successful in Greece, what are the effects on the respect of migrants' human rights in the country? Why and how human rights are affected by securitization?
2. Does securitization appear as a linear procedure, or are there observable fluctuations (climax) on the level of securitization?

- What factors might affect the level of fluctuation (climax) of the securitization of migration in Greece? What are the effects of fluctuation on the level of protection of the human rights of migrants?
3. What other implications can we observe? What are the consequences to the public, social, and national security?

Structure of the Thesis

This thesis is divided into five chapters. The first Chapter is devoted to the literature review and the theoretical framework underpinning this research by providing an extensive overview of the “sovereign state of exception” as per Carl Schmitt and Giorgio Agamben and securitization theory. The Chapter identifies the literature gaps and aims to position the current research in the broader debate of securitization theory. Chapter 2 analyzes the methodology implemented in the present study.

Chapters 3 and 4 present the research findings in chronological order. Each Chapter is divided into sub-chapters, based on the development of the migratory phenomenon or the critical legal and political developments that have had a catalytic effect on the management of the immigration issue. The subdivision of the sub-chapters took place after completing the data collection and after the substantial differences of each period that dictated this separation were analyzed.

The separation of the two Chapters was based on the significant changes that emerged with the EU’s decisive involvement in the migration process following the Common European Asylum Policy (CEAS) implementation. So, while the country’s immigration policy was based on exclusive national initiatives in the first period, the second period is the era of the “Europeanization” of immigration and asylum policy.

Based on this separation, Chapter three analyzes the “early period” of the immigration phenomenon in Greece, focusing on 1988-2005, while Chapter four examines the “mature” period of the migratory phenomenon of the period 2006-2018.

The third Chapter is divided into three subchapters. The first sub-chapter presents the findings of the period 1988-1990, the second of the period 1991-1999, and the third the period 2000-2005.

The fourth Chapter is divided into four subchapters. The first concerns the period 2006-2008, the second the period 2009-2011, the third the period 2012-2014, and the fourth the period 2015-2018.

All subchapters have the same structure and are divided into four thematic units except for the subchapter that analyzes 1988-1990. The reason for this differentiation is the fact that this period is an introductory period, which aims to set the stage for the evolutions that followed and to provide for an overview of the country before the initiation of the significant inflows of the early 1990s. Thus the section provides an overview of the migratory phenomenon in Greece until 1990 and the political and economic developments that might affect the political and social reaction to the migratory phenomenon. Furthermore, the section provides an overview of Greece's bilateral relations with the neighboring states and a brief presentation of human rights status regarding constitutional provisions and ratification of international human rights conventions. Provided that this thesis supports that securitization does not appear in a vacuum, this section investigates the contextual parameters that potentially influenced the securitization of immigration in the country at the initial stages.

As already stated, the remaining sub-chapters share the same structure and are divided into four identical sections with different thematic units, aiming at the thorough analysis of the research questions posed in the present research. Accordingly, the sub-chapters are divided as follows:

Section A- Elite Discourse and Legal evolution: In these sections, drawing from the minutes of the Greek Parliament, media reports, and other primary and secondary sources, the aim is to identify each period's elite discourse and trace the existence of securitizing speech acts of the political elites. Furthermore, these sections outline each period's legal evolutions, identify the policies implemented, justify, and assess the legal framework's compliance with human rights protection. The aim is to solidify the securitization of immigration through the elite discourse and the measures implemented to manage or tackle the phenomenon.

Section B-Media Discourse: These sections analyze each period's media discourse to identify the media's role in the course of securitization of immigration. The aim is to explore the relation between elite and media discourse, and the ramifications of media discourse in the securitizing process and public perceptions regarding immigration in the country.

Section C- Contextual Parameters: The purpose of these sections is to provide a comprehensive analysis of the contextual parameters that potentially intervene in the securitizing process or are affected by it. Thus these sections are divided into three sub-sections. The first sub-section is devoted to each period's internal political or economic developments and the international developments that potentially impact the securitizing process or the migratory phenomenon. The aim is to investigate the consequences of those developments in the securitizing process and the perceptions towards migratory movements. Furthermore, the analysis proceeds to assess the impact of the securitization of immigration on the political evolutions in the country and the importance of immigration on the political agenda.

The second section is devoted to migratory flows. The analysis draws on numerical and empirical data to assess the magnitude, the diversion, and the qualitative difference of flows in each respective period. Furthermore, the study of migratory flows helps both to understand the securitization measures taken in each period, as well as to investigate gaps in the understanding of the phenomenon which may have led to a wrong choice of policies which resulted in human rights deviations, especially in the field of refugee protection.

The final section is devoted to public attitudes. The aim is to investigate the impact of the securitization of immigration in public perceptions towards immigration and the public reaction towards the phenomenon. The objective is to examine whether the emerging social perceptions influence the political elites in dealing with the immigration phenomenon and to what extent each period's politics affects social reactions. The analysis is based on opinion polls and facts or phenomena developed in each period and suggested changes in social responses to migration.

Section D- Securitizing measures and human rights protection: The final section of each sub-chapter is devoted to analyzing the securitizing measures implemented in each period and their ramifications on human rights protection. Drawing from an extensive pool of primary and secondary data, this section aims to solidify the adverse relation of the securitizing measures implemented to restrict and contain immigration flows and their impact on human rights protection. The analysis focuses on the application of securitizing measures and the manner of application of the respective legal framework and policies. This section's primary purpose is to observe how securitization measures or practices have succeeded in reducing the phenomenon, their impact on human rights protection, and the potential impact on social and national security.

Finally, at the end of the data analysis, Chapter five returns to the research questions and gaps in the academic literature, providing the answers that emerged through the research and the contribution of this dissertation to the disputed areas of securitization theory.

Note on terminology

It is important here to stress that the term migrant is not used in its conventional sense. The International Organization for Migration (henceforth IOM) defines a migrant as “*a person who is moving or has moved on the international border or within a state away from his/hers habitual place of residence regardless of the persons legal status, whether the movement is voluntary or involuntary, the causes of the movement and the length of the stay.*”¹ The definition of migration covers a vast array of people on the move, including students, business people, or even tourists. The use of migrants in the current research is restricted in the phenomenon of irregular migration, defined by IOM as “*movement that takes place outside the regulatory norms of the sending, transit, and receiving countries. From the perspective of destination countries, it is an entry, stay or work without the necessary authorization or documents required under immigration regulations*”². Irregularity thus derives from unauthorized entry; visa or resident permit overstay; unauthorized employment; withdrawal or loss of the status of asylum seeker and refugee; birth by irregular immigrant parents in cases that the national legislation provides for *jus sanguinis* as a prerogative for citizenship status; victims of trafficking and so forth (Koser 2005).

The concept of irregular migration carries two critical problems. The first one is the lack of official or trustworthy data regarding the number of irregular migrants in a given state (Cladestino 2009; Lafazani 2012). Irregular migration is estimated to approximately 10-12% of the total international migration (Messina 2017). The only partially accurate data regarding irregular migration in the EU derive from Project Clandestino, which was finalized in 2009. According to this report, the numbers of irregular migrants in the EU in 2009 varied from 1.9 to 3.8 million persons, 12% of whom were unaccompanied minors (Cladestino 2009).

¹ <https://www.iom.int/key-migration-terms>

² <https://www.iom.int/key-migration-terms>

The data, though, are not an accurate enumeration of irregular migration. The reason is that most studies are either based on people that have been detected or have declared their presence to the authorities, neglecting that persons might be detected and counted more than once or that there is a significant number of persons that avoid reporting their presence to the authorities (Ardittis and Lazeko 2017). The inexistence of hard data often leads to the exaggeration of numbers to justify the construction of irregular migration as a threat and the implementation of restrictive policies (Koser 2005; Messina 2017). For instance, Messina observes that even if the percentage of irregular migration is only about 10-12% of total migration, it causes significantly greater concern than regular migration, grounding his argument on the highly securitized discourse used in the context of irregular migration (Messina 2017).

The second important issue with irregularity is that it mainly takes place in the context of mixed migration flows. Mixed migratory flows are characterized by the parallel movement of people with different protection needs (refugees, asylum seekers, and economic migrants) that use the same routes and the same means- for instance, the same smugglers- to access the territory of a given state (Van Hear, Brubaker and Bessa 2009; Van der Klaauw 2010). The blurring of the distinction between economic migrants and people entitled to international protection has become a political tool that gradually eliminates the line between migration control and refugee protection and leads to the criminalization of asylum-seeking and refugee protection (Feller 2006; Kramo 2014). For instance, in 17 out of 28 members of the EU (including Greece), unauthorized entry or stay is a criminal offense. At the same time, EU law does not provide legal entry channels for asylum seekers and refugees - thus, their entry into a member state's territory is de facto irregular and subject to criminal sanctions (European Parliament 2015; Kramo 2014; Koser 2005). This tendency conflicts with the official UN position as has been reflected by the UN Special Rapporteur on the Human Rights of Migrants, according to whom *"irregular entry or stay should never be considered a criminal offense, as those acts are not per se crimes against persons, property or national security"* (Kramo 2014,34). It is worth noting that the EU is the only international organization that still uses the term "illegal" to describe irregular movements (Koser 2005).

As rightfully observed by Khalid Koser (2005), the use of the term illegal connotes migration with criminality and can potentially act as means to deprive irregular migrants of their humanity by

constructing the image of criminal migrants. Furthermore, the use of term illegal concerning asylum seekers is often used as a tool to deny asylum claims based on the sole illegal act of irregular entry.

Additionally, irregular status and connotation with criminality are relevant to human rights. While regular migrants enjoy the protection of their country of origin, asylum seekers and refugees fleeing from countries with severe human rights abuses often lose any agency or protection from their homeland. Contrary to their protection rights, the classification as irregular or illegal migrants usually implies that they fell out of legal protection in the receiving country (Kramo 2010; Koser 2005). Thus, the criminalization of irregular status enhances the vulnerability of migrants who either become victims of exploitation or human rights violation in the destination country.

Finally, the examination of the condition of human rights standards of irregular migrants and the outcomes of securitization of migration have direct or indirect consequences on the status of human rights of regular migrants as well. As several reports conducted by FRA, Amnesty International, Eurobarometer, and Human Rights Watch indicate, the criminalization of irregular migrants leads to the racial profiling of certain national groups, to discriminatory practices and human rights violations that affect persons of the same origin whose status has been regularized.

CHAPTER 1 LITERATURE REVIEW AND THEORY

The first Chapter is devoted to the literature review and is divided into three sections. The first section examines the concept of the sovereign state of exception as Carl Schmitt has described it and elaborated by Giorgio Agamben. The aim is to identify the similarities and the differences between the two thinkers, especially regarding the exceptional or permanent nature of the state of exception. It is important here to clarify that while International Human Rights Law provide for derogations both as an integral part of the rights as such, and as an independent provision of Human Right Treaties, especially in the ICCPR and ECHR, the vast majority of states appeared reluctant to evoke those articles, to bypass international supervision.

The second section is devoted to the securitization theory. After a brief presentation of the two leading Copenhagen and Paris schools of thought, the review will focus on the theory's conflictual or under-investigated aspects. The aim is to position the current research in the debate surrounding securitization theory and to add value to the elements of securitizing speech acts, actors, audience, context, and extraordinary measures.

The third section is dedicated to the broader conversation regarding the migration- security nexus and the relation between security and human rights. More analytically, after a brief presentation of the evolution of migration into a security issue, the focus will be placed on the securitization of migration, and the manifestation of securitization through practices and policies in general, to pave the way for the investigation of potential human right abuses out of security considerations. Finally, this section will discuss the consequences of securitization on the respect of human rights. This section aims to provide powerful insights on the securitization of migration and the potential deterioration of human rights protection due to security considerations, to demonstrate the significance of the issue and the value and relevance of this research in the broader debate surrounding immigration, security, and human rights.

The State of Exception

Defining a state of exception or emergency is not an easy task. The term emergency implies that a situation is exceptional, urgent, and usually unforeseen, which encompasses an imminent danger requiring imminent action to be tackled. (Gross 1998, 439). The recognition of a state of exception is often made by comparison with what is described as a "state of normalcy," which appears as the prevailing of the ordinary state of affairs (Gross 1998). By definition, national emergencies

constitute an exceptional situation that requires the state to take action upon, often by impairing civil liberties, among others (Hickman 2005).

When migration is constructed as an exceptional security threat, derogations from international human rights protection usually target the non-citizens of a state. In reality, while international human rights law does not provide (unless explicitly declared) for the division between citizen and non-citizen, the constitutional order of the states often guarantees rights to “citizens” (Lambert 2007). On the other hand, international human rights law is constructed on the premise that all persons should enjoy human rights equally by virtue of their humanity alone (Edmudus 2012; Weisbrodt 2003 and 2008; Matilla 2000; Lambert 2007). This incompatibility between constitutional and international legal order is the founding premise on which the bending or even violations of human rights against immigrants are performed during perceived “states of emergency.”

The sovereign state of exception

The sovereign state of exception appears as merely a political act, according to which political authorities are entitled to step out of the legal boundaries to tackle a perceived threat to national security (Humphrey 2006). Accordingly, the state can either bypass or suspend its international obligations, without accountability, dealing with the issue as a matter of internal politics.

Therefore, the sovereign state of exception is described “*as essentially extra-judicial something to or other than law*” (Humphrey 2006:679). As such, a sovereign state of exception presupposes the constitutional endorsement of exception, but not as a means to control, but rather to unleash sovereign power (Humphrey 2006; Huysmans 2006). While the sovereign is included in the normative order, the law cannot and must not restrain the actions of the sovereign using accountability mechanisms (Humphrey 2006; Huysmans 2006). This notion of the state of exception corresponds to the balancing between order and justice, as suggested by Hedley Bull’s argument of the primacy of order at the expense of justice. Bull argued that justice, and in the case at hand, the human rights regime, can potentially undermine order, which is necessary to guarantee human rights; thus, in cases of emergency, order should prevail over justice (Bull 1977).

The main characteristic of the sovereign state of exception is the destabilization of the internal balance of power between the executive and the judicial power. The imbalance is expressed as a

competition between legislative and executive power, in which the legislative often retreat over the executive (Humphrey 2006; Huysmans 2004).

The sovereign state of exception as a cohesive concept first appeared in Carl Schmitt's work in the 1920s. In Schmitt's writings, the exception appears as a distinctive moment of unpredicted systemic crisis (Schmitt 1922; Bigo 2006; Ticktin 2005), in which the friend-enemy relation, which is the organizing principle of politics, intensifies and demand the suspension of the rule of law which might prevent the state from defending its self (Ticktin 2005,348; Sheeran 2013). In Schmitt's words, *"in abnormal situations, the application of the law through normal administrative and judicial channels is going to lead to unpredictable results while preventing effective action to end the emergency"* (Schmitt 1922,13).

In such a case, the sovereign, who is the one *"that decides on the emergency,"* can suspend the law and enact extra-legal force to normalize the situation (Schmitt 1922). Thus the sovereign is found simultaneously inside the law because the power to decide on the exception derives from constitutional law, and outside the law because it is empowered to suspend the law and place him/her-self outside (Agamben 1998).

Schmitt identifies as sovereign any person or institution in a given system entitled by the constitutional order to suspend the law. Since the crisis cannot be predicted, the sovereign's reaction lies in his ability to respond to social attitudes (Schmitt 1922). Hardt and Negri, in the same vein, define the sovereign as the one who can define in each case the means of reaction and can activate the forces and instruments needed to arrange the crisis (Hardt and Negri 2000).

In the Schmittian conception of exception, legal authority is not permanently dismantled but temporarily suspended. The state of exception itself is not against the law but is a phenomenon within the legal order that guarantees that decisions will be made to preserve the state in case of an acute and imminent threat (Huysmans 2006). The underlying assumption is that extraordinary measures aim at the restoration of normalcy (Huysmans 2004). As such, actions taken during a state of exception have, in a sense judicial character, since they aim to create the conditions of order in which the rule of law and normalcy can be applied once more (McLoughlin 2013).

In a broader sense, the Schmittian theory posits a state of exception as a merely political choice, taken by the sovereign, with the primary focus being societal survival. The friend-enemy

construction eliminates both sides of their autonomy, elevating fear as the organizational prerequisite of exceptional measures (Huysmans 2008). The very political existence of the state is based on the friend-enemy dichotomy, thus demanding the sovereigns reaction, or, as Schmitt predicts, the group will cease to exist and will lose its identity, which is the cohesive link of the given society, by the imposition of the power of another sovereign (Schmitt 1922).

Another valuable concept in Schmitt's theory is that the sovereign is not detached from the public. On the contrary, he is bounded in a sense by the reaction of the public. As Schmitt argued, the polity must be backed by social acceptance to proceed with legal suspensions or interpretations. Otherwise, the sovereign will lose the factual capability to proceed. (Schmitt 1922). In theory, the sovereign aims to eradicate individuality through a top-down interpretation of the representation, portrayed in the unity of the leader, still though the public's support is of critical importance (Huysmans 2008).

With this parameter added, the state of exception can be seen as a trade-off between legal and executive power and the sovereign and its subjects.

The Schmittian theory of exception does not provide any specific categorization of migration or the treatment of immigrants as a potential threat. However, given that the current migrant influx is often described as a migrant/ refugee crisis, constructing Europe as a victim of a problem imposed by outsiders gives the impetus for implementing the Schmittian concept of exception (Simon, Ala and Simon 2016). As such, we can observe that the construction of migration as a threat creates a new friend-enemy distinction, demanding strong reactions by the sovereign, enabling temporary extra-judicial powers to tackle the issue, with the primary aim being the return to normalcy. In the case of migration, we can assume that normalcy could potentially mean controlled and regular migration flows.

While Schmitt focuses on society and the exception as a legal yet exceptional political function, more recently, Giorgio Agamben defined a new concept of the exception. Agamben identifies exception as the rule of conducting policy and places the person, and life as such, in the center of the problem. As Huysmans states for Agamben, "*central question is not the unity of the state in the face of societal pressures but the political nature of biological life when the sovereign power acts upon without the mediation of the law*" (Huysmans 2008,167).

Agamben's concept of the state of exception begins with the realization first introduced by Hannah Arendt, that sovereign power is nowhere more visible and absolute than at the borders and in matters of migration, nationality, and expulsion (Arendt 1951; Nafziger 1983; Agamben 1998). It is there that governmental powers are augmented since the movement of people is constructed as a threat to state sovereignty.

The second realization of Agamben's theory is that besides the premise that human rights are inherent to everyone by virtue of being human, in reality, human rights are citizens' rights (Weisbrodt 2008, Arendt 1951, Agamben 1998). As Arendt states, "*rights depend on membership of a political community and thus upon recognition,*" and the ultimate right is "*the right to have rights,*" which is based upon one's recognition as a citizen (Arendt 1951,292-293). Since irregular migrants, by definition, do not have access to the political community and are often detached by their state of origin, they permanently lose their access to have rights at all (Arendt 1951). The abolition of individual rights by irregular migrants means that those people have lost the very quality of human existence or *bios* and are left with nothing other than bare life; the biological existence (Agamben 1998; Ellerman 2009).

As such, the body of the irregular migrant, the refugee or asylum seeker, becomes the point that enacts the exception. Law, as Agamben states, needs an external body to found its internal order. Thus the immigrants are included in the legal order, only to become the system's outcast (Agamben 1998). However, this exceptional situation does not stop there. The person is not only set out of the legal order but is essentially abandoned by it. Thus, immigrants exist in legal limbo, being in the middle space within and beyond the law often taken up by violence. (Agamben 1998,28-29).

Thus the focus of Agamben is essentially the exercise of sovereign power over the individual. This form of the state of exception, even if it is totalitarian in nature (Ellerman 2009), is simultaneously a creation of the democratic state, and above all, is permanent, rather than temporary (Agamben 2005,2; Cowell 2013). The security paradigm has gradually replaced the state of exception as the state's standard technique (Agamben 2005:2).

Many scholars support Agamben's argument on the routinized state of exception. For instance, Hard and Negri (2000,18) suggest that the state of exception has become the rule that prevails in domestic and foreign relations. Leo Panitch (2006) identifies this notion, not as emergency

legislation, as would have been the case in the Schmittian conception of exception, but as exceptional legislation presented as an ordinary statute.

Neocleous (2006) points out that the proposition of a permanent state of exception is naïve. His argument is based on the existence of emergency clauses on almost all constitutions and that all actions undertaken during the state of exception are mainly prescribed by law (Neocleous 2006,204). Thus, he elaborates, emergency measures do not act contrary to the law, but within the law as part of the aim to restore social order (Neocleous 2006,208). His final position is that any claim of returning to legality against the existence of a permanent state of exception is fundamentally unsound since the exception is part of legality and the use of violence is prescribed by law for the restoration of order (Neocleous 2008).

While Neocleous's argument has some sense of validity, several fundamental characteristics point out that Agamben's position on the state of exception is somewhat more accurate in presenting the existing situation. For Agamben and his supporters, the state of exception is a zone of anomie (Agamben 1998; Humphrey 2006). This stance is not dictated by the existence of a law or not, but by the law's absence of content and substance. As Agamben stresses, the contemporary state of exception is "*a fiction iuris par excellence, which claims to maintain the law in its very suspension but produces instead a violence that has shed every relation to the law*" (Agamben 2005,59). He elaborates that "*the normative aspect of law can [...] be obliterated and contradicted with impunity by governmental violence that—while ignoring international law externally and producing a permanent state of exception internally—nevertheless still claims to be applying the law*" (Agamben 2005,87).

The most profound way in which the state of exception has been routinized, according to the theory, is the existence of detention/ concentration camps, which in essence present the direct use of force of sovereign power upon immigrants ignoring human rights (Agamben 1998; Huysmans 2008). A person confined in a camp is deprived of the ability to organize in the archetype of his/her previous community, the right of movement, or the pursuit of better human conditions. Such a person is in fact in a more precarious position than a criminal, legally and rightfully convicted, by a respectful court, whose decision-making process took into consideration basic principles such as equality before the law, habeas corpus, and a series of other rights, granted by the constitution and by the juridical procedure (Arendt 1994). An interred irregular migrant is confined not for the

offense of illegally crossing borders but by the very inability to claim his rights deriving from his accusation of citizenship that is temporarily or permanently lost. This person should be brought back to the status of the citizen to acquire those rights that are beyond the rights of bare living and which are attached not to the law but merely to a sense of philanthropy (Agamben 1998; Arendt 2005). Besides the right to live, all other rights are permanently suspended, fulfilled only by the right of bare existence. Moreover, even if an asylum seeker is granted the status of refugee, meaning a person lawfully enjoying all citizen rights par excellence, those rights remain limited vis a vis the rights of citizens by birth. The sovereign's effort is to deprive those persons of all their cultural characteristics, in the name of the cultural survival of the philanthropic country that offered shelter to those who have no right other than the right to live (Arendt 1994).

Finally, Agamben stresses that when the state of exception is routinized, it is the moment when the *“political system becomes a machine which at any moment can turn lethal”* (Agamben 2005,110). At that very time, when the routine becomes the exception, sovereign power becomes unaccountable. This dark reading of a possible future is based on Arendt's realization that even the Nazis did not execute citizens, but at first, cautiously deprived people of their status as citizens before proceeding with the mass executions in the concentration camps (Arendt 1951). Thus the right to life is the last right standing for those deprived of all other rights, and it takes the deprivation of all other rights, which is achieved by the abolition of any communal qualification, to open the door for the deprivation of life itself.

This neither to say that we are facing a possibility of a new holocaust nor that the camps are indisputable proof of the existence of large-scale atrocities. Instead, the camp serves as a symbol of the institutionalization of the state of exception, which is no longer a vague practice but acquires the means and the institutions to reinforce its permanent nature. Security then, and as a consequence, the state of exception, is becoming a collection of practices and patterns, carried out by security professionals, not by the judicial or political procedure (Bourbeau 2017; Bigo 2005).

To summarize, Agamben's state of exception is presented as routinized practices that signify the collapse between anomie and law (Huysmans 2008). Thus, the exception is a routine that resulted in the diminishing of immigrant rights to the point of being left in a condition of “bare life,” and the construction of camps becomes the symbol of this new political reality. This notion of the state of exception resembles, as one can observe in the next section, the Paris School of sociological

securitization. As such, actors are not limited to the field of political elites, an exception becomes routine in a particular field of insecurity, and the issue of context and outcome of securitization is of great importance. In the words of Huysmans (2008), Agamben is not assuming; he is reading the contemporary political history as a process that ends in anomie against the bodies of irregular migrants.

Given the analysis above, and without dismissing the possibility that the state might invoke a legal state of exception, under certain circumstances, in this research, we suggest that the current migration crisis is dealt by using the sovereign state of exception paradigms. While the legal state of exception is, in a sense, easily traceable by the existence or not of an official proclamation, this is not the case with the sovereign state of exception.

To identify which of the two theories is prevailing, or if there is an interconnection between the two, one must employ the analytical tools that will provide a clearer understanding of the process of the state of exception in a given case.

To that end, this research focus on securitization theory as the most reliable analytical tool for states of emergency. As already stated, both theories of sovereign exception represent a different school of securitization theory. It is important to note that both theories of exception provide signifiers, meaning for variables needed to be tested, to determine which state of exception prevails. As such, we can identify, about the Schmittian theory, the enactment of constitutional provisions, the efforts to return to normalcy, and the exceptionality of measures. As for Agamben, the existence of institutional structures to deal with irregular migration, the status of the human rights of irregular immigrants legally and in practice, and the creation and functioning of camps, among others, will act as the signifiers of the routinized sovereign state of exception.

It is worth noting that, according to Humphrey(2006), no empirical investigation has been conducted yet regarding Agamben's notion of the state of exception, which remains the case. Thus, this research pioneer the implementation of Agamben's theory of exception in empirical research. In addition to the use of internment camps, we identify the existence of the routine state of exception by investigating the implementation of the so-called "weapons of the weak." Weapons of the weak are a form of resistance on behalf of migrants in the state of exception manifested by non-compliance to the exercise of sovereign state power. Those weapons are characterized by non-

compliance, resistance, and deception (Ellerman 2009). These measures' nature is somewhat individualized, posing an indirect challenge to sovereign power (Scott 1985). Ellerman enumerates hunger strikes, suicides, or destruction of identification papers as the most common "weapons" among migrants. Importantly, given that the social contract between the immigrant and the state is broken, besides the complete absence of protection for the immigrant, it provides for the case that immigrants wholly deprived of any possibility of bettering their situation, to result in actions contrary to the public safety. Irregular immigrants feel no need to respect the state's rules since no rule is applied to them, thus committing acts that endanger social peace by engaging, for instance, in criminal activities.

The next section provides an analysis of securitization theory, identifying its strengths and weaknesses, in an effort both to add value to the theory and to pave the way for the research of the specific case, namely the conflict between security and human rights in the face of migratory trends in Greece.

Securitization

The process of turning a political issue like immigration into a security issue can be best explained through securitization theory (ST). Securitization describes the process in which a previously non-security issue can be transformed into an imminent security concern as a result of security speech acts performed by elites and demands the audience's acceptance to give the elites the power to proceed by implementing extraordinary measures (Buzan et al. 1998). Securitization theory dictates a radical departure from traditional security studies and the underlying assumption that security exists before words (Edjus 2009). The main question of securitization theory is how a previously non-security issue is constructed as such, based on the assumption that language constructs security (Edjus 2009).

While securitization is considered among the most prominent and fruitful fields of security studies, the theory's initial construction appears to be problematic in its primary attributes. The current section aims to investigate the shortcomings of the theory and to suggest potential solutions or methods of exploring the issues that arise from the use of concepts of the actor; speech act, audience, and context as described below. This section also aims to connect the state of exception to the two leading schools of securitization theory, namely the Copenhagen School and the Paris

School of thought, to provide the analytical framework through which the research questions will be examined.

Theories of securitization

Balzacq (2015) identified the existence of more than one theory of securitization, each with distinctive ontologies, methodologies, and epistemologies before deepening in the specific features of the theory. Thus, it is critical to provide a general overview of the two most prominent securitization theory schools.

As presented by the Copenhagen School (CS), the initial securitization theory suggests that an issue becomes a security priority once elites frame it as such. Given that security is perceived as a structured field, securitizing actors must possess the social capital, based on their position of authority to be able to mobilize the security discourse (Weaver 1995; Buzan et al. 1998; Karyotis 2012)

The process by which elites portray security threats is called the speech act, and it entails a security discourse. The construction of a security threat does not presuppose that the threat is either objective or fulfills purely material conditions (Weaver 1995, 55; Weaver and Patomaki 2014; Balzacq et al. 2016). As Weaver notes, *“it is the utterance itself that is the act. By saying something, something is done”* (Buzan et al. 1998, 26).

An issue is securitized once the audience accepts it as such. Thus securitization is deemed an inherently intersubjective process, as a negotiation between actors and audiences (Buzan et al. 1998,26; Balzacq 2005, 176-178). While the very concept of the audience remains vague in the Copenhagen School, it is still of great importance since successful securitization is only established if and when the audience accepts an issue as a threat (Buzan et al. 1998)

Once the securitizing act is accepted, elites are entitled to proceed in adopting extraordinary measures, which fall out of the realm of ordinary politics, to counter what is perceived as an existential threat to the referent object. (Buzan et al. 1998, 26)

The additional Copenhagen contribution lies in introducing new areas of security concerns beyond the traditional state-centered conception of security. By importing concepts of economic, societal, political, and environmental threats, the CS broadens the spectrum of new forms of security issues,

previously underexamined by security studies, thus offering a more comprehensive understanding of the challenges faced by states and societies in the new international environment (Buzan et al. 1998).

Finally, as Weaver (1995) stresses, securitizing actors' higher goal should be de-securitization or the return to normalcy. Weaver describes three de-securitization strategies: silencing the issue, managing securitization so that it does not spiral, and moving the issue back to normal politics. To that end, extraordinary measures should not aim to push or enhance insecurity but to re-establish politics as usual.

As presented by the Copenhagen school of thought, securitization theory calls for exceptional politics, based on the construction of an extraordinary and imminent threat to the referent object (Edjus 2009). While security acquires a negative connotation, it inherently implies exceptionality, necessity, and volunteerism on behalf of the audience.

The Paris school of thought moves away from the CS logic of exception to the logic of routine, arguing that *"securitization is a process of establishing and inscribing meaning through governmentality and routinized practices carried out by bureaucrats and security professionals"* (Bourdeau 2017,108). Thus instead of focusing on security as a concept, the Paris school treats security as a form of governance.

Furthermore, Bigo suggests that speech acts are not decisive in framing an issue as a security threat. He claims that speech acts result from structural competition among different actors serving different agendas and focuses on bureaucrats and security professionals that serve as creators of insecurity and unease (Bigo 2008; Bigo 2011; Bourdeau 2017). Bigo elaborates by arguing that security professionals are capitulating on insecurity and unease, aiming to overstep political boundaries as sole holders of knowledge and expertise, thus emerging as winners of struggles in their respective national fields. Acquiring the resources needed, professionals of insecurity are openly criticizing political elites of their respective countries, with the possibility of creating the widespread belief that the truth presented by politicians could be a falsity. Thus security professionals act as securitization agents and as barriers to political elites in the de-securitization process (Bigo 2008).

Thus, for the Paris School, securitization is the tool of policing insecurity, as a form of governmentality, which derives from the fear and unease at the individual and collective level (Aradau et al. 2006; Bigo 2005; Huysmans 2006). Securitization emerges from professional networks of security agents, who claim the role of securitizing actors (Aradau et al. 2006). Thus, while Copenhagen focuses on the declaration of a condition of emergency to legitimize the extraordinary measures, the Paris school focuses on security professionals' everyday practices, which are understood as technocrats' routinized practices (Aradau et al. 2006).

Finally, in the Paris school's routinized conception of securitization, de-securitization is either extremely difficult or even undesirable (Bourbeau 2012). Routinized securitization is often dependent on the institutionalization of practices. The problem lies in that once an issue is institutionally securitized, it becomes part of society's norms. Thus the society accepts a priori a specific security discourse (Adamides 2012). Additionally, security professionals could aim to sustain securitization of particular issues to maintain their privileged position regarding allocating resources and their power position in the political field (Bigo 2000 and 2005).

A closer investigation of the different features of both schools reveals further differences in the understanding of critical concepts, such as what constitutes a securitizing act; who can perform such acts; what, if any, is the role of the audience; what is the role of the context; and the nature and outcome of securitizing practices.

Balzacq (2015, 106) tried to bridge the gap between the different theories of securitization with a comparative analysis of various texts on securitization. According to the common findings, he drafts what he calls "an Ideal type of Securitization," which corresponds to the following characteristics:

- a) *"Threats are social facts whose recognition is based on the intersubjective commitment between the audience and the actor"*
- b) *Securitizing moves and context are co-dependent*
- c) *Drivers of securitizing moves are knowledge claims about an existential threat to a referent object*
- d) *Power relation among stakeholders structure both the process and outcomes of securitization*
- e) *Securitizing moves are engraved in social mechanisms*
- f) *Securitization initiate policy changes*

g) *Securitization ascribes responsibilities.*”

As Balzacq stresses, any securitization theory can include any of the components mentioned above but must not contradict any of them. (Balzacq 2015,107-108). Still, this “Ideal type of securitization” does not explicitly answer the critical questions enumerated above.

While accepting that the ideal type of the “sociological branch” of securitization could potentially be of great analytical value, it is necessary to clarify the critical components of the theory and to identify the way each of these components could be analyzed in the course of the current research, respecting in a sense the premises of the “ideal type of securitization.”

Speech act vs. routinized practice

According to the Copenhagen school of thought, the core of securitization theory is the conception of security as a “speech act”-by labeling something as security, something is done. Weaver (1995, 55) stresses that “*the utterance itself is the act, the word security is the act,*” while he later elaborates that discourse is the most critical component to the designation of a threat as existential and the requirement of emergency action (Buzan et al. 1998, 27). Thus securitization theory prescribes discourse analysis as its apparent methodology(Buzan et al. 1998, 176).

The word act expresses the illocutionary quality, thus “*the performative nature of language*” (Huysmans 211, 372). As such, discourse does not describe the world but has the quality to act upon it and to create a new reality (Huysmans 2011). As a result, security appears as a linguistically manifested condition, according to which any issue can become a security issue under certain conditions (Balzacq 2005). Moreover, speech acts suppose a dramatization, thus creating the context in which the securitizing actor proceeds to demand the authorization for extraordinary measures (Williams 2003). Successful securitizations rely on the capacity of the actor to claim security. Thus the most authoritative actors are political elites or anyone who acquire such social capital as to be able to mobilize the security discourse (Weaver 1995; Buzan et al. 1998). Rita Floyd rightfully notes that when a securitizing actor performs a speech act, he/she simultaneously addresses both the aggressor and the audience. Essentially speech act validity relies on the ability to issue a threat, a warning, and a promise simultaneously (Floyd 2011). In that sense, speech acts act upon the context and are a form of deterrence or a possible way to counter the threat through coercion.

Huysmans notes that speech acts have, in essence, a political dimension; they challenge the existing political order, and they create exceptional conditions in which extraordinary measures are deemed necessary (Huysmans 2011; Balzacq et al. 2016). He inserts as well the notion that speech acts progressively become an integral part of professional practices, especially regarding migration (Huysmans 2006)

The Paris school moves away from the discursive construction of security, as it deems speech acts insufficient and focuses on governance techniques. Bigo (2005, 66-67), even as he acknowledges the potential power of speech acts, insists that “*securitization comes from a range of administrative practices such as population profiling, risk assessment and what may be called a specific habitus of the security professionals*.” Habitus is described as an “institutionalized” system of behaviors, practices, and discourse of the agendas of a specific field, which aim in sustaining insecurity (Bigo 2005). As Bigo stressed, security is not a self-imposing ideology, rhetorically constructed, but a product of the mobilization of resources and competition among governmental structures and actors (Bigo 2000 and 2005).

Securitization, thus, is about practice rather than rhetorical performance (Balzacq et al., 2016). The focus shifts to the instruments and tools deployed in the securitization process instead of the dramatization of threat through speech acts (Bigo 2005; Balzacq et al. 2016). In that context, securitizing acts are no longer exceptional or spectacular but become a matter of constant practice, of routinized securitization (Huysmans 2011).

According to the Paris school, the legal framework and security practices, such as the militarization of social spaces, transmit a particular way of constructing an issue as an existential threat, compatible with the view of the securitizing actor (Karyotis 2012), who is no longer the political elite, but the security professionals. In that sense, the law becomes a securitizing tool that can potentially promote threat construction, influence behaviors and attitudes towards specific issues, mainly through establishing the dichotomy between prohibited and illegal acts (Balzacq et al. 2010).

Balzacq introduces the notion of context in routinized securitization. As he explains, speech acts aim to create a universal understanding of security detached from context, culture, history, or any other distinctive characteristic of the actors (Balzacq 2005). Conceptualizing securitization as

practice, though, presuppose the introduction of security practices in a specific context and the specific psycho-cultural disposition of the audience, along with the power relations that develop among the actors and the audience (Balzacq 2005).

While arguably the Paris school is correct in claiming that the speech act is not sufficient and at times not relevant to securitization and that the prescription of discourse analysis fell short in the analysis of context, motives, and so forth(supported by many empirical studies, see Balzacq 2009; Bigo 2006; Huysmans 2006), Bourbeau and Vuori introduce another dimension. According to their contribution, securitization can consist of both discursive and routinized elements. Thus *“exceptionalist security discourses and routinized practices can co-exist depending on the urgency or likelihood of threats.”* (Bourbeau and Vuor 2012, 3). This view is very close to the concept of securitizing climax, according to which securitization is not a static condition but can fluctuate (Lupovici 2016). While Lupovici develops the concept based on the reemergence of issues in the securitization agenda after being partially de-securitized, this research proposes a different angle.

Observing that issues like migration remain in the security agenda for prolonged periods, there is a high possibility of securitization climax, either as a matter of policy or contextual change. It is worth noting that Ole Weaver raised the issue of durable securitizations and how an issue is accepted as a security threat diachronically by an audience as a matter of further research (Weaver 2009). Those cases can be identified by the existence of long periods of routinized securitization, with transitional periods of exceptional discursive securitization, to sustain an issue in the security agenda and possibly as a means to acquire political gains. Lupovici (2016) indicates that the securitization climax presupposes that an issue has been successfully securitized and that the actor addresses the same audience to implement further measures.

Thus, by observing the course of securitization in Greece, its manifestations, and the involvement of different securitizing actors in the course of securitization, this research adds value to the conversation on prolonged securitizations and securitization climax by establishing the co-existence and reinforcement between speech acts and routinized practices that succeed on sustaining an issue high in the security agenda. Furthermore, and in contrast with Lupovici, this research elaborates the notion of securitization climax in cases of enduring securitizations, rather than cases of de- securitization.

Actors

The issue of actors, meaning who can act as a security agent, is of great importance to the process and understanding of securitization and the political process it encompasses. In the initial reading of the theory, security appears as a structured field in which “*only those possessing social capital by their authority of position in society can make legitimate security claims*” (Buzan et al. 1998; Stritzel 2012.). To that extent, securitizing actors can only be political or social elites as they represent the only authoritative force to declare an issue as a security issue (Weaver 1995; Buzan et al. 1998).

On the other hand, the Paris school rejects the notion that only political elites can become securitizing actors. According to Bigo security professionals, grounding their legitimacy as possessing the “expert knowledge” in the field can be recognized as securitizing actors who enact securitization claims through their everyday practices (Bigo 1994 and 2001). As such, professionals' fields may shape the audience's perceptions, thus initiating or deepening securitization (Huysmans 2006; Bigo 2005). According to this view, securitization is not a matter of political elite but a result of power struggles inside and between institutions for what can be perceived as truth (Bigo 2002).

Other authors stress the possibility of different societal forces, becoming securitizing actors through their social capital. For instance, depending on the level of religiosity in a state, the church may enhance or prevent securitization under their social influence (Weaver and Lausten 2000; Karyiotis and Patricios 2010).

Both theories' common ground is that securitization is a top-down process in which either political or professional elites can raise security concerns. Recently though, there is an effort to reverse the process in certain circumstances, that is, to view securitization not only as a top-down process but as potentially bottom up. Bottom-up securitization refers to the process by which, once a referent object is institutionally securitized, the audience might act as lever pressure to the elites or security professionals demanding further securitization and further extraordinary measures to tackle the perceived threat (Adamides 2012).

While the literature has extensively analyzed the nature of the securitizing actors, the actors' motives remained comparatively undertheorized (Balzacq 2005; Karyotis 2007). This is an

outcome of the absence of the contextual factors that might intervene in the securitization process, which will be addressed later on.

What is proposed here is that the identification of the actor could be achieved through the connection with what Vuori presents as securitization strands (Vuori 2008). Securitization strands are closely linked to the nature of securitization, or in simple terms, what securitizing actors want to achieve by elevating an issue in the security agenda. Accordingly, by investigating the aim of securitization, we can identify different potential actors and present their strengths and limitations. The underlying assumption is that different purposes could mobilize different actors that may co-exist in the same securitizing environment, reinforcing or tackling one another.

Vuori (2008,77-88) identifies four strands of securitization:

- ***Securitization for raising an issue on the agenda:*** In this case, the actors aim to bring the issue to the attention of decision-makers, acting as a warning mechanism. While not excluding the possibility that the actor could be part of the political elite, the underlying assumption is that virtually anyone can become a securitizing actor, including the audience. Success lies merely in the social capital of the actor. In this case, the actor is not requesting for extraordinary powers, but for the mobilization of the elites to tackle the issue, and could be found in a variety of groups, such as the media, social organizations, even the ecclesiastical authorities, or any other group that hold social capital without political power.

In the specific strand of securitization, the traditional top-down process could potentially be reversed to the bottom-up process of securitization. In this strand thought, the actor might persuade the elites to engage in the construction of threat, thus enacting the measures. So, the success lies in the ability to attract response from the elites as an extraordinary measure.

- ***Securitization for legitimizing future acts:*** This securitization strand is directly analogous to the initial theory of securitization. As such, securitization is used to acquire legitimacy and justify future activities that otherwise would be deemed illegitimate. Justification will guarantee tolerance by the audience for the measures that the actor will implement. In this strand, securitizing actors are political elites and decision-makers, while the audience or other social powers are supposed to approve or reject securitization.

- **Securitization for the legitimization of past acts and the reproduction of ongoing securitization:** In this case, the actor aims to legitimize past actions that might be judged as illegitimate or reinforce the existence of persistent threats. The actors of this strand of securitization usually portray themselves as the most authoritative ones to handle the situation. Thus in this strand, the actor might be both political elites or security professionals. We can assume that the latter might use this strand of securitization to justify actions that might exceed the orders and powers given to them by law or in the ordinary course of procedures, for example, the use of excessive violence. It can also be the case that the former use securitizing discourse in the context of electoral campaigns or any sort of political struggle to reinforce their position or to acquire political or electoral gains.
- **Securitization for control:** The last strand, presented by Vuori, suggests that securitizing acts aim to compel the audience to act according to the actor's will. Accordingly, the actor must be someone in a formal position, but yet again is not either a member of the political elite or the field of professionals exclusively. The importance of this strand is that securitization is already established. Thus there is no negotiation between the actor and the audience regarding the threat. The actor proceeds according to the authority he already acquired by the audience, which now is amenable to the actor. Given Floyd's (2011) contribution that a securitizing act is simultaneously a promise and a warning, we suggest that this strand encompasses both actors of the elite, and most importantly the legislators, and the security professionals, and that the measures are not targeting the perceived threat solely but parts of the audience that might disapprove specific procedures. For instance, in the case of securitization of immigration, we anticipate the existence of legislation that targets both the perceived threat, the immigrants, and parts of the audience that might assist immigrants, for example, by providing jobs or shelter. Furthermore, this securitization strand might appear as a form of a social struggle between anti-immigrant and pro-immigrant fragments of the society. It would be interesting to observe the existence or not of cases where, for instance, far-right groups already use an established securitization to legitimize their actions and appear as guardians of the society and national cohesion.

Vuori's contribution will be used in the research to identify both the actors and their motivations to get a clearer understanding of the political process of securitization. The underlying assumption is that different actors might engage in the securitization process in the course of securitization. The success of their intervention is closely associated with their capacity and their power position within a given context, but there is room to assume that even lesser social forces might impact the process of securitization in an unprecedented manner. For instance, we expect that both elites and professionals, out of fear of losing their symbolic control over issues and given public tendencies towards the securitization of an issue, might act in this direction, not as rational actors who proceed given the consensus of the existence of the threat, but out of personal, political or professional interests (Messina 2014; Karyotis 2014).

Audience

While the audience is among the critical components of securitization theory, adding to its analytical uniqueness and capacity (Balzacq 2015,6), it remains an under-investigated aspect in the literature regarding its nature and role in the securitization process. Salter (2008) explains this tendency as methodological rather than ontological, reaffirming that the audience remains among the critical components of securitization theory besides the silence.

Buzan and Weaver place the success of the securitization speech acts at the acceptance of the audience. As they stress, *"successful securitization is not decided by the securitizer but by the audience of the security speech act"* (Buzan and Weaver 1998, 25-31), a notion that is widely accepted by large parts of the literature (Balzacq 2005; Stritzel 2007; Cote 2016; Roe 2008).

Floyd (2010, 2011, 2015) tried to dismiss the audience's role, arguing that it must be either overlooked or wholly rejected within the theory. She attempts a somewhat realistic reading of the theory, stressing that Weaver introduces the audience's role, not as a practice embedded in reality, but instead as an ideal form of politics (Floyd 2011). Floyd's position reflects merely the stance of the institutionalized/routinized securitization in which the role of the audience is mostly marginalized (Roe 2008). Marginalization must be rejected as it denies the agency of the audience and the agency of a series of influential actors excluded by the decision-making process but still acquire sufficient social capital (Motta and Pimentel 2016).

The Copenhagen School identifies the audience as those that the actor aims to convince for the securitizing move to be successful (Buzan et al. 1998, 41; Weaver 2003). Vuori (2008) and Balzacq (2015) connect the audience's identification by the ability to provide legitimization to the securitizing actor in different instances and settings. Accordingly, Salter (2008) and Bourbeau (2011) argue that multiple audiences can co-exist in the same securitization process. Therefore, it is accepted that the identity of the audience is case-specific (Cote, 2016).

This research uses Floyd's contribution to securitizing speech acts to identify the audience. As already mentioned, Floyd (2011) argues that securitizing acts aim to warn and promise. Therefore we can limit the audience as the aggressor and the public. In the case under investigation, that is of irregular migration; the aggressor lacks agency and can not influence the securitization process. However, not only irregular immigrants considered as the aggressor. Instead, any part of the audience that stands in solidarity with the irregular immigrants can be considered as such. Accordingly, for the scope of this research, we can identify two active audiences. Those who support securitization and those who either reject securitization or who, due to personal interests, are positively engaging with irregular immigrants and irregular immigrants themselves.

While the Copenhagen School does not provide for any active role of the audience, besides the approval of securitization, leaving actors unconstrained regarding the measures they intend to implement, the intention is to insert judgment regarding the role of the audience. In much of the theory, as Cote (2016, 251) indicates, the audience is caught between the actor and the context, thus has no distinctive role in the process. Balzacq (2005, 185), on the other hand, suggests that the role of the audience is to provide moral but not formal support to the securitizing actor.

These notions, however, contradict a fundamental feature of the securitization process. The audience reacts to the securitization process based on the establishment of a collective understanding of threats. Thus the process of securitization is closely related to the emotions of the audience, vis a vis a potential danger (Rythoven 2015). As such, in this research, we insert the notion of audience judgment in the process of securitization. Hannah Arendt (1972) first introduced judgment as her last attempt to contribute to the literature before her death in 1975. Arendt describes judgment as the facilitating condition for the audience's response to a securitizing act and evaluating an action. As she stressed, it is the audience's judgment that dictates the nature of securitizing acts before and after utterance. As such, the audience does not only provides moral

support but, in essence, offer formal support as well, most explicitly portrayed in voting procedures. Accordingly, securitization is not seen as a linear procedure but an intersubjective process, contingent on shared understandings, shared images, and contextual interactions (Cote 2016).

Context

One of the essential shortcomings of securitization theory is the absence of the importance of context. Initially, Buzan includes the historical aspect of threats and their evolution over time as issues of consideration, assuming the impact of development and context in the state response (Buzan 1991). The Copenhagen school, though (Buzan et al. 1998, 24), follows the internalist approach by which security is understood as a self-referential process. As such, the speech act's success lies upon its power and the ability to act upon the context (Balzacq et al. 2016). However, the theory essentially neglects contextual factors' ability to act as a stimulus to the process, focusing on the moment of securitization.

Balzacq (2010) introduced the notion of context in securitization theory, adopting the position that security discourse cannot operate in a vacuum (McDonald 2008, 570- 573). Balzacq and McDonald stress that speech acts' success is bound in particular social and historical structures, power struggles, and ingroup power relations (Balzacq 2010; McDonald 2008; Lipschute 1995). To that end, Balzacq (2010) introduces the notions of proximate and distal context, in which the former represent the setting, and the latter refers to the specific cultural, historical, and structural characteristics of each case, or as he calls it, the psycho-cultural disposition of the audience. Accordingly, the success of securitization is not only an outcome of the power of speech acts but also contextually shaped (Balzacq et al. 2016). Ciuta (2009) elaborates that since security is constructed cannot, by definition, be detached from the context. Instead, actors' positions of power, audience reaction, and the meaning of security are contextually based and amenable to changes and variations (Ciuta 2009).

In later writings, Weaver acknowledges the necessity to investigate the causal mechanisms that influence the securitization process (Blazacq et al. 2014, 4). He warns, though, that the analyst should be very cautious in implementing contextual factors, as they might create a never-ending chain of causal events (Balzacq et al., 2014).

As already stressed, this research adopts Balzacq's ideal type of securitization, according to which securitization moves and context are co-dependent (Bazacq 2015, 106). To that end, we support that securitization affects the context and is also intimately affected by it, not only as a process but also on the implementation of measures and the transformation of the context (Karyotis 2012). We adopt the position that collective historical memory, psycho-cultural disposition, and political struggles and structures affect and are affected by the securitization process.

Furthermore, as already mentioned, one of the contributions of this research is to add to the conversation on securitization climax. The securitization climax cannot be addressed without considering the contextual factors that enhance or minimize securitization. Thus the notion of context is of great importance and would be a matter of thorough investigation.

Extraordinary measures

The last underinvestigated aspect of securitization theory is extraordinary measures and securitization effects (Brights 2012).

While according to the initial theory, extraordinary measures are an integral part of the process, Buzan et al. (1998, 25) stressed that *"we do not push the demands so high as to say that an emergency measure has to be adopted, only that existential threats have to be tackled."* The question that arises is that, if there is no need or enactment of extraordinary measures, then what is the value of analyzing an issue under the security prism?

To that end, the investigation of measures implemented in successful securitizations is deemed of great importance and directly links the theories of states of exception, as analyzed in the previous section.

While some authors use rule-breaking as the indicator for a successful securitization (Bright 2012), others rightfully observe that there is no need for exceptional policies per se, meaning rule-breaking, as non-exceptional policies might also be implemented in an exceptional manner (Floyd 2016). Huysmans call these measures "little security nothings," implying that minor changes in attitudes, when summing up, can constitute an exceptional holistic attitude (Huysmans 2011). Floyd (2016) elaborates that actions may not be extraordinary, but the actor's attitude might transform their nature. Additionally, Williams (2011, 455) stresses the need for a more broad

understanding of rule-breaking, or else there is a great possibility of missing the social and institutional practices that inhabit politics of emergency without a profound, extraordinary nature.

This research adopts Balzac's (2010) position that extraordinary and illegal practices are not outside liberal rule. Thus we are not looking only for the invocation of emergency measures based on exceptional constitutional provisions, following the Schmittian legacy, but also the enactment of ordinary law, using standard legislative procedures, which might create spaces that provide for policing powers to be enhanced (Balzacq 2010). As Vuori (2008) argues, “extraordinary measures” are not a suspension of the law or the democratic order per se, but under Moral Panic theory, securitization can lead to the enactment of legislation that alters the previous status quo, creating new realities and policies. Furthermore, we consider the shift of the equilibrium in favor of the executive, at the expense of legislative power, as an indicator of exceptionalism (Salter 2011). As for the investigation of the existence of a routinized state of exception, as prescribed by Agamben, part of the research focus on continuing and repetitive practices, performed either by professionals or parts of the audience (using severity as an indication), which are justified by the exceptionality of the threat. It is important to note that practices might not be a straightforward prevailing of restrictive measures. There is a possibility that the preferential application of securitizing measures over humanitarian, both legally provided, might lead to exceptional outcomes (for instance, limitations or even violations of human rights) that are later justified with securitizing terms.

Finally, as stressed regarding context, we expect that the securitization process and securitizing measures can alter behavior. We expect that the implementation of measures targeting migrants could shift the existing patterns of behavior and mobilize the audience against specific groups, either against immigrants or those acting in solidarity with them (Bright 2012; Karyotis 2012).

Security/migration nexus and human rights

Securitization of migration. Theory and manifestations

As analyzed above, the way a non-security issue is constructed as such is analyzed through securitization theory, which entails the discursive or instrumental representation of an issue as a security threat demanding the implementation of exceptional measures to be contained (Buzan et al. 1998; Huysmans 2000). The perception of threat is not based on an objective assessment but is instead an outcome of political will and practice (Karyiotis 2012; Huysmans 2000).

While the initial formulation of securitization theory places migration in the social security sector (Buzan et al. 1998), Huysmans (2000) rightfully observes that migration gradually acquires a meta-issue status, a phenomenon that is viewed as the source of many different security issues. Therefore migration enters almost all aspects of the security agenda. However, the extent of the infiltration from state to state is a matter of contextual analysis (Huysmans 2000; Karyiotis 2007 and 2012). This is evident in the statement of the former Director-General of IOM, James Purcell of 1994: *“The implications of migration on international security come in many forms: military, political, economic, environmental and social. These factors can contribute to internal or international tensions that can impact regional security”* (Lohrmann 2000, 4). This statement encompasses the entire problematization regarding migration.

Accordingly, migration is constructed as a threat:

- a) To National security and sovereignty, it is entering the security calculus as a nonmilitary yet imminent, mobile threat to the state, or as Weiner (1992) describes it, as a risk not of military nature that has the potential to affect stability and economy. While the state retains the right to control entry to its sovereign territory, irregular migration by definition implies that people's movement takes place in an uncontrolled manner, through unauthorized crossings, and without the legal procedures imposed by the state for the movement of people (Doty 1998). Accordingly, irregular migration is portrayed in realpolitik terms, like an invasion that constitutes an imminent threat to the state's territorial integrity (Doty 1998; Collyer 2006; Kizinger 2004).
- b) To Societal security, as a threat to the host culture and its identity (Huysmans 2000). The notion of societal security is closely associated with the implementation of an “us against them” dichotomy, which places migrants in the position of hostile others that can alter the religious, linguistic, ethnic, or cultural composition of the state. The construction of migration as a threat to societal security portrays migration both as a threat to the prevailing national identity and the construction of common European identity (Karyiotis 2007; Huysmans 2000).

- c) To Economic security, especially in the context of economic recessions and high unemployment (Karyiotis 2007). More importantly, migrants are presented as hijackers of the welfare system that endanger the entire welfare of the host country, neglecting the fact that migrants can potentially contribute to the system (Huysmans 2000 and 2006)
- d) To Political security as potential sources of destabilization of the bilateral relations between the host country and the country of origin (Karyiotis 2007). It is indicative that in the Greek context, migration is often seen as a weapon of asymmetric warfare against the stability of the country on behalf of Albania in the first stage of migration and currently on behalf of Turkey (Skleparis 2014; Papadopoulou 2002).
- e) To Public security, associating migration with the rise of criminality or the potential connection of immigrants with terrorist networks (Karyiotis 2007; Huysmans 2000). The association of migration with criminality, beyond the human rights effects that we will address in a later stage, and beside the fact that it is constructed with insufficient data (Antonopoulos 2003), is among the factors that perhaps exacerbated public hostility on behalf of the hosting society towards migrants (Karyiotis 2007). It is important here to stress that the criminalization of migrants is often not an outcome of a criminal act against the state or a person but is associated with irregular (or illegal in EU terms) presence in a given state (Koser 2005).

Rudolf (2002) observes that certain factors contribute to the construction of migration as a threat. Besides the fact of irregular entry, Rudolf identifies among others the lack of cultural proximity, given that in the first stage of migratory movements right after the end of the Cold War, migrants were portrayed as socially inferior, or as Bigo characterize it, an invasion of the poor (Bigo 2004), and in the current migration movements as culturally backward, given that the vast majority of migration comes from countries with Muslim traditions that are viewed as culturally inferior, and potentially hostile to the western culture (Rudolf 2002). Furthermore, he indicates that visibility is another reason for the construction of threat, justifying his position both in the ghettoization of cultural minorities in urban centers, enhancing their visibility, and on factors such as the rise of women immigrants who enhance visibility to their distinctive appearance (Rudolf 2002).

In the European context, the construction of migration as a threat is closely associated with the process of European Integration, and most importantly, of freedom of movement, and the consequent abolition of internal borders (Bigo 2004; Huysmans 2010). The so-called “Fortress Europe” mentality implied that the abolition of internal borders among the EU member states

should be accompanied by strengthening external borders (Bigo 2004). This notion was reinforced through the implementation of the Schengen Agreement. According to the convention applying the Schengen agreement, asylum-seeking and migration were associated with terrorism, transnational crime, and border control (Gabrielly 2014; Huysmans 2010). Instrumentally, migrants were excluded from the social fabric and indirectly criminalized by appearing at the same level of problematization as original security concerns such as terrorism (Huysmans 2010). This notion was reinforced after 9/11, a tendency that is apparent in the European Commission paper of 2001, which proposed stricter measures against migrants and asylum seekers and amendments to EU laws in this direction (Karyiotis 2007).

Measures implemented to tackle migration by states can be classified into two broad categories. Measures to prevent and measures to deter (Crepeau, Nakache, and Atak 2007). The first category measures implemented to prevent migrants from reaching the soil of a state in the first place, while deterrence measures focus on diminishing the rights and privileges of migrants, acting as a push factor (Crepeau, Nakache, and Atak 2007). Koser (2005) provides the following typology of measures.

- a) The Pre- frontier measures including visa requirements, information campaigns, carrier sanctions, regional processing, punitive measures against smugglers, and so forth.
- b) The Border measures including the strengthening of physical borders, inspections, enhanced security documentation, equipment of border guards, biometric data, and finally
- c) The Post- entry measures include detention, ID checks, accelerated procedures in determining refugee status, employers' sanctions, restriction of mobility, and restriction of social and economic rights.

This typology of measures creates two different terrains of action on behalf of the states against migration. The first terrain is the border. As Hanna Arendt observes, the sovereign power is nowhere more visible and absolute than at the borders, and therefore in matters of migration, nationality, and expulsion (Arendt 1951, Nafziger 1983, Agamben 1998). As such, borders became the field in which securitization is perhaps more manifested (Roberts and Hennebry 2014). Arguably the external borders of migrant-receiving countries became the theater of extreme militarization, with the implementation of warfare dynamics and grave human rights violations (Bourbeau 2017). The border's role is re-emphasized through the construction of immigrants as an

internal threat that comes from the external borders (Crepeau and Nakache 2006). The most characteristic expression of securitization of borders is militarization, expressed either by the army's presence, for example, the NATO involvement in the Mediterranean sea or the form of fence building, aiming in curtailing the influx of migrants from land routes (Bourbeau 2017).

The second terrain in which the securitization of migration is manifested is internal, meaning the securitizing measures implemented against those who manage to enter a country irregularly. The main aim of these policies is deterrence of those willing to come at a later stage, and include the reduction of rights, along with the administrative use of detention of asylum seekers, the criminalization of migrants and those in solidarity with them, and public surveillance (Crepeau, Nakache and Atak 2007). In essence, migration is integrated into the internal security logic by being associated with criminality and social unrest (Huysmans 2000). To that end, the law might be used as a means to dictate perceptions and attitudes towards migration (Karyiotis 2012). The visualization of the arrests and mass deportations, without judicial procedures of irregular migrants, and their exclusion from the societal fabric through criminalization, not only deepens migrants' vulnerability but enhances the sense of unease and insecurity among the public (Banai and Kreide 2017).

Additionally, administrative detention imposed on asylum seekers who manage to enter irregularly in a country tends to become from an exceptional measure to a regular policy instrument as means of deterrence of migrants and asylum seekers, giving the impetus to speculate that asylum-seeking has been an autonomous issue of concern and securitization (Ombudsman 2017, Skleparis 2014).

The result of securitizing acts might lead to what Karyiotis (2012) describes as unforeseen consequences of securitization. Bigo (2002) argues that the actual power of the securitization of migration is manifested through the spread of intolerance and racial prejudice. In the same vein, Karyiotis (2012) supports that securitization as a process can influence specific contexts by reconstructing or altering social structures. Those realizations manifest in the way societies react towards migration. For instance, the rise of far-right parties in the European political scene is partially attributed to the increase in xenophobia and racism, which is closely attached to the construction of migration as a threat (Huysmans 2000).

Human rights implications

The relation between security and human rights is rather conflictual in a binary way (Karyiotis, 2007). The first contradiction is grounded in the differentiation between the applicability of international human rights norms and the constitutional provisions of states, in which, often, human rights are closely related to citizenry status (Weisbrodt 2008). While international human rights law does not provide (unless explicitly declared) for the division between citizens and non-citizens, the constitutional order of the states often guarantees rights to “citizens” (Lambert 2007). On the other hand, international human rights law is constructed on the premise that all persons should enjoy human rights equally by virtue of their humanity alone (Edmudus 2012; Weisbrodt 2003 and 2008; Matilla 2000; Lambert 2007).

Focusing on the European context, the regional human rights instruments provide fundamental rights to all (Porvera 2015). The EU Charter of Fundamental Rights (now the EU Charter) and the European Convention of Human Rights (not ECHR) make no distinction between citizens, migrants, and irregular migrants. On the contrary, the wording of those two instruments suggests that all rights apply to every person physically present in a state (Merlino and Perkin 2011). Exceptions in certain rights are allowed, but those exceptions are narrowly defined (Crepeau and Atak 2016). It is worth noting that the EU Charter of Fundamental Rights, became under the Treaty of Lisbon in 2009, a source of primary law for the member states of the EU, therefore, is legally binding (Merlino and Perkin 2011). Additionally, the states' international obligations regarding migrants, which derive from other international human rights instruments, such as UDHR and ICCPR, similarly do not provide for any distinction in the application of rights between citizens and non-citizens, with only narrow exceptions.

The instrumental exclusion of migrants from the protection of the state, by attaching human rights to citizens' rights, resulted in excluding migrants from the reciprocal obligation system within the state (Miller 2012). Consequently, migrants cannot access their rights automatically, but more importantly, as we have discussed in the previous section, they are losing their agency, thus the “right to have rights” (Arendt 1951, 292-293).

Another point worth focusing on is the existence of derogation clauses in international human rights instruments. International human rights treaties allow for the suspension of fundamental

rights in the face of national threats or threats against public safety through the notion of derogation or emergency constitutional clauses (Humphrey 2006; Hickman 2005; Gross 1998).

Derogation regime is, in essence, the acknowledgment that during extraordinary times and under specified conditions, states might resort to the limitation or suspension of specific rights protected by the treaties, thus allowing for the creation of a legal space that lies between protected rights and the rule of law, in which states remain in a lawful position while violating individual rights (Humphrey 2006; Hickman 2005; Gross 1998; Cowell 2013). In such a case, the rule of law subordinates and restrains political power. Thus, the legal state of exception represents a system of checks and balances between political will and legality (Huysmans 2006).

The problem arises, though, with the instrumental use of the law by states, as a means to deter or punish migration (Provera 2015). States can determine their policies, actions, and programs regarding irregular migration, while at the same time, there is no international oversight or higher authority that would judge the legality of those measures (Crepeau and Atak 2016). Thus, states are, in essence, free either to resort to derogation clauses or the attachment to human rights to civil rights to avoid the international responsibilities they undertook under international human rights law (Weisbrodt 2008). The incompatibility between national and international legal order, along with the derogation clauses in the face of potential threats, is the founding premise on which states abstain to provide adequate protection to the human rights of migrants during perceived “states of emergency.”

The second conflictual element is the balance between security and human rights. Theoretically, this contradiction appears as a variation of the broader conversation regarding order and justice. For instance, Hedley Bull (1977) argued that justice could potentially undermine order, which is necessary to guarantee human rights (Bull 1977). What Bull suggests is that, in essence, societies must decide to give primacy to security at the expense of human rights in the case of an emergency. Connecting with the case at hand, the assumption is that abstract values such as state sovereignty, identity, or public safety may require human rights sacrifices (Moreno Lax 2018, 131). Neocleous (2007) elaborated by pointing out that the suspension of human rights in liberal regimes is always grounded on security reasons and is often legitimize in liberal terms.

Accordingly, security and human rights become an issue of conflict of rights. Migration raises questions about states' rights versus the rights of persons, elevating borders, and internal controls as sides of exclusion (Bourbeau 2017). As such, the construction of migration as a threat prompts the invocation of the state's right to self-preservation, allowing for the use of whatever measures seem necessary to block the threat, including grave human rights violations (Moreno Lax 2018: 132). This tendency is evident in the practical exclusion of human rights in drafting migratory policies (Crepeau and Atak 2016). As discussed in the previous section, the control-based approach of receiving states and the policies drafted to tackle migration reflects the potential subordination of the human rights of migrants to security (Merlino and Perkin 2012).

In the EU context, the year that brought the issue of imbalance and the instrumental use of human rights violations to the fore is 2015. The humanitarian catastrophes in the Mediterranean resulted in the death of more than 3000 people (Amnesty International 2018), prompting the strong reaction on behalf of the Special Rapporteur of the UN on the human rights of migrants Francois Crepeau. In his 2015 report presented in the general assembly, Crepeau (2015) pointed out that the security structure of EU policy towards migration, without the parallel harmonization with human rights standards, is the primary reason for large-scale suffering in every step of the migration process. Border controls and the externalization of migration management, along with the criminalization of irregular migration, de facto limited asylum space, and led to a series of practices at the borders and in the mainland of member states that are in direct conflict with human right standards (Gabielli 2014; Crepeau 2015; Crepeau and Atak 2016).

Taking as a starting point that each EU member state has different reactions and policies towards migration and human rights implementation, we will attempt a brief evaluation of policies and outcomes on human rights protection (Grigonis 2016). To establish a connection with the previous section, we will examine the existence of human rights considerations in two terrains, namely at borders and in the state's territory.

Fortress mentality led to the militarization of the external borders of the EU, and the limiting of asylum space, even for de facto refugees. As already discussed, Border policies were implemented to prevent migrants from reaching European soil in the first place (Crepeau, Nakache, and Atak 2007). The most questionable strategies to that end are push-backs and refolement conducted under bilateral agreements or unilaterally (Crepeau 2015). While Art 18 of the European Charter

and Art 78 of the Refugee convention bans refolement and prohibits pushbacks, the practice became a regular phenomenon in the EU External Borders(FRA 2013).

In the internal terrain, deterrence policies are, more often than not, a manifestation of the lack of human rights protection. Starting with systematic detention either as an administrative tool, in the asylum process, or as a penalty for irregular entry. If used systematically, detention leads to the criminalization of migrants and asylum seekers (Koser 2005). The most crucial issue is that detention conditions often conflicted with human rights standards, reaching up to be considered inhuman and degrading treatment (Crepeau, Nakache and Atak 2007). While not directly associated with securitization, though, there is a high possibility that detention conditions are left instrumentally substandard to act both as a push factor for further influxes or as means of provoking voluntary return even for persons eligible for international protection.

Other internal deterrence measures include extensive surveillance, identity checks, excessive use of violence on behalf of the police, and mass deportations, contrary to the Geneva Convention (Skleparis 2015; Antonopoulos 2006). Provera (2015,27-28) provides a typology of the fields of exclusion or bending of human rights in the internal terrain. As such, we can identify:

- Measures implemented de facto or de jure that put migrants in legal and social isolation by criminalizing both irregular migration, asylum-seeking, and those in solidarity with them.
- Social marginalization and acute vulnerability, closely associated with the criminalization of migration and asylum-seeking (Koser 2005). The exclusion of migrants from the legal and social fabric exposes them to racial violence, exploitation, and destitution. Thus, irregular migrants might become victims of acute exploitation in the labor market, victims of trafficking, or remain exposed to social violence, among others.
- Racial profiling affects equally regular and irregular migrants. Arguably, surveillance and control policies may lead to racial profiling of specific populations, reinforcing racist prejudice within society. Given that control operations or checks might occur in the public sphere, it could potentially enhance the notion of criminalization and public unrest towards specific national groups (Karyiotis 2007).
- Impunity for crimes against migrants. While there is an observable steady rise in racial crimes, as has been reported by several human rights organizations (HRW 2011; FRA 2018), irregular migrants are often reluctant to file complaints regarding harassment or racial violence

(Sitaropoulos 2017). This issue is closely associated both with the social marginalization of migrants and the creation of a culture of impunity and legitimization of the use of violence, either by civilians or security professionals (Sitaropoulos 2017). A series of police practices have been condemned for failing to protect or even violate the human rights of migrants, such as arbitrary arrests, excessive use of violence, ethnic profiling, and discrimination (Skleparis 2014). Furthermore, it is questionable, and a matter of concern in the current research, whether irregular migrants can have access to the justice system or any sort of remedies for crimes perpetrated against them, including human rights violations.

It is essential here to distinguish how this research analyses the human rights implications of securitizing practices. As observed in the previous paragraphs, there is a set of straightforward practices that might lead to human rights limitations; there is also a set of actions, or to put it correctly, inactions, resulting in human rights abuses. Those practices are characterized by the state's negligence to implement policies that would avert the human rights consequences against migrants. While at some point human rights limitations might be an outcome of the shortsightedness of the legislator or the administration that rushed to correct them after the implementation or even cases where those limitations are following the international human rights law, there is another set of practices which their perpetual implementation, despite the negative consequences, and although they found to be in contrast with national or international human rights law, remain in place. In that case, the length of implementation, or the administration's inaction to aver the negative consequences, give the impetus to speculate that those acts are not an outcome of pure negligence or temporary inability of the state (for financial or other reasons) but a deliberate deterrence policy. To that end, this research deems essential to investigate both the legal provisions and the administrative practices but also the actual application of the law, and the way the Greek administration, which is the case study at hand, implemented its migratory policies perpetually, especially the provisions that provide any protection to irregular migrants and asylum seekers. Thus, this research aims to demonstrate the instrumental limitation of migrants' and asylum seekers' human rights and explore the potential association of those limitations or violations with the broader securitizing environment.

The list of questionable practices regarding the protection of the human rights of migrants is by no means exhaustive at this point and will be a subject of further investigation. The aim was to provide insights that reinforce the question of whether securitization has an impact on the respect and

protection of human rights in the context of migration. At this point, it is essential to turn the attention to two potential alarming outcomes of securitization and deviations in the protection of the human rights of migrants, or what Karyiotis (2007) called “unintended consequences.”

As already mentioned, the first consequence is the rise of far-right extremism, racism, and xenophobia (Bigo 2002). Huysmans (2002) went as far as to say that the invocation of security leaves open the window for fascist mobilization. The fact that irregular migrants lack state protection exposes them to human rights abuses by members of the far-right, which is partially socially accepted, and treated with impunity (Amnesty International 2018; AIDA 2017).

The second consequence is the use of the so-called “weapons of the weak” on behalf of immigrants, which stem from abolishing their human rights (Ellerman 2009). The deterioration of migrants’ human rights protection results in excluding migrants from the reciprocal obligations between citizens and the state (Miller 2012). Since the state denies or abstains from its obligations towards migrants, migrants themselves found no incentives to comply with society's norms, resorting to acts that vary from passive resistance to crime (Ellerman 2009). As Ellerman (2009) suggests, it is the state of extreme powerlessness that incentivizes migrants to act contrary to the law, thus, eventually, become a threat to the state and public safety. The fact that states only extend their control over migrants but not fulfill their human rights obligations towards them means that the social contract remains broken and that migrants have little incentive to act following the host society's prevailing social norms.

The above-mentioned “unintended consequences” open the conversation regarding securitization's actual effectiveness to protect national security and public safety. The abovementioned practices and consequences raise the possibility that the lack of human rights protection, and the exclusion of migrants from the protection of the state to enhance national security, could potentially be the means that undermine it. Giving the rise of far-right attitudes and the possibility of resistance on behalf of the migrants, in conjunction with the social consequences of the lack of human rights protection, give the impetus to question the effectiveness of securitization and to argue that the securitization of migration and its implications might potentially be a source of national and public security threat.

Conclusion

This chapter elaborated on the theories of exception, securitization theory, and the security/ human rights nexus in the context of migration.

This chapter positioned the current research in the broader conversation regarding securitization theory by identifying the gaps or the gray areas of securitization theory. Furthermore, it suggested how each theory's feature would be applied and examined in the current research to add value to the securitization theory's potential dynamics. Given that this research supports that every securitizing case should be examined independently, it aims to provide a blueprint on how each concept of securitization theory might be utilized to draw reliable conclusions regarding the process and implications of securitization in a given context.

Furthermore, by examining a case of securitization in such a broad period, this research investigates how the securitization of an issue is established, the fluctuations it might experience over time, and, most importantly, its implications in the given context. By investigating the existence of securitizing speech acts and routinized practices in a given evolving context, this research suggests that both practices should co-exist for an issue to be sustained in the security agenda for such prolonged periods. Both practices should co-exist, reinforcing one another, depending on the specificities of each period. Furthermore, it demonstrates that multiple actors and audiences might co-exist in the same securitizing environment. The question that remained to be answered is the impact of those actors in the securitizing process and how the audience reacts through moral or formal support. We suggest that the higher an issue is in the security agenda, the higher it might appear in the public discourse, thus elevating the issue as a decisive factor for the audience's formal approval. In other words, we suggest that the support of the audience can be traced either through the unchecked acceptance of securitizing measures (moral support) or by elevating the securitizing issue as an essential factor in the voting procedures (formal support).

Additionally, the analysis provided for the importance of contextual parameters in the process of securitization. Thus this research aims to demonstrate that context can not be silenced in the process of securitization. On the contrary, contextual parameters appear to be decisive in how a threat is constructed and the level of acceptance of the audience's reaction towards the securitizing issue. Finally, the analysis suggests that for a securitization to be complete securitizing measures must be implemented. Those measures, though, are not irrelevant to the process. What is suggested

is that securitizing measures on their own have an impact both in the process of securitization and on the context. It remains to observe the extent of that impact.

Furthermore, this chapter demonstrates the existence of a traceable association between securitizing practices and the bending of human rights in the context of migration. By elaborating on the terrains and the fields on which abuses might occur, this chapter paves the way for the thorough investigation of the relationship between security practices and human rights protection. It also points out the instrumental use that human rights abuses or negligence might have, which places them in the category of “extraordinary measures.”

Significantly, this chapter not only raised the question of how an issue is brought and sustained in the security agenda and the implications that might have to the direct subjects of securitization (in the case at hand to the human rights of migrants). It also raises important questions on the consequences securitization might have in the broader context, and if those consequences, deriving both from practices and of the potential change of social attitudes, might jeopardize the very value they initiate to protect, that is, the security of the society and the state.

The above tasks might appear overwhelming. The application, though of the proper methodology, as would be elaborated in the next chapter, would provide for the appropriate tools for the appropriate analysis of all the parameters under consideration.

CHAPTER 2- METHODOLOGY

Introduction

This research aims to answer the following research questions.

4. Can the issue of migration in Greece be considered as a case of successful securitization? If yes, who were the actors involved; what are the reasons, and how was this accomplished?

If securitization of migration is successful in Greece, what are the effects on the respect of the human rights of migrants in the country? Why and how human rights are affected by securitization?

5. Does securitization appear as a linear procedure, or are there observable fluctuations on the level of securitization?

What factors might affect the level of fluctuation (climax) of the securitization of migration in Greece? What are the effects of fluctuation on the level of protection of the human rights of migrants?

6. What other implications can we observe? What are the consequences of those outcomes to public, social, and national security?

As it is already apparent by the literature review, the theoretical framework underpinning this research is securitization theory and the state of exception. One of the most controversial issues of securitization theory is the choice of the appropriate methodology. The traditional approach to securitization, represented by the Copenhagen school of thought, prescribed discourse analysis as the appropriate methodology for the empirical examination of securitization (Buzan et al. 1998). The Paris School of sociological securitization departs from this position, suggesting various methods, incorporating additional levels of analysis (Balzacq 2011).

This research aims to add to this conversation by creating a methodological blueprint for the empirical examination of securitization. The focus is not put solely on the process of securitization. Still, it emphasizes the fluctuations, the consequences, and in the current case, the relation of securitization practices with the status of the human rights of migrants, and the potential contextual changes resulted by securitizing moves.

This research examines securitization by employing a mix-method single case study approach, described as Qual+quan, which is translated as a parallel mix method design in which the qualitative phase dominates. The methods employed for utilizing the research are discourse analysis; interviews; secondary research; archival research; and quantitative content analysis.

The following chapter begins with a brief presentation of the methodological debate surrounding securitization theory. Then proceeds with the presentation of the chosen methods divided into two categories, the qualitative and the quantitative methods. Each subsection provides a presentation and justification of the selected method, along with the data collection and data analysis process. The aim is to provide a clear overview of how this research manages an extensive volume of data by employing a multimethod approach to answer the research questions and provide a way of examining securitization and its outcome in multilevel contexts.

Methodological Debates and methods justification.

The appropriate methodology for the study of securitization remains among the most controversial aspects of the theory. In the initial formulation of securitization theory, as discussed in the previous chapter, the Copenhagen school of thought prescribed discourse analysis as the appropriate method for analyzing securitization (Buzan et al. 1998, 176). The very core of securitization theory, according to the Copenhagen school of thought, is the conception of security as “speech act” (by labeling something as security, something is done) or, as Waever (1995,55) describes it as “*the utterance itself is the act, the word security is the act.*” According to Buzan et al. (1998, 25:31), security issues are intersubjective and socially constructed through the discursive process. Thus security should be studied by looking at “*discourse and political constellations*” (Buzan et al. 1998,25). Waever (2003,11) later justified this preference on the premise that securitization is not a study on the actors' motives but a direct examination of politics and a method of examining the discursive processes of constructing a shared understanding of the threat. Thus, according to Buzan

et al., the level of analysis should be limited to the referent objects, securitizing actors, and functional actors (1998, 36).

More recently, though, representatives of the so-called sociological branch of securitization theory (Balzacq 2010; Guzzini 2011; Floyd 2016), or Paris School of thought, stood critical on the fixation of the Copenhagen School on discourse analysis. As Guzzini (2011,334) rightfully observes, the Copenhagen School's fixation on discourse analysis constitutes securitization as a *“bombshell event, which operates in a universal context in which speech acts always function.”* Balzacq (2011), in his seminal contribution, suggest that the empirical examination of securitization theory requires the investigation of additional units of analysis, enumerating them as the agents, which include the securitizing actors, the audience, and the functional actors; the acts, including both discursive and non-discursive acts; and the context, suggesting that discourse can not operate in a vacuum, but instead is historically and socially situated. Thus, Balzacq (2010,2016) indicates that securitization should be studied with the implementation of multiple methods, enumerating discourse analysis, ethnography, process tracing, and content analysis.

Waever (2003, 13:14) acknowledged the importance of other parameters in the investigation of successful securitization practices, with the implementation of the appropriate methodology, as a challenge for researchers to bring together the two schools of thought in the same analytical framework. He further elaborates that securitization theory's attractiveness lays on its effects, proposing a more elaborated way for studying securitization instances (Waever 2011, 476). Additionally, Waever provides for a more elaborated way of examining securitization by breaking out the theory into three distinct parts of analysis, namely: a) who does security and how, taking into consideration the cultural, political, and contextual parameters of the case; b) the speech act, which includes both the linguistic construction of threat and the timing, the nature of the event and the measures implemented and finally c) the effects of securitization, in the form of causal mechanism, and the consequences it has on the political system and society (Waever 2011, 477).

The above analysis of the methodological debates regarding securitization theory is by no means exhaustive, but it set the rationale of the chosen analysis methods in the current research.

Methods and research design

Based on the research questions and following the ongoing methodological debate in the academic literature, this research employs a mix-method single case study approach, described as Qual+quan, which is translated as a parallel mixed method design in which the qualitative phase dominates. The methods employed for utilizing the research are discourse analysis; interviews; secondary research; archival research; and quantitative content analysis.

The methodology is described as Qual+quan due to the domination of the qualitative research methods over the quantitative. The mixed-method approach is well suited in interpretative frameworks, in which quantitative data are supporting the qualitative, giving a more comprehensive understanding of the phenomenon (Johnson and Onwuegbuzie 2004). The rationale behind using the mixed-method approach is to use the data simultaneously and interactively for triangulation and complementarity (Green et al. 1989,266). Triangulation differs from complementarity on the premise that the former is seeking the verification of the pieces of evidence through different sources, and the latter for the clarification and illustration of results from one method to the other (Johnson and Onwuegbuzie 2004, 22). The use of mixed-method adds to the research interpretability, validity, and meaningfulness (Greene et al. 1989, 258). In the case under investigation, as elaborated further below, the mixed-method approach, specifically the quantification of content analysis, provides a more comprehensive understanding of the securitizing discourse over time, which, when coupled with discourse analysis, can solidify and clarify the outcomes and the fluctuation of securitizing discourse.

Furthermore, the employment of a triangulated research design comprised of various methods allows for a more careful analysis of the initiation of securitization, the political and social contexts that shape the process, and the practices that contribute to them as the evolution of the securitizing moves themselves. Additionally, it provides powerful insights on the status of the human rights of migrants and the potential link between the securitization of migration and the respect of the human rights of migrants. Finally, the research design allows for the observation of additional securitizing related outcomes that, in other cases, might remain silent or overlooked.

Single case study model.

This thesis uses a single case study, meaning that there is no comparative analysis. The focus is placed on the within-case variation of the phenomenon. Greece is chosen as a case study for various methodological and theoretical reasons elaborated further in the next section.

Yin (2003, 13) defines a case study as *“an empirical inquiry that investigates a contemporary phenomenon with its real-life context, especially when the boundaries between the phenomenon and the context are not clearly evident.”* While baring the disadvantage of the potentially limited generalizability, Burnham et al. (2004, 53) argued that case studies *“enables researchers to focus on a single individual, group, community, event, policy area or institution, and study it in-depth, perhaps over an extended period of time.”* Additionally, Yin (2003, 1-2) noted that *“the distinctive need for case studies arises out of a desire to understand complex social phenomenon.”* Furthermore, Bennet (2005) points out that a single case study model can investigate a large number of intervening variables, inductively observe the operation of causal mechanisms, and identify what triggers the causal mechanisms in a specific case. Thus, single case study models are more suitable in research that aims at an in-depth understanding of a phenomenon, as in the case at hand, rather than well-founded but limited observations and generalizability.

The choice of Greece as a case study is particularly well suited for this project’s research objectives (Gerring 2004, 346) regarding the relation between securitization and human rights and the investigation of the further complications of this relation to the social context. *“Research designs invariably face a choice between knowing more about less and knowing less about more”* (Gerring 2004, 348), and to generate theory, knowing more about a single pertinent case is a choice that is practically and philosophically valid, perhaps even necessary. Generally, the small-N objection is one to take seriously in regards to explanatory research, even though *“[m]uch of the skepticism about the theoretical value of single historical case studies derives from the mistaken equation of a single case with a single observation”* (Rueschemeyer 2003, 332). The study of a single case study provides for a holistic investigation, maximizing validity through the ability to utilize multiple sources of evidence that deal with a range of actors, moments in time, and its observations should not be understated (Yin 2003).

Since the aim of this research is the in-depth analysis of securitization, the single case study model appears ideal. The in-depth case-specific analysis allows for the unveiling of unknown or

overlooked causal mechanisms and causal effects, which might appear as case-specific, but, since the research is theory-driven, they can produce generalizable outcomes if seen with a certain level of abstraction. This means that the non-systematic mechanism can be separated in the concluding section, thus creating a causal link based on systematic mechanisms that can be generalizable in similar cases.

From the theoretical point of view, Waeber (1989, 46) rightfully observes that a nation's fears are unique, related to its vulnerabilities and historical experience. This realization provides that, even if an issue is constructed as a threat to multiple countries or entities, the reasons and ways that constituted a successful securitization differ based on each case's distinctive contextual factors. Thus, securitization's empirical research uses a single case study as its primary strategy (Balzacq 2010).

Greece as a case study- Case selection and time frame

Besides the methodological reasons that solidify the choice of a single case study model, explained in the previous section, Greece's selection as the case study for this research matches the case selection criteria.

Firstly, during the selection process, the preliminary findings suggest that Greece is an instrumental case for examining the securitization process. Numerous previous researches regarding the securitization of migration in the country (Karyotis 2007, 2011, 2012; Lazarides and Skleparis 2015) point out that Greece is indeed a successful securitization case. This research, though, differentiates from all the previous academic work in three essential aspects. The first is the time frame. All of the previous research refers to a specific time-limited period, or a particular period, mostly associated with the initiation of the migratory flows in the country or the rise of the far-right (Karyotis and Skleparis 2014; Lazarides and Skleparis 2015).

On the contrary, the current research is covering the entire period between 1988-2018. The starting date was chosen based on the first reference of irregular migratory flows in the country as retrieved by the selected newspapers, namely “ To Vima” and “Ta Nea.” The ending year, coincidence with the first year of the research, which started at the end of 2017. The second difference is the focus of previous research on specific aspects of the securitization process, mostly revolving around the

manifestations of securitization, and to some extent to the “unintended consequences” such as the rise of the far-right, or certain specific issues either regarding securitization or the human rights of migrants separately. (Karyotis 2012; Papadopoulos 2007). This is perhaps the first study aiming at a holistic investigation of the securitization of migration in Greece and the first study that attempts an association with the protection of the human rights of irregular migrants.

Additionally, only a handful of research directly investigates the relation between securitization and human rights in other contexts but again in limited time frames (indicatively see Moreno-Lax 2018, Gabrielli 2014, Topulli 2016). Finally, it is the first research that employs such a multidimensional methodological approach on the subject. It is important to note that significant contributions regarding methodology have used Greece as a case study. Karyotis (2012) is his seminal work *“Securitization of migration in Greece: Process, Motives, and Implications,”* employed for the first time an experimental methodological approach towards securitization. However, no research so far aspires to grasp the entire spectrum of the securitization process in such a holistic manner, investigate both the causal mechanism and causal effects of the securitization process, and finally associate the issue of security with human rights protection.

Additionally, Greece provides an extensive pool of data available for investigation, both due to the public character of legislative drafting, along with the political heritage of Greece according to which decisions on important subjects such as migration and security often take place in public hearings. The plurality of data is among the most fundamental prerequisites of a holistic single case study research. The choice of the study was also influenced by the researcher's familiarity with the Greek language and the general Greek context. While this might appear as a selection bias, it was indeed an outcome of pragmatic considerations. Between Greece and Cyprus, which were the initial two cases under consideration, the choice favored Greece to avoid “home-blindness” and because the Greek case's specificities made for a more interesting and important case.

Furthermore, the preliminary research findings suggest a significant range of variable values in the thirty years covered by the current research before the final case selection. Evidence of this is the evolution of immigration in Greece, which varies from most of the other EU countries. Up until 1990, Greece was primarily an emigration country (Karyotis 2012). The collapse of the socialist block turned Greece into a migration receiving country, arguably overnight, presenting a unique

case of investigating the initiation of securitization of migration within all its distinctive features. It is worth noting that before 1991, Greece essentially had no legislation concerning immigration, while the first law enacted in 1991 arguably including many elements of exceptionalism while not being an outcome of exceptional procedures. (Antonopoulos 2006; Karyotis 2012).

The country's economic downturn and the immigration/refugee crisis, as an outcome of the Middle East turmoil, changed both the country's economic structure and the origins of the immigrants. Greece found itself again in the receiving position, as the entry and transit country of the bulk of people fleeing away from war zones. The notion of immigrant and refugee, with the legal responsibilities each term carries, is intertwined and presented a blurry picture of people entering the country. As a result, different perceptions and attitudes might be evident in Greek society and how the state or the security agents are dealing with the problem.

Additionally, the relation between security and human rights in the context of migration, as already mentioned, appears among the most pressing problems of contemporary politics, not only in Greece, but it is arguably among the most pressing issues of global politics. In this context, Greece provides for a prototypical case, given the fact that not only it does not follow the same history of migration as most of the central European countries, but it is simultaneously, immigration, emigration, and a primary transit country, appeared as a rare case among the European countries. Additionally, the societal perception transformation provides a compelling case for investigating the potentially transformative powers of securitization on social perceptions and attitudes. Furthermore, Greece enjoyed the highest degree of societal homogeneity regarding religion and ethnicity among the EU countries (Karyotis 2012). Such a strong identity serves to identify the referent objects perceived as endangered and identify the potential formation and interaction of different actors in different times and contexts.

Arguably the most similar cases to Greece in the EU appeared to be the Mediterranean countries or the former socialist block; thus, this research can be replicated in these countries in a future stage. Furthermore, the methodology applied in this research can be used as a guideline for investigating the securitization of migration and the impact on the human rights of migrants in the rest of the European countries, thus creating a comprehensive framework of understanding. As stated above, though, it is strongly argued that each case should be investigated independently; thus, a comparative analysis is not the aim neither of this research nor the potential future use of

the research methodology. Importantly, this research can be used independently in each European country to investigate the individual characteristics, process, outcomes, and potential policy alternations of each country, based on their different features, findings, and contexts.

Time frame and narrative

As already explained, this research covers the entire period of irregular migratory flows in Greece, starting from 1988. The ending date is 2018 and coincides with the initiation year of this research. In this sense, the current research could be characterized as historical research. As Berg (2001, 211) explains, historical research attempts to “*recapture complex nuances, the people, meanings, events and ideas of the past that have influenced and shape the present.*” The difference between the current research and purely historical research is that the aim is not just presenting events through the tracing of the events' sequence (Bennet and George 1997; 7). Even though the choice is to present the case through a thick historical narrative, the aim is to draw on theory to explain the steps contributing to the outcome (Brandy and Collier 2010,12; Checkel 2015,8).

The general time frame has already been defined. The chronological structure remains in chronological order, divided into two large periods, with three and four sub-periods, respectively. The division was made after the completion of data analysis and is dictated by the findings.

The first section covers the period 1988-2005, defined as the initial period of irregular inflows in the country and characterized by the predominance of Albanian migration. The first subsection is 1988-1990. We can observe the rise of irregular inflows in the absence of a migratory legal framework during this period. The second period is 1991-1999, defined by the drafting of the first legislation, its implementation, the first two regularization programs, and the central role of the bilateral relations between Greece and Albania. The third subsection is the period between 2000-2005. During this period, we observe the enactment of two migratory related legislations, the gradual normalization of the bilateral relations with Albania, and, as some researchers called it, the partial “de-securitization” of migration.

The second section covers the period 2006-2018 and is divided into four subsections. The first subsection is 2006-2008. Besides the legislation's evolutions of this period, we consider it the turning point, being the period right before the economic crisis and the period in which migration gradually rose in the political agenda as a matter of electoral debate. The second period is the period 2009-2011. During this period, Greece found amid the economic and political crisis and

experienced the extreme far-right rise in the political arena. The third period is the period 2012-2014. During that period, Greece experienced the consequences of the economic collapse of the country. It is also the period that migration is elevated as the most important element of the public debate and the most imminent threat to Greek society. Finally, 2015-2018, which is characterized by the unprecedented refugee crisis, brought Greece into the global spotlight.

As one can observe, the division of the periods is not a priori disassociated with the general European context and the evolution of the European policies regarding migration. An important parameter of the chronological division between the two chapters is the implementation of the Common European Asylum System (CEAS), which transposed in the Greek legal framework in 2007. However, the division does not imply that the current research will attempt an overall evaluation of the EU migratory policies. The aim is to have a clear dividing line to observe the impact of CEAS in the Greek migratory policies. It is important to note that the EU policies regarding migration and asylum play a seminal role in the Greek case, but as we will observe during the research, there are case-specific procedures that dictate this different approach.

What follows is an analysis of the methods employed for the investigation of the case at hand. Each method is briefly analyzed from a theoretical standpoint and is justified as a chosen method. Then the data collection and analysis are present in each method separately.

Qualitative methods and data

Discourse analysis

Discourse analysis (DA) is securitization's prescribed methodology and could not be left out from the proposed arsenal of methods. The very core of securitization theory, according to the Copenhagen school of thought, is the conception of security as “speech act”-by labeling something as security, something is done, or as Wæver (1995,55) describes it as “*the utterance itself is the act, the word security is the act.*” Furthermore, Buzan et al. (1998, 25-26) suggest that securitization is a discursive process and should be studied by looking at discourses and political constellations to find “*when does an argument with this particular rhetorical and semiotic structure achieve sufficient effect to make an audience tolerate violations of rules that otherwise have to be obeyed.*”

Waeber (1989, 42), based on Austins' writings, identifies three performative discourse dimensions. The locutionary, which simplistically means just to say something; the perlocutionary, which is the effect of discourse on someone who is "forced" to do something; and the illocutionary, which is the essence of "speech act," and which is executed right after the utterance if certain conditions are met. Illocutionary discourse characterizes the categorization of issues as threats. According to the Copenhagen School of thought is the illocutionary function that should be examined. At the same time, the representatives of Paris Schools opted for the examination of both perlocutionary and illocutionary functions of discourse (Balzacq 2010), which is the method that this research follows.

Salter and Mutlu (2013, 113) describe discourse analysis as the "*rigorous study of writing, speech, and other communicative events to understand the political social and cultural dynamics*," which is qualitative, interpretive, and constructionist (Hardy et al. 2004, 18). Neuman (2008, 62) points out the feature of representation in discourse. Representation is the outcome of a repetitive set of statements and practices through which certain discursive constructions are normalized and institutionalized over time, creating preconditions of action and limiting the way people think about the world.

A thorough discourse analysis incorporates a large set of data, including archival material, interviews, and newspapers or media reports. To make data operable, Balzacq (2010, 41) suggests examining the text in two different levels: intratextuality, which is the identification of specific storylines within a text, and intertextuality, which is the relationship between the texts. Through intratextuality and intertextuality, one can capture both the moment of initiation of securitization or threat construction, the repetitive patterns that sustain securitizing moves, and how discourse gives meaning to specific phenomena (Balzacq 2010, 43). Hansen(2006) adds that texts, either explicitly or implicitly, are associated with previous texts and interpret previous understandings.

The issue of intratextuality and intertextuality and the context in which discourse is employed makes the use of Critical Discourse Analysis (CDA) more relevant. Fairclough briefly introduces the Critical Discourse Analysis as a form of "*Discourse analysis which aims to systematically explore often opaque relationships of causality and determination between (a) discursive practices, events and texts, and (b) wider social and cultural structures, relations and processes; to investigate how such practices, events, and texts arise out of and are ideologically shaped by*

relations of power and struggles over power; and to explore how the opacity of these relationships between discourse and society is itself a factor securing power and hegemony” (Fairclough, 1993: 135). Accordingly, CDA appears as context-dependent, pointing out that it is not just the linguistic structure that is important but the context in which it is deployed (Mills 2004). Thus, language is understood as a *“social practice that systematically forms the objects of which they speak”* (Faulstich 1972, cited in Mills 2004, 15.) Jorgensen and Philips (2002, 60) explain the difference between discourse analysis and CDA by stating that discourse analysis alone analyzes the discourse's power, while CDA analyzes the power behind discourse.

Phillips and Hardy (2002) suggest that the choice between DA and CDA relies upon the research question, contextual factors, and texts' types to be examined. Thus, since the aim of this research is not just to trace the existence of securitizing discourse but also to measure the impact of securitizing discourse and to try to reveal the relation between security and human rights discourse, this research employs CDA to take advantage of the methods overall goals which are summarized as: to describe, explain and criticize the strategies that naturalize discourses; to understand the intertextual relations and their association with the context; to investigate how discourse becomes part of the social struggle and a field of social conflict (Jorgensen and Philips 2002, 72:78).

Implementation and data collection

The first step was to identify the key texts associated with migratory-related issues to make the method operable. The aim was to create three sets of data. The first set of data targets the political and public representation of migration tracing the existence of securitizing moves, how migration has been constructed in the public discourse, and the potential power struggles regarding the representation of migration in different ideological realms or different periods. The second set of data targets human rights discourse. They are traced in the public domain (political or media discourse) or the responses and reports provided by the Greek government on issues regarding the status and respect of the human rights of migrants in the country. The final set of data consists of interviews conducted by the researcher.

The first set of data consists of three sources: the minutes of the Greek parliament of plenary sessions regarding migration-related issues, legislation concerning migratory or asylum and refugee protection issues, and newspaper articles. The choice of those three sets of data serve in

examining the migratory related discourse, identifying the construction of threat, identifying patterns of representation over time by political elites, and the broader investigation of the representation of migration in the media and public discourse. Besides the construction of threat, the examination of those data gives a first-hand insight into how human rights were incorporated in the public dialogue regarding migration and the extent to which human rights considerations were implemented in the public discussion. Additionally, they provide significant insights into the policies adopted on the matter and how these policies are practically implemented.

Minutes of the Greek Parliament

The examination of the Greek parliament's minutes starts from the year 1991, in which the first migratory legislation was drafted, and ended in 2018. The first step was to create a list of the migratory related legislations. Based on the publication of each legislation in the Official Gazette, I went back to the Greek Parliament's online archives and traced the relevant discussions. In standard legislative procedures, legislations were discussed in two-four different sessions. Usually, one or two sessions were devoted to the overall legislation and two sessions to the article discussion. The first session of each discussion usually starts with the Minister or vice-Minister who sponsored the law, who explains the legislation's rationale and briefly presents the articles, normally divided into thematic clusters. Then, virtually every parliamentarian has the right to express his/her opinion on the legislation in a specific time frame of five to seven minutes. Exceptions are made for each party's representative, who can talk for ten to twelve minutes. There is no limit on the persons allowed to talk from each party, which might, in specific sessions, reflect the priorities of each party, based on the involvement of its representatives in a given discussion.

After locating the sessions, the analysis of the discussion focus on three parameters. Each speaker's power position and party affiliation, the language they use to express their opinion, and the political conflicts or agreements in the session. It is important here to note that Discourse analysis is applied simultaneously with Content Analysis (details provided in the Content Analysis section). The aim was to trace both the linguistic patterns of representation and the Greek parliamentarians' overall stance towards migration. Due to the specificities of the Greek language, no engine machine or electronic equipment was used. All texts were analyzed manually. Given the fact that I am a native Greek speaker and familiar with the Greek cultural and political context, the identification of idioms, symbolism, historical references, and political struggles underpinning each session

provide for a significant advantage over the use of instruments, allowing for a holistic, thorough and detailed analysis of the discussions.

The Greek Parliament archives on the legislative discussions are not censored; thus, the data are raw and accurate, reflecting word by word the discussions and the conflicts around each legislation.

Laws and legal documents

The legislation procedures in Greece allowed for the division into three law-making processes. Laws drafted with the ordinary parliamentary procedure as described above; the law-making process with legislative authorization; and the executive function's autonomous regulatory competence. Most of the migratory legislation in Greece is drafted through the standard procedure, while issues regarding asylum and refugee protection, especially after the Europeanization of asylum legislation, is in the form of Presidential Decrees following the law-making process of legislative authorization. According to Article 43 of the Greek constitution, legislative authorization for a Presidential Decree's issuance is allowed for specific issues. In this case, the competent Minister prepares, through his ministry's services, the text of the Presidential Decree. Then the text is forwarded to the Council of State for comments on its constitutionality and legality. The Council of State's observations are formulated in a report and can be taken into account by the Minister. The final draft is forwarded to the President of the Republic, who issues it and orders its publication in the Government's Gazette.

When the body of legislative authority is any other body of the executive power except the President of the Republic, the enacted legislation is called a regulatory, administrative act. Legislative authorization for adopting a regulatory act of a subordinate body of the executive function is allowed for matters of a more specific, detailed, local, or technical nature.

Finally, the autonomous regulatory competence of the executive function includes three types of acts. Executive Presidential Decrees that are necessary for implementing already adopted laws; in the case of emergency Art. 44 of the Greek Constitution provides that the President of the Republic may adopt acts of legislative content; and finally, the implementation of Art.48, which refers to the declaration of the country in a state of emergency (cases of war, siege, or other imminent threats to national security), and which allows for the President of the Republic to proceed with the adoption of extraordinary measures.

The above analysis is critical in the way the legislations are analyzed. Besides the wording and the provisions of the legislation that are analyzed vis a vis the international obligations of the country, as portrayed by the ratification of a series of international human rights conventions ratified by Greece or deriving from the European *acquis*, the way each legislation is drafted is of great importance for two reasons. First, the legislation drafted under the ordinary procedure is a matter of public dialogue through the parliament, thus expose the different attitudes of actors in total. The legislation drafted with the other two methods is not an outcome of a broad public dialogue, thus exposing the dominant party or governmental coalition's specific orientation. Even more important is the analysis of the law vis-a-vis its implementation. One of the most significant parameters of analysis is not just the word of the law but its actual application, either on matters regarding security measures or on matters regarding the respect of the human rights of migrants prescribed by the law. This will be achieved through intertextuality, by comparing the laws and the findings of national and international organizations, the rulings of the ECtHR and ECJ, and the newspaper articles that follow the step-by-step implementation of specific measures.

Furthermore, the examination both of the letter, the adoption and the implementation of the law provide for a first-hand evaluation of the existence or not of a state of exception, the nature of the state of exception (either of the Schmittian or Agambean logic), and of course of the sociological features of the securitization theory, meaning the securitizing practices prescribed by law that in a sense routinize and institutionalize the securitizing measures.

Newspapers

The examination of the newspapers followed a slightly different timeline. Given that the analysis of the minutes of the first session gave some surprisingly high levels of securitizing discourse, we opted to the extent of the newspapers' discourse analysis, taking as a starting point 1988. This allowed for a better understanding of the parliamentary discourse, as it provides important insights on the political and social contextual factors underpinning the first parliamentary meeting. The ending point remains the year 2018. As in the minutes of the parliament, newspaper articles were analyzed through discourse analysis and content analysis simultaneously.

The data set consists of more than 4000 articles from the newspapers “*To Vima*” and “*Ta Nea*” for 1988-2018. The newspapers' choice was based on their circulation, constituting them among the top five most circulated newspapers in Greece. Furthermore, those newspapers' electronic

archive covered an extensive-time period, starting from 1945; thus, the data include the entire period under consideration. Additional articles from other newspapers were used as well, mainly referring to exclusive interviews from important actors. Those articles are excluded from the content analysis. Until 2006 the articles are retrieved through the official archive of the newspapers found at helioskiosk.gr. From 2006 onward, the articles are retrieved through the official websites of the two newspapers.

Due to the massive volume of data, in this case, I have used the search engine of both sites to retrieve articles regarding migration using the following keywords: clandestine migrant (λαθρομεταναστης/ες), migrants (μεταναστης/ες), migration (μεταναστευτικο), refugees (προσφυγες, προσφυγικο), asylum seekers (Αιτητες ασυλου), migrant criminality (εγκληματικότητα μεταναστων), criminality (εγκληματικότητα).

The collection included more than 5000 articles. Then I excluded opinion articles of unknown sources, letters of readers, and articles referring to international and European issues unless associated with Greece. Thus, the articles that remained reflect both the news presentation and the portrayal of migratory-related issues in the press.

ECtHR and other human rights bodies.

The second set of data consist, among others, of the decisions of the ECtHR, the reports and the responses of the Greek government to the CPT, the Greek periodic reports to specialized UN bodies (UNCAT, UNHCR, UNHCHR), along with the public reports and responses from and to the Council of Europe Commissioner of Human Rights. This set of data is directly linked with the status of protection of the human rights of migrants in the country and the way the Greek administration understands or excuses deficiencies in human rights protection. By critically examining the Greek attitudes towards the findings of human rights organizations and international courts, the researcher can make inferences on the extent that human rights protection is associated with security considerations or not, and trace other factors that can potentially have an impact on the respect of international human rights obligations towards irregular migrants and asylum seekers.

The data set of the ECtHR decisions consists of 65 cases regarding irregular migrants and asylum seekers. The list consists only of cases that Greece found in breach of the ECHR. Cases regarding migrants involved in penal offenses are excluded. The data were retrieved directly through the ECtHR website and were analyzed through discourse analysis and in the form of archival research.

Interviews

Interviews are an essential part of the current research. Despite the plurality of data suggesting the construction of migration as a threat and the human rights violations endured by irregular migrants and asylum seekers, the findings that could confirm the linkage between the two were either in the form of third-party observation or absent. Thus the interviews took the role of the medium to extract such confirmation. Furthermore, interviews provide a powerful insight regarding actors' intentions, the reasoning behind specific actions, and powerful insights into the power struggles and hidden instances of securitizing practices in direct opposition to human rights protection. Finally, the interviews helped triangulate data, either by verifying, rejecting, or explaining certain acts or policies (Berg 2001, 70).

All interviews were semi-standardized, and questions were open-ended. Three questions were common in every interview, but the wording of the question changed depending on the course of the conversation and the interviewee's personal capacity. The three common questions were if the participant considers migration as a threat, how they see the status of the human rights of migrants in the country and whether there is a sense of impunity for crimes of violence against migrants. All three questions were asked at different times in each interview, informed by the conversation thus far.

The rest of the questions were prepared in the form of notes before each interview, based on background research on each interviewee. The choice of this method was informed by the personal capacity of each interviewee, their involvement at a different time-space with the migratory process, and their position either as political actors, bureaucrats, or observers. Furthermore, because the missing link was closely associated with actors' perceptions, open-ended questions provide for the possibility to extract information in the context of a casual, open conversation rather than through a structured, organized manner.

The outcome of the interviews is not quantifiable, given that the intention was not to create yet another statistical representation of securitizing moves but to explain the correlation between the

securitization of migration, the status of human rights protection, and the consequences this relation might entail to social and public security.

All interviewees were initially conducted via e-mail. The total number of invitations exceeded 35 persons, but only 14 persons accepted the invitation. Then an appointment was arranged at the time and place of the interviewees' preference. Almost all interviews were conducted in their private offices, at time of their convenience. Each interview's initial estimated time was given to 30 minutes, but all interviews lasted more than an hour, on the interviewees' demand, or because the conversation interested them more than expected.

The list of interviewees includes (in random order) :

1. Fotis Kouvelis. Former Minister of Justice; Former Vice-minister of National Defence; Former Minister of Mercantile Marine; Member of the Parliament in the periods 1989-1993 and 1996-2014; President of the left-wing party DIMAR.
2. Police lieutenant Michael Lolis, a Member of the department of anti-racist violence
3. Dimitris Psaras. Journalist; author of the book “The Black Bible of Golden Dawn.” Main prosecution witness on the Golden Dawn Trial.
4. Demetris Vitsas. Former Vice Minister of National Defence; Former Minister of Migratory Policy; 4th Vice President of the Greek Parliament; Member of the Parliament with the left-wing party of Syriza
5. Athanasios Plevris. Lawyer, Member of Athens Bar association; Former Member of the European Parliament; Member of the Greek Parliament with the far-right Party LAOS (2007-2012), and current MEP with the right-wing party fo Nea Demokratia.
6. Ioannis Loverdos. Journalist, Member of the Greek Parliament since 2019 with the party of Nea Demokratia.
7. Demetres Angelides. Journalist specialized in migratory-related issues.
8. George Kaminis. Former Greek Ombudsman (2003-2010); Former Mayor of Athens (2011- 2019); Current member of the Greek Parliament with the socialist party of KINAL
9. Stylianos Perakis. Professor of International Law at Panteion University.

10. Stavros Theodorakis. Journalist; Former Member of the Greek Parliament and President of the now-dissolved party Potami.
11. Constantinos Kalemis. Educational Co-ordinator of the refugee camp in Malakassa.
12. Alexandros Zavos. Vice Mayor of Nea Smyrni; President of the Migratory Policy Institute. Used to be a governmental advisor for Migratory Policy 2004-2009.
13. Christos Papastylianos. Former scientific consultant of the Greek Ombudsman; Assistant Professor in the School of Law of University of Nicosia
14. High rank former governmental official. After consideration, his identity decided to remain disclosed.

The effort was to include representatives of the entire political spectrum. Unfortunately, none of the representatives of the Communist Party of Greece (KKE) and Golden Dawn agreed to provide for an interview for unspecified reasons.

All interviewees were offered prior, during, and even after the interview a confidentiality agreement, but no one wanted to sign such agreement, entrusted that the researcher will respect their personality and identity.

All interviews were recorded with the permission of the interviewee and transcribed at a later stage.

Secondary and archival research

Secondary research consists of secondary pieces of information and data collected by other researchers, including reports, books, journals, and studies (Steward and Kamins 1993, 1). Secondary analysis is the analysis of the data either similar to the initial study or differently. (Steward and Kamins 1993, 3). On the other hand, archival research usually consists of primary data, including governmental reports, communications among agencies, judicial decisions, and memos.

Given the extensive time frame of the research, and the multiple sources of data needed to answer the research questions, those types of research proved valuable tools. If secondary research was absent, it would mean that the research should have included extremely time-consuming field research to locate both the evidence needed for the case of securitization and the status and the

practical implementation of the human rights of migrants in the country. Furthermore, the procedure would have been highly bureaucratic, given that access to specific locations such as detention centers and camps is restricted. Furthermore, as already stated, given the period of the research, it is practically impossible to acquire primary facts for the entire period.

Thus, along with collecting primary data, this research employs multilevel secondary research constituted by an extensive list of reports drafted by national and international bodies, governmental and European Agencies, NGOs, and individual research. The full list of reports and sources is provided in the bibliography.

Secondary research aims to collect as much evidence as possible on the status of human rights, the securitizing practices, and data regarding the migratory flows in Greece, which were then examined against the primary data collected.

To avoid getting lost in thousands of reports and pieces of information, I employ the following strategy. The choice of NGO reports was informed by the ECtHR's rulings and especially from the case *M.S.S. v. Belgium and Greece*. In that particular case, the ECtHR provides an extensive list of NGO reports that took into consideration in its ruling. Thus, taking as a given that the ECtHR's choice provides for significant leverage of validity to those NGOs' findings, I then proceed in retrieving all the reports drafted by the specific NGOs regarding Greece.

The choice of international or European organizations was informed by Greece's participation in those organizations and their relevance in the field of migration, human rights, security and racism, and xenophobia.

As for the national bodies, the list includes the Greek Ombudsman, the National Council of Human Rights (NCHR), which is an advisory body to the government, and the Racist Violence Recording Network, which was created under the initiative of UNHCR in 2011, and is the first racism recording network in Greece. The decision was to exclude national NGOs from the research. The reason is that, unlike the international NGOs referred above who enjoy a sense of external validity through the use of their reports by the ECtHR, there was no such safeguard with the Greek NGOs. This does not mean that I, by any means, question national NGOs' validity and the vital work they do in the country in terms of human rights protection. However, instead of getting lost in a vast circle of NGOs with different fields of activities, biases, and affiliations, I opted to utilize the

findings of the abovementioned bodies, with the added criterion of those bodies' interaction with the government. Since both the Ombudsman Office and NHCR are governmental yet interpreted bodies, they have a direct connection with the political reality and the governmental choices.

Finally, secondary research includes many articles and publications regarding immigration in Greece, mostly targeting the period 1991-2005. This choice is informed by the fact that pieces of evidence from that period are, in a sense, scarce. Greece came under the international spotlight after 2001; while there is a plurality of reports and references for 2005-2018, that was not the case with the period 1991-2005. The evidence used was extracted by comparing multiple sources to be as accurate and valid as possible.

All the secondary data, when possible, was first compared with the primary data retrieved, which include intra and inter-Ministerial communications and memos; judicial decisions, including both national courts and the ECtHR; recommendations of the ECJ; and press released by the European Commission, the European Parliament, the Council of Europe, the UN Special Rapporteur of Human Rights among others.

One of the most significant obstacles I have to overcome was the limited access to ministries' websites. It appears to be a standard feature between Greek ministries that when the official site changes for either update or maintenance, the archival material is rarely transferred to the new website. Luckily, and after thorough research, I managed to retrieve a satisfactory amount of data from primary sources and secondary material; thus, this issue could not undermine the findings' validity.

The analytical list of primary and secondary sources is provided in the appendix.

Quantitative methods and data

As already stated, quantitative data are used in this research for complementarity and triangulation. They consist of two different types. The quantification of the Content Analysis of the minutes of the Greek Parliament and archival research comprised of numerical data.

Content analysis

Content analysis is described as a “research technique for making replicable and valid inferences for data in their context [...] allowing for inferences from large bodies of data that reveal trend patterns” (Krippendorff 1989, 403;404). Newman (2014, 372) defines Content Analysis as *the “use of objective and systematic counting and recording procedures to produce a numerical description of the content in the text.”* The significant advantage in utilizing Content Analysis is its objective character since it reassures equal treatment to all levels of analysis (Krippendorff 1989).

Content analysis in the current research is used both as a means to verify or question the discourse analysis outcomes and to reveal the patterns of media and political representation of migration in an objective, valid and generalizable manner. Thus it fulfills its aims of complementarity and triangulation of data.

Content Analysis applied on the minutes of the Greek parliament and articles retrieved from the newspapers “Ta Nea” and “To Vima.” It is important here to note that, similar to the case of discourse analysis, I rejected a priori using computational procedures; thus, the analysis of the coding and the numerical representations were done manually. This choice was informed both by Krippendorff's (2004, 34) observation that computational procedures have no sense of the connection between text and context. The second reason was based on most computer programs' inability to process the Greek language in a satisfactory manner.

Additionally, content analysis was performed in a more interpretive version. What that means is that, instead of creating from the beginning a set of precisely defined analytic categories or clusters, I let the categories emerge from the data (Hardy et al. 2004, 20). The interpretive content analysis was applied in the newspaper analysis, but it was practically not applicable in parliamentary discussions. The reason is that parliamentary discussions were standardized, meaning that each speech's content was either positive, negative, or neutral towards the general issue of discussion, in the case of migration. The newspaper articles appear to have a thematic plurality associated with migratory-related issues that could not be overlooked and analyzed further.

The quantified findings appear in the text in the form of percentages and are visualized in charts.

Newspapers

The content analysis of newspapers includes more than 4000 articles from the newspapers “To Vima” and “ Ta Nea” for 1991-2018. The data collection methods are the same followed for discourse analysis as described in the relevant section.

After the data collection, I divided the articles into six chronological sections, described in the case selection section.

There are some differences between the two periods, namely 1991-2005 and 2006-2018. During the first period, the media discourse was preoccupied with criminality and the political discourse regarding migration. Issues of racism and police violence towards migrants were largely absent from the media. Additionally, while in the first-period migrants' criminality was a noticeable trend, surprisingly, it is almost absent in the second period. Any reference, including criminality and migration in the second period, was associated with smuggling and trafficking networks or isolated severe penal crimes.

Thus, as one can observe, the statistics deriving from the newspapers' content analysis include different clusters for each period.

What follows is as detailed as a possible explanation of how categories are chosen and how the themes are selected for each category.

- Positive articles: include articles describing positive actions or acts towards or of migrants; articles including findings of international organizations or ad hoc reports of detention conditions; and articles referring to the lives of migrants in Greece. In general, this category includes any article that could trigger sympathy or positive views towards migrants; thus, crimes committed against migrants if they are not attributed to far-right or police violence are counted as positive. For this section, I made another separation of articles that could be described as humanitarian and of articles referring in any way to human rights.
- Negative: include every article that has negative references to migrants. The bulk of this section comes from politicians' public statements or articles referring to influxes or any other event with a negative connotation.
- Neutral: articles are describing new legislations or events without any sentimental background.

- Criminality: includes all articles that refer to migrant criminality, either as isolated acts or as a general phenomenon. Here there is an important change from the first period to the second. During the first period, criminality includes almost everything, from real crimes, to influxes, smuggling, trafficking, etc., due to the authors' wording. In the second period, there is almost no reference to migrant criminality per se; the list includes cases of smuggling and trafficking of persons and goods, being the only criminal activity explicitly associated with immigration. Furthermore, during the second period, and especially after 2007, influxes are used as isolated issues without criminal connotation. They are sort of descriptive without using the previous negative wording, thus creating a new category under consideration, which cumulatively can be seen as unfavorable, but this is a matter of interpretation.
- Deaths: refer only to deaths of migrants en route
- Influxes: Include only neutral articles in wording, presenting numbers, and way of entry without any positive or negative emotional background. This cluster appears after 2005
- Far-Right Attacks and police violence (FRA+PV): include articles referring to far-right attacks against migrants or police violence incidents that made it to the press. This category emerged after 2005. Until then, acts of violence conducted by the police rarely made it to the press. Furthermore, only after 2005, racist attacks against migrants were portrayed as such and associated with far-right groups, even though there are recorded racist crimes in the previous period.
- Weapons of the Weak(WoW): includes articles referring to acts of resistance of migrants, including riots, hunger strikes, and protests, either in public spaces or in places of detention. Again this cluster appeared after 2005.

Minutes of the Parliamentary discussions

The Greek Parliament minutes' content analysis includes the discussions regarding every migratory-related legislation, along with two broad but irrelevant legislative discussions, since 1991. Thus the data include approximately 28 plenary meetings.

The counting was per speech, not per person, including primary and secondary speeches both in the discussions for the main body of the legislation and the per article discussion. Furthermore, the grouping was based on the content of each speech. To verify this, I looked for a reference to security considerations, phrases with negative or positive connotations regarding migrants, racist

or humanist discourse, or any reference to human rights. It is important to note that the grouping was not based on disagreements regarding the content of the law at hand in any case but strictly on negative or positive references towards migrants. It is important to note that the findings are not compatible with the parliamentary balance of power. It is quite observable and a matter of thorough discussion that the opposition parties have a more active role in the discussions in almost all sessions.

Accordingly, the three categories were created:

Negative: which includes hostile or racist rhetoric towards migrants, securitizing speech acts, references on security threats, and in general any speech with a negative connotation towards migrants.

Positive: includes positive rhetoric towards migrants, references to Human rights protection, a positive attitude towards the granting of rights, or general speeches that portray a positive attitude.

Neutral: include speeches that were mostly preoccupied with the law at hand without any sentimental expressions or speeches preoccupied with the legal technicalities.

The Content Analysis of the newspapers and the Greek parliament's minutes provide significant insights into the fluctuation of securitizing discourse and the balance between security and human rights discourse. Additionally, it allows for the observation of changes in the political discourse and the media's attitude. During the interviews, many interviewees argued that the media, at some point, were in a sense self-restricted in their representation of migration. As all the journalists' interviewees stressed, after the initial shock of the first years, in which media unleashed a robust xenophobic discourse, on a later stage, and in the light of the rise of LAOS and Golden Dawn, the media appear to depart from the xenophobic discourse and engage a median line. Discourse Analysis allowed us to check the validity of this claim and make a reliable comparison between the political and media discourse.

Additional quantitative data

Besides quantifying the Content Analysis, this research utilizes several statistical and numerical primary and secondary data to fulfill several purposes in the research.

First numerical data and, more specifically, censuses, and data regarding influxes, were used to grasp the migratory phenomenon's magnitude. Even though, as already presented in the literature review, securitization is not based on an objective but instead on a subjective understanding of what constitutes a threat; thus, the volume of influxes might sound irrelevant in reality, it is not so. This understanding emerged in the research when it became apparent that influx numbers were either concealed or manipulated in the public discourse. This finding raises the question of whether this attitude was an outcome of ignorance or part of the political manipulation. Thus, I tried to collect as much data regarding migratory flows as possible and compare each period's numbers with the prevailing discourse at the time. To have as valid data as possible, I used the police statistical data index regarding irregular migrant apprehensions, Greece's National Statistical Agency (ELSTAT) index, the FRONTEX Risk Analysis Report, and the findings of the Clandestino project. I also use the statistics regarding asylum applications and acceptance rate provided by the UNHCR to compare the numbers of what is perceived as irregular inflows; to examine the functioning of the asylum system, and to observe to what extent asylum applications and genuine asylum seekers were marginalized in the broader securitizing environment.

Additionally, this research uses several surveys that include migratory-related issues, conducted either by Eurobarometer or national. At the national level, those surveys were conducted at the request of newspapers or TV channels. Even though those surveys can be understood as glimpses of reality, their purpose in the research is not to present the public attitudes as given but to be compared with the overall discourse of the period that they were conducted, to measure the audience response to the securitizing acts and to examine whether public attitudes provide for moral support to the governmental securitizing acts.

A second way to measure public attitude and formal support is through voting procedures. It is important here to note that migration was not always a matter of electoral debate. Thus, the electoral outcomes are examined only after 2007, when migration was gradually elevated as a pre-electoral campaign theme. Of course, the electoral outcomes alone do not provide a substantial

justification. Thus they are compared with the broader pre-electoral environment and the ramifications of specific policies and acts in the electoral outcomes.

Another important quantitative data set revolved around the budgetary allocations, deriving either by the national budget or from the EU financial aid programs on migratory related aspects. The budgetary allocations are another means to measure the state's preference for the adoption of securitizing measures or policies that include policies targeting the implementation of the human rights of migrants in the country. It is also a way to examine whether specific human rights deficiencies are derived due to budgetary restrictions or are an outcome of political preference.

Ethical issues

The only ethical issue raised in the course of the research revolved around one of the interviewees. As already stated, all the interviewees were informed that their interviews would be used in the current research and potentially in future articles, and they offered a confidentiality agreement, but no one wanted to sign it.

The issue arose with one of the interviewees, who revealed crucial pieces of disclosed information without having the intent to do so in the course of the conversation. He never asked for his identity to be concealed, nor asked not to use the information provided. However, the information was crucial to the author's understanding and might have further complications to the person under consideration. Thus, to protect the interviewee, I decided to keep his identity and his capacity disclosed.

CHAPTER 3: GREECE 1988-2005

The following chapter is devoted to the “birth” period of immigration (Tiantafillidou et al. 2013) as a mass phenomenon in Greece. Before this period, Greece was considered an emigration country, while immigration was minimal and fully controlled. The collapse of the socialist block, and the tectonic changes it brought to the broader Balkan area, introduced immigration in Greece as a mass phenomenon.

This chapter is divided into three sections, in chronological order. The first section is devoted to the period 1988-1990. While the main body of the research starts with 1991, which is considered the turning point for immigration in Greece, this first section aims to provide a better understanding of the contextual environment in which the phenomenon unfolded. Thus, the aim is to provide an overview of the country’s internal political situation, its bilateral relations with neighboring countries, and the status of human rights protection in the country.

The second section is devoted to the period between 1991 -1999. The aim is to examine how immigration was constructed as a threat, the Greek society's reaction, the securitizing measures implemented, and the impact they had on irregular immigrants' human rights.

The third period starts in 2000, the year before the enactment of a new migratory bill. By then, the bilateral relations between Greece and the rest of the Balkan countries were normalized except Turkey. Furthermore, Greece had already implemented the first regularization program in 1998, adopting, in a sense, a more managerial approach. Additionally, the country was preparing for the 2004 Olympics, which had a double impact on immigration policies. First was the acknowledgment that immigrants were a valuable asset in the construction of Olympic structures, and the second was that the country wanted to present to the world as a modern society that fully respects democratic traditions and human rights. The third migratory Bill was enacted in 2005, the year that this section ends, and is an arguably mature legislation that included provisions towards integrating and managing flows. Nevertheless, despite the political effort for de-securitizing immigration, certain legal deficiencies, along with securitizing practices, sustain the perception of threat and the securitization of immigration high on the social agenda.

Section A- Greece 1988-1990

Contextual overview, 1988-1990.

The following section provides a brief presentation on the internal and external context underpinning the beginning of what is called “the premature period of migration in Greece.” (Tiantafillidou et al. 2013) To better comprehend the Greek government’s reaction to the migration flows, it is essential to have a general overview of its internal status and the developments in the neighboring states. As we will observe, both in the inner and the external terrain, Greece faced significant difficulties towards the end of the 1980s. Those difficulties related to the Greek political system's crisis and the collapse of the socialist block, along with the country's relations with its neighboring states, significantly influence the course of migration response in Greece from 1991 onwards.

Significantly, the focus lies in Albania, even though Greece received immigrants from other socialist countries as well. This is dictated by the paradox of the Greek migrant populations, which were unique compared to the rest of the EU countries, consisted of a single nationality in a ratio that exceeds 50%. The proximity of the two countries and the easy crossing through the mountainous borders added significantly to Albanians’ choice to emigrate to Greece, contrary to the other, arguably more advanced European countries. Thus in this section, we will examine the generative cause of this first wave and its reception by the Greek press and public.

Before proceeding with the analysis of the internal and external policies, this section begins with a brief presentation of Greece as an emigration country. Arguably, for the most significant part of its modern history, Greece experienced quite significant emigration waves. The underdeveloped economy, along with the political turmoil of the mid-40s and 70s caused by the Greek civil war and junta, pushed substantial numbers of Greeks to emigrate globally. This trend gradually shifted from the late 70s to the early 80s. However, what went unnoticed was that Greece already experienced legal migratory flows in a controlled manner, which at some point became irregular. Finally, this section presents the country’s human rights status, in terms of ratification of human rights conventions, the enactment of those conventions in the Greek legal system, along with a brief comment on the practical application of human rights norms in the country. It is important to note that the human rights conventions enumerated are only those that include non-citizens or people irregularly present in a state.

Emigration and Immigration before 1991

Throughout its modern history, and until 1991, Greece, a highly homogenous country (Eurobarometer 1989, 150), appears as an emigration country. This trend shifted mainly due to return migration (Fakiolas and King, 1996). Contrary to public belief, though, Greece started receiving small but steadily growing numbers of regular and irregular migrants in the 1970s, without reaching the peak of the early 90s.

Estimations show that between 1945- 1974, 1.4 million Greeks, or 1/6 of the total population, emigrated mostly to Central and Western Europe, the US, and Australia (Triantafyllidou et al. 2009, 8). The reasons for emigration varied among periods. The first wave of 1890- 1920 was purely economically motivated, targeting the US and Australia.

In the aftermath of the Greek civil war in 1946-1949, another approximately 130 000, mostly communists, sought political asylum to the socialist block countries. During the last wave between 1950-1973, about one million Greeks emigrated mostly for economic reasons, without excluding political motivations (Triantafyllidou et al. 2009, 10). This last wave of Greek emigres mainly targeted central and western European countries, and especially Germany.

The phenomenon shifted after 1974. The fall of the Greek junta allowed for the political refugees' return from the socialist block countries. The return of political refugees accelerated after 1983 when the Ministry of Interior and Public Order allowed for the repatriation of political refugees and restored the citizenship status to those that had lost it (Triantafyllidou et al., 2009, 10). Simultaneously, the oil crisis of 1973, and the global financial crisis, tightened the migratory policies of European countries and especially Germany (Kassimis and Kassimi 2004), resulting in the repatriation of large numbers of economic emigrates. Between 1971- 1986, it is estimated that 625,000 repatriated, resulting in a positive net migration balance for the first time (Triantafyllidou and Maroutof 2008, 8; Fakiolas and King 1996).

In parallel, in 1972, following the Association of Greek Industries concerns over the structural labor shortages experienced in the Greek economy, the government engaged in the “import” of labor force from Asian and African countries (mostly Pakistan, Egypt, and the Philippines) through bilateral agreements, and by engaging an “invitation” regime (Kiprinos et al. 2003, 151).

The numbers of foreign nationals residing in Greece during this period were relatively low. According to the available data in 1974, there were 16,955 legal immigrants in Greece, 28,628 in

1980, while the number tripled in 1986, reaching 92,440 legally residing foreign nationals (Fakiolas and King 1996, 176). Of those, over 50% were EU citizens (then EC), while Asians amounted to 25% (Kiprinos et al. 2003, 151). According to Eurobarometer (1987,150), Greece had among the lowest percentages of non- EU foreign population, accounting for approximately 0.6% of the total population. This number, though, is questionable. According to Kiprinos et al. (2003, 151), in 1982, Asians and Africans accounted for 2000 legal permits in total, while their population exceeded 60,000 at the time. Finally, according to the 1991 census, 167 000 legally residing foreigners reside in Greece, constituting slightly above 1% of the total population. It is important here to note that unlike the census of 2001, which tried and to a certain extent succeeded in including those who reside irregularly, the 1991 census included only those legally present in the country (Triantafyllidou et al. 2009, 11).

After a long emigration period, this brief overview revealed that the country gradually shifted to an immigration country. Even though during the 70s and early 80s, most immigrants in Greece were either return immigrants or Europeans, there were rising numbers of non-European foreign nationals residing both regularly and irregularly. It is important here to note that migratory legislation in Greece was practically non-existent. The last law drafted on the issue was law 4310/1929, which dealt mostly with emigration and, according to which immigration was possible through a strict invitation system.

Bilateral relations.

Greece, situated in the Balkans in the southeast part of the Mediterranean, during the late 80s, was an EU country enclaved by non- EU states. The only European neighboring country was Italy, with which it shares its western sea borders. On the North, the country borders with Albania, FYROM, and Bulgaria, all three belonging to the socialist block. In east Greece shares a small land border and its extended sea borders with Turkey (Kolovos 2010).

In the late 80s, the Balkan region was found amid political instability. The collapse of the socialist regimes and the Yugoslav war, with the parallel rise of nationalism, further enhanced the region's volatile environment (Triantafyllidou 2010, 102).

Greece, a NATO member since 1952 and a member of the EU (then EEC) since 1981, with considerable economic growth in the 80s, and a stable democratic political system since 1974, could have possibly played the role of the stabilizer in the region. Unfortunately, though, Greece's

bilateral relations with its neighboring states, except Bulgaria and Italy, were not ideal. The central point of the Greek policy in the Balkans was the rise of the “Macedonian” issue and the identification with Serbian nationalism (Vlantes 1994;16). The Greek state's preoccupation with the Macedonian issue and the internal political system crisis prevented the drafting of a viable external policy and favored the gradual rise of nationalistic instincts within the country.

What follows is a brief overview of the bilateral relations of Greece with its neighboring states. The analysis is epigrammatic, but it sets the general context of the country's bilateral relations, allowing for a better understanding of the policies and developments that followed.

Since the 1970s, the already troubled relations with Turkey had deteriorated. In the early 1970s, Turkey launched a systematic policy of disputes and claims to the detriment of Greece's sovereignty and sovereign rights. The Turkish policy was initiated with claims against the Greek continental shelf in 1973 and the questioning of the Greek national airspace in 1975, coinciding with the Turkish invasion in Cyprus and the occupation of its northern part in July 1974. The relations between the two countries remain hostile until today with occasional episodes, which threaten the fragile peace in the area (Greek Ministry of Foreign Affairs henceforth GMFA).

On the North, the relations with FYROM normalized after 1995 with the signing of the Interim Agreement on September 13, 1995, the Memorandum of Implementation of “Practical Measures” of the Interim Agreement (13-10-1995), and the Memorandum of Understanding for the mutual establishment of Liaison Offices in Athens and Skopje (GMFA). Before those agreements, and in the aftermath of the Yugoslav dissolution, relations between Greece and FYROM were bitter due to the confrontation for using the term “Macedonia” by FYROM. Greece considers that the term Macedonia is undoubtedly a matter of historical and cultural heritage and that the specific name is not negotiable and as a paternal identity and heritage can not be granted to third parties (Eleftheros Typos 2019). The issue became a predominant field of “defensive nationalistic” manifestations in Greece, with massive riots and protests (Triantafyllidou 2010,102), and preoccupied the Greek political scene in the late 80s, early 90s (Vlantes 1994, 48:60). On February 16, 1994, Greece decided to impose an economic embargo on Macedonia and close the Greek Consulate General in Skopje. After intense American pressures, the two countries signed the Interim Agreement in 1995. Ever since, the relations between the two countries were normalized, even though the final

agreement regarding the country's name was reached 23 years later with the signing of the Prespes Agreement on June 6, 2018 (Eleytheros Typos 2019).

The relations with Bulgaria were considered rather friendly, and there were no significant issues of dispute after the dissolution of the communist regime in the country. Following Bulgaria's accession to NATO in 2004 and the EU in 2007, the two countries' relations are excellent (GMFA).

The Greek relations with Albania are heavily associated with the existence of a significant Greek minority in Albania, in the area of Northern Epirus, estimated at around 350 000 persons, and after 1991, with the presence of a large number of Albanian immigrants in Greece (Triantafyllidou 2009). Arguably the relations between the two countries were dictated by those two parameters throughout the last 30 years.

During the Hodja regime, the Greek minority and the rest of the Albanian population experienced extreme suppression. Part of the Hodja regime's broader policy was the creation of an ideological "Hybrid state" with no national or religious affiliations (Mparkas 2003,244). In this context, religious expression was prohibited, along with the Greek language or Greek names. Furthermore, the Greek minority, considered a national threat, following Greece's construction as a national threat to the Albanian state. Thus the minority was heavily marginalized both economically and politically. In general terms, Albania remained highly isolated and somewhat xenophobic during the Cold War. The communist regime banned traveling abroad, while the land borders were heavily guarded by armed forces (Danopoulos and Danopoulos 2004).

Following Hodjas' death in 1985 and his succession by the moderate Remze Alia, the Greek government opted for a "goodwill" policy towards the country's new reality (Harvalias 1995). Greece's efforts aimed to protect the human and religious rights of the minority, which became a central part of the Greek policy towards Albania. In retrospect, Greece's position during this period revealed that the socialist government of Pasok associated the protection of the rights of the minority with the democratic transition of the country. Thus, this period's focus was the use of "soft power" to channel Albania in that direction.

Even though the two countries' diplomatic relations were restored in 1971 (Kouzas 2013, 153), the first border crossing opened in 1985 in Kakavia. Subsequently, the "state of war" between the two countries dated from WWII, was lifted by the then Minister of Exterior Carolos Papoulias, in

1987, who on 28th of August, declared that the *casus belli* between the two states officially ended (Kouzas 2013, 45). The official policy of Greece remained the same by the two successive coalition governments in 1989.

In Greece, though, there were steadily growing anti-Albanian sentiments derived primarily from the press's frequent references of the suppression and suffering of the Greek minority. Extensive reports on the Minister of Exterior Antonis Samaras and Prime Minister Konstantinos Mitsotakis's visits vividly described the dreadful situation in the minority area and their call for assistance. Among the minority members' central requests was the issuance of passport visas to travel to Greece.

By spring 1990, Albania was plagued by ongoing mass protests culminating on July 2 by storming the foreign embassies in the capital of Tirana by hundreds of young people asking for asylum. This action continued in the following days, with the number of people reaching approximately 5000 (Nina 2002, 108). Following the trend, hundreds of members of the Greek minority stormed the Greek embassy in Tirana, asking for passport visas to travel to Greece. Despite though the high demand, the official Greek policy was to keep a substantial minority in Albania. Thus the number of visas given was minimum (Nea 25/10/1990).

By the end of the year, the Albanian border guards released the border crossings with Greece, and hundreds of Albanians of Greek descent crossed to the country. Until early December, five people were shot to death by the Albanian border guards when attempting to cross. Suddenly this stopped, and people were "allowed" to travel freely (New York Times 1/2/1991).

Rumors spread in the community that Greece will close the borders, intensifying the flows. It is estimated that during December of 1990, 1420 "fugitives," mostly members of the minority, crossed the borders and sought asylum in Greece (Vima 31/12/1990). The Greek reaction was somewhat sympathetic in this first stage towards the flows. According to the press, Greek descent fugitives were given political asylum automatically and transferred to casual accommodation facilities (Vima 31/12/1990), while Albanian fugitives were transferred to the country's only refugee camp in Lavrio (Vima 31/12/1990). According to the New York Times (1/2/1991), the minority population prepared for a mass exodus, alarming the Greek state.

Surprisingly, the Albanian government's inaction to stop the fugitives and the widespread rumors, perceived by the Greek government as Albanian propaganda, aimed at the evacuation of the minority area (Vima 31/12/1990). Meanwhile, the Greek government's reaction internally suggests that they perceived this inflow as a temporary and reversible phenomenon. The Minister of Exterior Antonis Samaras invited the UNHCR to register the fugitives, so Albania would not question the numbers when they returned (Vima 4/1/1991).

In this environment, Prime Minister Konstantinos Mitsotakis visited Tirana as the first western leader in January 1991. The visit's agenda was predominantly economic, but the Prime Minister achieved a deal with his Albanian counterpart, which protected those members of the minority who wished to return to Albania from prosecution (Vima 14/1/1991). Surprisingly, given that the flows towards Greece included Albanian citizens, there was no discussion regarding the potential escalation of flows. Even more surprising is that Albanians' irregular crossing to Italy was intensified by the same period, a trend that should, in a sense, alarm the Greek government.

On his way back to Greece, the Prime Minister passed through the minority villages. Addressing the crowd, Mitsotakis stated, *"We talked about the minority rights thoroughly, and we have taken the best decisions. The Greek minority will be the link that will unite the two countries. We will remove all the border barriers; we will allow the free movement of people, we will develop our economic relations, we will assist investments so the standard of living will rise"* (Eleytheros Typos 15/1/1991).

Despite the Greek prime minister's guarantees, the flows continued and intensified while even more Albanians joined the minority members in the mass exodus to Greece. It appeared that the years of suppression, and the extreme economic situation of Albania, created those irreversible forces that pushed, especially the youth of the country, to flee, irrespective of the promises of democratization.

At this point, nationalistic sentiments and emancipatory speech regarding the minority of Northern Epirus were used only by the far-right fractions. The political instability in Greece in 1989, which continued in the 1990s; the economic collapse of Albania; the rise of nationalism and the provocative actions of extreme nationalistic elements on both sides, supported by governmental and intelligence services; and the mass exodus of Albania's towards Greece created a hostile environment that threatened to escalate into an armed conflict in the mid-90s.

We can now observe that Greece's bilateral relations at the time can be characterized as somewhat problematic. Contrary to the expectations that would take a leading role in the democratic restoration, Greece gradually swept away by the whirlwind of Balkan nationalism and became a part of the problem rather than the solution. As Vlanten (1994, 14:15) observe, Greece managed to open multiple fronts in the Balkans, along with the longstanding front with Turkey, and found during several incidents in the course of confrontation. The country's external policy collapsed, and Greece was found in conflict with the countries of the region and countries and organizations with which it maintained cooperative relations, which had different political priorities in the Balkans.

Greece's internal political situation 1988-1990

To comprehend the Greek political reaction to the migratory flows that augmented by the end of 1990, we should take a step back and examine the country's political and economic context.

By the time of the collapse of socialist regimes, Greece had a critical geopolitical position. One would have expected that the country will take up the leading role in the reconstruction of the Balkans, as a source of political and economic stability, given that it was the only EU and NATO member country of the region enjoying a flourishing economy. On the contrary, by the end of the 1980s, Greece was slipping in an unprecedented political and economic crisis.

In 1988, the country was shaken by the most significant economic and political scandals of its modern history, with most important the infamous "Koskotas scandal" (Vima 21/4/2016). The issue reached up to the highest level of the Greek government, with the opposition conservative party of Nea Demokratia accusing Prime Minister Andreas Papandreou, along with several Ministers and government officials, of corruption and direct involvement in the scandals (Vima 21/4/2016).

The accusations of the opposition, though, polarized the voters. As a result, and despite the expectation of an easy win in the planned national elections of June 18, 1989, Nea Demokratia failed to acquire the necessary majority of 151 parliamentary seats, despite the rise in percentage (Zafeiropoulos and Maratzides 2001, 130).

After a series of negotiations, Nea Demokratia managed to form a coalition government with the collaboration of the leftist coalition of Synaspismos. The chosen Prime Minister was the moderate Tzanis Tzanetakis.

The Tzanetakis government had a particular mandate. The referral to trial of those involved in the Koskotas scandal and the preparation of fair elections (Vima 21/4/2016). The political system was found exclusively preoccupied with the political scandals while the country was slipping into an economic crisis.

On October 7, 1989, the coalition government of Nea Demokratia and Synaspismos dissolved following the end of the referrals. The new national elections of November 7, 1989, failed once more to give the majority to a single party, even though Nea Demokratia was in the lead (Vima 21/4/2016). The decision was to form the so-called “Ecumenical government” with the participation of all political parties: the chosen Prime Minister, Xenophon Zolotas.

By January, the budgetary situation tended to become desperate. The country’s GDP in euros was around 70 billion. The public debt was still only at 70% but with a rapid upward trend. Inflation was approximately 15%; domestic interest rates at 24%; the public deficit hit 13%, and about 10-12% was the external balance of payments deficit (Vasilopoulos 2014; Kathimerinh 8/11/2009). The country was in danger of defaulting on international payments and non-payment of salaries and pensions (Vasilopoulos 2014). Zolotas managed to save the country from bankruptcy, among others, with the conclusion of an emergency dollar loan with a high-interest rate of 10.4% (Vasilopoulos 2014).

The «Ecumenical government” finally dissolved on February 13, 1990. By the end of 1989, it became apparent that the Ecumenical Government members shared different understandings in several issues, including the stance towards its neighboring states and especially Albania. The pretext for the Parliament’s dissolution was the inability to elect the Armed Forces' new leadership (Vima 21/4/2016). The new national elections of April 8, 1990, gave a marginal majority to Nea Demokratia, with 150 seats, which managed to form a government with the added support of DIANAs single parliamentarian, which gave the much wanted 151 seats. The newly elected Prime Minister was the leader of Nea Demokratia, Konstantinos Mitsotakis (Vima 14/11/2010).

Although Nea Demokratia remained in power until 1993, by mid-91, the government lost public support. The insistence of Mitsotakis for the privatization of public telecommunication (OTE) led to an open conflict with the opposition parties and with the trade unionists. Additionally, the government’s neoliberal economic policy caused a social explosion. According to opinion polls, the climate was burdensome for the government, which lost public confidence by November 1991 (Vima 21/4/2016).

The status of Human Rights in Greece

This introductory section ends with a brief overview of the status of human rights in Greece. The aim is not yet to present the practical implementation of human rights in the country but to give a general overview of the legal context underpinning this period in terms of human rights protection, with an emphasis on the list of ratified treaties and their status in the Greek legal system, based on the constitutional provisions.

It is necessary here to note that in this research, examining the status of human rights of irregular migrants is made vis- a- vis the international obligations of the country, deriving by the international treaties, with particular emphasis to ECHR and the European acquis. Arguably, with the ECtHR's assistance, the ECHR system is considered a complete system of the international overview on human rights protection; thus, ECtHR's decisions have additional weight in interpreting the status of human rights in Greece. Furthermore, as we will observe, from a legal standing point, human rights, in general, are protected by an extensive web of treaties and national legislations. This research aims to examine the extent to which irregular migrants' and asylum seekers' human rights are respected in practice through the Greek state's actions or inactions.

Before 1991 Greece lacked modern migratory legislation to address the new emerging reality that turned the country from an emigration to an immigrant-receiving state. What Greece had in place was a relatively solid framework of human rights protection, which included, directly or indirectly, provisions relevant to the protection of the human rights of non-citizens, including irregular migrants.

The Greek Constitution of 1986 in Article 2.1 stipulates that *'Respect and protection of the value of the human being constitute the State's primary obligations,'* without any distinction based on citizenry status. Similarly, Article 5.2 provides that *'All persons living within the Greek territory shall enjoy the full protection of their life, honor, and liberty irrespective of nationality, race or language and religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.'* The wording of those two clauses provides that the only prerequisite for the enjoyment of the rights enshrined is the presence of a person in the Greek territory, including non-citizens of the Greek state irrespective of legal status and age.

Article 28 of the Greek Constitution is of paramount importance. Article 28 stipulates that *'The generally recognized rules of international law, as well as international conventions as of the time*

they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.' Article 28, in essence, recognizes the primacy of international law vis a vis national legislation.

Importantly, by 1990, Greece had ratified several international human rights conventions and participated in several international and regional human rights organizations. What follows is a list of international and regional human rights conventions ratified by Greece by 1990, including clauses relevant to the protection of the human rights of irregular migrants.

International Conventions under the United Nations (NCHR 2018, 10:25)

- International Covenant on Economic, Social, and Cultural Rights (henceforth ICESCR) of 1966, ratified by law 1532/1985.
- International Convention on the Elimination of all Forms of Racial Discrimination (Henceforth CERD) of 1969 ratified by PD 494/1970
- Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (Henceforth UNCAT) of 1987 ratified by law 1782/1988
- Refugee Convention of 1951 ratified by law 3989/1959 and the additional New York protocol of 1967 ratified by law 389/1968
- Convention relating to the status of stateless persons of 1960, ratified by law 139/1975
- Slavery Convention of 1926 ratified by law 4473/1930

Regional Conventions Under Council of Europe (NCHR 2018, 47:61)

- European Convention on Human Rights of 1953 ratified by law 53/1974. Additionally Greece has ratified the Additional Protocols 1;2;3;5;6;7;8;11;13;14. Importantly Protocol four on the prohibition of collective expulsion is among the Additional protocols that Greece has not yet ratified.
- European Social Charter of 1965 ratified by law 1426/1984
- Convention on the Prevention of Torture and Other Inhuman and Degrading Treatment or Punishment of 1987 ratified by law 1949/1991.

As one can observe, even in the absence of a cohesive migratory policy, Greece by 1990 had in place an extensive arsenal of human rights instruments that one would expect to inform both the

new migratory legislation, which by mid-1991 was underway and the treatment of irregular migrants and asylum seekers.

Regrettably, data on the practical implementation of human rights in the country is minimal during this period. According to the only authoritative source we manage to retrieve, the US Department of State “Human Rights Report for Greece for 1990” (1991, 1122), there were no references or complaints regarding torture or inhuman and degrading treatment in the country. The report identifies human rights practices as acceptable. The only issues of concern regarding Greece were the status of the Muslim minority in Thrace, issues on the religious freedom of Jehova witnesses, and women's position in the labor market and society. Additionally, the second periodic report of UNCAT (1993, para 3) characterized the anti-torture legislation in Greece in 1990 as the most progressive in Europe. Other than that, no international NGOs referred to Greece, and at the time, no national observatory body was in place. Despite though the limited evidence, we can assume that in general, and given that Greece was, in a sense, a country in modernizing transition, the human rights practices in the country were acceptable with no severe legal or practical deficiencies. The enumeration of the international human rights treaties ratified by the Greek government before enacting the first modern migratory legislation of the country in 1991 is the last piece of the puzzle that completes Greece's overall picture during this period.

To summarize, Greece, at the end of the 1980s early 1990s, was found amid an unprecedented internal political and economic crisis. In the meanwhile, the collapse of the socialist block created new realities in the Balkan region. Instead of stepping in as a guarantor of stability in the region, Greece became a part of the problem, with its external policy dictated by wrong policy assessments and partially by nationalistic sentiments. While the first significant flows of foreigners of Greek descent from Albania and the former USSR and flows comprised of foreign nationals began, Greece lacked an efficient and modern migratory policy.

Additionally, the press and the public seemed to be relatively sympathetic to the first waves of newcomers. Until April of 1991, the press reports describe the flows as “refugees” or asylum seekers in need of assistance, while several reports describe the humanitarian response of Greeks, which was dictated by “spontaneous solidarity.” Furthermore, Greece had already ratified several international human rights conventions, which include provisions regarding non-citizens, and that could have informed the reaction of the Greek state and the drafting of a new modern law that

could have both protect the sovereign rights of the state and the human rights of migrants, legally and practically.

Section B: 1991-1999

The first considerable inflows of Albanians and Albanians of Greek decent immigrants began during the Christmas of 1990. By mid-January, 6000 people crossed from the Albanian borders to Greece. The first reaction of the Greek press and the Greek administration could be considered somehow sympathetic. The newcomers were classified as asylum seekers and offered shelter and assistance, while the bordering areas' inhabitants showed remarkable solidarity.

The Albanians of Greek descent were placed in hotels and accommodation facilities close to the borders, while the Albanians were transferred to the refugee camp in Lavrio. On multiple levels, the government reassured that the Greek state would assist the "refugees" until Albania's situation allows for their return.

Meanwhile, the Gulf War in Iraq and the first Intifada in Palestine, and the Kurds' suppression in Turkey, created a wave of asylum seekers crossing from Turkey to Greece. Those populations were treated with hostility. At the press of this period, we read that *"Hundreds of thousands of Muslims are ready to cross from Turkey, empowering the Muslim minority in Thrace. They create ghettos, which can spark the rise of racism and create social tensions"* (Vima13/1/1991). According to UNHCR, since 1988, 9,300 applied for asylum in Greece, most of whom were Turks of Kurdish descent, Iraqis, Poles, and Palestinians. The acceptance rate of asylum claims was around 24%.

Elite Discourse and Legal Evolution

The hostility towards asylum seekers and immigrants was evident in the first discussion in the parliamentary assembly, which involved issues regarding irregular migrants, on February 26th1991, during the debate for the law 1941/1991 titled "Amendment of the criminal code and the code of criminal procedure and other provisions" (Gazette 41/A/18-3-1991). Relevant to migrants was art. 1, which stipulated that *"If the person sentenced to imprisonment or the person is a foreigner, the court may order his deportation from the country. Deportation is carried out immediately after the sentence has been served or his conditional release from prison. The same applies when the court orders the deportation as an ancillary sentence"*. As one can see, the article does not provide any classification of the reason for imprisonment or the type of offense.

During the article's discussion (26/2/1991), one can identify the first taste of securitizing discourse. The Minister of Justice, Kanelopoulos, said that *"immigration is a huge issue. We receive approximately 200 people a day. If we do not take measures, they will be doubled, and the state will not be able to support them,"* and in another point, he added, *"is a huge relocation of people, we are in grave danger to be overwhelmed by the inflows. It is a push factor, so they will not think that they can act against the economy and public order. We protect Greece from suffering"*. In the same vein, the Nea Demokratia Member of the Parliament (henceforth MP) Markogiannakhs stated, *"There is a cataclysm of hundreds of thousands of foreigners, of which many are criminals."* This use of discourse, which was the pattern among the ruling party members of Nea Demokratia, bears all the characteristics of speech act. There is a threat-migrants; the threat is imminent and present- they are hundreds of thousands; the endangered object is economy and public safety; there is a need for emergency measures-if we do not act, they will be doubled.

The opposing MPs called the article "idiosyncratic racism," which possibly contravened Art.5 para 2 of the Constitution and international law. The MP Kouvelis stated during the discussion *that "you (the government) create the possibility of a racist predisposition in the decisions of justice (against immigrant)."* What is though essential is that this alleged racism was channeled towards Palestinians and people of color. The Minister of Justice confirmed that the article's target was the people entering from Turkey by stating that they were illegal immigrants, and as such, *"they have violated the law. If they apply for asylum, their sentence will be lifted, or else they will be transferred to military barracks until their expulsion."*

This parliamentary discussion made visible the government's attitude towards migration and revealed the rising conflation between the terms of irregular migrants and asylum seekers.

In the meanwhile, the inflows, mostly from Albania, grew. The governmental system was not ready legally or structurally to respond. The country was still shaking from the 1989 crisis, and the newly elected government of Nea Demokratia tried to balance having the parliamentary majority with only one MP. Additionally, the neoliberal economic reforms pushed by the government met with social disapproval. Gradually, the Greek society's initial humanitarian reaction towards migrants became suspicion, fueled by the negative media representation, soon turned to xenophobia.

It was then that the government brought to the parliamentary assembly the first migratory Bill.

The following section is dedicated to the examination of elite discourse during the drafting of the new Bill. Additionally, the focus will be placed on specific controversial provisions found harsh or in breach of the Constitution and the country's human rights obligations. The aim is to examine how elite discourse shaped immigration as a national threat, the existence of speech acts, and the potential conflict between parties with a different ideological standing point.

Law 1975/1991 and elite discourse

In the context described above, and in light of the country's accession to Schengen, in which acquired observatory status and the ratification of the Dublin convention, the first migratory Bill came to the parliamentary assembly for discussion. The Bill titled "*Entry, Exit, stay, work, the deportation of aliens, refugee recognition procedure, and other provisions*" coded as law 1975/1991 (Gazzette 184).

As per Fakiolas and King(1996), the law was a response of the Greek government to the rising xenophobic sentiments and the country's economic situation. Thus, the new migratory Bill was considered the stricter in Europe, effectively minimizing the possibilities of regular migration while included provisions channeled to deter future flows and force those already in the country to leave. The Bill elevated the Minister of Public Order as the absolute ruler of immigration and asylum policy while granting police forces extensive freedoms in the management of flows and, particularly, in detention and deportation matters. According to Mpagavos and Papadopoulou (2006, 96), the Bill was based on a police logic that favored the link between immigration and crime, providing a significant margin of discretion to the police authorities. It did not contain any provision for integration, while it created a criminalize apparatus with thousands of offenders (Antonopoulos 2006b, 137).

Additionally, the Bill provided for such strict criteria for acquiring a legal residence and work permit that it was almost impossible for a person who wanted to immigrate to Greece to fulfill it. As Fakiolas and King (1996) argue, the conditions for legal residence and work were so strict and complicated that 90% of the migrants in the country remained illegal with no prospect of legalizing their status. In a sense, the Bill's provisions contravened the rising labor demands that strive for

cheap and unskilled labor at the time. Entering and working in Greece, irregularly became the only way for migrants to come and for employers to acquire the much-needed labor force.

During the parliamentary debate, one of the most substantial overall criticism was the overconcentration of powers to the Minister of Public Order and the police, which, in essence, undermined the Parliament's legislative power over the executive. One of the law's features was that its implementation was a subject of the issuance of 7 Presidential Decrees and 28 Ministerial Decrees. The "Scientific Committee", the advisory body of the Parliament, found that *"Presidential decrees are potentially unconstitutional because they legislate and are not subject to law enforcement. If they contain rules of law that are not regulated by law are unconstitutional"*. Though, the Minister of Public Order justified the issuance of PD based on the Council of State's decisions, which ruled that PD is an acceptable practice *"during emergencies."*

The Ministers' argument resembles the "sovereign state of exception" as per Schmitt, except that the executive's primacy is over the legislature. The Minister suggested that the country was in a state of emergency, and thus it was permissible to step outside the constitutional boundaries, even to that lesser extent, to tackle the threat. This extra-constitutional ability, again and following the Schmittian argument, was constitutionally provided. Additionally, even though the discussion revolved around the bypassing of the legislature, which is not a direct analogy with the Schmittian argument, as we will observe later when discussing specific provisions of the law, the Minister bypassed the judicial authority as well, by overlooking the decisions of the Council of State, again by invoking securitizing discourse.

The issues of emergency and threat were among the central discursive components during the parliamentary debate. In a remarkable opening speech, the sponsor of the law, the MP of Nea Demokratia, Stamatis (10/10/1991), said, *"Suddenly the Greek space began to be flooded by foreigners who, entering, staying and registering illegally, created huge problems in the state, while inevitably trying to solve their problems, unfortunately indulging in crime.[..]and you know very well what national dangers we face today from some so-called immigrants or so-called political refugees who seek to be hosted in our country while deep down they have specific missions, missions that look forward to the state itself, our border, and our existence"*. In another point, the MP of Nea Demokratia Spanos said, *"the bill is imposed for reasons of national security*

[..] immigrants cause incalculable problems of national security, education, racial degeneration and labor with incalculable consequences”.

The dominating security discourse in the Parliament included references to the *cataclysmic* numbers of inflows; to a *ticking bomb* in the foundation of the Greek state; to *national security* issues, mostly associated with the instrumentalization of migration by Turkey aiming to destabilize the Greek state; *the economic bleeding* caused by the millions sent as remittance; to the dangers of *social explosion*; the proliferation of *transmittable diseases*; and the unprecedented *rise of criminality*. In a sense, the political discourse constructs migration as a multilevel threat that infiltrated almost all aspects of social life, justifying the extensive policing measures included in the legislation to tackle the threat.

The dominance of the negative/securitizing discourse in this first parliamentary debate regarding immigration is portrayed in the debate’s quantitative content analysis, as presented in chart 1.

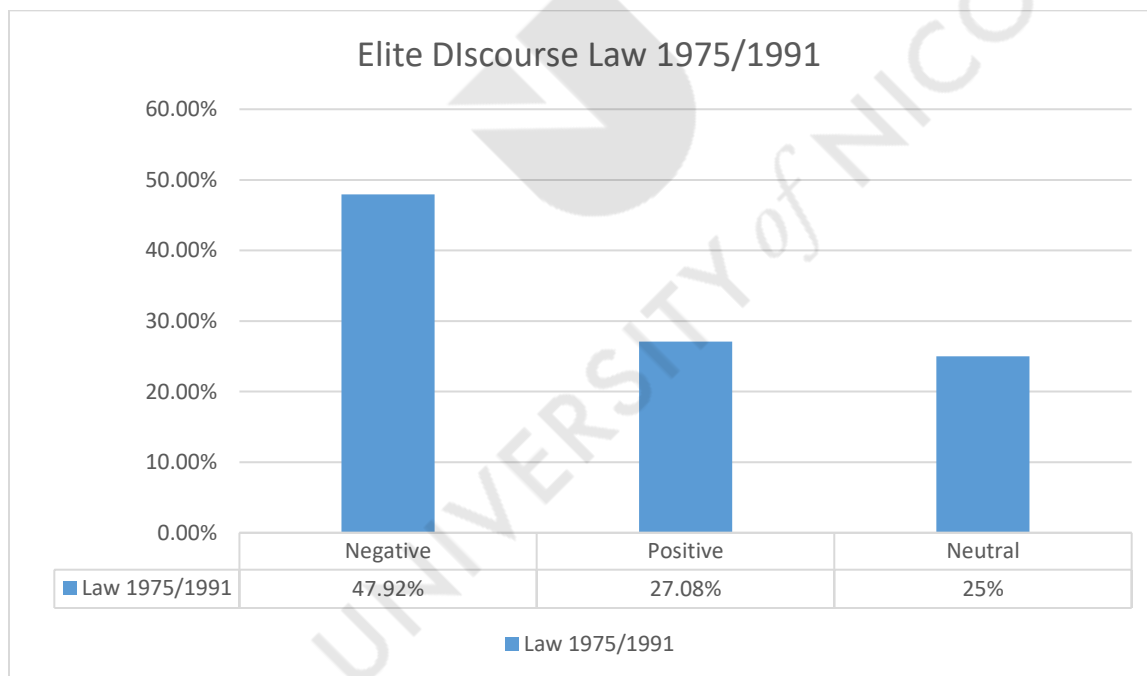


Chart 1.

Accordingly, the first step in the securitizing process was made. The political elites presented migration as an imminent meta-threat, covering all aspects of public and social life, requiring emergency action to be tackled. A successful securitization, though, is characterized by the actor’s

ability to proceed with the adoption of extraordinary measures. Those measures are found in the individual provisions of the law and its general philosophy.

The second terrain of criticism was the philosophy of the law. The main argument was that the Bill was restrictive, focusing on creating a “hostile foreigner,” which would eventually spark racism and xenophobia in society. The MP of Synaspismos, Androulakis, stressed that the law “*Creates a group of people deprived of human rights, and favored the marginalization of foreign labor which can not be integrated into the society favoring the rise of criminality.*”

The Minister of Public Order, Anagnostakis, dismissed those claims by stating that the law is compatible with the human rights obligations of the country with “*some exceptions that are adapted to the peculiarities of the country,*” stressing that migration can only be controlled through strict policing and that it was indeed a harsh law, “*However, the law should be harsh in given circumstances.*”

Unwittingly the Minister Anagnostakis solidified that the government was willing to step outside the boundaries with limited, as perceived, exceptions in the compatibility with international human rights provisions, given that the threat could not be tackled with different measures. The Nea Demokratia MP, Makrogianakis, was even more apparent in his discourse. He stated, “*How else can we manage migration other than by increasing security. Why should we take special care of those who come to the country illegally? When immigration in Greece is controlled, when only those whom we need come here and when they only stay for as long as they are needed, then we can talk about all the other issues*”. As Karyotis (2012, 396) rightfully observes, Makrogiannakis, in essence, argued, defending the Bill, that security overrides any other consideration, including human rights.

Specific provisions of the Bill fulfill this *extraordinary* framework. Following the discussion per article in the Parliament, and by examining the criticism, we can identify two categories of measures. Those enforced immediately, which dictated the political and public attitudes towards immigrants, and those aimed at creating permanent security structures.

Starting from the latter, article 5.1 foresaw the creation, with the issuance of Ministerial Decree, of select border guard units under the police's auspices, with the mission to tackle irregular migration in the country. Similar units would be created with the collaboration of the Ministries

of Public Order and Mercantile Marine to protect marine borders. It was surprising that despite the proclaimed urgency to protect the “fenceless vineyard,” as MPs called the borders, it took seven years to create those structures. Indicatively the border guard force was established as late as 1998. With no evidence supporting the contrary, we can interpret this delay as deriving by the Greek government's belief that migration was a reversible historical accident and that the law would have been sufficient to stop the flows; thus, there was no urgency in the creation of those permanent structures.

As for the former category, we can find at least six highly questionable provisions, which appeared to be in contrast with the Constitution, the country's international obligations, and the Council of State's judicial decisions.

The first provision is found in art. 4,4, which allowed the Public Prosecutor to abstain from the criminal proceedings against an irregular migrant, which then can be expelled immediately. The article did not include any safeguards for the persons entitled to international protection from a direct and speedy refoulement. UNHCR advised the amendment of the article to include a provision that will ensure that the process will stop if the person asks for asylum. In the same vein, the opposing parliamentary minority claimed that expulsions should be a matter of Ministerial Decision and not a police director's choice. Interestingly even MPs of the supporting majority party contested this specific provision. For example, MP Vounatsos said that *“it is unacceptable to use the police director of an area as the person in charge of deciding on deportation matters.”*

The Minister defended the article by stating that it referred to mass influxes and not to individual cases. It is important here to note that Greece has not yet ratified the 8th Protocol of ECHR, prohibiting collective expulsions. Regardless of the Minister's position, and as MP Korakas rightfully observed during the discussion, the ECtHR case-law states that immediate expulsions might constitute a severe violation of Art.3 ECHR. The European Court of Human Rights, through its case laws, set specific criteria and limitations, which protect foreign nationals found in the territory of a signatory member state, irrespective of their legal status.³ More specifically, Article

³ It is important to note here that the ECtHR clarified that the issues of asylum and refugee determination are beyond its competence and that the Convention itself does not explicitly provide for the right of asylum, recognizing that the right to control the entry, residence or expulsion of non-nationals rests with the States. This clarification enhances in a sense the refugee protection, by broadening the categories of people entitled to international protection, again without including and sort of geographic restriction.

3 ECHR, which prohibits torture, inhuman or degrading treatment or punishment, is absolute, encompassing the obligation that one cannot be returned to a place where they run a real risk of being subjected to such treatment. This is the principle of non-refoulment. The ECtHR case law's ramification is that irrespectively of the size of influxes, each case should be examined separately to ensure that no person in need of international protection will be expelled in a country that he/she might become a victim of a violation of Art. 3.

Nevertheless, the article remained in the Bill, without any alteration, and gave the impetus for the mass uncontrolled expulsions that followed during the proceeding years.

The second questionable article was art. 25,1-3, which provided that asylum claims may be deemed unacceptable if the person was not coming directly from a country where his life and freedom are threatened. Furthermore, in paragraph three, the article stipulated that the Minister can reject an asylum claim if the application is found unsound and order the applicant's direct expulsion without a right of appeal. Paragraph 1, in essence, denies the right to seek and enjoy asylum from a large number of persons found in Greece after crossing from another state. According to the Geneva convention Art. 1a (2) clarifies that a Refugee is someone⁴ *“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

At no point in this definition, or of its exclusions provided by the Refugee Convention, one can find such a geographic restriction as the one provided by the art. 25,1b for the recognition of refugee status. Additionally, the Council of State in decision 830/85 clarified that *“for the recognition of refugee status is not necessary for the person to come directly from his country of origin.”* The same comment was made by the “Committee of Experts” in its report, which stated that *“The new refugee categories that have emerged in recent decades are made up of large groups of people trying to escape civil war, famine, political unrest, and even natural disasters. These are de facto refugees who need help as much as the classic political refugees”*.

⁴ After the changes made in Art1.2 of Paris Protocol of 1967

The ramification of the provisions of art. 25,1b was the apparent limitation of asylum space. Arguably this limitation was somewhat intentional than a byproduct of the wrong understanding of international law. Minister Anagnostopoulos stated in the Parliament, *“Turkey sends refugees to create a national issue. Hence it is legitimate to send third-country nationals back to Turkey.”* At the same time, at another point, he stressed that the article is dictated by the dominant defensive strategy of Western Europeans towards bogus asylum seekers. In this statement, we observe the instrumentalization of asylum-seeking in the bilateral hostility with Turkey, without considering the country’s international responsibilities deriving from the Geneva convention or a more rational reading of the international realities, especially in the Middle East.

Minister Anagnostopoulos kept the same uncompromising position regarding art.25.3. The article allowed the Minister to order the immediate deportation of an asylum seeker in the case in which his/her claim was manifestly unsound, especially, in his opinion, if the application served immigration purposes or it aimed to cancel a legally ordered removal from Greek territory. Accordingly, the decision was not subject to judicial review. The opposing minority suggested that this provision went contrary to the constitutional provisions of Art 25.3 and 95.1 and Art. 6 ECHR and the right of a fair trial. Importantly, Art. 95,1 of the Constitution provides that *“In the competence of the council of the state belong in particular; 1.The request for annulment of executive acts of the administrative authorities for exceeding authority or violation of law”*.

The Minister commented on the criticism and proceeded to a controversial statement, saying that this article was necessary because *“Major problems will arise from the courts' involvement in administrative deportation proceedings.”* While not explaining what exactly are those significant problems, what is apparent from this statement is that the administration opted for the bypassing of the judicial power. Given that the Council of State had a different standing point towards refugee protection, this exclusion of the judicial authority appears as another manifestation of the “sovereign state of exception” as per Schmitt. The executive power, besides bypassing the legislature, as we already saw, opted for the marginalization of the judicial authority by removing jurisdictions which at first reading are, on the one hand, constitutionally guaranteed and, on the other hand, seem to be purely judicial.

Article 27 defined irregular entry and stay as a criminal action, while article 27.6 provided for the indefinite detention of irregular migrants pending deportation for reasons of public interest and if

there was a danger of absconding. The Minister of Public Order can order the indefinite detention of the migrant until his/her expulsion is possible. Several MPs objected to the specific provision, claiming that it is unconstitutional, as it contravenes Art.6.1 of the Constitution and Art.5,4 ECHR. Article 6,1 of the Constitution stipulates that ” *No one shall be arrested or detained without a **judicial** warrant, which must be served at the time of arrest or detention. Self-inflicted offenses are excluded*” (emphasis added). Nea Demokratia MP, Paulakakis, responded that “*Indefinite detention until expulsion is correct. Foreigners do not and should not enjoy the protection of rights enshrined by the constitution*”. Again one can identify the marginalization of the judicial power over the executive.

Another parameter will play a significant role besides the emerging incompatibility of the provision with the Constitution and international human rights law. As we read in the parliamentary discussion and the press, Greek prisons’ situation deteriorated (Vima 17/5/1992- The article made references since 1990). The country’s detention facilities ran in full and even exceeded capacity, while the budget allocated for structural renovations was insufficient. The adding population of irregular migrants further deteriorated the situation. Additionally, we can observe that, while most migrants, namely Albanians, became a subject of mass expulsions, indefinite detention was imposed on people coming from countries that at first may raise asylum claims, and which Greece had limited to no diplomatic relations. Thus the detention of those persons could be prolonged to extensive periods. The general conditions of the detention centers, and the extensive imprisonment, as we will observe at a later stage, found in breach with Art.3 ECHR and have been a subject of heavy criticism against Greece perpetually.

The final issue, which became apparent only after the law’s invocation, were articles 30 and 31. Accordingly, article 30 demanded from hotels, resorts, or clinic directors, along with landlords, to inform the authorities of the presence of migrants in their facilities. Additionally, article 31 prohibited the interaction of irregular migrants with public or private services excluding only public hospitals in the case of emergencies. Consequently, irregular migrants were not allowed to rent a house, have access to any public service and healthcare, while there was no provision for minors' access to education.

The President of the Federation of Hospital Doctors, Mr. Manios, heavily criticized the exclusion of irregular migrants from access to healthcare, arguing that it is a direct violation of the right to

life and is contrary to the medical ethical code. He stressed that the fear of expulsion discouraged irregular migrants from seeking medical care for chronic disease or infections, which might be proved lethal. He also said in a controversial statement that the medical doctors follow their code of ethics, regardless of migration's political treatment (Vima 1/11/1992).

The extensive analysis of the 1975/1991 bill is dictated by acknowledging that this was the foundational point in the securitization of migration in Greece. Following Vuori's (2008, 77:88) stratification, we can now identify that the Bill fell into three strands of securitization. It raised the issue on the agenda. It legitimized future acts. Finally, it created a sense of control by imposing to the audience obligations such as not assisting, employing, providing medical treatment, accommodation, or any other interaction with irregular migrants. The political elites successfully constructed a multilevel threat image, which needed to be tackled and enacted those "extraordinary" measures deemed necessary.

Additionally, the Bill and the elite discourse surrounding it effectively blurred the distinction between irregular migrants and asylum seekers, which informed public attitudes, media, and political discourse. We observe that despite the era's political polarization, the two majority parties Nea Demokratia and Pasok shared a similarly restrictive approach with minor differences. The main opposition came from the leftist parties of Synaspismos and KKE, which favored a human rights approach oriented towards integration.

Media discourse

The securitization of migration through elite discourse would not have been so successful if not facilitated by media discourse and securitizing practices. An important parameter of this period is that migration's predominance in the public agenda was not deriving from the primacy given by the political elite. Despite the harsh elite discourse in the Parliament, migration during this period was not a central political theme as such, but only concerning the bilateral relations with Albania. Indicatively, immigration was not even referenced in the pre-electoral debates as an issue of rivalry among the political parties until 2007.

During this period, the media discourse played a significant role in the construction of immigration as a threat; to the supply of public attitudes with negative connotations towards migrants, sparking nationalistic sentiments, especially towards Albania and Turkey, and the creation of a sense of panic within the society. According to Van Dijk (1993) find in Pavlou (2001, 147), "*the media*

discourse tends to be recognized as the main source of knowledge and shaping individuals' tendencies and ideology." Accordingly, the media representation shaped and informed the public reaction towards immigration in unprecedented ways.

The initial positive reaction of the Greek press towards migration in early 1991 was soon reversed. What started as general comments regarding the rise of criminality and the potential, yet uniformed participation of immigrants in criminal activities, by mid-1991, became an almost complete preoccupation with migrant criminality. Most of those articles' common characteristic was that they were based on speculations or individual conclusions and the constant comparison between the migrant and Greek criminality.

The representation of migrants in the press included all the elements of moral panic. According to Cohen(2002,24), moral panic is positively associated with the media, which are setting the agenda; are transmitting the images, and breaking the silence over an issue. Accordingly, moral panics are defined by a concern of a real or imagined threat; the hostility towards the actor who represents the threat; the consensus that the threat is real and must be tackled; the disproportionality and exaggeration of numbers to solidify the image of the threat; and finally their volatility, in terms that moral panics appear and disappear suddenly and without warning.

All the journalist's interviewees agree that the press was, to a great extent, responsible for the construction of migration as a threat. According to the interviewee Demetres Psaras, the rise of the televised media at this period and the urge to step ahead of the competition encouraged yellow journalism and exaggerated migrant criminality. This reaction can not be considered an intended move but rather a "market-driven" tactic. The construction of an enemy of that magnitude grasps the public attention; thus, the media found an easy and cost-free way to enhance their popularity. Interviewee Mr. Loverdos said that the relation between the press and the politics of that time was two-ways. The press said what people wanted to hear, and the political reactions were dictated by the perception of what people wanted to listen to. Mr. Angeelides described this relationship as cyclic feedback stating that *"the press first follows the political position and later shapes it. This relationship is regenerated through society. If society accepts journalistic discourse, it feeds back on politics, which for opportunistic reasons follows the accepted perception and enhances it. It is a sort of spiral in which the anti-immigrant discourse prevails over the humanitarian."*

Again according to Mr. Psaras, the “*media reaction was not disassociated with the general political context. Greece was still amid the crisis. The system did not have the will or the ability to deal with migration in political terms. Moreover, it was rather beneficial to create an enemy at the time, which would distract the public from the scandals and the country’s economic crisis*”. Another interviewee called this period “*journalistic cannibalism*” towards immigrants.

The content analysis of the press for this period reveals the predominance of negative references to immigration.

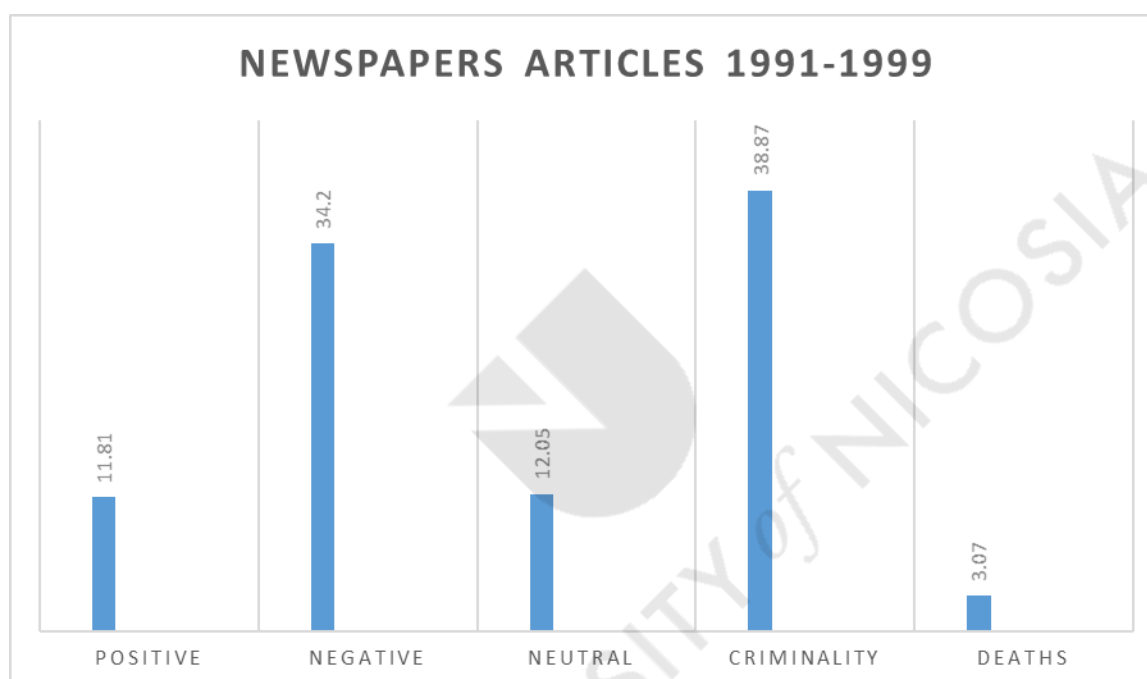


Chart 2

As we can see, most newspaper articles during this period referred to immigrant criminality issues, while the second-largest category is that of negative representation.

What is consistent throughout the period is that the articles referring to migrant criminality in their majority were based on speculations or the manipulation of crime statistics provided by the Ministry of Public Order.

To give an example of how immigration was constructed in the press, in the newspaper “Ta Nea,” on 26/11/1993, we read “*20 murders; dozens of armed robberies; arson in churches and forests; kidnappings; hundreds of burglaries and dozens of similar crimes that remain **unsolved** have been*

committed in the last three years by gangs of Albanians who are raiding Western Macedonia”, while in 15/10/1995 “The Albanian mafia has the most vicious modus operandi; the Bulgarians are selling their children; Russians are prostitutes.” Another common characteristic is the arbitrary attribution of crimes perpetrated by Greeks to immigrants. The most typical case is that of the nationalist serial killer Pantelis Kazakos. For three days, Kazakos roamed around Athens, shooting and killing immigrants fulfilling “*his duty to his country,*” as he said to the court. Before his arrest, the newspapers, without any hind pointing to this direction, referred to the killings as probably an act of “the Albanian Mafia” (Vima 21/10/1999).

The second way immigration was associated with criminality was through the reading of the Ministry of Public Order’s crime statistics. While according to the criminologist Mr. Karydis, during this period, the migrant criminality (concerning categories of the penal code including murders, arsons, and drug trafficking) was about 1.5%, the general tendency was to present migrant criminality as a total, including violations of the immigration law. Additionally, in the description of criminality rates, ethnicity was used repetitively as a constitutive issue (Pavlou 2001).

This constant reference to criminality fueled xenophobic attitudes in the society, sparking reactions even to places with the minimum migrant presence or minimum criminality. To give an example, in the community of Palio Keramydi, the president of the community imposed a curfew on Albanians at night while organized armed surveillance to protect the community from Albanian criminals (Ta Nea 2/1998). In reality, the community experience little to no criminality (Pavlou 2010). According to police, applications for a firearms license increased dramatically, invoking reasons for self-defense against Albanian criminals (Vima 12/1/1997).

What is surprising is that, according to surveys that were released in the same newspapers, we can observe that migrant criminality was not only exacerbated, but Greece overall considered among the safest countries in the EU. The newspaper “To Vima” on 19/10/1997 hosted extensive research conducted by the criminologist Karydis, which revealed that the overall migrant criminality never exceeded 3%, while in 1994 out of 1,257 robberies, only 138 were conducted by foreigners and of those only 38 by Albanians. Furthermore, from the 10 335 arrests of immigrants in 1994, 8,264 or approximately 90% were arrested for violations of the migratory legislation. In the same article, we find that since 1991, 15 Albanians have been murdered by Greeks for trivial reasons, such as

for stealing a watermelon, while many were victims of unprovoked violence by armed groups of civilians or police. Additionally, Mr. Karydis found that the criminal Courts were negatively preoccupied with immigrants, stressing that immigrants usually received the greatest sentences than Greek nationals for similar crimes.

The second main issue in the newspapers was the association of the immigrants' entry point or origin with the country's overall national considerations. As a pattern, influxes from Turkey were described as flows or invasions, orchestrated by the Turkish government to destabilize Europe in general and Greece in particular. The numbers were exacerbated to no small extent creating a sense of panic. For instance, we read in "Nea" (13/2/1993), *"Hundreds of thousands of Iraqis are awaiting to cross from Turkey to Greece,"* while in "Vima" (15/10/1995), *"The islands are overflowed with clandestine immigrants. Turkey is summarily sending Iraqis and Rouantans [...] the massive influxes are a danger to the public and national security"*. At another point, we read, *"Tens of thousands of Kurds are expecting to cross to Greece. The effort is organized by the Turkish intelligence which according to American sources aims to destabilize Europe"* (Vima 11/1/1998). As we can observe, there is a constant perpetuated pattern of presenting the inflows from Turkey as an organized plan against Greece. The second observation is the conversion of discourse that did not include the terms of refugee and asylum seekers. The general term used was "clandestine immigrants" or "economic immigrants" irrespective of the country of origin. The articles were often accompanied by calls for the protection of borders, which were often described as "fenceless vineyard," "open to everyone," "porous," "a hole through which anyone can pass."

In the same vein, the reports often described efforts to seal the land borders out of fears of *"waves of Albanians that threatened to drown the country,"* which were comprised of *"people without ID, fugitives, murderers, and thefts"* (Nea 4/2/1993). Albania's reports were mostly accompanied by reports about the Greek Minority of Northern Epirus's suffering or the Anti- Greekness of the Berisha regime, who succeeded Alia in Albania's national elections in 1992. The association of Albanian immigrants with the minority of Northern Epirus was quite vibrant until 1995. From 1996 onwards, the relations between the two countries were normalized, and the regularization programs of 1998 shifted the focus to other immigration parameters. Arguably from 1997 onwards, the newspaper reports kept the overall hostile attitude towards migrants; however, they now

included articles referring to integration or crimes perpetrated against immigrants by police or citizens.

Other negative articles often referred to the perceived negative impact of irregular migration on the labor market, the potential health hazards that the uncontrol waves may cause, the overburden of the welfare system, and the losses caused by the contribution evasion of the state revenues.

On the other side, the articles considered positive often referred to the suffering of asylum seekers or irregular immigrants, their dreadful living conditions, and their exploitation in the labor market. Interestingly, on many occasions, and while the articles referred to people who applied for asylum in Greece, they referred to those people as “clandestine migrants,” negatively underpinning their presence.

Additionally, by the end of the decade, and after the regularization program, which normalized immigrants’ presence, the press hosted articles referring to violent acts against immigrants and the danger of the rise of racism in the country. In reality, though, both the media and the elite discourse denied racist fractures in the society, masking it as a legitimate rise of xenophobia sparked on the migrants’ fault. While, for instance, Golden Dawn was already an established political party still though, in the margins of the political system, both the press and the elites considered the absence of an extreme right-wing racist party in the standards of the other European states as the proof that Greece was not racist, and to some commentators, would never be due to the “Greek Nature.”

As we have observed, the media provoke a sense of “moral panic” in society, which, according to Pavlou (2001, 155), legitimized state violence and suppression. The media discourse was often accompanied by elite discourse support, which instead of using a soothing speech, further enhanced the sentiments of fear and anti-immigrant fanaticism.

While political discourse regarding migration was absent by the electoral debates, MPs' or ministers' statements to the media supported and further enhanced immigration's already negative construction. For instance, MP Petsalnikos, in a 1993 interview in the newspaper “Ta Nea,” said that *“illegal immigration has brought about a complete reversal of the labor market. The funds are losing levies, we have an explosion of smuggling and insecurity in the border areas”*. While the Pasok MP and former Minister of Public Order Stelios Papathemelis stated, *“we are witnessing a spreading and multiplying crime. Illegal immigrants are motivated to commit crimes [...] Greece*

is unguarded. The police must use their weapons, and justice must cease to be so lenient [...] the anti-racist movements are unnecessary in Greece, we Greeks are hospitable. We Greeks were legal immigrants, not illegal immigrants” (Vima 29/3/1998). In a more extreme position, the MPs of Nea Demokratia Andreoulakos and Karatzaferis suggested that irregular migrants should be sent to deserted islands, and the citizens should have a license to shoot against them when they feel they are in danger. Andreoulakos went as far as to say that anti-immigrant measures “*must move to the extreme limits of constitutional legitimacy*” (Nea 22/5/1998).

The above analysis reveals the association of media discourse with the securitization of immigration. We can identify the facilitation of securitization of immigration from media discourse in the following.

- They verify and enhance the construction of immigration as a multilevel threat to the public; the national and economic security of the state.
- They assist in the blurring of the distinction of the term immigrant and asylum seeker. Thus, given that media are recognized as the primary source of information for the public, this blurring or ignorance was transmitted to the public.
- With the perpetuated references to unguard borders and the need for policing, either as the journalist's view or by transmitting what was perceived as the citizens' demand, they act as a lever pressure to enhance more restrictive policies.
- They sparked nationalistic sentiments towards specific migratory populations, namely for Albanians and people entering through Turkey, by presenting migratory flows in the broader context of the country's bilateral relations.
- The call for more security and the provoking political discourse legitimized the use of violence against immigrants by the police and the citizens, which often met with impunity.
- Despite the academic and scientific efforts for a more rational understanding of the impact of immigration on public safety and the labor market, media sustained and enhanced the securitizing discourse.

- Politicians used media as a medium to transfer nationalistic and anti-immigrant positions. In a sense, media became a “battlefield” of those indulging in far-right rhetoric, given that the public political agenda was not fertile ground for those types of confrontations.

By now, it has become clear that migration has been securitized through elite discourse. The securitization of immigration has been facilitated by the media, which sustained the sense of threat in society. They also act as a lever pressure towards the government by transmitting public opinion, calls for policing, the need for protection, or dictating specific attitudes towards immigrants.

Contextual Parameters

This section is devoted to contextual observation regarding the period 1991-1999. More specifically, this section deals with the country's political evolutions, the evolution of flows concerning the labor market; the regularization programs; the status of asylum seekers; and the public attitudes towards immigration. The aim is to provide insights into the parameters that intervene in the management of immigration in Greece, the change in perceptions regarding irregular immigrants, and the changes brought on specific aspects such as regularizations and asylum seekers' status.

Political developments

At the beginning of the period, Greece was still experiencing the consequences of the political and economic crisis of the late 1980s. The Nea Demokratia government ruled Greece until 1993. The fragile majority of the government soon proved a destabilizing factor. The economic reforms brought by Prime Minister Konstantinos Mitsotakis and his effort to privatize the Public Telecommunication Organization met with the unionist's opposition. Furthermore, the financial situation of the country caused social unrest. The Nea Demokratia party faced not only external but internal turmoil. By 1992, the former Minister of Exterior, Antonis Samaras, abandoned the government, followed by other MPs in 1993, which broke the majority of Nea Demokratia.

The country called early elections in which the PASOK Socialist Party prevailed. PASOK remained in power until 2004 when it lost over Nea Demokratia.

Arguably though, the political and ideological change between the conservative party of Nea Demokratia to the socialist party of PASOK did not change the stance of the Greek government towards immigration. The two parties shared a sense of understanding of the need for restrictive measures to deal with the phenomenon, even though PASOK members appeared as moderate. Thus, during this period, the policy changes were minor and mostly dictated either by the European acquis or by the evolution of the migratory phenomenon per se and its consequences, especially in the labor market.

Inflows and immigrant stock

The elite securitizing discourse, the restrictive policies implemented by 1975/1991, and the negative media representation did little to nothing to halt the migratory flows, which continued and intensified. The countries of origin's internal economic situation, the legal provisions' ineffectiveness, and the Greek labor market's rising demands counterbalanced the restrictive measures. By 1993 migrant stock was estimated at 350 000 persons (Lianos 2001, 4), while according to the press, after the enactment of the 1975/1991 bill, entries quadrupled while attempted entries rose above 2000% (Vima 20/09/1992).

Arguably, the restrictive policy did not correspond to the Greek market's growing need for cheap unskilled labor. The structure of the Greek economy, which was characterized by small family business; a large agriculture domain; and an extensive shadow economy, favored the insertion of cheap unskilled labor to cover the needs generated by the shift of the Greek labor force to more advanced positions (Varouxi et al. 2009). The rise of the Greek youth's education levels and the improved living standards drove the Greek labor force to more advanced, clean, and well-paid sectors of the market (Kassimis and Kassimi 2004). Additionally, during the 90s, the entry of women into the labor force intensified. This shift created a gap in seasonal jobs in the agriculture, service, and construction sectors, while housemaids and babysitters' needs grew.

On the other hand, the status of irregularity enhanced the marginalization of the irregular migrants in the labor market (Antonopoulos et al. 2008). According to research, by 1996, the irregular immigrant labor force estimated at around 10-13% (Nea 8/12/1996, the study conducted by Katseli, Lianos, and Sarris), while irregular migrants were paid 40 to 50% less than Greeks for the same job (Lianos et al. 1996). According to Triantafyllidou et al. (2009, 32), the labor market

inequality was not diverted to specific nationalities but was instead constructed along the axis of Greek and non-Greek.

While the public perception thought migrants to enhance unemployment, the reality was that there was no competition between the natives and migrants. According to Lianos et al. (1996), irregular immigrants took up the work the natives did not accept on the lower economic scale levels; thus, any competition was limited to the lower-income native labor force. In fact, by the end of the decade, research showed that immigrants have a significant positive impact on the economy. According to Sarris and Zografakis (1999, found in Triantafyllidou et al. 2009, 24), immigrant labor had a positive effect on the Greek economy by raising GDP by 1,5%; raised the national investment by 0,9%; increased national production; lowered the price of Greek products by 2% making them more competitive for exports and revitalize many sectors of the economy including agriculture.

Despite the positive impact though, and the growing dependence of the Greek economy on the cheap irregular labor, irregular immigrants, found marginalized, experiencing employment insecurity; social and cultural isolation; poor housing, while they were vulnerable to illness and work accidents due to the lack of access to healthcare (Fakiolas and King 1996).

Despite the growing realization that immigrant labor had become an essential asset for the Greek economy, it took Greece seven years to implement the first regularization program. The reasons for this delay can be found exclusively in the deteriorating relations of Greece with Albania. The bilateral relations of the two countries downturned from early 1992 over alleged attacks against the Greek minority in retaliation for Albanians' deportation and mistreatment (Minorities at Risk Project 2004, henceforth MAR). During the same year, the Greek ambassador in Albania was summoned by the Albanian Foreign Ministry to receive complaints regarding pamphlets with nationalistic content circulating in Northern Epirus, which was perceived as a direct attempt by the Greek government to interfere with the upcoming Albanian national elections. It is worth noting that the minority party of Omonoia, formed and participated in Albania's first national elections in 1991, was prohibited from participating in the 1992 elections; thus, the minority votes were diverted to the "Human rights Union Party" (MAR 2004).

In 1993, Albanian authorities deported the Archimandrite Chrysostomos Maidonis for distributing nationalistic material claiming that Northern Epirus belongs to Greece. The Greek government

retaliated with an “operation Broom” (as the sweep operations were named). In just two days, Greece deported 12,800 Albanians, while the end goal was to deport the total population perceived at 200,000. Allegedly 453 people were injured during the operation (Tzimas 2010).

The relations between the two countries hit a record low in 1994 after a paramilitary operation initiated by the Greek side against military barracks in Northern Epirus, resulting in 2 Albanian soldiers' death and the removal of significant armor (Tzimas 2010). The Greek government denied any involvement in the incident. According to Tzimas (2010), Greek intelligence orchestrated the attack with the participation of the Greek government's fractures, who supported the minority uprising. The rise and clash of the two nationalisms resulted in extensive broom operations in Greece and pogroms against Albania's Greek minority.

Following the incident, the Albanian government arrested members of the minority party of Omonoia and put them on trial over the accusations of betrayal, espionage, and undermining of national sovereignty. At the same time, both Greece and Albania expelled the ambassadors of one another. By August, during the trial, the Greek government arrested and deported more than 70,000 Albanians (MAR 2004). During the same period, according to the Minister of Exterior Carolos Papoulias, “*The government has decided to freeze the drafting of a law to legalize the employment of a large number of illegal immigrants [...], The Ministry of Public Order is ready in every way to organize an operation to arrest and deport Albanian illegal immigrants at a rate of over 50,000 per week*” (Nea 17/8/1994). In more extreme statements, the later Minister of Public Order, Stelios Papathemelis, said that “*We are in a position, through police operations to deport all the Albanians present in the country [...] if the Albanians damage a hair of a member of the minority of Northern Epirus there will be a war*”. Given that by that period Albanian economy depended on the remittances by Greece, which was estimated at 850 billion drachmas (Vima 17/8/1994), the strategic planning was to use the Albanian immigrants as a lever pressure, causing at times economic suffocation to the country by deporting as much Albanians as possible.

It took the USA's direct involvement for the two countries' situation to calm (Dervishi, 2019). The relations between the two countries normalized in 1996, with the “*Treaty of Friendship, co-operation, good neighborliness and security,*” which opened the way for Greece's first regularization program in 1998.

Regularization program

By the mid-90s, the Unionists and the NGOs in Greece pushed for the regularization program to regulate the labor market, control the influx of immigrant labor, and protect immigrant workers' rights (Kiprinos et al. 2003). According to Kassimis and Kassimi (2004), the regularization programs were forced under the contradictory pressures of the rising xenophobia and the urge by unionists and NGOs for more humanitarian treatment of immigrants. Following the relapses of 1994-1996, the Pasok government presented in 1997 the first regularization program through the PDs 358-359/1997. According to Kiprinos et al. (2003, 161), Pasok presented the regularization programs as *an “exercise of balance between the respect of human rights and the defense of national interest.”*

It is beyond this research's scope to analyze the regularization programs in detail, but we will focus on two critical aspects. First, the regularization program of 1997, implemented in 1998, gave the first partially accurate data on the presence of irregular migrants in the country. The process was divided into two stages: the white card stage, which was the first step for acquiring a more permanent stay permit, and the Green card stage, which gave the eligible migrants a more permanent stay permit varied from one to five years. According to data, 371, 641 persons applied for the first “white card” stage, while only 212, 860 for the second (Triantafyllidou et al. 2009, 35).

The second issue was the significant bureaucratic deficiencies that emerged from the program and the attitude of employers. The governmental services were unprepared to receive such a large number of applications, jeopardizing the procedures. The second obstacle was the reluctance of employers to pay for the social insurance contribution needed for the procedure to move to the next stage of the “Green Card.” These two trends explain, in a sense, the significantly smaller number of second-stage applicants, which, as a result, fell back to the status of irregularity.

Nevertheless, this initial stage's bureaucratic deficiencies are deemed acceptable, given that it was the first attempt. Furthermore, this first program had two positive side effects. First, it paved the way for creating an institutional framework for the management of immigration beyond the restrictive policies (Triantafyllidou et al. 2009, 35). Second, we can observe that after the regularization, there is a substantial reduction of law-breaking behavior (Kiprinos et al. 2003, 163),

given that migrants had an incentive to follow the law and that the crimes associated with migratory legislation were now minimized.

Besides immigrants, Greece gradually received significant amounts of asylum seekers. We have already observed that the elite and media discourse often blurred the distinction between irregular immigrants and asylum seekers and that, on several occasions, asylum seekers crossing to Greece via Turkey were constructed as a national threat. The aim is to examine the extent of the inflows, how the Greek government and society “welcome” those populations, and how the legal framework changed through the decade.

Asylum seekers

According to UNHCR statistics, Greece received an average of 1500 asylum seekers annually from 1991 to 1999. Only in the years 1991, 1997 and 1999, the numbers exceed 2000 peaking in 1997 with 4400 applications. Until 1993, UNHCR was exercising, along with the authorities, the right for eligibility determination, which was abolished with the PD 83/1993. According to the data, the acceptance rates fluctuated annually and, paradoxically, inter-nationally. According to the European Community report (2001), the recognition rates varied from 5% in 1991-1993 to 26,3% in 1999. Except for 1999, the acceptance rate never exceeded 20%.

What is quite interesting is that certain nationalities enjoyed a higher degree of recognition. Thus we can see, for example, that in 1999, the Iraqi nationals consisted of 59,3% of the total applications while the recognition rate was 3.3% of overall acceptance. In the opposite direction were Iranian, Turkish, and Afghan nationals, whose recognition rate fluctuates between 17-24% of the overall acceptance rate.

Until 1996, the asylum process was defined under the 1975/1991 Aliens Law but amended in 1996, mainly due to harsh international criticism. For instance, according to the “Experts Committee Report” of the Greek Parliament, the Federal Court of Germany, in two consecutive decisions, expressed its concerns on whether Greece is a safe country for refugees. In this light, and given that the Dublin Regulation was about to be enacted in 1997 and was ratified in Greece with the law 1996/1996, the Greek parliament proceeded to the amendment of art. 24 and 25 of the 1975/1991 bill. According to the amendments, the asylum application's inadmissibility if it was not submitted immediately upon entering the country was abolished and set the highest time limit for asylum seekers' detention in transit zones to 15 days. It also protected the rights of family

reunification of refugees, and it provided for the creation of accommodation centers. Furthermore, it abolished the geographic restriction, which was found in breach of the Geneva Convention.

During this amendment, the parliamentary discussion is considered decent, with only minor exceptions that associated asylum seekers with the Turkish external policy. For instance, the Nea Demokratia MP Kipouros said that *“Turkey is a refugee dealer according to its national interests [...] it uses refugees to destabilize the neighboring countries and primarily Greece”*. Notably, several leftist MPs, ask the government to amend art.31 of 1975/1991 as well, stressing that it is unconstitutional and a source of human rights violations. The Minister of Public Order Romeos replied that *“Art.31 is important, but is out of this discussion [...] it is an important push factor because any interaction with the public services might act as a pull factor”*.

Between 1998 and 1999, three Presidential Decrees initiated, aiming to bring the Greek legal framework closer to the EU and international legislation. The PD 189/1998 dealt with the asylum seekers' access to the labor market; the PD 61/1999 with the regulation of asylum procedures and the PD 266/1999, which deals with the rules regarding the operation of the Lavrio refugee center. Police continued to be the competent authority for the examination of asylum claims, while the Ministry of Health, according to the 1975/1991 bill, was responsible for the creation, regulation, and management of accommodation centers.

While the amendments of the law and the enactment of the two PD created a more favorable framework for the protection of the rights of asylum seekers, three significant issues were apparent through this period and augmented in the years that follow. The first was that the accommodation centers were practically inexistent. The only refugee accommodation center was in Lavrio, with a capacity of approximately 350 persons, while another 610 positions were finance by the European Commission, the Red Cross, or the Medicines Sans Frontier (European Commission 2001). Even though the law provided for the creation of more accommodation centers, the Greek government took no action in this direction. Additionally, asylum seekers have the right to work but only in positions that were of no interest for Greeks, EU-nationals, or recognized refugees, while there were no provisions for social assistance in the form of means of substance (European Commission 2001).

The absence of social assistance towards asylum seekers gradually created a “cast” of homeless people, which lived in complete destitution, with no rights, besides the right to remain in the

country until their application was examined or the expiration of their humanitarian status. In conjunction with the slow recognition procedures, several asylum seekers, with the most visible being Kurdish asylum seekers, remained in limbo for over three or four years. Reports of this period reveal that asylum seekers, unable to acquire a job or accommodation, created irregular camps in the center of Athens and other urban areas, surviving from philanthropy and NGOs' actions, which provided them with the essentials for survival (Vima 4/2/1999).

UNHCR, since 1999 urged the Greek government to create accommodation centers, warning on the potential of social unrest and acts of xenophobia towards asylum seekers. The response of the Greek government was complete in-action

Another point worth noting is that the law provided that if asylum seekers were detained for illegal entry in the country, he/she would remain in custody in specialized detention centers until the decision for his/her application (European Commission 2001). Given that those specialized centers were not created until 2003, asylum seekers were found detained in police departments, human-made detention centers, and other substandard facilities, as we will observe in the next section.

During this period, what is apparent is the complete inaction of the Greek government to take all those measures that would have brought the legal provisions and the practice in line. The favorable provisions, which allowed asylum seekers to remain in the country, and not refueled to a country where their life would be in danger, were not met with any sort of policy that would provide for this populations a decent standard of living or the ability to pursue on their own the betterment of their situation. In a sense, asylum seekers were condemned to survive in extreme poverty or resort to illegal actions, indulging in criminality, or pursuing illegal employment.

Public attitudes

It is arguably hard to have a decisive picture of the public attitudes towards immigration, deriving from opinion polls and public attitudes surveys. Given though, that during this period there are a plethora of European and national surveys which share in a great extent similar findings, we now attempt to investigate how the public perception changed during the decade, both in terms of perceptions targeting immigrants directly or to the shifting of the perception of public threat from other categories to immigration. It is important to state from the beginning that during this first

period, electoral outcomes are excluded. The reasons have been elaborated, so it is sufficient here to say that according to the findings, and despite the theme's popularity, immigration has not been a matter of pre-electoral debate, not until 2007.

In the 1989 Eurobarometer survey regarding racism and xenophobia, Greece appeared as a rather xenophilic country. According to the findings, less than 15% of Greeks considered immigration a critical issue, while 26% considered immigration the least important issue. Additionally, Greece appeared the most anti-racist country in the EU, with only 4% favoring a racist movement in the country, while the EU average was about 10%. Additionally, only 19% of Greeks believed that foreigners increase unemployment. Finally, in the overall assessment of the findings, Greeks did not appear disturbed by the presence of others, and only 27% wanted to see immigrants rights curtailed but only in terms of citizenship accusation, while 70% was in favor of the full protection of the human rights of asylum seekers, even though Greeks appeared the most unaware of the human rights conventions among EU citizens.

In the same vein, research conducted in 1991 by Kappa Research in Greece for the newspaper Vima revealed that immigration was not among the Greek society's perceived pressing issues. According to this research, the top 5 pressing matters considered to be inflation, drug use, unemployment, terrorism, and educational reforms (To Vima 16/8/1991).

The relatively positive perceptions of the Greeks towards immigration soon reversed. In a four year research conducted by Voulgaris et al. (found in Kiprinos et al. 2003, 152), the percentage of Greeks who found immigrants to be too many in the country raised gradually from 29% in 1991 to 45% in 1992; 57% in 1993; reaching 69,2% in 1994. Additionally, 85% considered immigrants a danger to public security, while 90% as the reason for the increased unemployment. These findings were confirmed by an EU-financed survey of 1993, conducted by Lambrakis instituted, which found that 90% of Greeks believe immigrants take their jobs and 84% that foreigners pose a danger to public order (Kiprinos et al. 2003, 154).

Another interesting survey was conducted in 1995 by Kappa research. According to the findings, an average of over 50% of Greeks perceived immigrants as a threat to the economy; employment; national security; national tradition; family security; and public health, while over 60% considered migrants as responsible for the rise of criminality and 70% believed that the government should prohibit entry to everyone.

The negative perception of the public was sustained until the end of the decade. Comparing the findings of the 1997 and 2000 Eurobarometer survey on “Attitudes towards minority groups in the EU,” we extract the following results: in 1997, 66% of Greeks considered migrants as a source of insecurity, while in 2000, the percentage raised to 77%; 41% believed that multiculturalism is not a good thing, while in 2000 the number reached 52%; and finally, 54% disagreed that diversity adds to the countries strength, while in 2000 this percentage reached 69%. Interestingly, in the 1997 Eurobarometer, 6% of Greeks identified themselves as racist, while 85% believe that the country could not accept any more foreigners. Furthermore, in 1998 Eurobarometer, Greece scored higher percentages than the EU average in almost all aspects regarding negative attitudes towards immigrants, people of color, or other religions.

Finally, research conducted by Democritus University found that more than 70% of the population considered Albanians as filthy, thieves, and dangerous, while the only other group that experience the same negative representation was Turks (Vima 12/1/1997)

As we have already stressed, those surveys offer only a snapshot of reality. On the other hand, we can not overlook two critical parameters. First, as portrayed in the surveys, the public attitudes followed the migrant representation in the press. As soon as the press shifted to a more hostile attitude towards foreigners, the public attitudes followed, in a sense verifying the position that the securitization of immigration was reinforced by the interaction of media and the public. Furthermore, this change appears to directly impact the securitization of immigration in the Greek context, given the shift in public attitudes towards immigration. The second important observation is that civil society was silenced during this period regarding immigrants' mistreatment or the mass expulsions. On the contrary, what we found in the press was a constant call for more security, while acts of solidarity towards immigrants were limited and isolated to specific cases.

The public attitude towards immigrants is reflected in police perceptions as well. Given that the Ministry of Public Order and the police have almost absolute power in immigration matters according to 1975/1991, the police perception towards migration is deemed an essential parameter in the overall immigration management.

In 1995, the then minister of Public Order, Stelios Papatthemelis, ordered research on police attitudes conducted by Panteion University. When police officers called to describe a criminal, they said that “*A typical criminal is a male, aged 18-35, belonging to the marginalized or minority*

groups such as drug users; anarchist; irregular immigrant; Roma; neo-nazis and homosexuals or alcoholics”. In the same research, 40% of the police officers advocated leniency for racial discrimination. Additionally, 91,8% of police officers believed that irregular immigration was responsible for criminality.

The ramifications of those perceptions towards immigrants were not reflected only in the statistics. By the end of the decade, and especially after the regularization program and the normalization of Greece and Albania's relations, the press finally shifts, even partially the attention to the crimes perpetrated against immigrants by civilians. Accordingly, we can observe that the negative attitude soon turned into acts of violence by individuals or by groups of civilians, including pogroms, beatings, and murders (Vima 22/3/1998, Nea 21/3/1998, 11/2/1998). Furthermore, it was during this period that Golden Dawn made its first appearance in the public sphere. Even though a registered political party Golden Dawns' political power was minimal, acquiring only 7264 votes in the European Parliamentary Elections in 1994 (Vima 26/7/1998). Nevertheless, during this period, Golden Dawns hit squads appeared, with occasional pogroms and beating of irregular migrants, mostly in urban areas.

From the above analysis, we can conclude that, even though there is no precise measurement of the audience acceptance of the securitizing measures, the public attitudes surveys reveal that the Greek audience accepted and enhanced the construction of immigration as a threat. Influenced by the elite discourse, the securitizing measures, and the “moral panic” created by the media, the audience either silently or through its perceptions and actions supported the securitizing climate. Thus as for now, we can observe that elite discourse successfully securitized immigration through speech acts; the media facilitated securitization, and the audience accepted the securitization of immigration, both through the negative perceptions; through the calls for additional security; and by committing acts of violence against immigrants.

In the last section, we will observe how the securitization of immigration and the measures implemented affected irregular immigrants and asylum seekers' human rights protection.

Securitizing practices and human rights deviations

Thus far, we have discussed the elite securitization of immigration, the restrictive legal provisions, the media, and public response; and partially, whether those measures could stop migration flows. As we already saw, despite the enactment of the harsh 1975/1991 bill, the flows intensified and

remained significant throughout the decade. This section will analyze the securitizing measures and how they were implemented during this period to control immigration, be either exceptional or gradually becoming routinized, and impact human rights protection. We divide the measures into visible and invisible. As visible, we define the visible actions to the public eye or measures legally provided or both. As invisible, we considered those measures or effects of measures that are not visible to the public eye, are byproducts of securitizing practices or perceptions, or are associated with the law's deliberated inapplication.

In the field of human rights, the Greek Ombudsman (1999,55) stressed that: *“The pathology of human rights in Greece is primarily a problem of application of the provisions, constitutional and legislative. It is not due to shortcomings in the legislation but to its non-implementation. The consequences of this pathology are experienced by members of groups of the population who do not meet the prevailing national, racial, and religious stereotypes,”* summarizing the status of human rights in the country in the most accurate way.

Greece, a country that had ratified a plethora of human rights conventions, and had several human rights safeguards provided by the constitution and by law, is simultaneously a country in which the application of human rights provisions found to be extremely problematic, especially regarding marginalized populations. Thus, Greece's main issue is not the absence of law but the reluctance or incompetence of the administration to implement the national and international law (Varouxi et al. 2009, 119).

The restrictive immigration bill, and the generally hostile environment against irregular immigrants and asylum seekers during this period, became the generative cause of several voluntarily and involuntarily human rights deviations.

It is important to note that data regarding this period are quite limited compared to other periods. The establishment of the Office of the Greek Ombudsman and the international organizations and NGOs have made a decisive contribution to highlighting the shortcomings of human rights protection by the end of the decade onwards. This was merely an outcome of Greece coming gradually under the spotlight of international criticism, given that the issues raised during this first period not only did not faced the proper attention but further deteriorated. Thus, with the limited but still important data we have in hand, we will try to trace the most critical issues on human rights protection during this period.

This period's distinctive feature was the absence of permanent structures either in the form of specialized bodies within security constellations, detention facilities, or bureaucratic services with the exclusive mandate of immigration control or management. The measures were implemented mostly on an ad hoc basis, through Ministerial Decisions, while it took approximately seven years following the enactment of the 1975/1991 bill to form permanent security bodies.

The 1975/1991 Bill included several security-related clauses, justified on “*reasons of public and national security*.” Those clauses included the provision for indefinite detention in art. 4,4; the creation of a list of unwanted immigrants without mandatory justification in art.11; provisions regarding the rejection of asylum claims in art. 24; and provisions for the administrative deportation of irregular or unwanted immigrants in art.27. Additionally, the law foresaw the creation of the border guard units and the collaboration between the Ministries of Public Order and Merchantile Marine to protect sea borders in art.5. Finally, the law prohibited any interaction between civilians or public services with irregular migrants, and it imposed a series of penalties for those who employ or provide any sort of assistance in art. 31-33.

During this period, the main migration control instrument was the sweep operations and mass deportations of irregular migrants. The sweep operations, called with the derogatory term “broom operations,” were taking place in urban areas, in places with an observed high concentration of irregular migrants. While some authors argue that the “broom” operations were intensified during electoral years (Karyotis 2012, Pavlou 2001), the police data showed until 1996 a stable ratio of approximately 250 000 deportations per year (Bladwin 2004, 20). The only year that justified the notion of pre-electoral motivation is the year 2000, with approximately 260 000 deportations. The interesting figure in deportation numbers is that most people deported were Albanians, in a ratio disproportionate to their population in Greece. The first regularization program reveals that the Albanian community in Greece was approximately 56% of the total migrant population, which coincides with the 2001 census.

On the other hand, between 1991-1991, 1,820,000 people were expelled from Greece, from which 1,700,000 were Albanian citizens or 93% of total expulsions (Antonopoulos 2008). This figure raises concerns regarding the potential racial profiling on behalf of the police towards Albanian migrants. It also reveals the instrumentalization of Albanian immigration by the Greek government.

As already discussed, for several years, the deportation of thousands of Albanians was not only an instrument of immigration control but a political weapon towards Albania. Accordingly, the sweep operations and the number of expelled Albanians are directly associated with the two countries' bilateral relations. Thus, even though the deportation numbers were stable, there were periods during which deportations intensified amid crises between them. It is indicative that during the summer of 1994, approximately 1000-2000 Albanians were deported daily (Antonopoulos 2006), while for the same year, the deportation numbers were kept in the range of 200 000s, which was the average for the era (Baldwin Edwards 2004, 20).

It is also important to note that the deportation numbers do not refer to persons but total expulsions. Given that Albania's total population at the time was approximately 3 million people, it is easy to understand that one person could have been arrested and deported more than once (Antonopoulos et al. 2008).

The regularization program and the denouncement of the mass deportation as illegal by the Ombudsman office, created in 1998, moderated the mass expulsions, which fell below 200 000 but remained on an average of 150 000 per year (Baldwin Edwards 2004).

As already stated, the round-ups of irregular migrants were performed in public spaces within the public view. The arrested migrants were not given a chance to collect their personal belongings or to challenge their deportation. Allegedly, the police officers assigned the deportations were so faithful to their duty that there were deportation phenomena even of Greeks by mistake (Nea 13/3/1993).

European funding partially subsidized the cost of these operations but arguably remained too high. Additionally, they failed to bring the desirable effects of controlling immigration flows (Triantafyllidou et al. 2009, 45). Following the regularization program, the round-ups and expulsions became more targeted through random checks in areas with high concentrations but kept the public and, in a sense degrading nature (Triantafyllidou et al. 2009, 45).

The implementation of mass expulsions meant that the urban and bordering areas experienced high policing as an effort to “*consolidate the sense of security and the protection of national interests*” (Minister of Public Order Anagnostopoulos answering parliamentary questions 13/11/1992).

Besides the illegality of the measure, as found by the Greek Ombudsman, several human rights organizations raised awareness of police's excessive use of force during the "Sweep Operations" (Amnesty International 1994-1999; US Department of State 1992; EUMC 2000). According to Amnesty International (1997), there were reported incidents of firearms use against immigrants during roundups, which claimed at least one person's life in 1996. The excessive use of force by police forces is among the dominant issues during this period, as we will see further.

While immigrants of Albanian descent were subjects of mass expulsions, asylum seekers and irregular migrants of different origins were subject to indefinite detention, most of the time in substandard conditions. According to Lawrence (2005), the Greek government's focus on the Albanian populations and the easy and fast way those populations could be deported did not facilitate the creation of specialized detention centers for irregular migrants. Thus those who could not be deported were kept imprisoned in penal detention facilities or the police departments in substandard conditions.

Indefinite detention had been heavily criticized during the drafting of the 1975/1991 bill. Instead of lifting the measure, law 2721/1999 (amendment of the Penal Code) added to para.4 in art. 74, further enhanced it. According to art.74, *"the court may order the deportation of a foreigner sentenced to imprisonment if it deems that his stay in the country is not compatible with the conditions of social cohabitation."* Paragraph 4 added that the foreigner might remain in custody, after his sentence, until his deportation. According to the Greek Ombudsman (2000b), this provision led to the indefinite detention of immigrants whose removal was not feasible due to the difficulties in acquiring travel documents, the lack of diplomatic relations with the country of origin, or the embargo imposed by the international community to the country of origin.

According to the Ombudsman (2000b), this provision contradicted the constitutional principle of proportionality between deprivation of liberty and the measure of deportation, especially when the deprivation of liberty is an outcome of violation of the immigration bill. Additionally, the Ombudsman stressed that such prolonged deprivation of liberty is acceptable only as a penalty according to Art.7.1 and 96.1 of the Constitution and, in fact, under the further guarantee of the necessary analogy with the criminal act otherwise, human dignity (Art. 2.1 Constitution) is violated. Nevertheless, since 1991, hundreds of immigrants were imprisoned indefinitely in conditions found in breach of international human rights law.

Numerous reports by international human rights bodies brought to the surface the unacceptable detention conditions of asylum seekers and irregular immigrants (CPT 1993, 1995, 1997; Amnesty International 1999, 2000). According to the CPT periodic and ad hoc visits (1993-1997), conditions in aliens detention centers amounted to inhuman and degrading treatment. It was widely acknowledged that Greek prisons were running full or close to maximum capacity and that conditions were deteriorating (Vima 17/5/1992). The insertion of large numbers of irregular immigrants only worsened the situation. The lack of space in Greek prisons led the police to use police stations or human-made detention centers, which was found incompatible with the human rights standards. Despite the awareness raised towards those facilities' incompatibility for the prolonged detention by international organizations (CPT 1993, 1995, 1997), the Greek government responded that measures have been taken to renovate the existing structures; or that the reports were exaggerating (CPT 1993).

The ECtHR in the cases *Peers v Greece* (no28524/95, 19.04.2001) and *Dougoz v Greece* (no40907/1998, 06.03.2001) confirmed the findings of CPT. In both cases, the Court found that Greece's detention conditions constituted a de facto violation of human dignity, thus violating Art.3 ECHR. In the case of *Dougoz v Greece*, the court found that the Alexandras Police Headquarters and Drapetsona police station's detention conditions amounted to inhuman and degrading treatment. Furthermore, the court found a violation of Art 5.1. According to the Court, the national law's quality regarding the deprivation of irregular immigrants' liberty was not sufficiently accessible and precise to avoid any risk of arbitrariness (*Dougoz v Greece*, para 55).

Besides the deplorable detention conditions due to lack of structures, irregular migrants did not enjoy the basic safeguards of people deprived of their liberty, as set by the Council of Europe (1997, 7th General report), which include access to a lawyer; access to a medical doctor, and the ability to inform a relative or third party of one's choice about the detention measure. According to the CPT report of 1995, irregular immigrants had no access to lawyers or the outside world, while most were unaware of their legal situation.

The second visible securitizing instrument against irregular migration was the militarization of borders. Even though the 1975/1991 bill foresaw the creation of a specialized border guard unit under the Ministry of Public Order's auspices, this unit was not put in place until 1998. Thus, since 1993 the army undertook the role of protecting the borders from irregular entries. In 1994, the

government opted to create a specialized border unit but faced the military's strong reaction. According to the Chief in Command of the Greek Army, Mr. Lymperis, the army favored the establishment of the border guard unit in the military, stating that *“For the army, immigrants are a national threat, and should be halted with military measures”* (Vima 27/2/1994). This was among the rare occasions that we found a conflict of interest between security bodies. The rarity of such conflicts reveals that immigration management was a collective effort based on top-down policy, which left no room for inter-sector disagreement.

During this period, the army initiated a series of military operations, namely Poseidon and Sperhios (Vima 11/9/1994) aiming at the curtailment of flows, while the Greek military navy undertook the duty to protect the sea borders on the Aegean Islands to *“halt the attempted invasion of Iraqi immigrants”* (Nea 8/6/1993). Simultaneously, and despite the international provisions, Greece maintained its minefields in the Evros region, along the land borders with Turkey, which claimed the lives of more than 80 immigrants during the 1990s (Karyotis 2012, 397).

Accordingly, we can observe a high degree of militarization where Police, Army, and Marine corps emerged as key actors in the “battle” against illegal immigration. As Karyotis (2012, 397) argues, the security configuration established against migration evoked a mass response about the existence of an existential threat. In that vein, the security constellations were another offshoot that reinforced the perception of threat and the securitization of immigration.

The establishment of the border guard units in 1998 and the special guard unit in 1999 created the first permanent structures for immigration management. In conjunction with the regularization program, the importance of this development was that it made apparent that the Greek government realized that the phenomenon was becoming permanent; thus, it could not be dealt with ad hoc measures.

It is important to note that since 1994 Greece was pushing for the creation of a specialized European Border Police Unit, aiming at the curtailment of irregular immigration (Vima 12/1/1994). During the Tampere meeting in 1999, Greece's Prime Minister, Kostas Simitis, tried to convince his European counterparts to proceed with the signing of bilateral readmission agreements with the host and sending countries and reiterated the need to set up a European border guard units (Vima 16/10/1999). At the time, EU member states were not ready to accept asylum and immigration policies' coordination and favored individual management based on their national

interest. The importance of those Greek initiatives is that they represent a sort of “bottom-up” securitization of immigration at the EU level, with Greece aiming to prioritize irregular immigration and border control in the European policies.

The militarization of borders had two significant consequences. According to the reports, there were substantial incidents of excessive violence against irregular immigrants at the borders. (Amnesty 1992, 2002; US Department of State 1993, ECRI 1999). According to Amnesty International (2002), there were reported incidents of use of firearms against unarmed immigrants both at sea and land borders, while it was estimated that since 1992 at least 15 people died by firearms on top of the 80 deaths claimed by land mines.

The second consequence was that, according to reports, potential asylum seekers were subjects of direct expulsion, mostly to Turkey, without given a chance to lodge an asylum claim, facing the risk of being expelled in a country that their life and freedom were endangered. Arguably, this practice was found in breach of Art 33 of the Refugee Convention and the principle of non-refoulment. According to CPT (1997), during its periodic visit to Alexandroupoli's bordering area, the committee found that many people in the aliens' detention facility tried to apply for asylum, but police authorities rejected their claim. Consequently, an unspecified number was subject to re-foulement to Turkey without any further procedure.

According to the Ombudsman (1999), part of the asylum system's pathology was that asylum applications were received and processed by the police and, at times, with the military personnel's assistance, which was untrained and insufficient. Thus asylum seekers were either in danger of refoulment back to Turkey or remained in custody in substandard conditions for prolonged periods until the processing of their application. Additionally, the Ombudsman found extensive delays in examining asylum claims, which appeared to be a deviation from the Refugee Convention Art.31.

Besides the visible securitizing measures, there was a series of invisible measures or practices associated with the broader climate of securitization and were not always legally provided, but rather an outcome of the general spirit of immigration control. The aim here is to identify those measures and follow the logic of their implementation to understand better how discursive securitization and the official measures led to creating this second category.

The first widespread practice was the use of excessive violence by police against irregular migrants, briefly discussed above. Several reports by international organizations and NGOs, along with media reports, condemned the use of violence against immigrants during apprehension, deportation, or while in custody.

The Greek Constitution and the Greek Criminal Code prohibit torture and ill-treatment in articles 137A to 137D. The primary law prohibiting torture and ill-treatment by police is Article 137A, which states: *“An official or military officer ... is punished ... if he subjects to torture, during the performance of ... duties, a person who is under his authority with the aim of a) extorting from this person or a third person a confession, testimony, information or statement, or the repudiation or acceptance of political or other ideology; b) punishing; c) intimidating the person or third persons.”* The penalties prescribed vary between three years and life imprisonment. Article 137A is rarely used and interpreted restrictively. Police officers prosecuted in connection with torture and ill-treatment are more likely to be charged with the lighter offenses of “abuse of office,” “bodily injury,” “threat,” or “insult” (Amnesty International 2002, 5).

Despite the existence of the legal framework, the UNCAT periodic reports of 1993 and 1994 raised concerns regarding the excessive use of force by police officers towards irregular immigrants and other marginalized groups, irrespective of the existence of a progressive legal framework protecting from abuse. The CPT (1993,1997,1999), Amnesty International (1992-1999), HRW (1993-1999), the US State Department country reports on Human Rights (1992-1999), and ECRI reports (1996, 1999) shared similar finding.

Contrary to the plethora of reports by respected international organizations condemning the excessive use of force by police, the Greek Government perpetually rejected those allegations. The official Greek reaction was that the allegations were vague, politically motivated and that even if there were such practices were not a common practice but isolated incidents (CPT 1993, Government Response, ECRI 1996-1997). Additionally, the Greek government claimed that the country had a progressive legal framework of protection, which was sufficient to protect immigrants from police arbitrariness.

Despite the official response towards those incidents, the research findings suggest that police violence was tolerated if not silently approved by the government. Additionally, it cannot be disassociated with the general police perception towards immigration as has been codified by

research regarding police attitudes. According to the study, police viewed immigration as a plague, a source of criminality and insecurity (Antonopoulos 2008, 361; Vima 15/10/1995). These perceptions, along with the extensive authorities given to police in controlling immigration, created a climate of legitimized violence (King et al. 1998), which met with impunity.

Impunity against police violence had two manifestations. One was that irregular migrants were reluctant to report such abuses out of fear of expulsion, given that the legal framework at the time did not provide any sort of protection to victims or witnesses of police or racist violence. Additionally, even if a migrant filed a complaint, the investigations were superficial, conducted by police officers, without impartial and independent supervision (ECRI 1999).

According to an investigation conducted by the Greek Ombudsman in 2004 covering the years 1998-2004, even when complaints against police officers were investigated, the majority received no disciplinary penalties. Furthermore, even if they received penalties, the sentences were substantially less than what was legally provided. Additionally, during the investigation being it by police investigators or during judicial proceedings, there was an apparent asymmetry of the complainant's position and the police officer, favoring the police officer, irrespective of evidence. To give a perspective of the extent of the phenomenon, according to Amnesty International 2001 report, in the years 1996-2000, there were 163 complaints on ill-treatment by irregular immigrants and Roma. Criminal investigations initiated for only 52, but there was no conviction, while only 24 officers received minor disciplinary sanctions.

Almost all interviewees agreed that impunity was, in a sense, expected given the generally unfavorable climate against immigrants. Even worse, many agree that the use of violence by police and impunity was an outcome of the political decision, reflecting the view that police should never be restricted even if it is stepping outside the legal boundaries, to convey the general message towards specific targeted populations. More surprising, according to the former Ombudsman, Mr. Kaminis, the police unionist on several occasions were positive in creating an independent observatory body overseeing issues of police brutality, but the state denied such independent control. According to Mr. Kaminis, the political elites intentionally avoided creating such a body because they wanted the police unconstrained. He added that *“Greece has a long history of violence. Violence is embedded in society, which tolerates police violence as part of the general demand of law and order”*. Finally, according to Prof. Perakis, *“While there were, and are, no*

orders for the use of force, the lack of sanctions for delinquent behavior leads to lawlessness. Institutional intervention is what sets the tone, not the prefecture. When there is no suppression of a phenomenon, then individual behaviors are legitimized”.

The second not visible practice, which is partially associated with police brutality, is the judicial system's discriminatory attitude towards irregular immigrants. According to the extensive survey of the criminologist Karydis, publicized in 1997 (Vima 19/10/1997), the judiciary and the criminal justice system treated irregular immigrants with prejudice. According to the investigation, irregular migrants received heavier sentences for similar offenses than Greek nationals. Simultaneously, crimes perpetrated against immigrants, either by civilians or police authorities, are either not tried or received lower sentences than expected. Several organizations such as ECRI (1996, 1999), Amnesty International (2000), and CPT (1993, 1995, 1997) confirmed Dr. Karydis's findings.

Furthermore, according to Amnesty International (1992), as a general pattern, judicial officers did not investigate or took appropriate action when cases of ill-treatment against irregular immigrants were brought against them by the victims or their lawyers, despite the existence of medical evidence. Furthermore, the Greek judges failed to implement the anti-racist law 927/1979, which was arguably among the most progressive European legislation of that period. Indicatively, even when the perpetrator of mass killings of irregular immigrants, Kazakos, stated to the court that his motives were purely racist, the judge failed to account for the racist motives in the imposition of punishment. ECRI reports (1996-97, 1999) repeatedly referred to the Greek judicial system's failure to investigate cases of racist violence adequately or to classify certain crimes as such.

According to Mr. Kouvelis, the judicial system during this first period reflected the general restrictive political treatment of immigration, irrespective of legal protection. According to the interviewee, we should put it in the general context to understand the judicial reaction. As Mr. Kouvelis stressed, judges are not disassociated from society, and to a certain extent, their decisions and their inaction were dictated by the generally hostile environment towards irregular immigrants. Additionally, according to Mr. Kaminis, justice in Greece is a profoundly conservative mechanism, which has contributed substantially to the demonization of irregular migrants. Finally, according to Prof. Perakis, *“There is a long-standing, problematic attitude of the Greek judge in applying the rules of human rights in Greece, which in the end exposed and exposes the country.*

It is a problem of both a lack of knowledge of international law and a reluctance to apply it, especially in cases of marginalized groups, either being minority groups or irregular immigrants”.

The third, invisible practice, which reflected the Greek government's securitizing logic, was the practical inaction in implementing the most favorable provisions of the 1975/1991 Bill or international human rights law, especially towards asylum seekers. First, and for reasons of comprehension, we should remind that the law and the general practice restricted asylum space; thus, quite an extensive number of eligible asylum seekers were treated as irregular immigrants. Following the bill 1975/1991 art.24,2, the second issue is that the Ministry of Public Order, in collaboration with the Ministry of Health, was responsible for the creation, management, and operation of accommodation centers for asylum seekers. Additionally, according to art. 30 and 31, interaction with irregular immigrants is prohibited for public or private services, excluding emergency health care. At the same time, asylum seekers were eligible for a work permit, only and if a national, an EU citizen, or a recognized refugee was not interested in this position.

It is evident, though, that the administration did not take any action towards implementing the favorable provisions towards asylum seekers or irregular immigrants. The reception system was practically inexistent, lacking structure, personnel, and basic organization. Accordingly, we found that the Greek government abstained from the creation of accommodation centers for asylum seekers; of the creation or renovation of detention facilities; of providing access to health care despite the call on behalf of the medical personnel; and in general on taking any practical measures for the implementation of fundamental human rights of irregular immigrants and asylums seekers, as provided by the national or international legislation. Asylum seekers were, in a sense, condemned to extreme destitution and homelessness.

During this period, reports in the newspapers referred to considerable numbers of mostly Kurdish asylum seekers living in human-made camps in Athens and other urban areas (Nea 4/2/1999; Vima 7/11/1999). According to the reports, those persons applied for asylum, but their application was pending for more than three years. In the absence of other reports referring to those populations than those in the newspapers, and based on the overall framework regarding asylum seekers, we will attempt an evaluation of this phenomenon. Despite the protective legal framework, asylum seekers, if managed to apply from asylum and released from detention, had only two rights. The

right to remain in the country, and the right to work, only in positions rejected by Greeks, EU citizens, and recognized asylum seekers.

In reality, asylum seekers were found homeless due to the scarcity of accommodation facilities, with no assistance as means of subsistence; they enjoyed no social or economic rights, and they only have limited access to health care. Their main way of survival was by philanthropy, begging, occasional illegal employment, or at times, crime. Those people were practically stripped from any other rights or assistance and were not accepted but tolerated in Greece. This situation's ramification was the gradual creation of a "sect" of people, who, even though they were not confined in camps, officially enjoyed no other right but the right to remain alive and not expelled to their countries of origin. It is essential to keep this in mind, as we will see later on that along with asylum seekers, this peculiar sect gradually included irregular immigrants who, while not asylum seekers, could not be deported and released without any provisions for their survival.

The situation created is directly analogous to the "sovereign state of exception," as described by Giorgio Agamben, except that the public spaces at this stage replace the camps. Even though protected by law, people found in this situation were excluded by any sort of protection, let exposed to poverty, racist violence, and marginalization. The critical parameter was that this situation was not coincidental but somewhat intentional.

According to Varouxi et al. (2009, 110), the state's inaction was not an outcome of financial inability but a calculated policy based on the broader context of restrictive measures. Accordingly, the lack of reception facilities or assistance was used to deter future flows.

Additionally, Mr. Kaminis stressed that this lack of policy was 100% intentional. *"the aim was to make them go. The legislature did not provide for the protection of human rights, and politicians did not implement what was provided for a single purpose. To force both irregular immigrants and asylum seekers to leave. The provisions themselves may not have infringed rights, but they did not protect them as well, and if seen as a whole, was a deterrent. Even basic provisions such as minors' access to education adopted after the strong intervention of the Ombudsman and other organizations. The Greek state was simply deliberately inactive"*. Based on those realizations, we can say with a certain level of confidence that the creation of the "homo sacer" was an outcome of intentional political inaction and non-application of the law, driven by security considerations and the aim to force those people to leave, irrespective of their pledge for protection.

On the root of this inaction, one can find the respective governments' attempt not to bear the political cost of immigrants' permanent presence. According to Mr. Kouvelis, the political system used fear and xenophobia as its policy's driving force. Given the social reaction, it was politically unprofitable to invest in integration policies or humanitarian reactions even towards refugees. He also stressed that *“the lack of protection of human rights, and the lack of any effort to create the structures for the accommodation of asylum seekers, or the policies that would integrate the irregular immigrants derived from political decisions that viewed the non-implementation of any human rights provision as a push factor. We have to understand that everything is an outcome of political decisions. From the non-construction of reception facilities to the deteriorating detention centers, it was all part of a consensus that immigrants should leave at any cost”*.

Finally, and if seen cumulatively, the securitizing practices, along with the lack of human rights protection, gradually created another category of human rights deviations, which, even though not directly associated with securitizing practices, is nevertheless one of the outcomes. These deviations are associated with immigrants' marginalization and acute vulnerability acts of discrimination in the labor market, interaction with social services, housing, and virtually every aspect of social and economic life.

According to the EUMC (2000), immigrants' irregular status exposed them to severe discrimination and exploitation in the labor market. As said in the previous section, irregular immigrants were paid up to 60% less than natives for the same job, with no social insurance, healthcare, or other benefits (Antonopoulos et al. 2008). According to Lianos et al. (2001), despite the harsh legal provisions and the securitization of immigration, the administration and the police often turn a blind eye to immigrants' labor exploitation. According to EUMC (2000, 37), immigrants fell victim to exploitation or discrimination in the housing market, social security contributions, and freedom of discrimination during police operations. Additionally, immigrants were easy prey to xenophobic and racist attitudes, while no legal remedy was provided against racist acts.

Racist attitudes were traced in the private sector and in the interaction of immigrants with public services, which according to the Ombudsman (1999), infringe on the principle of sound administration and are contrary to international conventions on the protection of human rights. The discriminatory attitude of public services against irregular immigrants was most visible during the

regularization programs. According to ECRI and EUMC reports (1999, 2000), irregular migrants faced discriminatory and often degrading treatment by the public servants considering it a direct outcome of the overall discriminatory and marginalized environment against those populations.

The prohibition of the interaction of irregular migrants with public services further enhanced their vulnerability. According to the Greek Ombudsman (1999), the provisions of art.30-31 1975/1991 constituted a deterrence measure that only deprives immigrants of essential services, and its only effect is to make their lives even more difficult. Furthermore, he stressed that the restrictive provisions of the law had as a privileged field of expression the invocation of public interest, public order, and security without taking into account neither the constitutional nor the international obligations of the country concerning the protection of fundamental human rights of immigrants regardless of legal status.

Finally, the direct association of immigration with criminality and their extreme marginalization fueled prejudice and stereotyping in the way immigrants were treated in the private and public spheres. The creation of negative stereotypes reinforced the tendencies of economic and social exclusion (ECRI 1999). The Greek political elite's continuous effort to present Greek society as neither racist nor xenophobic stumbled on research that showed that immigrants were often victims of racist attitudes and crimes. According to the criminologist Panousis *"the association of immigrants with criminality to the extent that happened in Greece not only does it highlight the inability of the people to join the legal order, but many times it also conceals the reluctance of Greece to include them as equal citizens and decent people, driven by selfish motives"* (Matzana et al. 2008, 72).

The section above analyzes the securitizing measures and practices deriving from securitizing measures and their implication on immigrants' human rights in Greece during this first period. Regrettably, and as we will observe in the rest of this research, many of those policies and practices remain in place until today. Despite the evolution of the legal provisions, often driven by the European policies, the Greek government's practice in specific areas remained unchanged, without including a human rights approach. This first period's securitizing environment channeled the Greek policy for years to come in a restrictive environment, which did not allow any government to proceed with the much-needed structural changes that would bring the country in compliance with human rights obligations. Arguably those securitizing practices, which were detached in a

sense by the law, sustained the securitization of immigration and enhanced the marginalization and suffering of hundreds of irregular immigrants and asylum seekers in Greece.

The period 1991-1999 allowed us to examine the Greek government's initial reaction to unexpected migratory flows. Arguably, while specific issues arose during the process and certain human rights deficiencies could be perceived as an outcome of the initial “shock” caused by the uncontrollable flows, a decade later, the same issues remained in place. While the legal framework improved gradually, the construction of migration as a multidimensional threat to the Greek state and society dictated the policies and practices adopted, irrespective of the country’s human rights obligation.

The next section examines the period 2000-2005. After a decade, the Greek government proceeded with the adoption of a new migratory bill. Following the first regularization program, the rise of Islamic terrorism, which dictated largely the EU response against migration, the preparations of the country to host the 2004 Olympic games, and the change in the political scenery, it would be interesting to observe the changes all these evolutions had on the securitization of immigration in Greece.

Section C: 2000-2005

Following from the previous section, we have observed that gradually the Greek government capitulated in some way to the idea of the existence of a rather significant migratory population within the country. The regularization programs, despite the bureaucratic inefficiencies, partially provided for the normalization of the climate of insecurity and provided, at a basic level, policies for the partial legitimization of a large portion of the migrant population. Simultaneously, however, the securitization practices remained, although, as we observed, the first bill's legal extremes, which were in direct conflict with international law, were gradually softened.

The shift in the perceptions towards immigration, however, was not immediate. As we will see in this section, the securitizing discourse and practices were maintained until the end of the period. As we will see, this period presents significant fluctuations in the securitization of immigration through elite discourse and practice. It will be interesting to observe how these fluctuations affected media discourse, public attitudes, and, significantly, their impact on human rights protection.

Elite discourse

At the beginning of the new millennia, Greece's political elites maintained the previous period's highly securitized discourse.

Issues of Immigration indirectly found their way in the parliamentary discussions before drafting the new migratory Bill and were usually associated with criminality. For instance, during the debate for the *“Restructuring of the services of the Ministry of Public Order; the establishment of a Greek police headquarters and other provisions”* (law 2800/2000, Gazzette n.41), the discussion revolved extensively around the rise of criminality, which was exclusively linked to the migratory flows. This discussion was interesting, since to our understanding provides of blueprint for a successful securitization.

During the discussion, immigrants were presented as criminals, who, according to Nea Demokratia MP, Papadimopoulos, *“ threaten the peaceful Greek citizens by disrupting social life. Their crimes range from robbery to rape, and many are not even reported to the authorities. Those who invoke the violation of the rights of people who violate the rights of peaceful citizens are irresponsible”*. In the same vein, the MPs of the governmental majority of Pasok declared criminality associated with Immigration as the number one threat of the Greek society. Accordingly, the law under discussion provided for the qualitative and quantitative upgrading of the police force, the establishment and operation of border guards, pedestrian police, and blocks to create a security climate and prevent racism.

As we can observe, there is a successful construction of threat, the threat needed to be tackled to avoid future ramifications, and the audience, which in this case is the MPs, allowing for the implementation of extraordinary measures, which at this point are no longer either exceptional or extraordinary. At this point, the law aimed to create permanent structures and mobilize resources, pointing at more routinized securitizing measures.

The parliamentarian discourse was coupled with government members' periodic statements to the press, referring to the migrant criminality and the measures implemented to tackle the phenomenon. For instance, the later Minister of Public Order, Michalis Chrisohoides, in his article in the newspaper *“Ta Nea”* (4/5/2000), wrote that *“New social exclusion groups have been created. Their interaction with illegal immigrants and other delinquent elements has resulted in new forms of crime being recorded. The policies of the government (of which he was a member)*

must move in three directions: 1. the extensive checks on the legality of foreigners and the immediate repatriation of illegals; 2. the protection of the borders; and 3. the consolidation of the security climate in the cities by increasing the visibility of the police". Similar statements were frequent and shared two characteristics. One was the representation of Immigration as a threat to a referent object, either being public, national, economic, or health security and the second was the enumeration of actions that need to be taken or taken to tackle the phenomenon and protect the Greek nation.

In conclusion, we could say that the political discourse that preceded the new migratory Bill's passage in parliament had all the securitizing speech act characteristics. Also, given that most securitizing discourses came from members of the ruling socialist party of Pasok, which appeared as more moderate than the conservative party of Nea Demokratia, predisposed the climate of what would follow in the parliament.

Law 2910/2001-Discussion

During the new migratory Bill's passage, the debate in parliament was, we could say, extreme, with continuous and repetitive securitizing arguments and straightforward construction of irregular Immigration as a significant threat to public security. Additionally, there is an observable consensus among the leading parties regarding the need for stricter policies, even though expressed with minor discursive deviations.

The new immigration bill was brought to the parliament with significant delay. The preparation started right after implementing the first regularization program in 1998 but was ready in 2001 after a series of amendments and additions. According to the press, the law aimed to be even stricter than the previous one, giving the police the possibility to expel immigrants within 24 hours without any other procedures (Vima 17/1/1999). Additionally, the draft law did not include a new regularization program, which was finally introduced by a last-minute amendment after a public outcry (NCHR 2000; Baldwin Edwards 2004).

Notably, the new Bill was sponsored by the Ministry of Interior, which appeared as a positive development, signifying a departure from the security apparatus's dominance on migratory related issues and the logic of exception to a more politicized understanding of Immigration. Even the name of the new Bill, *"Entry and Stay of Foreigners in the Greek Territory, acquisition of Greek Citizenship by naturalization and other provisions,"* (law 2910/2001, Gazzette 91/A/2-5-

2001) appeared more favorable. It presupposed that the approach was towards the management of Immigration instead of that of restriction.

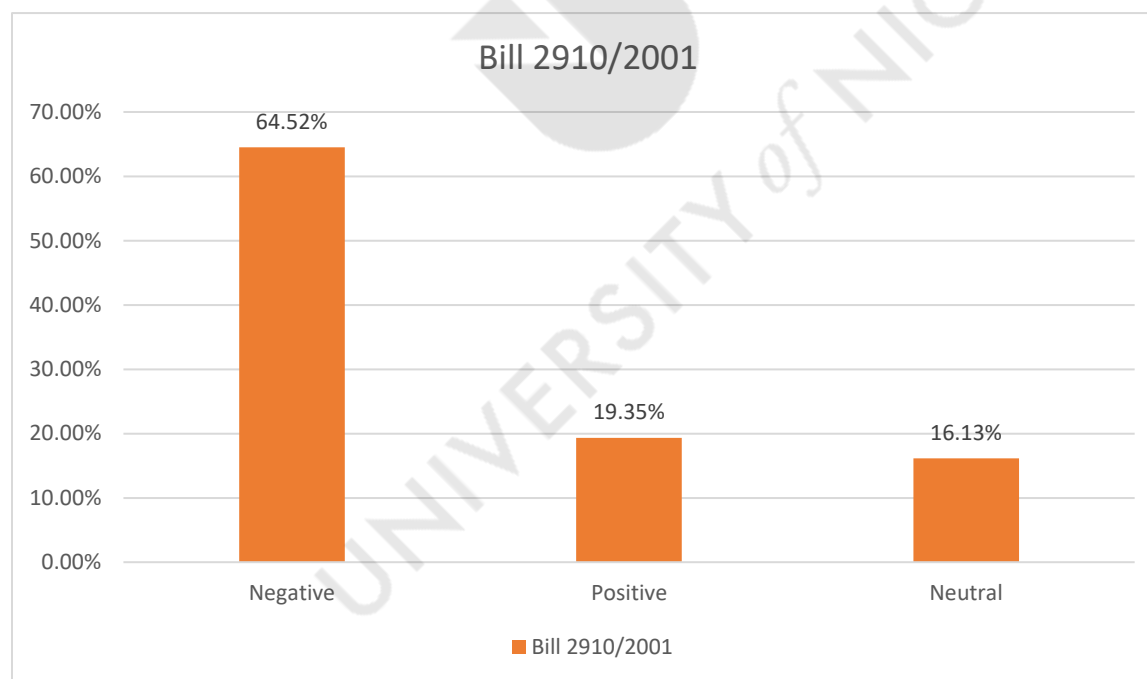
According to the explanatory memorandum, the new bill *“secures the rights of immigrants by giving them access to education; in the justice system; and social security, while providing for the ex-officio prosecution for racist and xenophobic crimes. It regulates the conditions for residents permits and provides guarantees for the deportees' temporary detention while treating the immigrants based on the fundamental rights and principles governing a modern and the democratic rule of law”*.

Despite the expectations created that the new political attitude towards Immigration would adopt a more politicized approach, the elite parliamentary discourse is revealing. The prevailing discourse was that of the criminalization of Immigration, while it made a sharp distinction between regular and irregular immigrants, claiming that the latter are not entitled to any human rights protection due to their unauthorized entry. What is important is that both Nea Demokratia and Pasok MPs held the same hostile attitude and securitizing discourse, even though the Pasok MPs were slightly moderated, while the MPS of Synaspismos and KKE remain true to their pro-immigrant and pro-human rights ideological position. As a general pattern, the Pasok MPs used the term “illegal immigrants” while Nea Demokratia MPs the term “clandestine immigrants” (*lathrometanastes*). The two terms are the same in their meaning, but arguably in the Greek language, *lathrometanastis* is imbued with more negative emotions.

Unlike the discussion of the 1975/1991 Bill, during which the debate focused on the content of the law, the debate of the 2910/2001 Bill became a field for a broader discussion on Immigration and its implications, leaving parliamentarians with plenty of room to express their anti-immigration views, without focusing on specific articles besides minor exceptions. In fact, during the article-by-article discussion, only three articles became the subject of extensive debate. These were articles 34 and 35 concerning the entry of artists and which had been criticized by both the Scientific Committee of the Parliament and the Ombudsman, as well as several MPs because they would foster prostitution and sexual exploitation and which were eventually withdrawn from the Bill; and Article 51 (53 in the draft) which was a copy of article 31 of the law 1975/1991 that prohibited the access of illegal immigrants to public services, and which despite the reactions remained in the legislation.

The pace of the discussion was set by the Nea Demokratia representative Mr. Davakis who, in his opening speech, said, “A specter, I would say, seems to be hovering gigantically over the landscapes and blissful citizens of the EU, haunting them; the ghost of the illegal immigrants, who, as desperate beggars of an elementary alms, disturb complacent consciences and provoke guilt. However, mainly they project as a potential threat to the cohesion of the established social fabric and as a catalyst of national homogeneity but also as a cunning disruptor of public order and security of citizens”. Later on his speech, Mr. Davakis said that “the Greeks from immigrants have turned into employers of impoverished immigrants, who are potential dissidents of family peace, thefts of their property and even murderers[...] immigration has nothing positive to offer to the Greek society [...] multiculturalism is the Trojan Horse for the destruction of Hellenism”. Through Mr. Davakis’s speech, we can identify the main anti-immigrant/securitizing arguments that preoccupied the rest of the discussion and were adopted by the vast majority of the MPs.

To understand the extent of the negative representation of immigration in the current parliamentary debate, it is interesting to look at the quantified results of the content analysis presented in chart 3.



Accordingly, the dominating securitizing discourse described Immigration as a threat to public security through the direct and blanket association of immigrants with criminality, using arguments such as “there is a meteoric rise of criminality due to Albanians. They are the main smugglers of drugs and guns” (Tziamtzis, Nea Demokratia 6/3/2001), or that migrant criminality is distinct

from Greek criminality due to “*unprecedented savagery*”(Fountoukidou, Nea Demokratia), and that the immigrants are to blame for the rise of native criminality because they “*deliver fast-paced crime lessons to our native criminals*”(Karatzaferis, independent MP); to national security and territorial integrity by invoking claims on the need to protect the nation from the “Albanian expansionism” which according to Pasok MP, Papatthemelis “*operates underground by creating a significant minority in the country with a view to future territorial claims*” while the Nea Demokratia MP, Mr Haitides went as far to say that “*Greece is victimized by altruistically helping its neighbors while they have aggressive visions against it*” ; to social cohesion with statements such as “*there as a need for further measure for the protection of the purity of the Greek nation which is the purest in EU*” (Kefalogianis, Nea Demokratia) or that “*Immigration is the Trojan horse of Islam to invade Greece*” (Karatzaferis, independent MP); and to economic security, by undermining the contribution of immigrants in the Greek economy as being responsible for the rise of unemployment and for the missing profits of the insurance funds.

Notably, the discussion included the rise of racism, which met with denial on behalf of the political elites. Almost the totality of the two major parties' MPs denied racism in Greek society, arguing about political expediencies behind research that proved the rising racism and xenophobia. In any case, they argued that the rise of racism is an outcome of immigrants' very presence and their negative attitudes, and the absence of an effective political restriction of the phenomenon.

The securitizing discourse and the attempt to present Immigration as a significant multi-level risk for the Greek society was accompanied by calls for a more restrictive policy, for actions that will stimulate the sense of security of the citizens and to limit the flows only to those who are needed in the Greek economy.

A tiny minority of MPs, mainly from the left, tried to refute the security arguments, but with reduced success. Regarding this period, Mr. Kouvelis, who happened to be a Synaspismos MP, stated that “*for us, the answer has always been for Immigration to be dealt with by following humanitarian law. On the contrary, the political stance of that period gave rise to racism. Greek society has always had far-right pockets. Although coming from people who despise the title of far-right, the political discourse of the time met with these pockets of society to the point that created an outbreak of racism and ultimately led to the political rise of far-right. It was a clear two-way relationship. We have tried to put the issue of Immigration on a human right basis, but*

unfortunately, the opposite view was stronger in Parliament and supported by most of the press. The battle was unequal”.

Law 2910/2001- Legal evolution

Despite the fierce parliamentary debate, the law appeared improved in comparison to the previous migratory Bill. The most significant improvement was the shift from the logic of the exception to more integrating procedures. The most obvious manifestation of this shift was the transfer of responsibilities from the Ministry of Public Order to the Interior, giving the Bill a less securitizing character. The Ministry of Public Order maintained its competence in issues of irregular Immigration and asylum.

The law aimed to regulate immigrants' social and economic integration, including provisions for family reunification, access to health, education, labor, social rights, and protection from deportation for smuggling and trafficking victims. At the same time, it provided that racist crimes would be prosecuted ex officio. It also disassociated work permits with specific employers while maintained the distinction between work and residents permit. Finally, the law included an extensive regularization program aiming to legalize as many immigrants as possible, especially those that fell from the legal status due to the previous procedure's bureaucratic deficiencies. The new regularization program proved highly bureaucratic and ineffective and failed to deliver the expected results for reasons that we will see in a later section.

On the opposite side, the law failed to provide even the minimum protection of irregular immigrants' rights (HRW 2002) while maintaining and enhancing the restrictive measures. According to Kiprianos (2003), the law's philosophy was that the enjoyment of even fundamental rights must be linked with legality; thus, irregular immigrants and those who failed to regularize their status were not entitled to any sort of protection. Kanelopoulos and Gregou (2006) stressed that despite the law's favorable provisions, its main philosophy remained to stop irregular flows altogether by establishing firmer external and internal controls.

Accordingly, the Bill maintained the general reasoning on threats to public order and national security that covered issues of detention (art.44.3), deportation (art.44.1), and revocation of residence permit (art.43). Simultaneously, the refusal to enter the country for the above reasons was not subject to justification (art.7.1). Art.43 is of great significance, since it provided the possibility to the General Secretary of the Prefecture the right to withdraw, after a proposal of the

Ministry of Public Order, the residence permit of any foreigner, for reasons of public order and national security, without providing any guarantees or any legal reasoning. Notably, art.44 provided an extensive detailed list of justification for administrative expulsion, including public order and security issues. Thus the addition of art.43, and the vague invocation of national security reasons, in conjunction with the fact that it was targeting potentially all immigrants present in the country, create a field of legal uncertainty. It made all foreigners in the country vulnerable to adverse administrative decisions. According to the Ombudsman (2001), the aliens did not acquire a real right of residence as it was at the discretion of the decision-making bodies, which happened to belong to the security apparatus.

Notably, the law provided the right for objections against deportation. The initial time to object was determined at 24 hours, but after the interventions of the Ombudsman and NCHR, the time was increased to 48 hours. According to NCHR (2001), even after the extension of the period provided, the measure remained questionable, given the lack of information and irregular immigrants' limitations to access legal consultation in due time.

Among the most questionable provisions was that, in the event of an appeal against deportation and final revocation of the decision, detention would not be suspended (art.44.5). According to the Ombudsman (2005), the continuation of detention until the expiration of the three months, which was the maximum detention period set by the law, was disproportionate to the achievement of the intended purpose and of dubious legality given that detention had its legal basis in the possibility of deportation.

Furthermore, art.51-54 foresaw the prohibition of irregular immigrants' interaction with public services, and it provided for stricter penalties for those assisting irregular immigrants, being public servants or citizens, without excluding humanitarian assistance. Art.51 is an original transposition of art.31 of the law 1975/1991, which had already been severely criticized but remained in the law unchanged. According to the Scientific Committee of the Parliament report, the prohibitions set by art.51 deprived irregular immigrants of the right to access essential public services and consequently deprived them of access to fundamental rights recognized in the ECHR and ICCPR. The Commission considered that banning access to general interest or healthcare services would lead to a breach of Art.3 ECHR and art.7 ICCPR on the prohibition of inhuman and degrading treatment. This view was supported both by NCHR (2000) and of the Greek Ombudsman (2001)

but remained in the Bill. Additionally, NCHR (2000) warned that the prohibition of access to medical care in conjunction with the other provisions of the law might lead to a peculiar mechanism of policing foreigners in public hospitals. Consequently, extensive policing is expected by NCHR to prevent access to health care for chronic diseases and bared the risk of the potential spread of infectious diseases, which could be avoided by timely access to medical treatment, thus jeopardizing public health.

Finally, art. 52-54, prohibit access to notaries, access the labor market, or renting accommodation to illegal immigrants. Also, the Bill imposed an obligation to inform the authorities of the existence of irregular migrants while including significant penalties on anyone who helped in any way or provided services to irregular immigrants, without explicitly excluding humanitarian aid or non-profitable assistance.

Based on the above, we can now conclude that while the new migratory Bill adopted a series of important positive measures towards immigrants' integration, simultaneously, it created a highly unfavorable environment for those found in the country irregularly. More importantly, while the Bill departed from the logic of exception, it, in a sense, pushed for the routinization of certain securitizing practices. Although positive, the Ministry of Interior's involvement in immigration issues was still subject to the decisions of the Ministry of Public Order, which, although it had suffered a significant limitation of its responsibilities, remained dominant, since it could control the decisions of the Ministry of Interior.

Additionally, and in the light of the rising conversation regarding racism and xenophobia in Greek society, the law became a securitizing tool for control. According to Vuori (2008,88), securitization for control suggests that securitizing acts aim to compel the audience to act according to the actor's will, with the prerequisite that securitization is already established. The significant penalties provided by law and the obligation to inform the authorities created an environment of control, which included immigrants and those who in any way interacted with them. The ramification of securitization of control, in this case, is that it compelled irregular immigrants to complete social isolation. Given that they did not enjoy even the minimum protection level, they became easy prey for blackmail and extreme labor market exploitation.

According to Kosser (2015), this kind of exclusion of irregular immigrants from legal protection and the social fabric exposes them to racial violence and exploitation. Closely associated with the

criminalization of Immigration, the exclusion of immigrants from any kind of protection, and linked with the securitizing measures for control adopted in the current Bill, essentially opened the gate for racist manifestations in the country. Despite the positive step of the ex-officio prosecution of racist crimes, the article remained inactive in practice. In this context, it is worth noting that despite the legal provision, the first time that a court decision included racist motives as an aggravating factor was in 2013.

Moreover, in essence, the 2910/2001 bill normalized actions that were presented as exceptional in the previous legislation, gradually creating a field of routinized securitizing practices that no longer presented as exceptional, but through the enactment of ordinary law, created spaces of enhanced policing powers (Balzacq 2010). This understanding derives from the governmental position that this law represents a long-term instrument for the management of Immigration; thus, its provisions were perceived as permanent. Therefore, the government's structures or legal provisions are viewed as the official routinized policy towards Immigration.

2001-2004

The elite securitization of Immigration continued for the years that followed the enactment of the 2910/2001 bill. Even though the issue of Immigration was not on the main political agenda, the governmental representatives sustained the securitizing discourse by using media as their medium.

The common ground of the political discourse was the constant preoccupation with the threats posed by Immigration and the securitizing measures implemented to tackle the phenomenon. It is interesting to observe that for three consecutive years (2001-2003), the then Minister of Public Order, Mr. Michalis Chrisohoides, repeatedly gave press interviews that share a similar pattern. The main themes of those interviews were that Greece was at a tipping point and cannot accept more illegal immigrants; that society was in danger of racist outbursts; that the government and his ministry had to react fast and effectively; while it ended all his statements and interviews with the introduction of new restrictive internal or external security measures (Vima 3/11/2001, 28/6/2002;20/2/2003). Notably, another minister of the government, that of National Defense, Mr. Papantoniou, was keen to make statements to the press on irregular Immigration and highlighted that the army and the navy were ready to stop potential immigrant invasion (Nea 13/3/2003).

Placing the ministerial statements in the broader context, it is interesting to observe that, on the outbreak of the American Invasion in Iraq, in 2003, Prime Minister Costas Simmitis convened an

emergency cabinet meeting, making recommendations to his ministers on the impending wave of illegal immigrants, which according to the Prime Minister posed the most significant threat Greece could face from that war. His Ministers responded that the army and the navy were ready to intervene and intercept the flows (Nea 19/3/2003). Despite the effort, we found no proof or indication that the country made any preparation or plan for the accommodation or management of those expected flows on a humanitarian level.

Besides the governmental representatives, members of the majority opposition fueled the negative representation of Immigration in the parliament and through public statements. By the end of 2003, Greece passed through a sort of an identity crisis, when for the first time, a student of Albanian descent, having excelled in his school, as was the custom, was called to raise the Greek flag on the parade of March 25th, which is known as the Independence Day for Greece. This event unleashed a racist outbreak on behalf of members of the far-right many of whom were officials or parliamentarians of Nea Demokratia. Statements like “*You are born a Greek, you do not become one*” or that it is unacceptable for any foreigner and especially for Albanians to carry the Greek flag were on the daily agenda. In another case, Mr. Karampinas (1/7/2003) did not hesitate to call immigrants during a plenary session “*sediments and scum that entered the country disguised of economic migrants.*”

Regrettably, there is no specific moment or event that could be regarded as the turning point of elite discourse towards the de-securitization of Immigration, which was, as we will see, manifested in the drafting of the new migratory Bill in 2005. Even in the absence of such an event, significant observable changes, especially in the two leading parties' leadership, pointed to this direction.

In October 2003, for the first time, the leader of Nea Demokratia Kostas Karamanlis, during a speech that was called by the media a “*bomb of friendship towards immigrants,*” stated that “*the problems created by mass immigration in the 1990s are gradually being resolved. What remains is the integration in society. Greeks must overcome their phobias and prejudices against foreigners who are now part of our country*” (Vima 25/10/2003). This was the first time that a leader of the right-wing expressed positively for the issue of Immigration.

We also have to add that since 2000, a former member of Nea Demokratia, Mr. George Karatzaferis, formed the nationalist party of LAOS, which had an anti-immigrant agenda. Nea Demokratia, under the leadership of Kostas Karamanlis, although it hosted in its ranks extreme

right-wing elements which considered to act as a counterweight to the outflow of votes to LAOS, formally maintained a moderate attitude towards Immigration, in the general context of departing from the traditional conservative political position of his party to a more liberal one.

The moderate stance of Nea Demokratia was coupled by the change in leadership of the ruling Party of Pasok, which took off by Mr. George Papandreou, who, according to his C.V., is a sociologist specialized in Immigration and who, as an MP, intervened favorably towards the rights of immigrants during several parliamentary debates.

Nea Demokratia won the 2004 national elections and announced the draft of a new migratory bill in 2005. In August 2005, bill 3386/2005, named “Entry, stay and social integration of third-country nationals in the Greek territory” (Gazzette A 212/23-08-2005), was put up for debate before the parliament.

Law 3386/2005-Elite Discourse

The general spirit in which the discussion on the new migratory Bill developed was surprisingly positive, to the point that we can argue that it was a 180-degree turn. During the debate, we can observe a de-securitizing effort on behalf of the political elites. Weaver describes three strategies of de-securitization: the silencing of the issue, the managing of securitization so that it does not spiral, and the moving of the issue back to normal politics (Weaver 1995). During this conversation, as we will see, the political elites tried to move the issue back to the realm of normal politics by discarding from the discussion any association of Immigration with threat, emergency, or the need for extraordinary measures.

Starting from the explanatory memorandum accompanying the law, we read: *“Immigrants’ contribution to the economy is positive, but many people remain on the margins of the society in conditions often below the minimum dictated by human dignity so that they are constantly forced into delinquency by inadvertently fueling tendencies of cautiousness on the part of natives.”* We can see that the wording used was that of realization both of the deficiencies in respect of immigrants' human rights deriving from the previous legislation, which was found to be the reason for delinquent behavior, and the acceptance that Immigration is a positive development. The memorandum stressed the need for a policy whose central axis would be the integration of immigrants in Greek society, the management instead of the absolute restriction of the flows, and the respect of immigrants' human rights.

The same spirit dominated the plenary sessions. The prevailing discourse was that of the need for immigrants' human rights protection to integrate into society and limit racist bias by the natives. According to the Nea Demokratia MP, Mr. Likourentzos(2/8/2005), who presented the Bill in the parliament, *“The aim of the bill is social integration; the abolition of the conditions for the ghettoization of immigrants; the removal of the grounds for the creation of hotbeds of blind fanaticism, unbridled hatred, and dangers to public order and security.”*

In the same vein, the leader of Pasok, George Papandreou, stressed that *“Immigration is not a temporary phenomenon. The notions that immigrants increase crime; get jobs; threaten national identity and cohesion; that they can not acquire a national conscience and that it is a source of terrorist insecurity and anomaly are false[...]Legalization and integration help reduce crime and prevent terrorism[...] immigration should be seen as a strategically important issue and not as a problem”*.

It is interesting to observe that for the first time during the discussion on a migratory bill, the respect of immigrants' human rights was so high on the agenda. Almost the totality of MPs, whose discourse is considered positive, stressed the need for the practical application of human rights norms towards immigrants. Additionally, the respect of irregular immigrants' human rights, especially on matters of detention and expulsion, was also dominant. For instance, the Nea Demokratia MP, Mr. Bougas, stressed that *“National laws, international conventions and the constitution offer a network of protection to those in Greek territory regardless of origin or legal status. These laws must be respected in all respects”*.

Another important observation is the MPs' realization that the state fell short on protecting immigrants' human rights. Many stressed that while the state demanded the respect of the national laws by immigrants, it fell short on its responsibility to fulfill its obligations towards them, which found to be the primary source both of the negative social attitudes towards immigrants and of their deviating behavior, since they had no incentive to comply with the law, and in a sense were forced to indulge to criminality. According to Nea Demokratia MP, Mr. Agorastos, *“The respect of immigrants towards the Greek legal order is not independent of the protection provided to them by the legal order and the enjoyment of all their rights. The social integration process is an elementary debt of the state towards the immigrants who must live in equality and participate in the country's economic and social life in a regime of legality and enjoyment of their rights”*.

During the discussion, the anti-immigrant/securitizing voices were relatively minimal. Only a handful of the participants were negatively expressed, mainly by invoking national security issues or repeating the past's negative stereotyping. For instance, the Nea Demokratia MP, Mr. Haitides, said that *“the illegal entry of immigrants is an insult to the concept of national sovereignty.”* At the same time, Mrs. Tsarouha noted that *“there is a new generation of illegality, which exerts tremendous pressure on the labor market and threatens the disruption of the social web in urban and rural areas.”*

The minimizing of the negative/securitizing discourse is reflected in the parliament's minutes' quantitative content analysis presented in Chart n.4. As we can see for the first time, the positive attitudes towards the immigration phenomenon outweighed the negative ones by a considerable percentage.

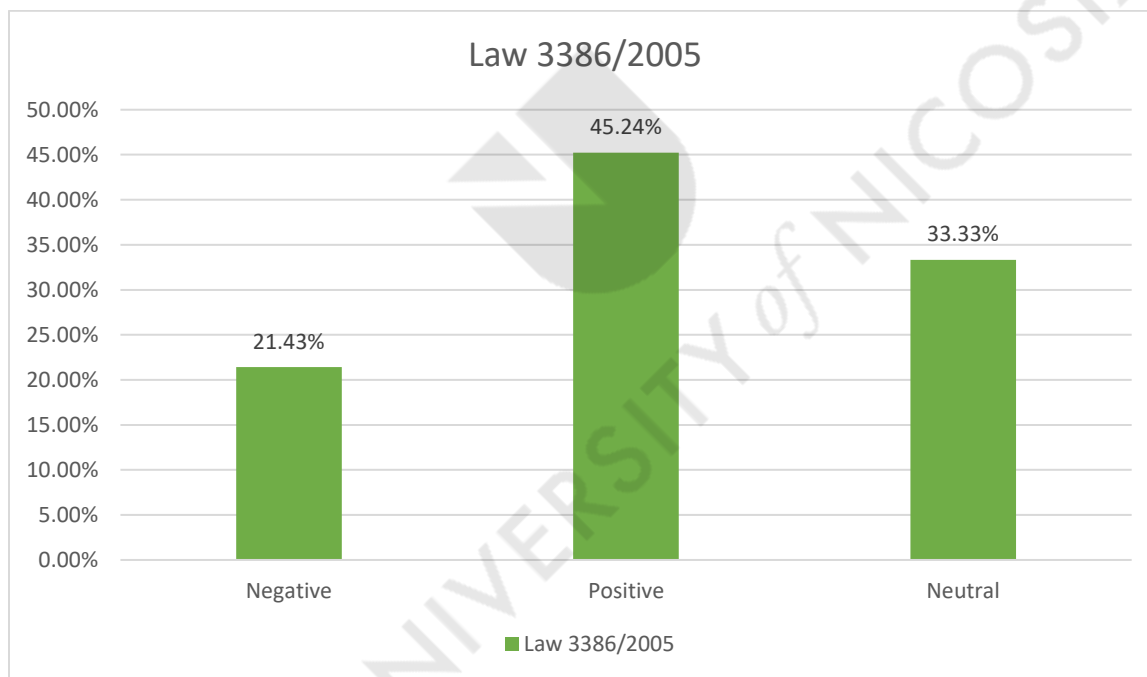


Chart n.4

Finally, among the most frequent comments during the discussion was the deploring detention conditions of irregular immigrants, which according to the parliamentarians, *“are a disgrace to the country”* and *“have made it an issue in the international community.”* Those comments were made in light of frequent and extremely worrying reports of national and international human rights bodies and NGOs, which could not be overlooked by the Greek authorities anymore. Accordingly,

there was an interesting conversation in the parliament between the Pasok MP Mr. Sgourides and the Minister of Interior, Mr. Prokopis Pavlopoulos. Mr. Sgourides commended on art.81 on the specifications and operation of accommodation centers for foreigners, stressed the need to add a clause stating that detention conditions will be in line with the standards set by international treaties and human rights since, in practical terms, this was not self – evident. Mr. Pavlopoulos (3/8/2005) replied that *“When you make a bill that largely concerns the respect of human rights, the explicit reference to the respect of these rights either at the level of the Greek constitution and the Greek legal order or at the level of the international legal order is often dangerous. It is like saying that where it is not mentioned, the obvious does not apply. Respect for human rights is self-evident in the context of international and domestic law. It inspires as a general clause all the provisions of the legal order either at the level of laws or regulatory orders”*.

We see as controversy here that Greece's legal framework was generally considered complete and relatively progressive towards human rights, especially on protecting inhuman and degrading treatment, as acknowledged by several international organizations. The Greek system's deficiencies were not found in legal protection but the law's practical implementation. Thus, on the one hand, even if the clause was added to the Bill, there were no guarantees that it would be thoroughly implemented. On the other hand, Mr. Pavlopoulos implied that Greece's respect for human rights is absolute both legally and in practice.

Even though Mr. Pavlopoulos did not explicitly deny the existence of human rights deficiencies before the parliament, especially in the detention conditions, the response given to the CPT 2005 (published in 2006) report on Greece is indicative. Greece once more either denied or undermined the committee's allegations regarding the detention conditions and the ill-treatment of irregular immigrants while claimed that the government took all necessary steps to improve further the deficiencies found. The truthfulness of those claims by the government will be addressed in a later section. The message taken from here is that even though Greece aimed for the primacy of human rights and supported that the respect of human rights is provided legally, it simultaneously undermined that the most significant deficiency of the system was the practical implementation of human rights norms by the administration

As we can observe, the Greek parliament's discussion moved in the direction of the de-securitization of Immigration. The MPs tried to rationalize the phenomenon of Immigration, while

for the first time, it was acknowledged that the securitizing discourse of the previous era was, in a sense, a fallacy, driven by wrong assessments and policies. The aim to attempt to portray Immigration with a positive sign was collective, and despite some disagreements in some parts of the Bill, it moved with the same arguments. However, the de-securitizing attempt was not accompanied by a similar effort by the media, nor did it bring about fundamental changes in protecting illegal immigrants' human rights, especially when they were under state control.

As we will see, and despite the de-securitizing discourse of the MPs, and the general proclamation of the government for the primacy of human rights in the new migratory framework, the Greek state had not yet adequately complied with constitutional and international commitments towards the respect of human rights either in terms of legislation or in terms of administrative practice (Kontiades 2007,46)

Law 3386/2005- Legal evolutions

According to the government, the new migratory Bill's central axis was legality, respect for human rights, and social integration. Despite the existence of favorable provisions, though, as per Papatheodorou (2007,68), the Bill coexisted the strictness of multiple obligations with the dogmatic perception of limited rights.

The new migratory Bill introduced some important novelties, including the creation of an Inter-Ministerial Committee for the supervision and coordination of migratory policy (art.3); the unification of the resident and work permit in a single document giving the responsibility of its issuance to the Prefectures (art.11); it simplified the procedures of the residence permit; it transposed on time the EU Directive 2003/86/EC on family reunification and 2003/109/EC on the status of long term residents, and provided for an action plan for social integration (art.65-66). Additionally, it provided additional safeguards to victims of human trafficking (art 46-52) and ascribed humanitarian residence permits to all persons who were accommodated in institutions and public legal entities (art.44). Finally, it provided another regularization program.

On the opposite side, the Bill had essential deficiencies, while it maintained many of the previous legislation's questionable provisions.

The first issue was that the Bill, in essence, excluded from the regularization program, those who entered the country illegally or asylum seekers. According to art.91.11, to enter the regularization

program, immigrants must prove their Greece's presence before 31.12.2004. To confirm their presence, they had to provide a *“relevant visa to enter the country or by the date of submission of an application for a residence permit for humanitarian reasons or by the issuance of a tax registration number (TIN) or by a certificate from an insurance company for the payment of stamps.”* Rejected asylum seekers could apply by presenting the letter of rejection to verify the date. Given the restrictions of access to irregular immigrants with public services, it was evident that immigrants that entered Greece illegally were excluded from the process, which applied only to visa overstayers or those that fell out of legality before 2005.

Additionally, regarding family reunification, the law stipulated for a minimum of two-year stay before the possibility to apply, which went contrary to the EU Directive, which set the limit to 12 months (Papatheodorou 2007, 64). Additionally, the law provided for irrational financial prerequisites, demanding the applicant to receive 20% in addition to the basic salary of an unskilled worker so that he/she can reunite with his/her spouse and 15% for each minor child.

Importantly the law did not include any provisions for children of immigrants, the “second generation,” in terms of political and social rights or protection from expulsion. According to Kapsalis (2005), the second and third generation of immigrants born and raised in Greece were effectively excluded from the enjoyment of equal rights in education, labor, and social life, with potentially disastrous effects.

Furthermore, the law maintained the possibility of unjustified rejection of entry (art. 8), which, according to the Greek Ombudsman (2005), was against the principle of good administration. It also maintained the possibility of revoking one’s residence permit on the grounds of threat to public order (art 10.1). The reasoning of a threat to the public order and national security was maintained in the reasoning for expulsion. According to the Greek Ombudsman (2005), it was acknowledged that the legislator could not enumerate the totality of threats to public order, so it was acceptable not to provide an exhaustive list. The Ombudsman suggested that every decision must be thoroughly justified for reasons of legal security.

According to Mr. Zavos, who was highly involved in the drafting of the Bill, the reasons behind the abstract use of public order were based on the nature of the phenomenon. According to Mr. Zavos, *“Greece had serious problems with Albania. There was a possibility of minority claims due to the large numbers. For this reason, we came up with these loose safety valves, which could be*

used depending on the evolution of the phenomenon. If the reasons were explicitly included in the legislation, they had no chance to stand practically or legally, which is why they came in so loosely. It was indirect protection of the state. Turkey and Albania had very close relations that created national issues in Greece, and there was the risk of territorial claims. They were reasons of national importance”.

As we can see, and despite the normalization of the relations with Albania, the external relations of Greece were an essential parameter in the formation of its migratory policy. While the official discourse was that of integration and human rights, the Greek administration appeared to sustain the past's biases, which were no longer explicitly declared but were instrumentally inserted in the legislation. Accordingly, the state was free to interpret the flows according to abstract claims of national interest.

What is though interesting is to see these provisions under the light of art. 76 and 77. In the previous Bill, the immigrant had the right to appeal to the region's secretary-general against the deportation decision, who had to authority to suspend or not the deportation (art. 44.5 law 2910/2001). Additionally, The Secretary-General of the Region, *“following the opinion of the Immigration Committee, may, of his own motion, temporarily suspend deportation on humanitarian grounds, force majeure or in the public interest, such as when there are exceptional reasons concerning the life or health of the alien or his family.”* The new Bill transferred this competence to the Minister of Public Order (art.77). Given that the expulsion decision fell within the local police directors' remit to which the Minister of Public Order is the political chief, we understand that the whole process belonged exclusively to the police and the security forces.

This provision not only was incompatible with the general spirit of the Bill, but it re-introduced the police-centric logic of the past. The Ministry of Public Order became the dominant actor who could decide both on expulsion and the appeal. Moreover, and given the justification provided by Mr. Zavos, we can now understand that the invocation of reasons of public order and national security was not only an instrument of control but a securitizing instrument, aiming at targeting any group of immigrants, not at an individual but a collective level, depending on the external relations of the country at any given time. Thus, in the absence of elite securitizing discourse, these kinds of measures reinforced the securitizing attitude on an institutional level by providing the Ministry of Public Order and the full police control of what can be perceived as a public threat.

Additionally, the law sustained the administrative detention to facilitate administrative deportation, and the maximum limit remained as in the previous law at three months (art 76. 3). While administrative detention for deportation is legally sound and provided by ECHR art.5.f, the new Bill had three critical omissions.

First, it did not explicitly exclude unaccompanied minors (henceforth UAM) from detention, while the only protection provided against deportation was that they were accommodated in practically nonexistent state facilities. Article 37.b CRC provides that *‘No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period’*. Similarly, both UNHCR (1997) and the Greek Ombudsman (2005b) stressed that a UAM should not be detained for violation of migratory legislation following Article 37 CRC, and they should be referred to appropriate structures for their reception and accommodation instead. Accordingly, we can see that the lack of any provision regarding UAM was found incompatible with CRC.

The second issue was that the law did not include any clause protecting the immigrants from repeated deportation orders in cases that, for objective reasons, their expulsion was not possible at the end of the three months. According to the Ombudsman (2006), this omission technically allowed for the renewal of the aliens' detention for another three months, but it violated the essence of the rule that imposed the detention only to implement the deportation decision. Therefore it practically violated the three-month ceiling set by the legislator. In practice, this omission of the legislation was used, according to the Ombudsman (2006,5), by the police as an excuse for the renewal of detention, claiming that *“the legislator did not provide for the re-issuance of an administrative decision,”* further considering that the opposite would lead to a *“special residence permit of indefinite duration.”*

This final comment made by the Greek police reveals another deficiency of the law, which to our understanding, was the generative cause of a series of issues that arose regarding the human rights protection of irregular immigrants and asylum seekers. The new Bill in art.78 stipulated that *“If the immediate expulsion of the foreigner from the country for reasons of force majeure is not possible, the Minister of Public Order or the authorized body may, by his decision, suspend the execution of the expulsion decision. Restrictive conditions are imposed on the foreigner by a*

similar decision”. Accordingly, the law did not automatically suspend the immigrant's detention; neither foresaw any sort of residence permit for the cases that deportation was not feasible due to reasons of force majeure. On a practical level, this legal deficiency, combined with the almost zero asylum recognition, led to the creation of a peculiar group of people who remained in the country, usually without documents (*sans papier*) and without a residence permit; who could not leave since according to art. 83 unauthorized exit is penalized and were at constant risk of re-arrest and detention.

Furthermore, and despite the heavy criticism, the law maintained the prohibition of irregular immigrants' interaction with public and social services, legal entities, public utility organizations, and local government, with the minor exception of access to lawyers or specific acts of the notaries. Importantly it maintained the prohibition of access to medical treatment except for emergency (art 84-88). Mr. Zavos, when asked about the issue, said, *“Greece had given the right of legalization. The Bill aimed to prevent subsequent flows and penalize those who wanted to live in Greece parasitically by restricting some rights since they did not pay taxes. It was a way of deterrence due to increased flows. It is not a deprivation of rights. After all, they had the opportunity to regularize their status. Every country wants in its territory people who can support themselves, not live parasitically”*. Additionally, Mr. Zavos stressed that the regularization framework was as complete as possible; thus, there was no excuse for irregular immigrants' existence.

As we can observe, the limitation of accessing fundamental human rights, such as the right to health, instrumentally added to the legislation as a restrictive measure, aimed to discourage future flows and restrict those who were already in the country and who had abstained from the regularization process. In reality, however, the legislation excluded from the legalization procedures many persons falling into two categories. Those who could not be legalized due to lack of documents caused by the illegal entry and those whose asylum application had not been finalized to use the adverse decision in their favor, and who remained in a state of illegality and excluded from access to any social service.

As we can see, while specific progressive provisions indeed characterize the law, it nevertheless retained a “covert” justification for specific restrictive measures that derived from the general framework of the securitization of Immigration. The securitization of Immigration at this point is not discursively constructed. On the contrary, as we have already observed, this era was

characterized by the discursive de-securitization of Immigration. During this period, security measures appeared in ordinary law and were at least superficially following the rule of law and the country's international responsibilities. In reality, though, the new Bill's specific voluntary omissions or restrictions sustained the securitizing practices already in place by the previous legislation.

Concluding remarks

The analysis so far reveals the political elites' shift from the elite securitization of Immigration to the discursive de-securitization efforts. It took fifteen years for the political elites to realize that Immigration became a permanent phenomenon, that the invocation of strictly securitizing measures was counterproductive, and that the effort should be on the management of the flows through integration.

However, and despite the official discourse, the legal evolution maintained its securitizing orientation. The provisions regarding irregular migration were primarily dictated by national interest and not by the legislator's will to manage the phenomenon through the lens of human rights. The wide field of discretion given to the security apparatus to control Immigration through the prism of public order and national security, and the failure of the legislator to comply with the recommendations of the national human rights bodies towards a more human rights approach created a grid which, while at first reading seemed to be in line with the country's human rights obligations, nevertheless leaves room for severe violations and exclusion.

According to the former Greek Ombudsman, Mr. Kaminis, his office had to intervene in multiple cases to avert the law's deficiencies during this period. As he explains, according to his experience, those deficiencies were voluntary, aiming at restricting Immigration. Mr. Kaminis stressed that *“the government then launched a policy that fostered human rights violations. The laws enacted, in fragmentary terms, were indeed compatible with international law. However, overall, they had a clear deterrent character, which supported the intense effort of the state to expel the immigrants and to cover the excessive administrative incompetence that has characterized Greece for a long time[...]*all the laws were products of a profound conservatism, which was falsified behind the need for Europeanization of the legislation while at the same time maintaining almost all the anachronistic provisions of the past”.

Accordingly, we can now conclude that the elites' de-securitizing effort was incomplete as it limited itself to rhetorical expression, without proceeding to those administrative and legal changes that would de-securitize migration on a practical level. Given the government's intentions as revealed by important actors of this period, we can now claim with a certain level of confidence that the securitization of Immigration departed from the "Copenhagen" logic of exception, moving towards the "Paris" logic of routine. Following Balzacq et al. (2016), securitization is no longer a matter of rhetorical performance but about practice. The dramatization of Immigration retreated and was replaced by instruments and tools deployed in the securitizing process, becoming a matter of routinized practice. According to Balzacq (2010), in that sense, ordinary law became a securitizing tool, which promotes threat construction and influence behavior without the need for exceptional elite discourse.

In the next section, we will follow the media representation of Immigration during this period. Arguably, the media and elite discourse were inconsistent by the end of the period since the media did not follow the elites' discursive de-securitizing efforts. The ramification of this inconsistency is a matter of particular concern.

Media discourse

While by 2005, the elite discourse shifted dramatically to a more positive representation of Immigration as we observe in the previous section, the media followed a slower pace. The findings of this period reveal a gradual shift from the extremes of the period 1990-1999, but still, we can observe the prevalence of the negative representation. The media shift to a more positive discourse was steady, yet at a much slower pace, while essential issues of misinformation and over-exaggeration remained evident.

As we can see in Chart n. 5, compared with the period 1990-1999, there is a significant drop in the adverse reports and on reports associating Immigration with criminality. However, the combined percentage of the two exceeds 57%. Notably, the reports with positive references were doubled compared to 1990-1999, but are significantly lacking, with only 22%.

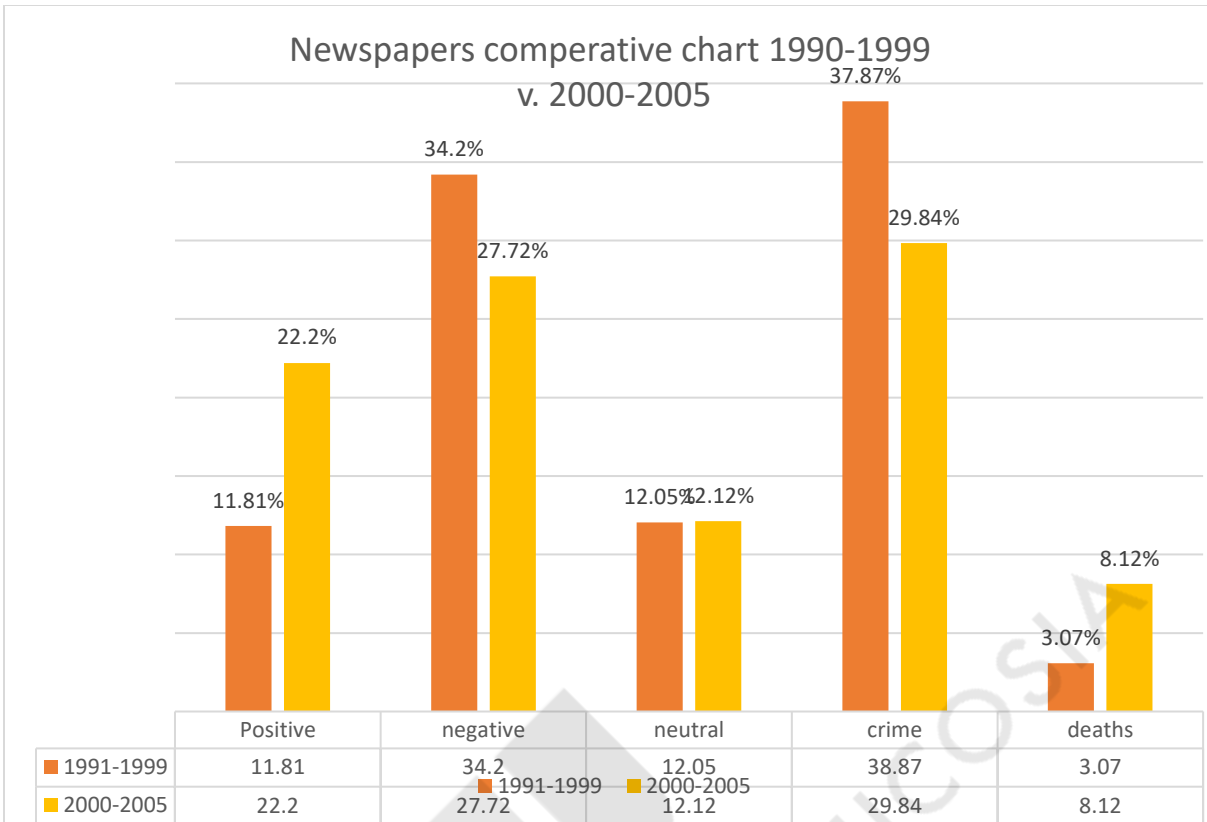


Chart n.5

Furthermore, comparing the newspapers' quantitative data with that of the elite discourse, it is easy to observe that the media did not follow the political elite's de-securitizing effort. To give a direct comparison, chart 6 presents the quantitative content analysis of the elite discourse during the discussion of the law 3386/2005 with the same year's quantitative data of the newspapers.

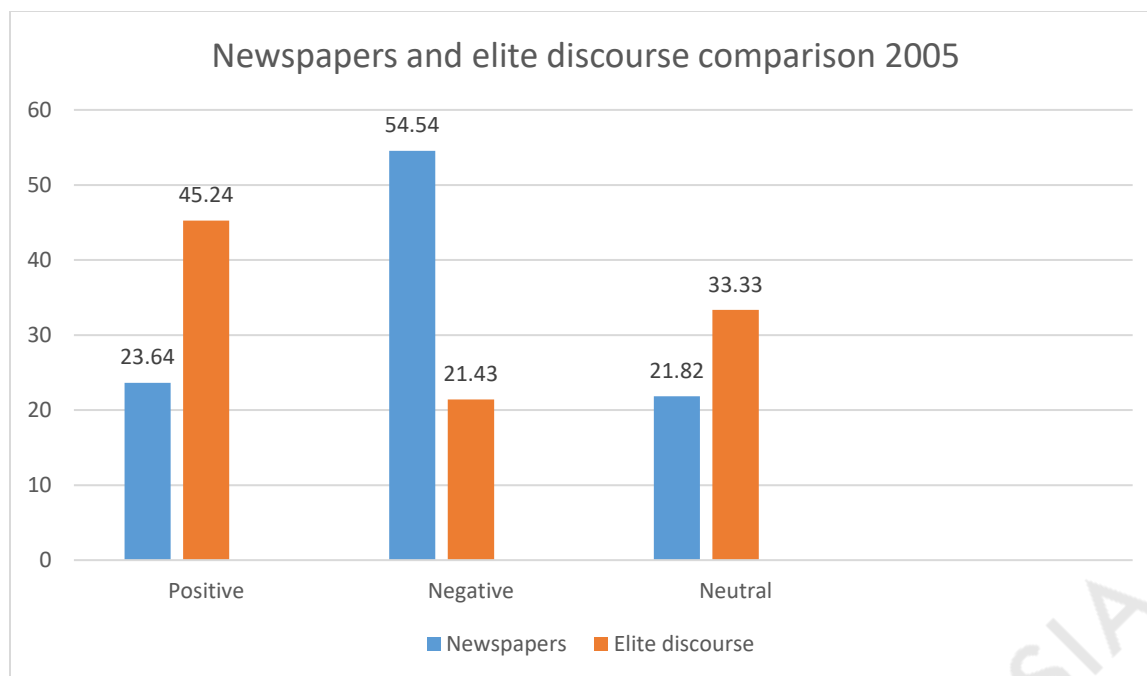


Chart n.6

To make the findings comparable, we merge the adverse reports with reports referring to criminality, while reports referring to deaths are counted as neutral.

The differences found between the elite and media discourse are more than evident. While the elite discourse was positively intertwined for the first time, the newspaper discourse sustained the period's average on immigration's positive and negative representation. For the first time, these findings present a different approach between the political elite and the media. As we analyzed above, the political elites had engaged in de-securitizing immigration; however, the newspapers maintained their negative attitude towards the issue at a high level.

The disparity between media and elite discourse gives rise to the assumption that the government's de-securitization effort was doomed to failure. It is important to remind once more that Immigration was not among the main issues in the period's political agenda, neither of the two electoral debates (national and European). Thus the elite discourse was confined either inside the parliament or communicated to the public by the media. According to Pavlou et al. (2005,4) though, while the prevailing parties, through their leadership, refrained from discussing migratory related issues, peripheral parties or parliamentarians with anti-immigrant views were very active, especially in the televised media. According to Pavlou, *"They coordinated panels and political*

debates on the topic, generating some very high ratings. This attention gave some otherwise marginalized views (of the extreme right) a certain level of legitimacy.” Importantly the views of those marginalized groups were shared and expressed fearlessly by members of the leading parties.

Accordingly, the elite discourse passed to the “audience” through the media remained largely that of securitization of Immigration, which, coupled with the negative media representation, contributed to sustaining the perception of threat and the securitization of immigration among the audience.

Besides the quantitative changes in the media representation of Immigration, there were critical qualitative changes as well.

The first change we can extract from this period was a significant drop in reports referring to immigrant criminality, especially those with distinct nationality references. Even though there was still a considerable volume of articles associating the two phenomena, we can now observe a disassociation of criminality with specific nationalities. Albanians were no longer the explicit target, but the correlation between Immigration and criminality appeared as a general conversation. Excluding articles referring to specific crimes, this period's general pattern was to present criminality as a matter of “imported mafia,” linked with the rise of drug and arms smuggling (Vima 30/1/2000).

Still, though, the issue of misinformation and false interpretation of criminality surveys persisted. For example, examining the newspaper “To Vima” in the 2000s, we observe that in February, the newspaper claimed that immigrant criminality experienced a seven-fold increase (Vima 12/2/2000). In the same newspaper, we found that according to the Ministry of Public Order, immigrant criminality dropped significantly during the first months of the 2000s (Vima 9/4/2000), while in May, the press release of the Ministry of Public Order revealed that migrant criminality fell by 40%, while criminality associated with Greeks rose significantly (Vima 17/5/2000).

While unlike the previous period, there were fewer surveys regarding immigrant criminality, the Ministry of Public Order often released data that revealed a significant drop in criminality rates throughout the period. According to an EU survey in 2001, Greece appeared the safest country in the EU, with a lower criminality rate per capita (Nea 18/11/2001). The media did not readily accept the reality of numbers. In fact, in all articles found concerning the criminality rates, the titles or

the subcontext of the article referred to the “*Persistent unease of the public*”; to the “*Climate of insecurity*,” or to rising fears for the “everyday crimes.” In a sense, and despite the statistics proving that immigrant criminality rates fell, the journalists using personal assessments sustained the insecurity levels within the society, given that the comments regarding unease and insecurity were not linked to any survey or research, even though there were, fewer yet indicative public opinion surveys about the issue as we will see in the next section.

Notably, and in the absence of any evidence showing that migrant criminality was on the rise, the media often presented speculative articles that had no basis on reality. For instance, several articles referred to the expected meteoric increase in criminality in the aftermath of the Olympic games. For example, in the newspaper “To Vima” (11/4/2004), we read “*growing fears of a sharp rise in crime after the Olympics with the release of 170-200 000 migrants involved in the Olympic projects. It is estimated that 10-20% will commit criminal acts. The government is focusing on immediate deportation after the projects are completed,*” while in Nea (27/05/2004) “*increased fear in Athens' neighborhoods of the absorption of police officers in the security of the Olympic Games. Immigrants, along with other criminal elements, will act uncontrollably*”. Those articles were coupled with a general pre-electoral conversation regarding the aftermath of the Olympic games, in which fears of domestic unemployment, especially in the construction sector, were presented along with anti-immigrant arguments (Pavlou et al. 2005,7).

Even though departed in a sense from the “moral panic” of the first period, we can now observe that the media representation indulged in Immigration's representation through the lens of “phobic racisms.” According to Anthopoulos (2000,52), “*Phobic racism is fueled by feelings of collective anxiety associated with social threats such as the rise of crime [...] which in the public perception are linked to the presence of immigrants*”. As such, most immigrants appeared to “*act as members of a pathological group whose main anthropological characteristic is the tendency towards crime.*”

Interestingly, while the media, voluntarily or not, indulge in the proliferation of “phobic racisms” in society, simultaneously, reports often condemn racist manifestations or acts. More importantly, this period's press appeared to underestimate the rising anti-immigrant far-right political parties, presenting them as marginal groups of violent supra nationalists, who have no basis in Greek

society, and which could potentially pose a national threat (Nea 29/10/2002, 30/05/2002, 6/9/2004).

This controversy reflected the political elite's understanding of the rise of racism and the far-right. As we observed, the political elites marginalized the rise of racisms, based on the argument that there was no elected far-right party in the Greek Parliament. Additionally, the authorities kept no records of racist crimes and attitudes. Furthermore, as we observe during the discussion on the parliamentary discourse, the political elites denied racist behaviors, even those deriving from administrative actions, claiming that Greece is a tolerant and xenophilic society and that any racist manifestations were an outcome of the very presence of immigrants. In the same vein, the media failed to understand that they were a part of the problem or their involvement in cultivating racist and anti-immigrant stereotypes and prejudices.

The second important observation was the repetitive preoccupation of the media with the flows coming from Turkey, which was evident during the previous period. This period's main difference has to do with the broader context in which those flows are represented.

We have to remember that this period was stigmatized by the terrorist attacks in the USA and Europe, followed by the American military intervention in Afghanistan and Iraq, which created a significant number of displaced persons, many of whom tried to cross to Europe via Turkey. The dominant discourse associated the flows of Afghans and Iraqis with a so-called “Turkish Master Plan” to destabilize Greece and EU, through the diversion of flows to the country, often associated with the broader hostile bilateral relations of the two countries, and especially with the issue of the accession of Cyprus in the EU. The articles often referred to the possibility of an armed conflict between the two countries and the use of Immigration flows as a diversion (Nea 13/9/2002).

Interestingly, the issue of jihadist terrorism, occasionally present in the public discourse, was not high on the agenda, unlike the rest of the world. According to Mr. Zavos, *“Greece had good relations with the Arab world. Thus there was no reason to react phobically to terrorism; thus, terrorism was left out of the game. Simultaneously Greece promoted cooperation with Europol to crack down on traffickers and reach repatriation agreements to stop the massive flows from Turkey since Turkey did not collaborate”*.

Once more, the numbers were heavily exaggerated. Reports throughout the period referred to numbers that varied from 300,000 to over a million “*clandestine*” immigrants ready to “*invade*” the country (Vima 30/9/2001; 27/12/2002, Vima 22/3/2003). The reports were usually complemented by reference to “*red alarms on the navy and the military*” and the shield of protection deployed by the Ministry of Defense and Public Order to halt the invasion of Turkish-led “clandestine” immigrants.

As one can observe, the media discourse was highly interlinked with the elite discourse, in which the term “clandestine immigrant” prevails the term asylum seeker, even though the flows could be characterized as mixed flows, given the turmoil in the middle-East. The choice to portray the totality of flows as irregular migrants had two significant ramifications. The first was the linkage of asylum-seeking to an already constructed and accepted threat. According to Buzan et al. (1998, 32:33), when an issue is “*linked to something that is generally held as threatening, the viability of a securitizing move can be enhanced, and the chances of success increase.*” In the case of Turkey's flows, asylum seekers were, in a sense, associated with security threats in a binary way. First, as a Turkish weapon against Greece, and second as irregular immigrants, carrying all the negative connotations already established in the public discourse. Thus, in reality, asylum-seeking was automatically securitized.

The second ramification is that the public, as we have discussed, uses media as a source of knowledge. Accordingly, the blanket representation of the flows as irregular immigrants took away the attention from the favorable legal provisions towards asylum seekers and undermined the public support towards them. Even worse, the elite discourse replicated and enhanced by the media cultivated a hostile environment towards potential asylum seekers and irregular immigrants. For instance, in the newspaper “Ta Nea” (4/10/2001), we read “*Red code for 5000 Afghans ready to pass to the Greek islands instructed by Turkey. The Minister of National Defense Akis Tzohatzopoulos called the phenomenon disturbing, reassuring that the Greek navy and the Greek army are on high alert to stop the invasion. Mr. Tzohatzopoulos tell the reporters that: I am afraid that we will find ourselves in a dilemma. That is, whether respect for human rights or the obligation to contribute to the war on terror is paramount*”. In the same vein, alleged sources of the Ministry of Foreign Affairs leaked in the press that about 300 000 Afghans and Iraqis are ready to invade Greece claiming that “*their permanent tactic will be to apply for asylum following the instructions*

of the smugglers, with the approval of Turkish government” (Vima 7/2/2002), indirectly suggesting that the totality of persons who will cross from Turkey were bogus asylum seekers, weaponized by the Turkish government.

Lastly, it is important to note that during this period, while members of the clergy and the political elites tried to raise the issue of cultural homogeneity and societal threat posed by Immigration, the press did not adopt those positions directly. Until this period, the media comparison between immigrants and natives was mostly made with economic and, at times, political criteria (poor-devil criminals vs. middle-class family men; backward communists vs. western democrats). While, as explained in the methodology section, opinion articles are excluded in the analysis, it was inevitable not to notice for the first time the rise of issues of cultural homogeneity; of the threat posed by immigrants to the prevailing Orthodox Christian religion and of the societal survival of the state. Those articles were primarily associated with specific issues, such as the construction of a mosque in Athens or the broader bilateral relations with Turkey, which was seen as using Muslim immigrants to change Greece's national and religious composition. The frequency of those “opinion” articles after 2003, and the existence of sporadic but yet meaningful elite discourse to this direction, reveal that the sperm of constructing Immigration as a threat to societal survival can be traced during this period, an issue that became dominant in the years to come.

On the positive side, the media during this period hosted more often reports concerning the status of human rights of irregular immigrants in the country, with emphasis on the reports by international bodies and NGOs, while surprising many reports found to condemn the government for failing to protect the asylum seekers and refugees (Vima 20/6/2002; 31/10/2004). Furthermore, reports occasionally referred to the lack of asylum seekers' accommodation or the deploring detention conditions. Additionally, acts of racist violence perpetrated by far-right groups or police forces made it easier in the press, especially after 2004.

This controversy is not easy to explain. The existence in the same papers and at times on the same days of articles that support the perception of Immigration as a threat and of positive articles that condemned the government for the lack of protection towards those marginalized groups at first glance seems somewhat confusing. When the question was posed to the journalist interviewees, the answers were similar. During this period, there was a rising movement of solidarity towards immigrants and especially refugees. Despite the close interlink of the elite and the media discourse,

the interviewees urged to see newspapers and media in general as organizations aiming to profit from their product. As one commentator stressed, *“The Greeks, despite their phobias, are compassionate people. The drama of these people (immigrants and refugees), especially in a period of general bliss, sold as much as fear. Do not forget that the Olympic period was a period of bliss and optimism. The contribution of immigrants in the economy was widely acknowledged, and Greeks, due to their historical past, have very strong sentiments towards refugees.”*

Still, though, the prevalence of negative stereotyping was dominant, and in essence, fomented the positive reports through the huge quantitative difference of one category from the other. According to Panousis (2007, 206), *“the contrasts of good and evil in the media are false and weigh more on the climate”*. Additionally, according to Anthopoulos (2007, 274), *“while the progressive response in the dominant-negative attitude exists [...] it does not have many possibilities to develop and influence the public opinion as long as the negative news dominates in the press”*.

According to Panousis (2007,206), to better understand the media response, one should consider the qualitative characteristics of the journalists that cover migratory-related issues. According to a survey conducted by the Aristotel University in 2004 (Panousis 2007, 206), 71% of the journalist covering migratory related issues were not specialized while many of them were specialized in the Police reports; and their primary source of information was the internet (!) by 84% or other colleagues by 64%. Interestingly the majority agreed that migratory-related issues should not be presented with exaggerations (69,7%) and prejudice (56,5%). The responses show a tendency for self-annulment of journalists who seem to disagree with their practices. Given the time distance, though, these answers also signal the press's shift, as observed in the next period, to a more self-controlled type of journalism.

The above analysis reveals that the media during this period continued to facilitate the construction of Immigration as a public threat by associating it with criminality and as a cultural and national threat through the association of the inflows from Turkey with the overall Greek-Turkish relations. Additionally, we observe a gradual turn to a more positive representation of Immigration, which was not of such a size to affect public opinion significantly. Notably, while the end of this period was characterized by the elite's efforts to de-securitize Immigration, at least discursively, the media sustained the same negative representation, and in a sense, involuntary undermined the governmental efforts.

Contextual Parameters

This section is devoted to the contextual evolutions of this period that shaped the Greek attitudes towards Immigration. Thus the focus is placed on the external and internal political developments, the inflows of immigrants, their impact on the labor market, the regularization program, the status of asylum seekers in the country, and the public attitudes towards Immigration.

External relations

One would have expected that the most important contextual factor of this period dictating the attitudes towards immigration would have been the dominance of jihadist terrorism in the security agenda. Despite the international focus, though, surprisingly in Greece, terrorism did not significantly affect the country's overall policy, nor was it an essential parameter informing its migratory policy. The way the Greek government interpreted the evolutions of this period is revealing.

According to interviewees, Greece enjoyed friendly relations with the Arab world. Thus as a matter of policy, both the Pasok government and the successive government of Nea Demokratia opted to keep the security measures related to jihadist terrorism to the bare minimum required by the European policies. Accordingly, and while terrorism gave the impetus for more restrictive migratory policies in the rest of the Western world, the issue remained silenced in Greece. According to Mr. Zavos, Greece, instead of drifting away in a phobic syndrome towards terrorism, opted for taking advantage of the security networks developed during this period for the curtailment of smuggling networks.

The US-led invasions in Afghanistan and Iraq of 2001 and 2003 created a wave of displaced persons who seek refuge in Turkey and, on a later stage, in Europe via Greece. Those populations accompanied by Iranian dissenters and Pakistans form along with Turkish dissenters the five major ethnicities that entered Greece via Turkey.

As we have observed in the press, those populations were perceived as irregular immigrants instrumentally used by Turkey. Despite the betterment of the Greek-Turkish relations, especially after the humanitarian catastrophes in the two countries in 1999 due to earthquakes, the long-standing animosity between the two acted as a continuous subtext for the way Greece understands the flows. This was evident in the ongoing military operations on Greece's land and sea borders,

which according to the then Minister of National Defence, Giannos Papantoniou, aimed “*to halt the threat to Evros and cut off waves of illegal immigrants from Iraq*”(Nea 7/11/2003).

The ramification of this understanding on behalf of the Greek government was most evident in how it perceived and treated the flows from Turkey, which, as we will see, practically consisted mostly of asylum seekers.

In 8.11.2001, Greece signed a “Readmission Protocol” with Turkey, which entered into force in 2002 (law 3030/2002, Gazzette 163 A/15.7.2002), and which foresaw a simplified readmission procedure at the borders and standard procedures for apprehended immigrants in the country (art.6). However, the Protocol did not include any provisions on respect for human rights or a clause on compatibility with international human rights conventions, especially the Geneva Convention.

Greece had also signed readmission agreements with Albania, Bulgaria, and Italy, while there were local corporation agreements with Macedonia (Trianafyllidou et al. 2009, 45).

In the same period, Greece developed a multilevel co-operational approach to its relations with the neighboring countries. The Greek external policy in the Balkans focused on providing multilevel assistance and enhancing the Greek economic investment with its neighboring states. This effort was part of the plan for the economic development of the broader region. Those efforts included training and technical assistance, while it encouraged Greek investments to create employment opportunities (EMN 2005, 35).

This evolution reveals that the containment of immigration flows could not be done unilaterally on behalf of Greece. The development of the wider Balkan region, from which it received the largest influx of migrants, would benefit both economically and stem the immigration flows. A step that was missed by Greece during the first decade under research.

Despite the rapprochement of Greece with its neighboring states, as we saw in the drafting of the 3386/2005 bill, the historical animosities, especially towards Turkey and Albania, created a rather peculiar subtext to the way the Greek state understand its immigration policy.

According to Mr. Zavos, whose insights considered very important given that he was among the main actors in the drafting of the bill, security considerations underpinned both the Turkey-

Albanian relations and the perceived elevation of Turkey as an important US ally in the context of the “war on terror,” were the second most important force behind the Greek policy besides economics. According to Mr. Psaras, Greece had a very wrong perception of its bilateral relations and the issue of immigration. Prejudices profoundly influenced Greek politics by creating imaginary national threats, especially when it comes to Albania. At the time, the Greek society had not yet risen to its feet and was torn between its conservative past and its European course. Also, Mr. Psaras stressed that, in Greece, the so-called Deep State was never modernized, and this is strongly reflected in the attitude of the security forces towards the immigrants and the strong connection of the phenomenon with the bilateral relations of the country. A relationship that never allowed the Greek state to deal with the phenomenon with sociological and political criteria.

Internal politics.

During this period, the most important internal political development was PASOK's replacement by Nea Demokratia in the country's government in 2004. It was preceded by Pasok's electoral victory in 2000, which retained power for eleven consecutive years.

The political succession between the socialist party of Pasok and the conservative Nea Demokratia, as already analyzed, did not bring about significant policy changes on immigration. The issue was never brought up, neither in the 2000 pre-electoral campaign nor in the two majority leaders' televised debates during the national and European elections in 2004 (Pavlou et al. 2005,3).

What is though essential during this period was the formation of far-right anti-immigrant parties. The most important party was LAOS, created by the former Nea Demokratia MP, George Karatzaferis, in 2000. While LAOS managed to get only 2.19% in the national elections of March 2004, in the European elections in June, the party doubled its percentage and managed to acquire one seat in the European Parliament. According to Pavlou (2005, 4), in the pre-election period, and despite the silence of the issue by the majority parties, immigration was among the dominant subjects in the media debate generating some very high ratings. This contributed to LAOS's success, which in the next national election of 2007, managed to enter the Parliament.

From this development, we can observe that, despite the de-securitizing efforts of the political elites towards the end of the period, the far-right discourse, previously marginalized politically, found its way into the political arena. Additionally, as we will see in a later section, far-right supporters of Golden Dawn and other extreme right formations came out of social obscurity by

introducing their action in Greek society, turning the hitherto sporadic racist phenomena into organized ways of acting.

Inflows and immigrant stock

The most authoritative sources to assess the volume of inflows in Greece during this period are the 2001 census, the Ministry of Public Order, and the number of asylum applications.

According to the 2001 census (ELSTAT 2003), the number of immigrants in Greece, irrespective of legal status, was 797,091 persons, of whom 761,813 were non-EU nationals. Additionally, 415,368 were male and 346,445 female, while most of those persons were between 20-44 years old, in the ages considered as most productive. We must add another approximately 250,000 repatriated ethnic Greeks to this population, which raised the number of foreigners residing in the country to over a million (Triantafillidou et al. 2009, 10).

Of those who entered Greece, 54% enter for work, while 13% for family reunification, 7% for repatriation, 1,6% to seek asylum, while the missing percentage did not declare their reasons for entry.

The most important finding of the census was that the overwhelming majority of foreigners in Greece were of Albanian descent, reaching up to 438,000 or 57%, followed by Bulgarians with 35,000. This phenomenon is unique in Greece since there is no other case, at least in the EU, where a single nationality accounts for such a large percentage.

In the entire period, multiple estimations found the number of irregular immigrants at about 200,000 (Triantafillidou and Gropas 2005; EMN 2005). This number is consistent with Project Clandestino's findings, which was finalized in 2009, and found that the number of irregular immigrants in Greece did not exceed 280,000.

According to the Labor Force Survey (EMN 2005, 93), over 90% of immigrants engaged in wage work, with the majority found in construction by 28% and manufacture by 21%. It is interesting to compare those percentages to the natives found in those sectors. According to the same survey, only 14.01% of the native labor force was found in the manufacture, while construction fell to 6.92%. This pattern reveals no real labor competition between natives and foreigners in reality, given that foreigners found in those parts of the labor force that Greeks were not interested in. Thus the immigrant labor force appeared as complementary to that of natives (EMN 2005, 7).

Additionally, the General Federation Of Greek Workers (GSEE), presenting its findings regarding the impact of immigrant workers in the Greek labor market, found that *“The entry of foreigners into the labor market, which accounts for about 10% of the country's workforce, not only did not cause serious deregulation in the market but allowed the Greek economy to avoid serious structural problems. At the same time, the workers' contribution to the social security funds was important for their survival”* (Nea 16/11/2003).

Another critical observation deriving from the 2001 census is the educational level of immigrants. According to the findings, 296,343 finished at least high school, while 96,000 have obtained a university degree. Compared to immigrants' position in the labor force, these findings indicate that Greece did not take full advantage of those populations' full possibilities but instead opted to keep them on the lower scale of the economic life.

In terms of apprehensions, except for 2000-2001, the numbers were significantly lower than in the previous periods. According to the Ministry of Public Order, in 2000, there were 259,403 apprehensions, while in 2001, 219,598. The regularization program of 2001, and the decision to suspend sweep operations for as long as the program was in force, diminished the number of apprehended irregular migrants, which average around 45,000 per year, while in 2005, the number raised to 77,012 (EMN 2005,27). The same trend appeared in the numbers of removed aliens during this period. Importantly Albanians were dominant both in the apprehension and deportation numbers, with a ratio way beyond that of their actual presence in the country. For instance, in 2005, 71% of apprehended persons were Albanians, while the deportation rate raised to 86% (EMN 2005, 28).

This trend reveals the potential of racial profiling and the extensive policing of the Albanian population, which resulted in a higher number of arrests and deportation.

The fall in the number of apprehensions and deportations is positively associated with the introduction of the new regularization program of 2001, which aimed to allow the irregular immigrants found in the country, and who fell out of the 1998 plan to regularize their status.

Regularization program.

Both 2910/2001 and 3386/2005 bills introduced new regularization programs. The 2005 program, though, was implemented in 2006; thus, the results were evident in the following period. Therefore in this section, the focus will be placed on the 2001 regularization program.

As already stressed, the Pasok government aimed to legalize as many irregular immigrants as possible. The 2001 census results were published in 2003; thus, the government based the need for a new program on speculations regarding the number of irregular immigrants and acknowledging that the previous program's bureaucratic deficiencies prevented it from having the desired results.

The responsibility of the program was transferred to the Ministry of Interior. During the registration period, the government decided to suspend sweep operations and to release all irregular immigrants detained for violations of the migratory legislation to have the chance to legalize their status (Kanelopoulos 2005,43; Vima 31/5/2001). Additionally, the new program was highly advertised through the media and the press to attract as many immigrants as possible.

The government appeared to have organized the new plan more carefully, but in reality, once more, the Greek bureaucracy was found unprepared. 370 000 persons joined the new program, a number pretty close to those estimated to fell out of the first regularization program (EMN 2005,5), causing an enormous workload to the migratory offices, which were unable to process the applications in due time. The entire process suffered from huge delays. Permits were given for a one-year duration, which meant that the whole process should have been repeated as soon as the regularized immigrants receive their permits.

Additionally, the law imposed high fees for the registration (147 Euros), which sums up with the social insurance stamps, and the additional costs of translating documents appeared as a very high cost for the underpaid irregular immigrants (Fakiolas 2003). Additionally, the law shortened the registration period from five to two months, despite the lack of information campaign, language, and information barriers (Fakiolas 2003).

The deadlines were extended several times. Finally, in 2004 the government decided to raise the duration of permits to two years (act 3202/2003), thus easing the administration's task and relieved migrants of unnecessary discomfort (Kanelopoulos 2005, 45).

There are no available data regarding the number of legal residence permits before 2003. According to Kanelopoulos (2005, 19), in 2003, the Ministry of Interior issued 721,833 stay permits, a number that is very close to the number of non-EU population found in the 2001 census, which was count to 797,091 foreigners (the number included both regular and irregular immigrants, but it is estimated that some 130,000 irregular immigrants did not participate in the census). In 2004 the valid stay permits fell to 420,000. Still, data are not reliable to conclude if the 300,000 disparity ended in irregularity, or the data are incomplete due to delays in the procedures.

In any case, given that there are no data either that 300,000 left Greece during this period, especially compared to the data regarding apprehensions, and given that all estimations of this period raise the number of irregular immigrants to approximately 200,000 (Triantafyllidou and Gropas 2005, 6; EMN 2005,22), we consider this number as those trapped between legality and illegality due to the deficiencies and delays of the regularization program.

Asylum Seekers

During this period, there was no legal evolution regarding asylum. The two bills enacted explicitly excluded asylum seekers from their provisions. Thus the issue of asylum was still regulated by the PD 189/1998 and 61/1999. The only provision regarding this category was found in the 3386/2005 bill, which allowed rejected asylum applicants to apply for a residence permit if their application has been rejected before 31/12/2004. Those whose application was pending were excluded from the procedure.

According to the Greek Ombudsman (2001;2002;2003;2004), EMN (2005), Amnesty International (205), among other reports of international human rights bodies and NGOs, the legal framework, in general, considered complete and in accordance with the Geneva convention. In reality, though, there were important deficiencies in the law's practical application, which constitute the refugee protection non-existent.

To get a better understanding, the two tables below provide essential quantitative information regarding the number of asylum applications, the recognition rates, and the countries of origin of asylum seekers. All data comes from the UNHCR Statistical Year Book 2005.

Year	2000	2001	2002	2003	2004	2005
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New applications	3083	5449	5664	8178	4464	9050
Convention Status	222	197	36	3	11	39
Humanitarian status	175	148	64	25	22	49
Acceptance rate	12.87%	6.33%	1.76%	0.32%	0.73%	0.97%

Table n.1 Annual applications and acceptance rate

Year	2000	2001	2002	2003	2004	2005
Pakistan	141	252	250	681	247	1154
Iraq	1334	1972	2567	2831	936	971
Afghanistan	446	1459	1238	561	382	458
Bagladesh	49	35	34	233	208	550
Georgia	1	0	8	48	323	1847

Table n.2 Asylum applications per nationality/year

Accordingly, we can observe that the already below EU average acceptance rate of 2000, drop to below 1% after 2002, putting Greece in the last position of asylum acceptance rate in the EU, which by 2005 average about 26,4%, and perhaps in the world (NCHR 2005). Another important observation is the situation of the leading countries of origin. Afghanistan was invaded by the US-led coalition in 2001 in the context of the “war against terror.” Iraq was under the suppressive Saddam Husein regime until 2003, when the US invaded the country, leading to its implosion. Georgia, in 2005 was at war with Russia, while Pakistan, besides other internal issues, in 2005, endured one of the most catastrophic earthquakes in its modern history, leading to the death of over 80,000 people while destroying almost completely the region of Kashmir.

Despite the countries of origin's internal situation, which at first glance could justify the status of an asylum seeker, we can not disassociate the practical interruption of the asylum system in Greece with the broader context. As we have discussed in the previous sections, both the elite discourse and the media constructed the flows from Turkey as irregular immigrants instrumentally sent to Greece by the rival state to destabilize it. The majority of border control measures were now targeting the region of Evros and the Aegean Islands, which were the main entry points of those populations (CoE 2006), aiming to stop “*the invasion of Iraqis and Afghans,*” as characterized by the political and media discourse.

Additionally, the Ministry of Public Order remained responsible for the first instance decision and the second-degree appeals procedure. Simultaneously, the Council of State was competent for the procedural review following a final negative decision but only on administrative aspects of the rejection and not for the application's substance.

This created a rather peculiar scheme in which the Ministry of Public Order was responsible, along with the Ministry of National Defense, to protect the borders from the “immigrant invasion”, accept and process asylum applications, and the second-degree appeals procedure. This scheme inevitably led to subjective bias on behalf of the police forces towards asylum seekers, which was reflected both on the recognition rates and the overall treatment of asylum seekers by police professionals, as discussed in the following section. This subjective bias was manifested through the extensive interviews with police professionals and members of the Mercantile Marine conducted by Triantafillidou and Maroufouf (2009,43). During the interviews, security professionals argued that according to their understanding, asylum seekers are, in reality, irregular migrants “*who seek to obtain the ‘pink card,’ which allows them to stay and work legally in Greece for six months and until their application is processed. When the application is rejected, these people disappear into the informal economy of Athens or other areas. This view indirectly justifies why irregular migrants are not provided with the opportunity to seek asylum. The implicit argument is: ‘if they are there to cheat the system, the police ought better not allow them to seek asylum in the first place’.*”

The above findings are added to the recognized structural inadequacy of the asylum reception system since, in addition to the lack of reception facilities and accommodation centers, the system had to deal with a lack of interpreters, thus inadequate access to information regarding asylum

procedures; understaffing of police stations where asylum seekers were held by experienced personnel; the lack of legal aid; the selective receipt of asylum applications from the Attica Department of Foreigners in which the volume of applications was concentrated; the lengthy and complicated process which at times lasted for years contrary to the art 2.2 PD 61/1999 which set the maximum limit for the processing to three months; the general practice of rejecting almost all asylum claims at first instance, for example according to Amnesty International (2005) in 2003 no refugee status granted at first instance; and finally the uniform justification of rejection of asylum claims on economic grounds at first instance, even in the face of forensic evidences that show that the applicant was victim of torture in his/her country of origin (Amnesty 2005, 22).

In addition to the above, as a matter of practice, asylum seekers were detained upon apprehension at borders for a maximum of three months for illegal entry, in conditions often described as an offense to human dignity. According to the Ombudsman (2001), this practice went contrary to the Geneva convention, which at Art. 31 stipulates “*detention of asylum seekers is only allowed in exceptional cases.*”

After the lapse of three months, asylum seekers were released and given an official note, which required them to leave the country within thirty days, during which they could apply for asylum in the local Departments of Foreigners, a possibility that was not given during detention. Due to the difficulties mentioned above, the official registration of an asylum application could take months, during which the legislation did not provide anything for their legal status. As a result, asylum seekers remained in the country under a state of tolerance without any protection, even of fundamental rights (NCHR 2001).

Furthermore, the lack of accommodation facilities persisted during this period. Despite the rising volume of asylum applicants, between 2001-2005, the accommodation capacity raised from 300 to 900 places (CoE 2005), which remained insufficient. According to the UNHCR 2000 report, “*authorities cite a lack of resources to explain the situation. However, it seems that they are reluctant to adopt measures, fearing that the improvement of living conditions will attract more asylum seekers*” (NCHR 2001, 13).

The final observation regarding asylum seekers in Greece is the invocation of art.2,8 PD 61/1999, according to which the asylum procedure could be interrupted if the applicant changes its declared residence address. The applicant could appeal the interruption decision within three months if

he/she could prove that the change of address was for reasons beyond his/her control, or else the application was rejected. According to Amnesty (2005) and NCHR (2005), this was mostly invoked against Dublin returnees, which upon their return to Greece, were faced with the possibility of immediate refoulement in countries known for their widespread human rights violations. This practice led UNHCR as early as 2004 to request EU countries, which ratified the Dublin Agreement, to ask Greece's guarantees for a fair examination of asylum claims or to halt the returns to Greece to prevent indirect refoulement.

The above findings coincide with Shuster (2004), who claimed that all these measures are an orchestrated effort by the states to deter and control asylum seekers' flows. Schuster stresses that these security measures are inefficient, given that the flows are not dictated by the conditions in the receiving states but rather in the countries of origin.

The Greek state appeared to favor a security approach towards asylum-seeking, in the same, if not stricter manner, that this of irregular immigrants. The political discourse, facilitated by the media, passed in the public conscience the message that all persons crossing Greek borders are, by definition, irregular immigrants. This attitude was also reflected in the primacy given to the ministry of Public Order and police to manage asylum applications and the securitizing measures implemented to halt the flows from entering Greek soil or managing them upon entry.

In a sense, this policy's ramification was the total deprivation of asylum seekers' rights, both under police control and upon release. Asylum seekers did not enjoy any of the rights entitled to them by national and international law while in detention. The situation continued upon release since the state deprived asylum seekers of any protection while their application was under consideration and condemned them to absolute destitution.

Public attitudes

The previous period set the pre-conditions for the rise of xenophobia and, eventually, racism in Greek society, which gradually organized into open racist movements. Simultaneously, the first solidarity movements appeared Initially in the form of anti-racist rallies and took shape towards the end of the period as solidarity organizations.

Evidently, during the parliamentary debates, the racist discourse was relatively minimal, while politically was marginalized and limited to the far-right, making its appearance as an autonomous

political cluster during the period under consideration. Nevertheless, the elite discourse maintained its negative predisposition towards immigration for the greatest extent of this period, perpetuating the perception of threat to national and social security, which must be tackled by reinforcing the country's security apparatus.

The actions of the security forces also confirmed the political representation of immigration. The massive sweep operations that continued until 2001 and the observed negative to extreme behavior of the security forces towards immigrants consolidated both the criminalization of immigration and the public's negative perception.

Although showing signs of decline in the almost exclusively negative way, they presented the immigration issue, the securitizing environment facilitated by the media maintained the negative to xenophobic predisposition.

In this context, inevitably, what began as a byproduct of phobia and “moral panic,” exaggerated by the media, soon turned to an intentional xenophobic and racist behavior by the public, which simultaneously found to take advantage of the marginalization of immigrants and their lack of protection for own benefit. This complex behavior is reflected in a series of media reports dealing with immigrants' labor exploitation while also revealing the instrumentalization of the criminalization of immigration. Indicatively, in a case that reached up to the headlines of newspapers (Nea 29/3/2000), we read that the prefects of specific areas demand from the police to temporarily stop the arrests of Albanian workers until the end of the harvest; otherwise, they threaten with mobilizations. In these cases, the interesting thing is that the prefects undertook to hand over the Albanians themselves for deportation after the harvest. According to local police directors, this was a common tactic, during which, while urging not to harass workers, after the end of the harvest, the residents called on the police to arrest them, protesting against the increase in criminality.

As discussed in a previous section, opinion polls are not an accurate representation of reality. However, they still provide snapshots of Greek society's conversion. We manage to retrieve only four significant research during this period, whose validity of the results cannot be questioned given the body that conducted them. Other minor studies found discarded due to the absence of the body or the company that researched the reports.

The Ministry of Interior conducted the first research in 2001. According to its findings, 32,4% of Greeks considered immigrants' presence as worrying; 11,7% as a threat; 39,2% as expected; and 15.5% as positive (Vima 1/8/2001). For the first time since 1991, the percentage of a positive attitude appears higher than the negative.

The relatively positive response declined according to a Kappa Research survey in 2004 ordered by the newspaper “Ta Nea” (20.5.2004). According to the results, 66.4% believed that immigrants were too many, 46,6% responsible for the rise of unemployment, while 58,8% believed they were accountable for criminality. Still though in 2004, the negative perception of immigration lack behind the findings of previous research.

Perhaps the most interesting seven-year survey, presented in 2005 by the criminologist Vagenas-Palaiologou (Kathimerini 28/7/2005). The survey focused on the attitudes of the judicial system and police towards immigration. According to the findings on the judiciary, more than 90% attributed the rise of criminality to immigrants; 100% believed that the judiciary could not protect immigrants as Greeks; 57,1% that they did not enjoy all legal guarantees; while more than 50% believed that being a foreigner had an adverse effect on the judicial decision in general, while 25% revealed that it would have an adverse impact to their own judgment. Finally, more than 50% attributed the rise of racism to the migrants' behavior, while only 20,4% to xenophobia. In the same vein, the research conducted in the police force revealed that 92,4% of the police force attributed the rise of criminality partially or exclusively to immigration, while 55,8% appeared hostile towards immigrants.

These findings reinforce the notion of negative stereotyping of immigrants in the judicial system and by police. Additionally, they reveal a well-hidden discriminatory, to say the least, attitude on behalf of the judiciary towards immigrants. Given that the totality of judges agreed that the judiciary could not equally protect immigrants as natives, and given that the respondents were judges, solidify the notion that immigrants were in a sense excluded by the judicial protection, which should have been their most robust safety net for the protection of their rights. Finally, the combination of the negative stereotyping of both the judges and the police gives a hint for the impunity enjoyed by police and civilians for acts of violence against immigrants.

Finally, in 2005, research conducted by the European Monitoring Center of Racism and Xenophobia found that 84,73% considered minorities as a collective national threat; 87,47% did

not want any more immigrants; while a staggering 31,5% wanted all immigrants to leave irrespective of their legal status (Nea 16/3/2005). This last research raised the negative predisposition towards immigrants almost to the levels of the previous period.

To understand the reasons behind this fluctuation in public attitudes, one has to look at important incidents found in this period, which significantly impacted Greek society. The first is the “Flag insistent” in 2000 and 2003. In both years, the same second-generation immigrant of Albania descent Odysseas Chenay, having the highest scores in school performance, was entitled to keep the Greek flag during student parades. For the first time, a foreigner had that possibility. The issue provoked strong reactions, initially at the local level, reaching, through the over-promotion by the media, to the highest state level with participation in the controversy even of the then president of the Greek Republic. The division of Greek society on the subject reached extreme levels, especially in 2003, with verbal and physical attacks from both sides, while in an incident unprecedented for Greek politics, the super-mayor Costas Tatsis directly attacked the president of the republic, calling him a traitor for his statement quoting Isokratis that *"Greeks are those who participate in Greek education"* (Tsimpris 2010, 71).

The insistent, minor as it sounds, but given the extent it took preoccupying the agenda for several months, reveals the Greek society's polarization and a racist predisposition that was channeled into society through it. It also revealed the disparity within the major political parties. Both the leaderships of Pasok and Nea Demokratia hold a relatively favorable position towards the possibility of a foreigner holding the Greek flag in the context of the social integration of immigrants in Greek society. On the other hand, both parties, but especially Nea Demokratia, which tried to create a more liberal profile, had to deal with the extreme patriotic and, in some cases, even anti-immigrant executives of their parties (Tsimpris 2010, 95).

The second insistent, arguably the first violent pogrom against immigrants, happened in 2004. In the aftermath of a football match in September 2004, the Greek national football team, which won the EURO football cup in the same year, was defeated by the Albanian national team. This led to unprecedented attacks against Albanians in almost all major cities in Greece. During the clashes, one Albanian was stabbed to death, while another 70 were hospitalized seriously injured. The police arrested 8 Albanians, but not a single Greek native besides the one that murdered the

Albanian (Pavlou 2004 et al., 2004,43). According to the media and reports of this period, the police, while present, remained completely inactive during the attacks.

The attacks were performed mainly by the football fans group called “Blue Army,” which, according to Mr.Psaras, was positively associated with the neo-nazi party of Golden Dawn. According to Mr. Psaras, this incident was both a planned show of strength and a test of tolerance on behalf of Golden Dawn.

In the aftermath of the attacks, demonstrations were organized in Thessaloniki with the participation of the Forum of Albanian Immigrants and anti-racist organizations, while an anti-racist group occupied the political office of the then Prefect of Thessaloniki, Panagiotis Psomiadis, who called Albanians miasma. The word that Mr. Psomiadis choose to use was intensely emotionally charged since the junta's paramilitaries use it for the left (Nea 7/9/2004). In Athens, anti-racist organizations marched towards the Greek Parliament, while a group of anarchists provoked small-scale incidents with Molotov cocktails without any injuries or arrests. Similar mobilizations took place in Chania and Ioannina (Pavlou et al. 2004, 41).

The 2004 pogroms forced the Greek state and the media to accept that these racist attacks were not isolated phenomena but an organized racist blow by groups that gradually began to emerge from obscurity. It also brought to the surface the discussion about the existence of racism in Greek society, which until then had not manifested itself to such an extent and degree of violence. For the first time, at least to such an extent, media, organizations, and politicians acknowledged racism in Greek society. According to Elafros (Kathimerini 14/9/2004), “ *Albanians are treated in Greece scornfully as inferiors. It is not by chance that one hears statements as “not even an Albanian would do this job”[...] Racism of 5 of September was a racism of the bosses who can not accept being beaten by their workers*”. Additionally, the Hellenic League of Human Rights, in a public statement, stated that “ *A large number of Greeks treated Albanian immigrants as people worthy of contempt who should demonstrate their gratitude at being able to make a living in the country [...] this perception is so widespread in our country that renders its exploitation by a small group of the racist, ultra-nationalist and even greater number of fuming soccer fans only a detail of the broader picture [...] this behavior was hidden until now in order not to spoil the countries international image*” (Pavlou et al. 2004, 43).

The fact that the main group under attack during this period were Albanians should not be surprising, given their higher visibility in Greece. Racist incidents perpetrated by civilians were reported throughout the years, but regrettably, the Greek administration refrained from keeping data regarding racist violence.

In this context of rising expressed xenophobia, it is no surprise that a far-right party managed to acquire electoral gains in Greece for the first time in the European Parliamentary elections of 2004. While the dominant parties tried to undermine LAOS's entry into the European Parliament, LAOS entered the Greek Parliament with an extreme anti-immigrant agenda three years later.

To conclude this section, we can observe a division of Greek society on immigration during this period. While the anti-racist movements had somehow made their presence felt, what has prevailed was the rise of racism and the far-right, manifesting itself openly and violently. Electorally and in percentage terms, these groups may not seem threatening to the political system, but their action, as we will see in the future, will have a substantial impact on the issue of immigration and social security. The re-emerging dialectic of the "national crisis" that began with the flag event and culminated in the 2004 pogroms brought a supra nationalist conception that presents itself as purely patriotic, which now directly targeted the immigrant population of the country as a source of all evil.

This rise of racism would not have been possible if the securitization of immigration had not been consolidated in Greek society. The notion of the enemy other, constructed through the political elite discourse, the press, and the securitizing practices for fifteen years, was established in society, which now manifested itself violently in its anti-immigrant reflexes. We can consider this as an escalation of the securitization of immigration, which, while evident in the previous years in the form of "moral panic," had escalated to the extent that quasi legitimized violence and racism.

Besides the elite and media discourse, and the gradual rise of racism, securitizing practices during this period remained in place. The de-securitizing efforts were not accompanied by the practical de-securitization of immigration, neither by adopting measures that would avert the devastating consequences on immigrants and asylum seekers' human rights. The extent of securitizing practices and their impact on human rights protection will be the next section's subjects.

Securitizing Practices and Human rights protection

The most significant characteristic of the period 1991-1999 was “exceptionality.” The Greek government reacted in terms of “moral panic,” creating a legal and policy framework that, even though discussed in the parliament in terms of ordinary law, included as we have analyzed several provisions that found in breach with human rights protection, and that were deliberately inserted in the legal framework. In their turn, those provisions, along with the environment surrounding immigration, gave the impetus for the practical in-application of the national and international human rights law, which protected irregular immigrants' human rights.

The period under consideration shifted from the “state of exception” to the routinized practices. As observed in the parliamentary debates, certain authorities of the previous law were removed from the Ministry of Public Orders' competence. Additionally, there was no direct conflict between the administrative and the legislature or the judicial power at no point. The two Bills appeared both in the way they were discussed (standard procedure) and their provisions as “normal,” while claims of the “exceptionality of threat” remained in the course of the debate but removed from the body of the law.

Specific provisions of the 1975/1991 bill were removed, such as indefinite detention. Simultaneously, the most significant innovation towards human rights protection was perhaps the subordination of asylum issues to different legislation, thus legally separating the concept of an immigrant from an asylum seeker.

The improvement of the migratory bills did not improve the protection of the human rights of irregular immigrants and asylum seekers in the country. The administrative and structural inefficiencies and insufficiencies continued, while the securitizing measures prevailed humanitarian. According to the Ombudsman (2003), although the legislation was advancing, state actions and inactions were still the most significant sources of endangering the fundamental rights of migrants, which further degraded its obligation to protect them. The successive governments avoided to make those changes that would bring the human rights of illegal immigrants into practice. In conjunction with the continuing regime of impunity for security forces and the overall securitizing environment worsened the previous period's already aggravated situation.

Comparing the findings of this period with the previous one, we can observe that specific issues brought to the fore the previous decade remained unsolved and even show signs of further deterioration.

Among the most significant evolution in this period's securitizing practices was the creation of permanent security bodies within the police forces and the reinforcement of the material and structural capabilities of the police and the coast guard.

Accordingly, the border guard units created in 1998 were reinforced in human resources twice between 1999 and 2001 (Vima 6/12/2001), reaching 5,000 persons in 2005 (EMN 2005, 69). It is indicative that, according to the Ministry of Public Order, the Greek police force increased by 25% in a decade to combat immigration, while the police force came to correspond to one police officer per 212 citizens (Nea 30/6/2002).

Additionally, the coast guard reached a workforce of 6251 persons, while its material resources were modernized and elevated. By 2005, the coast guard had in its disposition four choppers, 319 terrestrial vehicles, 200 picket boats, seven plains, while the radar systems were constantly upgraded (EMN 2005, 69). Finally, the army was involved decisively in protecting borders against irregular immigrants during this period. Indicatively the Ministry of Defense declared twice a military alert in 2001 (NEA 4/10/2001) and 2003 (NEA 7/11/2003), out of fears of mass influxes from Afghanistan and Iraq.

The majority of resources were diverted towards the Greek- Turkish borders. While this might appear surprising, given that the most prominent volume of irregular immigrants appeared to cross through the Greek-Albanian borders, the nature of crossing was what imposed the most significant absorption of resources in this direction. While Albania's crossings were unorganized and rather individual, the crossings from Turkey were done in groups and organized by smuggling networks. Additionally, Albanian's irregular flows were considered manageable through the bilateral agreement of the two countries, which allowed for Albanian immigrants' expulsion directly to their country of origin without any further procedures. On the other hand, the flows from Turkey, as observed in the previous section, were heavily securitized, considered a threat to national security, and as a weapon to destabilize the country. Even though Greece and Turkey signed a readmission protocol in 2001, the protocol's actual implementation was, in fact, problematic since the Turkish side refused to cooperate.

The reinforcement of the Greek borders was also influenced by the implementation of the Schengen agreement in 2000. The Schengen agreement obliged the Greek government to elevate border controls since the Greek borders became the EU's borders. In this direction, Greece became active politically at the EU level by promoting its firm position, held since 1994 that all Member States must contribute to the cost of protecting the EU's external borders, and consequently, Greece. This position was evident at the Seville EU summit in 2002 and during the EU's Greek presidency in 2003. The Seville summit's central axis was the harmonization of European asylum law, the fight against traffickers, the strengthening of external borders, and the cooperation with countries of origin (Council of EU 2002). During the summit, Greece emphatically supported its positions, which included the creation of a European border guard Unit, burden sharing on asylum matters, and the establishment of a European immigration observatory body (Nea 26/6/2002).

Also, the then Minister of Public Order, Chrisohoides, stated in 2003 that the axes on which the Greek EU presidency will move are the fight against irregular immigration and the containment of the wave of refugees that may flood Turkey from Iraq (Nea 20/2/2003). This statement was valid since the Greek Presidency was, to no small extent, focused on immigration and the need for the creation of a European security mechanism.

The reinforcement of the borders in conjunction with the prevailing hostility towards immigrants by the security forces, along with the practical in-application of the asylum legislation, created, as NCHR (2002) puts it, conditions that favored the refoulement of irregular immigrants and asylum seekers, without any procedural guarantees or protection of their rights enshrined in the national and international legislation. Throughout this period's press reports, we have already identified the construction of flows coming from Turkey as predominantly illegal. Additionally, there were no structures created at the bordering areas aiming to identify and process asylum applications, the detention or accommodation of flows, or the dignified return of those found to be actual immigrants to their countries of origin.

The national legal framework was found to be guided by the principle of non-refoulement. According to art1,1 PD 61/1999, *“An alien who declares orally or in writing before any Greek authority at the points of entry into the Greek Territory or within it, that he seeks asylum in our country or in any way he requests not to be deported to a country out of fear of persecution due to race, religion, nationality, social class or political beliefs, is considered as an asylum seeker*

according to the Geneva Convention 1951, as amended by the New York Protocol 1967 and until the final decision of his request his removal from the country is not allowed in any way. An alien who enters our country is also considered an asylum seeker, according to the Dublin Convention of 15-6-1990, ratified by Law 1996/1991.”

Contrary to the legal provisions, though, ever-increasing reports and investigations speak of mass illegal deportations of potential asylum seekers, while there are numerous reports of violent and immediate push-backs in the Aegean and at Evros borders (CPT 2005; Amnesty International 2002-2005; HRW 2002, NCHR 2003). Several allegations, especially at Evros' borders, coincide with the fact that the border guards ignored asylum claims. Simultaneously, there were severe allegations of immediate expulsions without even giving the chance to file an application or challenge the expulsion (UNHCR 2004).

As a matter of course, the border guard units and the coast guard denied the allegations of pushbacks. According to a survey conducted by Triantafillidou et al. (2009, 44) among security professionals, most of the officers involved in border protection reaffirm their commitment to the protection of human rights. On the downside, security professionals declared that to their understanding, anyone who crosses the borders is an irregular immigrant and uses the asylum procedure to bypass the system. Thus, they considered their duty to prevent them from applying for asylum in the first place.

Additionally, according to NCHR (2002b), the Greek- Turkish protocol, which entered into force in 2002, was based on the a priori treatment of any entry as de facto illegal, thus treated accordingly. In this vein, art.8.2 of the Protocol, dealing with the readmission of immigrants, did not refer to the country's international obligations, especially in the context of the Geneva Convention.

According to Amnesty International (2005), the Greek border policy aimed at discouraging entry, irrespective of each person's individual circumstance, thus favored immediate expulsions. Among the most worrying allegations was the incommunicado detention of immigrants at the borders, which were summarily returned to Turkey, at times irregularly. According to NCHR (2002), ECRI (2003), and CPT (2005), both the coast guard and the police hid places of detention of foreigners by CPT and NGOs, a practice that violates Art.8.2 of the European Convention for the Prevention of Torture. It is believed that the disclosure of detention facilities was an attempt to conceal the

conditions of detention and facilitate the refoulement of migrants, who were being held secretly, and without the appropriate screening.

The extensive militarization of the Greek borders, along with the occasional statements by government officials about the sealing of the border using military means, in part, confirm the belief that security forces prevented entry or carried out deportation operations without paying particular attention to the existence of vulnerable and asylum seekers. These practices appeared to be in breach of Art. 18 UDHR and Art.33 of the Refugee Convention.

Even if irregular immigrants managed to enter the Greek territory, their treatment by the state remained highly problematic, while the previous period's omissions sustained. Given the intensity of the flows and especially the rise of the numbers of asylum seekers, those omissions acted as a multiplier to the deterioration of respect for immigrants' human rights in the country.

On the positive side, according to the migratory bill art 76.3 3386/2005 (art. 44 law 2910/2001), the detention of irregular immigrants was no longer indefinite but limited to a maximum of three months, which is perhaps the only positive provision to this direction.

As already discussed, the first issue that arose was the police's practice to issue successive deportation acts, which legitimized foreigners' detention for another three months. According to the Ombudsman (9/2006), this practice violated the rule of law in two ways. First, it extended the detention without a legal basis since the three months were the legislator's absolute limit. Secondly, the Ombudsman emphasized that the administrative detention served the purpose of deportation. Consequently, the issuance of successive deportation acts reversed the rule since the deportation deed seemed to serve the will to extend the detention, given that removal was not feasible. While the police insisted on justifying this practice as if it intended to fill an existing legal gap and protect the interests of the Public, the ECtHR, in the case *John v Greece* (n.199/05, 10/5/2007, para.33), found that *“the practice of police authorities intended to circumvent the law 2910/2001, to legitimize the extension of detention”*. The court found that the practice violates Art. 5.1 ECHR on lawful detention.

Additionally, the law maintained the vague invocation of public security and national interest for the issuance of expulsion orders, which justified irregular immigrants' detention. In reality, according to the Ombudsman (2005), as a matter of course, irregular immigrants were routinely

detained, on the grounds of public security and risk of absconding, in the absence of any alternative measures to detention. Law 2019/2001 provided the possibility to appeal an expulsion order before the Secretary-General of the Prefecture or the court. The law, though provided that in the event of an appeal against deportation and the final revocation of the decision, shall not suspend detention. The Greek Ombudsman heavily criticized this issue, as already stated.

Additionally, the Ombudsman (2003) found a tendency during this period by the police authorities to ignore the Perfect or the court's decisions. Therefore, the non-elimination of the consequences of their decisions when they were annulled is observed. As a matter of practice, police insisted, in violation of their discretion, on the expression of judgment regarding the risks of public security and re-issued the deportation orders.

In the latest immigration bill, the competence to examine appeals against deportation transferred to the Ministry of Public Order. Thus the Ministry of Public Order automatically was responsible for protecting borders, the arrest of irregular immigrants, the issuance of administrative expulsion orders, the examination of the appeals against deportation orders, the guarding of irregular immigrants' detention facilities, and the processing of asylum applications. In other words, the Ministry of Public Order and police were responsible for all issues regarding irregular immigration and asylum procedures.

The exclusion of the judiciary from almost any aspect of the process and the subordination of all the responsibilities mentioned above to the Ministry of Public Order constituted a regression from the de-securitization efforts and an expression of routinized securitization. Following the Paris School, the militarization of borders; the legal framework, which is no longer exceptional; and the securitizing practices became a matter of constant practice; thus, routine. The exceptionality of the previous period was now replaced with the creation of enhanced policing powers at the expense of the judicial. Also, measures previously cited as exceptional were now a matter of ongoing practice, based on permanent structures, but legitimized discursively or practically by the exceptionality of threat.

In this framework, issues concerning detention conditions, the protection of asylum seekers and unaccompanied minors, and the protection against police brutality showed an apparent deterioration.

Detention conditions, already criticized in the previous period, were still deplorable. According to the CPT report of 2001 and 2005, and despite the urgent recommendations of earlier reports, the Greek administration did almost nothing to improve irregular immigrants' detention conditions. According to the ECtHR case-law, the legality of detention is based on several critical factors, including that detention conditions should not be more aggressive than those in penitentiary detention; the assurance of humane and dignified treatment of detainees; procedures should be carried out as soon as possible; there should be a search for alternative measures of detention, especially in cases of vulnerable persons, and the immediate cessation of the measure when deportation is not possible (Ombudsman 2005b, 20)

In the light of heavy criticism regarding detention conditions, the Chief of Police published a circular in 2003 on *“The treatment and rights of persons detained by police authorities.”* The circular stressed the police authorities' legal obligation to protect the fundamental rights of persons deprived of their liberty and made specific reference to international and national law. Accordingly, the circular enumerated the responsibilities of the police forces, including the prohibition of the use of violence; the obligation to inform the detainee of the reason for his detention; the right to communicate with the outside world; the absolute right to conduct with a lawyer; while finally stressed the need for a more sensitive approach towards vulnerable detainees including UAM, asylum seekers and irregular immigrants.

Despite the circular, the findings of CPT (2005), UNCAT (2004), UNHCR (2004), the Ombudsman (2001; 2003; 2005), Amnesty International (2005), and HRW (2003; 2005), among others, revealed that practically there was no improvement. In the absence of formal detention centers on the bordering areas and the mainland, and the prefectures' negligence to create those places, irregular immigrants were held either in improvised facilities or to the police departments. Those facilities included abandoned barracks or buildings, warehouses, and schools. According to CPT (2005), irregular immigrants' detention facilities were overcrowded, lacking necessary material provisions, while even food provision was insufficient. The Committee once more pointed out that the detention conditions can be considered as amounting to inhuman and degrading treatment, violating Art.3 ECHR. The conditions were so dreadful that even police guards protested collectively, claiming that they constituted a disgrace of human dignity and a threat to their and migrants' health (Vima 12/10/03).

According to the Ministry of Public Order, the shortages in detention facilities were due to the lack of building infrastructure, the lack of funds, and the excessive volume of detainees (NCHR 2001; CPT 2005). However, according to NCHR, the main reason for not erecting detention facilities was local agencies' reactions, which raised fears of electoral losses. Several interviewees confirmed this stance of the Greek government, saying that it was “*a matter of priorities, the result of a political culture oriented to direct political benefit and not creating an infrastructure.*” Additionally, most interviewees stressed that no government of this period and the following periods had any will to invest in creating infrastructures. According to Mr. Kouvelis, for example, “*the non-restoration of detention centers was a state choice. Immigrants did not have political rights, so any protection they received had no political benefit [...] Over time, state funds were promoted in areas that would have a political impact [...] People were afraid; they made people afraid. They demanded law and order. When transferring resources to improve detention conditions, you win nothing, while the transfer for police upgrade, and given the customer relationships that had developed, brought electoral benefits*”.

What is also important is that despite the provisions of the Geneva Convention and the exclusion of asylum seekers from the provisions of 2910/2001 and 3386/2005 bills, asylum seekers were routinely detained, especially at border areas. As a matter of practice, asylum seekers were detained upon apprehension at borders for the maximum of three months for illegal entry, or until their screening through the Eurodac system, in conditions often described as an offense to human dignity. According to the Ombudsman (2001), this practice went contrary to the Geneva Convention, which at Art. 31 stipulates, “*Detention of asylum seekers is only allowed in exceptional cases.*”

In practice, asylum seekers, when apprehended at the borders, were listed as irregular immigrants, against whom police issued a deportation order. It has been reported that police officers often ignored asylum claims made to them orally or indirectly, circumventing the procedures provided by PD61/1999 art.1.1. Moreover, written access to asylum was not offered at the entry points, which, according to the Ombudsman (2005), received only 0, 2% of the total applications. Thus, asylum seekers remained detained for a maximum of three months.

Besides the material insufficiencies, detained irregular immigrants and asylum seekers experienced the absence of procedural safeguards and safeguards against ill-treatment. The

detention facilities lacked interpreters, while access to information regarding detainees' legal status and the right to apply for asylum were limited to non-existent. The ECtHR, in the case *Conka v. Belgium* (no. 51564/99, 5 February 2002), found that the lack of information found in breach with Art.5.4 ECHR stressing that " *Communication with asylum seekers must take place in a language that the individual understands since rights granted by the Geneva convention are not theoretical or illusionary but practical*" (para.44). Additionally, irregular immigrants and asylum seekers did not benefit from legal aid. Law 3226/2004 introduced legal assistance, but deportation and asylum applications considered administrative procedures; thus, no legal assistance was provided.

Finally, among the most pressing issues was the absence of medical screening, medical care, or medical record-keeping in violation of the Penal Code art. 24.1-3 and art.27 -28 (law 2276/94) (Ombudsman 2005b)

The law did not provide for any special treatment of UAM, detained in the same conditions as adults. According to the Greek Ombudsman (2005), in the police's eyes, a minor's status receded against that of the immigrant with terrible consequences for the protection of UAM. As a matter of course, UAM above the age of 12 was arrested and detained for illegal entry as adults. The practice appeared incompatible with Art.37 CRC, which provides that minors' "*detention should be used only as an exceptional measure*". According to article 76, legal grounds of detention are: (a) if the person displays a risk for absconding, (b) if the person may try to avoid or hamper the preparation of the return or removal process; or (c) present a threat public order or national security. According to the Ministry of Public Order communication, UAM were generally detained because they display a high risk for absconding. (Ombudsman, 2005b).

The lack of protection of UAM brought up by numerous organizations, forcing the Ombudsman within his competence to conduct a thorough investigation into the matter. The 2005 report was revealing. In a shocking statement, the Ombudsman stressed, "*The unaccompanied minors remain unaccompanied even when the state in charge of protecting them detains them*" (Ombudsman 2005b, 18). According to the findings, the detention conditions of UAM were a cumulative violation of the rights of the child as they were held in highly unsuitable conditions, often with adults, without the intervention of the juvenile prosecutor who was theoretically, according to the

law, their guardian, without legal protection, with insufficient nutrition, and without medical or psychological support.

Finally, according to the report, the detention of UAM was an outcome of the broader philosophy of art.76 (former art.44), which was security-oriented. As such, minors were treated with the logic of restricting flows and repression and not as individuals who, regardless of the reasons they came to the country, needed immediate protection, being extremely vulnerable.

Additionally, upon release, irregular immigrants whose deportation was not feasible, and asylum seekers faced the same deficiencies observed in the previous period. Despite the rise of accommodation capacity to 900 places, the number was excessively far from considered sufficient (UNCHR 2006). Thus, asylum seekers were found homeless and in complete destitution since the state continued not providing any financial assistance. According to UNHCR, this tactic stems from the fear that any living conditions improvement will act as a pull factor.

Notably, there was a long wait to register an asylum application without giving any document that protected the asylum seekers from arrest or partially legalized their stay. Furthermore, and without any legal reasoning, by 2005, the Ministry of Public Order ceased the issuance of residence permit on humanitarian ground for those whose asylum application was rejected at the second instance and whose removal from the state is not feasible (NCHR 2005). The same applied to irregular immigrants who did not apply for asylum, but their expulsion was impossible due to force majeure (Ombudsman 2004). Until 2002, if deportation was not feasible, irregular immigrants were given temporary residence permits, with limited rights, renewable annually, or until their expulsion was possible. Since 2003, the Ministry of Public Order denied renewing any such residence permit. According to the Ombudsman (2004), the administration refrained from applying art.45 and 37 of law 2910/2001 by invoking public security reasons. Given that rarely asylum seekers and irregular immigrants carry any sort of identification, and given the Greek administration's denial to provide even the minimum official protection, those people remained in Greece in the status of “sans papier.”

Accordingly, asylum seekers and irregular immigrants remained in Greece without any protection or assistance. Furthermore, until their application was officially registered, asylum seekers were facing the danger of being expelled to a country where their lives were in danger. Besides that, they remained in a state of absolute poverty and homelessness. According to NGOs, the number

of homeless foreign nationals by 2003 reached 1000 people (Vima 19/2/2003). In 2005 this number rose to 8000 (Nea 24/3/2005). According to the media, the Ministry of Health downgraded the numbers, claiming that there are way fewer and that the population is manageable, while the Municipality of Athens, in which there was the higher concentration, said that they could not build accommodation centers because of the strong public opposition and the fears of racist outbreaks (Nea 24/3/2005)

Compared with the previous period, the final issue is police brutality, which remained unchecked according to the findings. Several reports by national and international organizations referred to the excessive and unjustifiable use of force against immigrants (UNCAT 2002; EUMC 2002-2003; ECRI 2003; Ombudsman 2004; CPT 2005; Amnesty International 2005). Despite the plethora of reports, the official Greek response was that there were isolated incidents. According to the investigation conducted by the Greek Ombudsman (2004), the police enjoyed de facto impunity either due to the absence of thorough investigation or because irregular immigrants refrained from reporting to the authorities out of fear of retribution.

Additionally, and according to the Ombudsman, only cases publicized by the media appeared to be thoroughly examined and punished. In such a case, in 2004, the press revealed collective torture of Afghan asylum seekers by the police in the police station of Agios Panteleimonas. The period reports speak about the collective beating, virtual executions, sexual abuse, and electroshocks (Nea 20/12/2004). The police officers went as far as to photograph their actions. The press described the incident as the Greek “Abu Graib” due to the organized modus operandi, the scale, and the perpetrators' photographic record. In the same year, severe allegations emerged against the coast guard for similar tactics against irregular immigrants in Farmakonisi. Again, the abuse was videotaped. According to the Minister of National Defense, the chief of the army dispatched the Farmakonisi garrison and ordered an investigation (Pavlou et al. 2005).

The existence of police brutality and the enjoyment of impunity by police forces confirmed the ECtHR, which in two different cases, *Alsayed Allaham v Greece* (no 25771/03, 18/7/2007) and *Zelilof v Greece* (no 19060/03, 24/5/2007), found a violation of Art.3 due to excessive use of force by police. Additionally, in another two cases, the *Celinku v. Greece* (no.21449/04, 6/7/2007) and *Leonidis v. Greece* (no.43326/05, 8/1/2009), ECtHR found a violation of Art.2. Police killed both

Leonidis and Celinku. In both cases, the police officers claimed that their weapon backfired, and in both cases, the perpetrators were found innocent by the Greek judiciary.

The above analysis of the measures implemented to tackle immigration and human rights protection deficiencies cannot be seen separately. After fifteen years of migratory flows, and despite the legal framework's evolution, irregular immigrants and asylum seekers in Greece continued to experience the same lack of protection. While some aspects might appear disassociated with the securitization of immigration, the issue must be seen in the broader context.

Despite the changes in elite discourse, the Greek administration maintained the securitizing understanding of immigration. This was reflected both legally and practically. Provisions associating immigration with public and national security remained in the legal framework, and as analyzed in the sections above, were instrumentally used. Additionally, the law's practical in-application was considered acceptable since the administration took no actions to correct or punish behaviors found in breach of the national and international framework of human rights protection. The continuous denial on behalf of the Greek administration on issues regarding human rights abuses and the minimal to no effort to correct the sources of those abuses at this point cannot be considered as an outcome of shock and unpreparedness as in the previous period.

Furthermore, the excuses based on the lack of budgetary resources appeared vague. Greece, during this period, experienced an observable financial flourishing. Additionally, even though there were no official sources regarding the financial allocation on security measures, the upgrade of security forces in terms of material capabilities and human resources was significant. On the opposite, the minimal improvement of structures and services related to the humanitarian management of immigration reveals a clear shift of the equilibrium towards the implementation of securitizing measures at the expense of humanitarian. Finally, Greece appeared to promote at the EU level the strengthening of securitizing measures. At no point, either during the Seville Summit, or during the Greek EU presidency, or in any other formal or informal way, Greece was found to ask for financial assistance to address humanitarian issues.

The securitizing measures, though, appeared counterproductive. They failed to fulfill their task, which was the limitation of immigration flows, and they spark racist behaviors in the society, which threatened public order.

Meanwhile, irregular immigrants and asylum seekers remained in Greece, in essence, as persons with no rights. As Dr. Liakos stressed, *“by crossing the borders irregular immigrants crossed the line between life and bios. Every “sans papier” in Greece is in a constant state of exception, deprived of any right and any protection”* (Vima 12/10/2003).



CHAPTER 4- PERIOD 2006-2018

Chapter 4 is devoted to the analysis of the period 2006-2018. The main reason for the distinction between the two periods is that, while 1988-2005, Greece's immigration policy was formed under national initiatives, national policies were influenced heavily by the Common European and Asylum during the period under consideration System (henceforth CEAS).

Accordingly, Greece was obliged to implement a legal framework influenced by the European policies, deeming the immigration and asylum policy, not an exclusive national initiative.

The second important reason dictating this division is the gradual alteration of flows. As we have observed in the period 1988-2005, flows towards the country were dominated by economic immigrants, the majority of whom originated from neighboring states. In 2006- 20018, while flows, mainly from Albania, maintained high numbers, there was a significant shift in the entry points, constituting Greek- Turkish borders as the main entry gate. Arguably, this period is characterized by the ever-growing emergence of the mix- flows, meaning that flows consisted of both economic immigrants and asylum seekers. The existence of both categories created a new field of confusion regarding the legal framework covering each population and the policies that had to be implemented for the reception and accommodation of asylum seekers.

This chapter is divided into four periods, namely 2006-2008, 2009-2011, 2012-2014, and 2015-2018. The division is based on significant policy changes in the national and international fields. Thus, the period 2006-2008 is considered a pivotal period. Taking the lead from 2001-2005, we have observed the gradual discursive shift towards the de-securitization of immigration. In 2006-2008 the aim is to see whether efforts continued and what parameters influenced the reemergence of securitization of immigration in the political agenda.

The period 2009-2011 marked the beginning of Greece's deep economic crisis, which affected it for the rest of the present investigation. The aim is to observe the effects of the economic crisis on the securitization of migration and the protection of migrants' human rights. We will also note the extent to which migration had gradually emerged as an electoral factor and how the policies pursued have been aimed at managing the phenomenon or suppressing it.

In the period 2012-2014, the country found deep in the economic recession, while on the political front, we have the rise of the first neo-nazi party in the EU as considerable political power. It is

also the period that pre-dated the refugee crisis of 2015. Thus it would be interesting to observe the legal and policy evolutions and how they affected the country's preparedness for a potential humanitarian crisis at its borders.

Finally, the period 2015-2018 is the period of the refugee crisis, which became perhaps the most significant event of the decade, not only for Greece but also for the EU. Thus, we will observe the national and the EU reaction to the crisis and, importantly, the reaction to the human rights challenges provoked by it.

It is important to note that each period signified a political change in the country through successive electoral debates. Thus, it will be interesting to observe how the ruling parties' ideological or political orientations shaped the securitization of immigration in the discursive, legal, and practical fields.

Following the previous chapter, each section is divided into four sub-sections. Section one discusses the elite discourse and the legal evolutions of each period to trace both the existence of securitizing speech acts on behalf of the political elites and the legal changes and how they affected the human rights protection of irregular immigrants and asylum seekers. The second section deals with the media discourse and whether it intervened or shaped the elite discourse and public attitudes towards immigration. Section three is devoted to contextual parameters that influenced the country's political landscape and the migratory process. The focus is placed on the internal and international political evolutions, the volume and nature of flows, and finally on the public attitudes to see how political and media discourse influenced societal perceptions and threat constructions. Finally, section four is devoted to analyzing the securitizing measures and their impact on irregular immigrants and asylum seekers' human rights protection. It is essential to clarify once more that while during the research, we have identified other areas of concern regarding human rights protection, the focus is placed on human rights deviations that resulted directly through securitizing measures.

Section A- Period 2006-2008

The period 2006-2008 can be characterized as the transition period in multiple terrains. Following the evolutions of the period 2001- 2005, we have observed the political elites de-securitizing efforts, steaming mostly by realizing the positive economic impact of immigration in the country.

Nea Demokratia remained in power until 2009; thus, there is no ideological turn at the governmental level. However, as we will see by 2007, there is a significant turn towards a more restrictive immigration approach. Notably, during this period, Greece transposed the EU asylum-related directives in the context of CEAS; thus, the national immigration and asylum policy became, in a sense Europeanized.

Accordingly, it would be interesting to observe the factors that influenced the political and public attitudes towards immigration and the effects of the Europeanization of immigration and asylum framework on the national initiatives. We will also observe whether the new framework applied, especially on the provisions regarding the human rights protection of irregular immigrants and asylum seekers.

Elite discourse and legal evolution

The de-securitizing efforts by the political elites continued, at least officially, until late 2007. This is the picture presented by the parties in the parliamentary discussions on migratory-related issues. Despite this positive predisposition, isolated statements reveal that the effort was superficial and, at times, fueled the elites' misperception about the rise of racism and the relationship between security and human rights, with an apparent retreat of the latter.

Perhaps the most indicative case grasped the media attention in 2006. The case concerned a decision of the three-member administrative court of the first instance, which awarded 12,000 euros to an immigrant for illegal detention for up to a year in inhumane conditions. The Ministry of Finance appealed the decision justifying the appeal, with the following revealing statement: *“Illegal immigrants are responsible for the rise of criminality. For this reason, and to preserve the legal order, the **degrading conditions of detention** do not constitute a blatant violation of human dignity. We should consider that the Greek state’s police forces applied the laws intending to protect the legal order from the large and uncontrolled wave of illegal immigrants, for the non-integration of which the Greek state did not have the necessary infrastructure. Also, we should remind that they are responsible for the crime that plagued Greek society. It then becomes clear that even if **the illegal acts of the police** authorities invoked by the contested decision did take place, the conditions under which they took place and the purpose of which they tended to serve do not constitute such violation of human rights and human dignity to justify the award of such pecuniary compensation.”* (Nea, 28/2/2006)

The Minister of Finance's reaction is directly analogous to what Vuori (2008,33) described as securitization for legitimizing past acts and reproducing ongoing securitization. In an era where the government appeared as progressive and manifested its commitment to the protection of the human rights of immigrants, the Minister acknowledged the existence of human rights violations but justified them on the rise of criminality and pretty much presented it as a means to protect legal order and public security. The government's statement remained unchecked, revealing a silent consensus, which found to contravene the official proclamations and the de-securitizing efforts. Importantly, it showed that the government considered human rights deficiencies a push factor, justified by immigrants' blanketed representation as criminals.

The statement came in an era that Greece faced heavy internal and external criticism on the detention conditions, the overall status of human rights in the country, and excessive police violence and arbitrariness. Additionally, it came to direct contrast with the prevailing elite discourse. The government's non-reaction to the statement raises concerns on whether it reflected the Greek administration's overall stance, irrespective of the official discourse. This notion is reinforced by the actions of the Greek police and administration, justifying in a sense the position that de-securitization efforts were superficial, deriving from political concerns. However, in reality, the Greek administration maintained the securitizing logic on the practical level.

Before proceeding with the analysis of elite discourse during the parliamentary sessions, it is essential to address another common trend in the elite discourse. This period was characterized by the rise of criticism towards Greece regarding the lack of protection of irregular immigrants' human rights. In the light of this criticism, and especially following the ad hoc visit by CPT in 2007, governmental officials proceeded with widespread public denial of any allegations concerning human rights abuses. It is important to note that CPT moves to ad hoc visit only in countries with observed repetitive human rights abuses.

The overall governmental response was that the committee was biased and was lying (CPT 2007). The majority of the Ministers involved claimed that immigration is a threat, but the committee's allegations are vague and probably bogus.

LIBE committee of the EU parliament faced the same reaction. When meeting with the then Minister of Public Order, Viron Polidoras, following a visit to detention sights in Greece, the meeting was tense with the Minister accusing the committee members of bias against Greece.

Furthermore, the Minister claimed that immigrants are “*uninvited visitors*” while raising the issue of urgency, stating that the influxes “*should be treated as a security emergency*,” accusing the EU of lack of solidarity, and claimed that the cost for managing immigration is too high (LIBE Committee 2007, 8). What is interesting, though, is that during the meeting with the Minister of Interior, Prokopis Pavlopoulos, acknowledged the lack of solidarity on behalf of the EU, but at the same time, he revealed that human rights deficiencies are not only a matter of cost, since the full respect of human rights does not cost that much. He never clarified why the inefficiencies persisted, leaving room to speculate a securitizing rationale behind the non-correction of practices and deficiencies that constituted human rights abuses.

In the same vein, following occasional statements in the press, the ministers of the government referred to immigration in security terms, calling immigrants a threat, stressing that the flows, since the end of 2007 became uncontrollable, while denying that the country experienced a racist outbreak (Nea 1/11/2007, 27//11/2008; Vima 25/11/2008, 10/9/2008)

In this context, two immigration-related legislation came into the Parliament for discussion, one in 2007 and one in 2008. The 2007 legislation, law 3536/2007, was exclusively referred to immigration issues, while the second, law 3731/2008, revolved around the reorganization of municipal police, but migratory related issues preoccupied the conversation.

Law 3536/2007- Elite Discourse and significant amendments

Law 3536/2007, titled “*Special arrangements for immigration policy and other matters within the competence of the Ministry of Interior, Public Administration and Decentralization*,” drafted in February 2007, and it was practically an amendment of the 3386/2005 bill.

According to the explanatory memorandum, the amendment aimed to simplify bureaucratic procedures, strengthen migrants’ access to the labor market, promote social inclusion, and strengthen social cohesion. The law included a final ambitious regularization program aiming to legalize as many irregular immigrants as possible.

The general climate in which the debate took place was similar to the discussion of the 3386/2005 bill. The most important observation regarding the debate was the complete absence of the term “illegal” or “clandestine immigrant.” Instead, the MPs’ totality favored the use of the term irregular

immigrant, signifying an, at least, temporary departure from the discursive association of immigration with criminality.

The favorable climate is reflected in the Minister of Interior's words, Prokopis Pavlopoulos, who called immigration a "*blessing to Greece and the entire world*" (6/2/2007). Furthermore, the Minister stressed that his ambition was to legalize as many as possible, pointing out that the status of irregularity deprives immigrants of the enjoyment of the totality of human rights enshrined to them by law.

The debate included some general themes used by the MPs, such as the positive contribution of immigrants in the Greek economy and the fact that Greece was unprepared for mass influxes but now had the will and the ability to manage the flows. Furthermore, several MPs stressed the need for a more humanitarian approach, protecting migrants' human rights, which were at risk due to their irregular status, and the need for full integration to avoid the second generation's ghettoization.

The negative comments regarding immigrants came from a small minority of the MPs of the ruling party of Nea Demokratia. The most critical opposition came from the MP, Mrs. Fountoukidou, who claimed that immigrants are too many and that the government cared more about foreigners' rights than ethnic Greeks. The rest of the negatively preoccupied MPs talked about the importance of the phenomenon and the need to protect the country from uncontrollable flows. Nevertheless, though, these positions were a significant minority.

While there was an observed general positive consensus, the opposing MPs focused on the restrictive provisions of the law, which in their opinion, reflected the restrictive ideological predisposition of the government. According to Pasok MP, Mr. Papageorgiou, "*while the Ministry of Interior is the competent ministry for the migratory policy, there is an objective involvement of the Ministry of Public Order which re-introduced the re-criminalization of immigration.*"

The most crucial disagreement between the government and the opposition revolved around art.3 (amending art 10.b 3368/2005), which stipulated that "*If there are reasons of public order and security, including the issuance of a final conviction for a crime or misdemeanor with a prison sentence of at least one (1) year, the competent department may refuse to grant or renew the residence permit. The contribution of public order and security reasons that arise after the*

issuance of the residence permit constitute a reason for its revocation. Suppose the third-country national has against him/her reasons of public order and security, for which there is no final conviction or his registration in the list of undesirables provided in article 49 of law 2910/2001 (Government Gazette 91 A'). In that case, these reasons should be specifically and reasonably mentioned in the relevant decision”.

The majority of the opposition MPs believed that this amendment promoted the position that immigrants are dangerous. Furthermore, they stressed that this article constituted a police-oriented regulation that was discriminatory towards immigrants. Finally, the MPs noted that the invocation of public security reasons is once more vague and open to the Ministry of Public Order and the police discretion.

The Minister of Interior, Mr. Pavlopoulos, defended the amendment because the refusal was not mandatory, must be justified, and that as a safeguard, it is provided that the misdemeanor or felony must be linked to public order and security reasons.

Another criticism revolved around art11.1, which addressed the issue of residents' permits for humanitarian reasons. According to art.44 3386/2005, the issuance of this permit did not require the possession of a passport with an entry visa, which, according to the amendment, became a prerequisite. The rationale behind this provision, according to the explanatory memorandum, was to prevent illegal entry.

Furthermore, NCHR(2007) and the Greek Ombudsman(2007b) heavily criticized the law because, and despite their continuous suggestions, it did not include any special provision regarding the detention and deportation of UAM, neither addressed the issue of repetitive acts of deportation and detention. According to the Ombudsman, the law should have included a provision according to which it should not be possible to arrest and detain irregular immigrants when the three months elapsed unless for objective reasons deportation was possible, and that when found that removal was not impossible, the immigrant must be given a residence permit with restrictive conditions (Ombudsman 2007b).

Additionally, NCHR (2007, 5) criticized the provisions of art.18.4, which did include the submission of an asylum application in the necessary documents for the legalization of residence.

According to the committee, this neglect exacerbates asylum seekers' insecurity as asylum procedures remained deadlocked with no hope of decongestion.

To conclude, even though the elite discourse during the parliamentary debate was conducted in de-securitizing terms, both the opposition and the national human rights bodies agreed that the law provisions were stricter than before. More importantly, we observe that the Greek legislator, despite the continuous suggestions, refrained from taking action upon UAM protection and the repetitive detention of irregular immigrants. Despite repeated indications, these omissions went contrary to the legal framework and violated minors' rights and irregular immigrants.

Despite the favorable discourse, the Greek state moved to a somewhat restrictive path, which, even though it did not include the emergency discourse of the past, used the invocation of public security reasons to reduce even more the immigration space. Additionally, the Greek state failed to make the necessary steps for the improvement of the position of vulnerable such as UAM, or people in need of humanitarian protection, while failing to provide at least a simple solution for those who can not be expelled and for the status of asylum seekers in the country.

Law 3731/2008- Context and elite discourse

Law 3731/2008, at first glance, cannot be considered as directly related to immigration. The law titled "*Reorganization of the municipality police and arrangements of other matters within the Ministry of Interior*" and brought to the Parliament for debate in December 2008. However, Chapter four of the bill, titled "*Nationality and immigration policy*," included minor alterations to the existing legal framework.

The most significant amendments of the bill were that it attributed the status of the long-term resident to children who have reached the age of 18 and have completed secondary education and that conviction for violation of immigration law ceases to be an obstacle to the naturalization process if the sentence is less than one year.

The importance of this bill lies in the parliamentary debate, which returned to an evident securitizing discourse. Following the 2007 elections, LAOS, a far-right party, entered the Greek government and was represented with 10 MPs. LAOS won 3.8% of the votes by engaging in an anti-immigrant nationalistic agenda, which favored Greeks' rights versus immigrants' rights. This tendency was apparent as early as 2004 when LAOS managed to win a seat in the EU elections.

According to Mavris (2011), LAOS votes came primarily from the Nea Demokratia voters, who, according to the Minister of Interior, Prokopis Pavlopoulos, were partially justified on security concerns related to irregular immigrants (Adesmeftos Typos 14/6/2009). Additionally, according to the police's apprehensions data, in 2007-2008, irregular immigration flows increased significantly, exceeding 110,000 in 2008. The numbers were small compared to those recorded in the mid-1990s, and more than half were flows coming from Albania, which were mostly manageable through direct expulsions, as seen in the previous chapter. Nevertheless, this gave the impetus for the rise of anti-immigrant discourse.

Finally, the debate took place in the shadow of the murder of Alexis Gregoropoulos, a fifteen-year-old student who was shot to death by police officers. Gregoropoulos murder sparked violent riots all over Greece and brought to the agenda the issue of police violence. Immigrants participated in this youth outbreak.

The presence of LAOS MPs in the debate was dominant. It is interesting to see that 6 out of 10 LAOS parliamentarians participated in the discussion, which is the highest percentage among all the parties.

The discussion escalated quickly, with the LAOS MPs supporting that there were no legal immigrants in Greece since they all entered the country illegally. Supported by Nea Demokratia MPs, the dominant discourse claimed that the state must protect its citizens from uncontrollable irregular immigration and that the police should be reinforced in this direction. Additionally, for the first time, the conversation revolved around the Greek state's purity and the need to safeguard society against multiculturalism.

The securitizing discourse of this session included all the past arguments, including the contribution of migrants to Greek unemployment; the rise of criminality; the dangers imposed on the nation's survival; and the need to control immigration in any way, including with the use of violence. Indicatively, MP Vorides stated that *"police are there to impose the law. It has no business to protect human rights. Police ought to respect human rights but not to safeguard them"*. Additionally, most of the MPs referred to the riots, considered immigrants' participation as highly inappropriate and dangerous. In the absence of hard data and based solely on media reports, attributed the robberies that took place during the riots to immigrants.

To have a visual representation of the elite discourse shift of this period, it is interesting to observe the content analysis of the Parliament's minutes in the two legislation debates under consideration, in chart 7. To give some depth, we compare the results of this period with the previous period.

Comparing the four debates' results, we can observe a complete shift of the elite discourse, from securitization to de-securitization and the reverse. Any significant change in the phenomenon does not dictate the reversal. As we will see in the following section, the flows follow the same pattern since 2005, with a significant, yet not game-changing, increase. Additionally, since 2007 Greece received much-needed financial assistance from the EU for border protection and refugee flows management.

The only significant shift during this period was the entry of the far-right in the political arena and the country's economic downturn, which was more evident in 2009. Importantly, even if one supports that most securitizing discourses came from LAOS, which ranked 5th in the national elections, we cannot overlook that its discourse remained unchecked by Nea Demokratia. Only Pasok and the leftist parties openly opposed the anti-immigrant discourse of LAOS. In conjunction with the statement made by Mr. Pavlopoulos, it gives room to believe that Nea Demokratia silently approved or did not openly disagreed with LAOS discourse, fearing further electoral losses, which inevitably came in the 2009 elections.

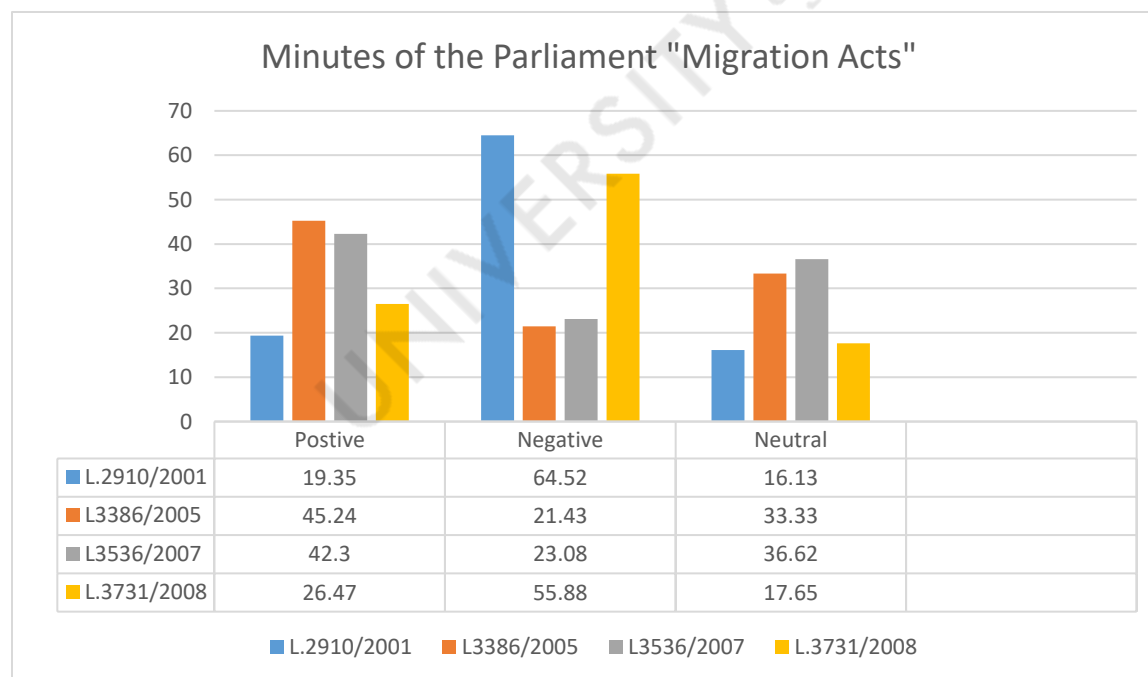


Chart n.7

There is also another essential observation regarding the period under consideration. Despite the official elite discourse, and by the official at this point, we mean the discourse addressing the Greek Parliament, and through the Parliament the Greek society, there was another “hidden” discourse that reveals perhaps the real intentions and position of the Greek administration. In a series of documents, governmental responses, and communications, there was a manifested securitizing discourse, which not only targeted irregular immigration but reflected the collapse between the terms of irregular immigrants and asylum seekers.

For instance, the Minister of Interior, Prokopis Pavlopoulos, in his written response to the observations of the LIBE committee in 2007, referred to conditions of massive influxes, which were addressed through the migratory legislation of the country, based on the humanitarian ideals and the European value system (Ministry of Interior Press Release 30/10/2007). However, it is imperative to note that the LIBE committee’s report referred exclusively to asylum seekers' status in the country and the asylum system's deficiencies (LIBE 2007).

In an even more striking example, the Ministry of National Defense, in a written response to a parliamentary question regarding the effectiveness of the Greek Turkish border controls, responded that “ *Irregular immigration is not a direct assault to the territorial integrity of the country. However, due to its dimensions, it is an asymmetric threat to territorial integrity, as it inevitably creates conditions for demographic change, the creation of national and religious groups, arms and drug trafficking, and possibly weapons of mass destruction. The Ministry of Defense assists the criticality of the situation accordingly*” (Ministry of National Defence 9/2008).

This kind of securitizing discourse, even though hidden from the public, is reflected in the government’s policies, which, while appearing to aim to manage irregular immigration, resulted in the curtailment of asylum seekers' protection.

As Triantafillidou (2013) rightfully observes, the Greek government instrumentally associated irregular immigration and asylum-seeking by constructing virtually all flows as predominately irregular. It also engaged in a crusade for the uncovering of bogus asylum claims. During the process, and as we will examine in the last section, the distinction between irregular immigration

and asylum-seeking disappeared, with all the consequences this has to the human rights protection of both categories.

CEAS-Transposition of the European Asylum Directives

This period's most important legal development was the EU legislation's transposition regarding asylum in the Common European Asylum System (CEAS) context. The first phase of CEAS completed in 2005, including four legal instruments: the Dublin Regulation, the Receptions Conditions Directive (2003/9/EC, 27/1/2005), the Qualifications Directive (2004/83/EC, 24/4/2004), and the Asylum Procedures Directive (2005/85/EC, 1/12/2005).

CEAS is grounded in the understanding that there is a need for a common approach towards asylum, which will guarantee high and uniform standards of refugee protection throughout the EU. The main aim was to provide for a framework of uniform standards, according to which an asylum application will have a similar outcome and procedures wherever one applies in the EU (EU Commission).

The transposition of the CEAS in the Greek legal system was smooth and without deviations from the Directives, even though there were significant delays in the transposition, especially of Qualifications Directive.

Accordingly, Greece transposed Receptions Directive through the PD 220/2007, which aimed to set the “*Minimum standards for the reception of asylum seekers that will normally suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down*” (COUNCIL DIRECTIVE 2003/9/EC of the 27th of January 2003, preamble, point 7). PD 220/2007 provides for an extensive set of rights to asylum seekers, such as the right to be informed about the procedures, their rights, and their responsibilities (art.3); the issuance within three days of the submission of the application of an asylum seeker card which provides a residence permit until the end of the examination of the application (art.5); the access to education for minors with the same conditions that apply to Greeks (art.9); access to the labor market (art.10); free access to medical treatment (art.8 and art 14); provision of accommodation in case the applicants can not provide for themselves (art.6) and; provision of material conditions which provide applicants with a standard of living that ensures their health, livelihood, and protection of their fundamental rights (art.12). Importantly art.19 deals with the issue of UAM, guaranteeing an

extensive set of obligations of the state, including the provision of guardianship, accommodation, and ensuring family reunification.

Additionally, in 2008 Greece transposed the Asylum Procedures Directive through the PD 90/2008 and the Qualifications Directive through the PD 96/2008.

As transposed by PD90/2008, the Procedures Directive defines the term refugee and the asylum examination procedures and the conditions for granting or withdrawing the refugee status. Importantly, it makes the appeals board's decision binding. It is essential to remind that, until now, the appeal board decision had only an advisory role but was not binding. Furthermore, asylum seekers were allowed to remain in Greece until the completion of their application's examination.

The PD90/2008 provides for a series of procedural safeguards regarding asylum application including: the right to access the procedure (art. 4.1) along with the right for an autonomous application for UAM over 14 years old, while younger UAM may apply through their representative (art 4.3 and 4.4; art. 12); the provision of residence permit while the application is under examination (art5); that decisions should be made on an individual basis and the reasoning should be thorough objective and impartial (art.6); that in case of rejection the decisions should refer both to legal and real reasons, and should include a deadline for the appeal (art.7); the applicants have the right to be informed in an understandable language for the procedures along with their rights and obligations during the process in addition with the provision of interpreters and the uninterrupted access to UNHCR or any other collaborating NGO (art.8); the right to legal counseling which is free only in the case of an application for annulment of a rejection decision (art. 11).

Additionally, the law foresaw a series of safeguards regarding the detention of asylum seekers. According to art.13.1, asylum seekers are not detained on the ground of irregular entry, while if they apply for asylum while in custody, they remain detained until their application is processed following the accelerated procedures. Furthermore, art.13.2 stipulates that the authorities may restrict asylum seekers to suitable accommodation centers when and for as long as it is required to determine the conditions of entry, identity, and origin of applicants enter during mass influxes or when there are reasons of public interest or public policy or when it is deemed appropriate for fast and efficient execution of the above procedure. The period of the restriction in no case can exceed sixty (60) days.

Art. 14 provide the reasons for revocation or withdrawal of an application. Of particular importance are the provisions of art.14.2c and d, which provide that an application might be revoked when the applicant escaped from the place of detention or left the place of residence without requesting permission or inform the competent authorities. This clause's importance will be analyzed in the last section since it explains Dublin returnees' applications' blanket rejection. Furthermore, art.17-24 defines the examination procedures, the concept of a safe third country, the concept of a safe country of origin, and the procedures held at borders and entry points. Finally, Art 25-26 provides the right to appeal and the composition, responsibilities, and procedure followed by the Secondary Appeals Committee.

The fourth and final legal instrument included in CEAS, Qualifications Directive, transposed by the PD 96/2008. The main aim of the Directive is, according to the preamble, *“on the one hand, to ensure that the Member States apply common criteria for the identification of persons genuinely in need of international protection, and, on the other hand, to ensure that a minimum level of benefits is available for these persons in all Member States”* (Council Directive 2004/83/EC of the 29th of April 2004 Preamble point 6). Importantly art.3 stipulates that *“The interpretation and application of this legislation are following the Geneva Convention and the New York Protocol as well as with the international and European conventions on the protection of human rights.”*

Accordingly, art.6-10 define the sources and actions that constituted a threat of prosecution, while art.11-14 define the refugee recognition criteria and the criteria for the disqualification or revocation of refugee status. Art.15-18, explain the concept and the preconditions of granting subsidiary protection. Art.21 provides safeguards from expulsion. Importantly, art.21.2a and b provide that protection from expulsion might be revoked for national and public security reasons. Art.26 and 25 provide access to the labor market and access to education for minors for recognized refugees, while Art.29 guarantees access to healthcare, similar to natives. Importantly art.30 provides for a series of safeguards regarding UAM, including the appointment of a legal guardian, finding suitable accommodation space, either with relatives, or, if this is not possible in-state accommodation structures. At the same time, the administration ensures the unity of the family in the case of siblings.

The above brief presentation of the transposition of the European Directives in Greece reveals the creation of a reliable and sufficient framework of protection for people entitled to international

protection. The legal framework, at this point described as remarkable (EMN 2009). However, as we will observe in the last section, most of the provisions remained inactive, revealing once more that the founding premise of the deviations towards human rights observed in Greece is not a matter of legal deficiencies, but instead of the inapplication of the law.

While the elite discourse shifted from de-securitization to securitization, the media discourse followed a different pattern again. As we have seen in chapter 3, the media discourse did not follow the elite discourse and maintained the representation of immigration as a public and national threat. By the end of the previous period, though, we have traced signs of change in the media discourse, which continued during this period.

Media discourse

Until 2005, and despite the political elites' discursive de-securitizing efforts, media discourse sustained immigration's negative representation. The main pillars of the negative representation were the invocation of reasons of national security, associating the flows with the overall bilateral disputes with Turkey, and the rise of criminality, which, according to the media, and even in the presence of surveys that suggest the contrary, immigrants were the primary cause.

By the end of 2005, though, there was a steady shift to a more positive representation, which went "hand in hand" with the elite discourse. Despite the slow response by the media, we can identify how political discourse affected media discourse. Additionally, the relation remained bidirectional since the media affected or provoked in their turn policy response.

The shift was slow but essential. Considering the content analysis of the media of this period, we can see that, even though the negative articles were still the majority, there is a significant drop in their overall percentages. To give a perspective, in the period 1991-2000, articles with negative representation or related to criminality accounted for 73.07% of the total. In 2000-2005, this percentage dropped to 57,56%, while in 2006-2008 period fell to 47,73%. Even if we consider articles regarding influx as unfavorable, the ratio remains at 51,21%, significantly lower than in the previous periods.

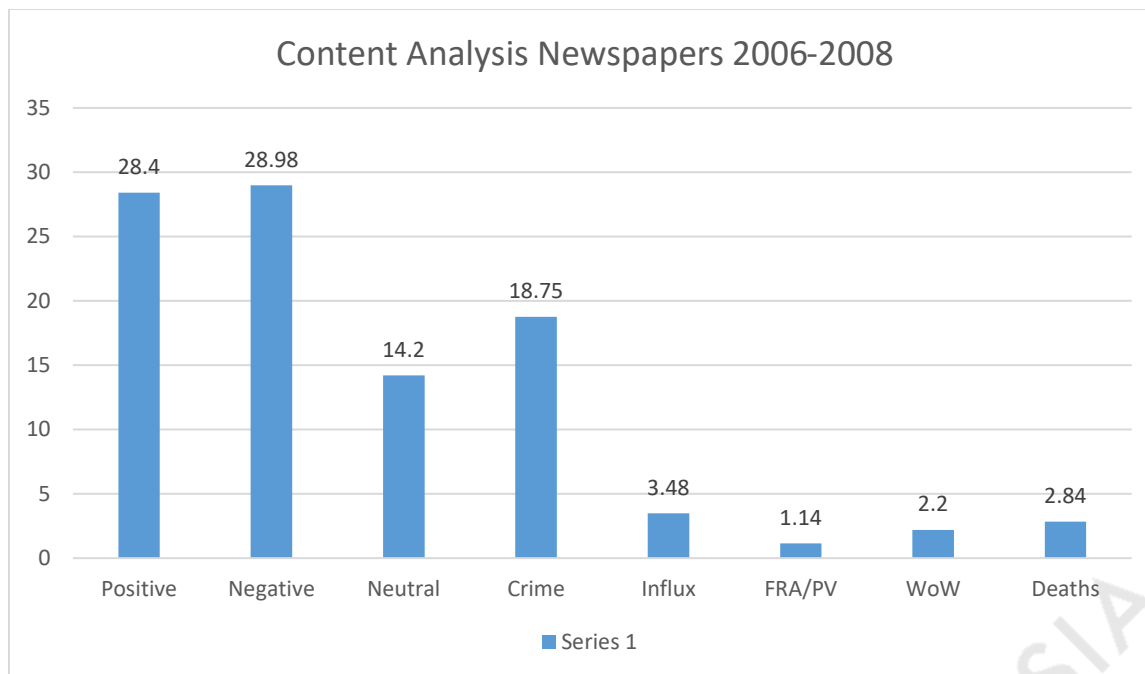


Chart n.8

However, the most remarkable change was the media discourse's qualitative difference, even in articles considered unfavorable.

The first observation was that gradually themes like inflows were rarer, and they abolished the threat-related elements. Flows were not associated directly with Turkey or described with words such as “invasion,” “tide,” or “cataclysm.” Exceptions were present, primarily when the articles referred to small bordering islands that receive disproportionate numbers of asylum seekers (Nea 11/10/2006; 16/7/2007; 17/7/2008; 5/12/2008). Additionally, even when those articles made it to the press, they were complemented with reference concerning the deplorable detention and accommodation conditions, the lack of humanitarian assistance, and the need for state intervention to normalize the situation.

Notably, during this period, reports referring to asylum seekers and irregular immigrants were, in a sense, more distinctive, with all articles referring to boat-people or potential influxes referred to irregular immigrants. On the contrary, articles referring to detention conditions or issues arising in specific areas such as Patras port referred to asylum seekers. Still, though, the line remained blurred. According to Mr. Perakis and Mr. Aggelides, this was an outcome of the lack of knowledge on behalf of the journalist. This ignorance permeated both politics and society and

created a series of misconceptions that had severe implications for people's perception of each category's different legal status. Importantly according to Mr. Aggelidis, several of his colleagues maintained this ignorance, and non-segregation of terms, to the extent that even in their ignorance, they acted negatively in consolidating certain perceptions in the society that viewed the majority of those entering to be illegal immigrants.

Another noticeable shift was the qualitative change of articles referring to immigrant criminality. The dominant way in which criminality was associated with immigration was by reference to the smuggling networks. Again, though, there is an observable rational representation, with reference to foreign smugglers and Greeks. Notably, there were no surveys or polls towards the issue, which was widespread in the previous period.

Additionally, even articles that referred to the rise of criminality in some Athens or Patras regions were no longer one-sided. They included references to irregular immigrants' deplorable living conditions, their lack of state protection, and issues of police and far-right brutality, especially in Athens, and in specific departments, such as Agios Panteleimonas.

Of course, there was not a complete absence of negative articles. Between 2006-2007, many articles referred to the potential infiltration of terrorist cells in the Pakistani community triggered by the intelligence services' large-scale operations. Those articles, though, unlike in the past, did not include calls for the need for security or exaggerated personal assessments.

Additionally, most articles with negative connotations conveyed political views or positions on immigration at the national and European levels. Even though those articles included negative stereotyping and, at times, securitizing discourse, we cannot consider that they were part of the media's broader attitude towards the phenomenon but rather a reflection of the news report without unnecessary negative or provocative comments.

Notably, during this period and onwards, the media representation of migratory related issues included additional clusters and thematics. As such, we identify the subject of the rise of the far-right and the ramification it had towards immigrants; extensive reports on humanitarian issues and detention conditions; reference to acts of resistance of immigrants and those in solidarity against police, and far-right use of violence; issues regarding UAM; along with positive articles referring to the contribution of immigrants in the society, the demographics, and the economy.

Even more important was the contribution of media towards issues of human suffering, which obliged, in a sense, the government to respond. For instance, in March 2007, extensive reports regarding asylum seekers living in miserable conditions in a container on board a ship in Pireus, who were not allowed to disembark, forced the government to take action. Asylum seekers, mostly UAM, were allowed to apply for asylum and given immediate medical and psychological treatment, given that they suffer from multiple bodily and psychological trauma due to the lengthy lock-in in the container (Nea 16/3/2007).

Another example of the media's positive contribution was that they brought under the spotlight the extreme exploitation of irregular land workers in several parts of the country (Vima 16/1/2008; 22/4/2008;25/11/2008), which mobilized the Ombudsman Office to take action.

Finally, quite an extensive part of news reports referred to the deplorable detention or living conditions of asylum seekers and irregular immigrants, emphasizing the issue of UAM. Articles of this type were present in the past but on a smaller scale, averaging one to three per year. During this period, reports referring to human suffering were more frequent and extensive. Additionally, they were no longer focused on isolated cases but general phenomena. Particular emphasis was given to police behavior and detention, and living conditions. It is interesting to observe that following publicized police or far-right brutality cases; there were counter-reactions by immigrant groups or those in solidarity.

There is no way to assess the media's contribution to the rise of the country's humanitarian movement, nor if it affected the counter-reactions by solidarity groups. However, observing specific articles in the press, we see that civil society's reactions followed publications concerning such incidents. For instance, in 2007, following press reports on organized attacks by far rights groups against immigrants in Athens, several anti-racist riots were organized by immigrant associations and NGOs (Nea 8/12/2007;10/12/2008). Even more importantly, following the publicization of videos and extensive press reports on cases of torture against irregular immigrants in Agios Panteleimonas police station, there was violent retaliation against police stations, a series of anti-racist marches were held, and the then Minister of Public Order, Viron Polidoras, was forced to resign amid allegations of a series of human rights violations against immigrants by members of the police (Nea 18/6/2007).

According to the interviewees, there were three reasons for this shift. The first was that during this period, the country started to face the possibility of a financial downturn. Accordingly, the media, following the public concern, were preoccupied with economic and political issues. Immigration was not dominant in the overall agenda. Notably, no political party at this point associated immigration with the economic downturn, besides some minor efforts to associated it with unemployment. Thus immigration was considered a secondary issue and, given the dangers rising ahead, of little importance in the security considerations.

The second reason was the rise of the far-right. Given the direct association of anti-immigrant discourse with the far right, the press opted for a more moderate stance to avoid being characterized as racist, a trend that continued more apparent after the rise of Golden Dawn. Moreover, it was once more a matter of misrepresentation. The Greek media dealt with migration over time with emotional criteria. According to Mr. Theodorakis, *“this favored the presentation as a danger or as a humanitarian phenomenon, according to the current situation. It is an unrealistic presentation which, depending on the circumstances, closed in one direction or the other”*. Finally, according to Mr. Aggelidis, there is an important detail we cannot overlook. Even though appearing more favorable during this period, the media did not invoke a human rights discourse but a humanitarian one. Evidently, at no point, no article referred to the issues of irregular immigrants as a matter of human rights violation, besides notable exceptions. The overall presentation was that of a humanitarian catastrophe. There was no reference to the collapsing asylum system or the country’s human rights responsibilities towards those people.

To conclude, we observe that after a brief period of disparity during this period, media and elite discourse followed the same direction. Even though most media reports were still adverse, quantitative, and qualitative differences with the previous periods are remarkable. Additionally, we observe how media provoke policy response on humanitarian issues, demonstrating for the first time the positive impact they can have on the protection of human rights.

Despite the policy response they provoked, and the occasional reaction by solidarity groups, the media’s impact in the de-securitizing effort is considered inefficient. The turn was weak and indecisive about having any noticeable effect on society. Furthermore, and despite the favorable turn, the media never engaged in a human rights discourse. Given that the media were a source of knowledge, the construction of human rights violations as humanitarian issues deprived the public

of the vital knowledge that immigrants are beneficiaries of human rights constitutionally and legally guaranteed and should be treated as such. The promotion of the humanitarian aspect and the construction of immigrants and asylum seekers as beneficiaries of alms instead of rights lowered their status, even to parts of the society found to be positively disposed towards immigrants. Humanitarian discourse found once more to dehumanize irregular immigrants and asylum seekers treated in terms of philanthropy instead of equal human rights bearers.

Overall this period demonstrated a discursive shift. Both elite and media discourse moved to a more rational approach towards immigration and asylum-seeking before returning towards the securitization of immigration at the end of the period. However, the positive change did not directly impact the deconstruction of immigration as a threat. Arguably, security threats are more readily acceptable to the public. Political elites and media discourse sustained the securitization of immigration at a high level for fifteen years, a sentiment embedded in the society that was hard to reverse.

Additionally, discursive de-securitization was not accompanied by practical de-securitization. Securitizing practices remained unchanged both legally and practically. The slow de-securitizing process eventually stopped when contextual factors intervened and re-introduced immigration as a threat to society. Even though these factors will be manifested in the following period, their roots were found during this period. These factors include the rise of influxes, the economic downturn, and the permanent infiltration of the far-right in society.

Contextual Parameters

The contextual changes of this period, at first glance, appeared insignificant. However, as we have argued in the introduction, this period is arguably the one that set the stage for the years to come, both politically, economically, and concerning the Greek government's perceptions and treatment towards irregular immigrants and asylum seekers.

No significant changes were recorded on the external front, neither in terms of Greece's external relations nor in the international environment. The only considerable evolution related to the asylum seekers' flows was the UN High Commissioner of Refugees' declaration, Antonio Guterres, that the Iraqi exodus is the most massive population shift in the Middle East since the

displacement of Palestinians in 1948 (O'Donnel and Newland 2008,3). Following the US invasion of the country in 2003, the situation remained precarious. Sectarian violence escalated, forcing approximately 2 million people to abandon the country. In the meantime, the neighboring states restricted the access of Iraqi asylum seekers. Jordan closed its borders in 2005, followed by Saudi Arabia, while Syria imposed visa restrictions since the 1st of October 2007 (O'Donnel and Newland 2008, 3). The only way that remained partially available for Iraqi asylum seekers was to flee to Turkey.

Furthermore, Afghanistan remained the leading country of origin of asylum seekers globally. According to the UNHCR Global report, in 2007, Afghans and Iraqi refugees accounted for half the total refugee population worldwide (UNHCR 2007, 7).

These trends could have partially explained the rise of flows to Greece, given the overall Turkish policy towards asylum seekers for countries outside Europe, and perhaps to act as an early warning system for Greece, for the existence of predominately asylum seekers flows on the move towards the country. Nevertheless, the Greek government's stance was that of restriction of asylum space on the pretext of the asylum system's hijacking by bogus asylum claimants.

In the internal terrain, Prime Minister Konstantinos Karamanlis, in 2007, asked for early elections on the grounds of "national interest" (Ethnos 16/9/2019). While the government enjoyed a substantial majority, the Prime Minister asked for the early elections as a tactical move before the voting of the 2008 annual budget and the significant changes the government prepared for the educational system. In the background, however, the decision to hold early elections is attributed to pressures from the EU to reduce its budget deficit and the need to reduce social spending.

The booming Greek economy showed signs of slowing down in the aftermath of the Olympic games. While the GDP remained at satisfactory levels, the period's international economic developments showed their first adverse effects on the Greek economy. The rising prices for oil and other raw materials, the emerging stock market turmoil and the gradual weakening of the housing market led to the acceleration of inflationary pressures (GESSE 2008). Consequently, there was a significant rise in prices to counterbalance the losses from the increase in oil prices, diminishing households' consuming power. Meanwhile, the Greek economy's competitiveness remained extremely low, with domestic demand targeting mainly imports (GESSE 2008,52). As a result, the annual deficit almost doubled from 13 billion in 2005 to 20 in 2006, while the budget

deficit rose to 3.6% of GDP in 2007. Simultaneously, the external debt increased by 12 billion between 2006 and 2007, reaching 216 billion (Kathimerinh 18/8/2007, Ethnos 16/9/2019).

Under these circumstances, austerity was a one-way street, which explained the government's resort to early elections to renew the popular mandate and to be able to pursue the necessary economic policies.

In the 16th of September 2007 elections, Nea Demokratia managed to win but with significant losses. Compared to the 2004 elections, Nea Demokratia lost approximately 4% of its electoral power, winning only 152 seats than 165 in 2004. The main opposition party of Pasok appeared to have losses as well, losing 2,5% of its electoral power and acquiring 102 seats comparing to 117 in 2004 (Ministry of Interior 2004;2007). The parties which benefited most of the elections appeared to be the leftist party of Synaspismos, which raised its power by 2%, and the far-right party of LAOS, which manage to enter the Parliament, acquiring ten seats (Ethnos 16/9/2019).

Among the most critical changes brought by the new Nea Demokratia government was the reshuffled of Ministries. Accordingly, the Ministry of Interior absorbed the Ministry of Public Order, creating, in a sense, a super-ministry of expanding responsibilities. The new Ministry had under its mandate almost the totality of responsibilities regarding immigration and asylum-seeking through this merge. Until then, the Ministry of Interior was responsible for monitoring, evaluating, coordinating, and implementing the legislation regarding regular immigration and the country's representation at the European and International level. After the Ministry of Public Order's absorption, the new Ministry was responsible for cross-border surveillance, combating irregular immigration, examining asylum applications at first instance, and the performance of returns and expulsions (EMN 2009). The only responsibility left out the Ministry's competence was the reception and accommodation of asylum seekers and vulnerable, which remained under the Ministry of Health's auspices. At the same time, border surveillance was a matter of collaboration with the Ministry of Defence.

Consequently, the Interior Minister became the dominant player in the country's migratory and asylum policy since his Ministry was responsible for virtually every aspect.

In an attempt to evaluate the developments discussed above, we can see that this period found Greece economically vulnerable in the face of the unprecedented global economic crisis of 2008,

which led to the country's economic collapse in 2009. The emerging financial crisis, combined with the far-right rise, created an explosive mix that fueled extreme attitudes while facilitating migrant populations' scapegoating.

Despite indications of a possible increase in the influx of asylum seekers, the Greek government has chosen to treat practically and dialectically all new entrants as illegal immigrants. This resulted in the untimely implementation of the standards set by the common European asylum policy, the untimely and ineffective creation of reception facilities for asylum seekers, or the improvement of infrastructure, which has ultimately led to the abuse of the rights of asylum seekers.

The rest of this section is devoted to analyzing asylum seekers' and irregular immigrants inflows and the emerging public attitudes towards them.

Inflows and labor Market

Especially after mid-2007, the period was marked by the rise of pressures to the Greek-Turkish land and the sea borders. Regrettably, the data available are not considered reliable to have an exact picture of the flows and migrant stock in the country. The only partially reliable data are the number of residence permits provided by the Ministry of Interior, apprehension data supplied by the police, and the first asylum request provided by UNHCR. Every category, though, has specific limitations.

As for residence permits, numbers each year correspond to those issued by the end of the year, thus excluding pending applications of people who were considered legal pending their permit renewal. The repetitive issue was the Greek government's reluctance to keep numerical data and not per person regarding apprehensions. No fingerprint mechanism was in place, and the administration kept no data on arrivals and departures of immigrants. Thus apprehensions might include cases of multiple arrests and deportations, especially of people entering from Albania. The third issue, regarding asylum applications, is perhaps the most complicated. The data provided by the Greek police, which was responsible for both the management of irregular immigration and asylum applications, do not separate, even at a later stage, irregular immigrants from asylum seekers. Thus, as we will see, asylum seekers were recorded as irregular immigrants and later as asylum seekers.

With this in mind, we will attempt an overview of the phenomenon during this period. In Greece, the total immigrant population was estimated by 2007 at around a million, including regular and irregular immigrants and co-ethnics, whose number remained at about 250.000 (IDEA Policy Brief 2009, 5). Simultaneously, irregular immigrants stock estimated at 167.000-200.000 (IDEA Policy Brief 2009,5; Cladenstino Project 2008). The rise in residence permits is partially excused by the implementation of the regularization program provided by the 3385/2005 bill, which allowed another 200,000 to regularize their status in 2006 (Triantafillidou et al. 2009,48). Law 3536/07 did not include an exact regularization program. However, art. 18 provided for new categories of papers that are accepted as proves of continuous residence, along with the possibility of redemption of insurance days, thus facilitating the legalization of those who fell out of the proceedings for secondary reasons. Of course, the opportunity to legalize one status presupposed that they were not considered a threat to public security (Art.18.1)

According to the data provided by the Ministry of Interior, the number of residence permits issued during this period was over half a million with rising tendencies.

Year	Albanians	Other nationalities	Total number of permits
2006	375.053	172.454	547.507
2007	408.431	180.655	589.086
2008	414.153	178.473	592.626

Table n.3

It is interesting to observe that the number of residence permits does not have a significant disparity of those in the previous period, creating, in a sense, a stable immigrant stock population of approximately half a million. Another critical observation is Albanian immigrants' dominance legally residing compared to other nationalities, accounting for a steady 68-70%. Other important nationalities are Bulgarians corresponding to 4.47% of total residence permits, and Romanians, at 2.88% (IDEA Policy Brief 2009,5).

Significant changes appeared in the labor market as well. ELSTAT (Robolis 2009,32) estimated that immigrants corresponded to 8% of the male labor force and 7% of the female labor force

contributing a significant 11% to the social security funds. According to a survey conducted by Zographakis et al. (2007, 74), most immigrants continued to be employed as unskilled labor, but with a significantly lower percentage than in the past. According to the findings, 40% employed as unskilled laborers, 35% as skilled workers, 15% in the service sector, 3% as technicians, and 2% in agriculture. Notably, the percentage of regular immigrants in agriculture fell significantly since it previously accounted for 7%. This indicates that the legalization of residence pushed immigrants upwards in the labor market while leaving a significant gap to be filled, as the findings show, by irregular immigrants.

It is interesting to note that even though immigrants continued to be underpaid compared to natives, Albanian immigrants appeared to move upward to socioeconomic and professional mobility. This is even more evident in the real estate market. According to ELSTAT, by 2006, 17,6% of immigrants who regularly reside in Greece obtained a permanent residence, corresponding to 133 000 people, the vast majority of whom were Albanians. (Nea, 17/4/2006). Immigrants also positively impacted the country's GDP, since according to the Migratory Policy Institute, their contribution accounted for around 1,4% of the GDP.

In the same period, irregular entries moved upwards, especially in the Greek-Turkish Borders. There are no data regarding entry points for the year 2006 since, until then, the Greek police kept data only for the nationality of the persons apprehended.

Nationality	2006	2007	2008
Albanians	57,466	66.818	72.452
Others	34.773	45.546	73.855
Total	95.239	112.364	146.337

Table n.4

The most important observation on the nationalities of irregular apprehensions was the upward trend of other nationalities, compared to Albanians, which was until 2007, the dominant nationality of people irregularly entering Greece. By 2008, different nationalities surpass Albanians, a trend that sustained for the years that follow.

As for the entry points, police data are substantial only for the years 2007-2008.

Apprehensions-Borders	2007	2008
Greek-Albanian borders	42.897	39.267
Greek-Macedonian Borders	2.887	3.459
Greek-Bulgarian Borders	966	1.795
Greek-Turkish Land Borders	16.789	14.461
Greek-Turkish Sea Borders	16.781	30.149
Crete	2.245	2.961
Rest of the country	29.799	54.245
Total	112.364	146.337

Table n.5

Essential observations are deriving from the above data. The first concerns the apprehensions of Albanians. Comparing the number of Albanians' total arrests with those at the borders, we can observe a significant disparity. However, by taking a closer look at the apprehensions in the rest of the country, which referred to internal arrests, we can conclude that the missing number comes from the internal apprehensions. For 2007, out of 29.799 arrests, 23.951 accounted for Albanians, while for 2008, out of 54.245, Albanians accounted for 33.187. This trend reveals two parameters. The first is that, according to the bilateral Protocol between Greece and Albania, Albanians were returned directly back to their country of origin without bureaucratic delays. The second was that strictly based on the ease of expulsion, Albanians remained highly policezed, raising concerns of racial profiling against those populations. The trend remained unchanged by taking a look at the expulsion numbers.

	2006	2007	2008
Issued expulsion orders	43.159	58.602	81.741
Number of Expulsions	17.650	17.077	20.555
Precentage	40.89%	29.14%	25.14%
Albanians	12.167 (68.93%)	14.403 (84.34%)	18.203 (88.55%)

Table n.6

It is important to note that the expulsion numbers do not include those directly channeled back to Albania at the borders without an official deportation order.

The second important observation is the significant rise of sea crossings from Turkey. This trend is explained in two-ways. First, the land borders were still under the process of de-mining, which ended in 2011, thus considered dangerous, given the deaths recorded by mine explosions. The second was that sea crossing was dangerous but more expensive, which acted as an incentive for the smuggling networks. Adding the ongoing turmoil in the middle east, which raised the flows from Afghanistan and Iraq, explains the rise of inflows from these two, arguably dangerous crossings, especially from the sea.

Additionally, by comparing the numbers of border and internal apprehensions, we can observe that the control mechanism's focus shifted at the borders, unlike the previous periods during which internal arrests were dominant through round-up operations.

The final observation is that considering the accession of Bulgaria in the EU and the fact that no Bulgarian nationals were not apprehended, the crossings from Bulgaria are considered secondary movements, either from Turkey or from East Europe, completing the routes that will be later included in the so-called Eastern Mediterranean Corridor.

In the same period, we observe a two-fold rise in the new asylum applications. According to UNHCR (Annex 2006,32;2007,30;2008,30)Greece received 12.267 new asylum applications in 2006; 25.113 in 2007 and 33.252 in 2008.

Indeed the number of asylum claims was significant. By 2008, Greece placed 7th among 44 industrial countries registering the highest numbers of asylum applications (Hammamberg 2009), while by 2009, it ranked 6th in the EU (UNHCR 2009). According to UNHCR, though, the numbers do not reflect those wishing to apply for asylum in the country. It has been known that the Greek asylum system was collapsing, and according to the organization, the majority of asylum seekers, unaware of the Dublin regulation, opted to apply for asylum in a different EU country, thus avoided to longe an application in Greece. During this period, Greece's acceptance rate was 1% in 2006, 0% in 2007, and 2% in 2008, remaining the lowest in the EU and among the lowest globally.

As already stated, it remained unclear if the numbers of asylum seekers are part of the numbers of those apprehended at borders. Given, though, the *modus operandi* of the Greek police, which treated at first instance asylum seekers as irregular immigrants under art.76 3386/2005, and that almost the totality of asylum claims was launched in Athens, the chances are that asylum seekers were recorded and apprehended as irregular entries.

Another critical parameter that will play a significant role in the future is the composition of those populations. Until then, most entries were Europeans, with substantial numbers of Christians, or with no manifested religious affiliation. For instance, despite being Muslims to a large extent, Albanians do not appear highly religious or manifest their religious affiliation in any way. On the contrary, the data of this period showed a significant rise in Muslim populations. According to the UNHCR statistical records, except for Georgians, the other top-ten countries of origin of asylum seekers originated predominately by the Middle East and were Muslims (UNHCR Global Reports 2006;2007;2008).

Accordingly, and while there were manifested xenophobic and, at times, racist reactions, they were not included issues of racial or religious disparity. To put it differently, until then, Greece experienced a rising sense of “phobic” and “competitive” racism (Anthopoulos 2000, 49). The influx of populations with manifested religious characteristics gives the impetus for the rise of “cultural racism” (Anthopoulos 2000,40). Importantly the manifestation of cultural racism remained at large hidden during this period. However, as we will see in the next sub-chapter, it unleashed after 2009, targeting at mass populations with different cultural characteristics, often associated with the Turkish efforts to “de-Christianized” or “de-Hellenized” Greece. To give a glimpse of what followed, in the course of the interviews, the totality of the conservative interviewees stressed the issue of cultural difference, claiming that Muslims are by no means capable of integrating into the Greek society. In contrast, the non-conservative interviewees summarize that the appearance of visually recognized Muslim populations created another category of scapegoats by shifting the focus from Albanian to Muslim communities.

By the above analysis, we can conclude that Greek- Turkish borders appeared to absorb rising pressures, but still, most inflows appeared to remain Albanians. Additionally, the number of immigrants, irrespective of legal status, remained, at least according to the findings, stable, corresponding to the numbers of the previous periods. It is important to note that a comparison

between the past irregular flows, especially in 1991-2000, is not possible. During that period, virtually all immigrants in the country were considered irregular in the absence of a regularization program.

By the end of 2007 onwards, and irrespective of the Greek government's official elite discourse, and following international criticism, especially for the dysfunctional asylum system, the government appeared to play the card of an ongoing immigration crisis (Triantafillidou 2013). As we will observe in a later section, the practice and the unofficial discourse of the administration and the elites to downplay the deploring human rights protection in the country appeared to initiate a crusade against irregular immigrants. The central theme was that asylum seekers are, in fact, irregular immigrants, and the duty of Greece was to protect the nation and EU from bogus asylum claims. For instance, according to the Greek Response to the findings of the CoE Commissioner of Human Rights (2009,22), “*Lengthy procedures are due to false claims of economic immigrants. The acceptance rate is misleadingly low due to the **massive abuse** of asylum requests [...] they lodge asylum claims to obtain work permit[...]illegal immigration in the country constitute a significant national problem*”.

What is evident, comparing the numbers and the overall Greek response, is that the country, irrespective of the flows, was slipping once more in a proclaimed crisis. This time though, the crisis was not based on numbers but as an excuse for the government's inability to manage asylum applications' volume. It also signified a practical collapse between the division of asylum seekers and irregular immigrants, with all the consequences this had to the respect of human rights and the country's international responsibilities.

Public attitudes

Public attitudes during this period appear initially confused, but with a clear tendency towards polarization. The country's gradual economic downturn, inflationary pressures, and education and unemployment issues seemed to dominate the public discourse on multiple levels. At the same time, for the first time in Greece's modern history, an openly far-right anti-immigrant party, LAOS, entered the Parliament in the 2007 elections with a predominately anti-immigrant agenda.

Paradoxically, and despite the government's rising concerns regarding the existence of a new immigratory crisis, immigration during this period did not appear as an issue of severe anxiety. In multiple surveys between 2006-2008, issues such as inflation, rising prices, unemployment, and

poverty were considered the main areas of concern. For instance, research conducted by MRB in 2006, focused on the significant problems of the country revealed that the majority of Greeks considered unemployment as the most critical issue at 67%, followed by inflation at 62%; Health 32%; Education 25,4%, while immigration ranked 11th with just 6.5%.

These findings were later confirmed by other surveys, which found that the main issues of concern remained unemployment, inflation, and education (Public Issue 2008; VPRC for Kathimerini, 21/3/2008; Eurobarometer, 2008 issue 69.2). Notably, in a fascinating survey conducted in 2007 before the national elections and published in 2009, among parliamentary candidates, they also considered unemployment, inflation, economy, and education as the leading contemporary problems of the country (Koina 2009). Paradoxically in this survey, migration was not even mentioned as an issue.

Despite society's shift to other issues, mainly economic, the entrenched negative perception of immigration remained. According to the VPRC research, 54% of Greeks believed that immigration harms the country, while only a mere 23% consider immigration as positive, 48% that it is damaging the economy, and 47% negatively affecting national composition (Kathimerini 21/3/2008). Unfortunately, no other survey conducted during this period included immigration issues, an indication which reveals that it was not as high on the agenda.

In the absence of extensive surveys regarding public attitudes towards immigration, perhaps the most significant survey of all was the 2007 elections, which brought for the first time a far-right party into the Parliament. Until 2000 fractions of the far-right remained under the conservative party of Nea Demokratia, and in a sense, checked by the party's political correctness. The expulsion of George Karatzaferis from the party in 2000, who created LAOS during the same year, gave to those sections of society who had a far-right tendency a political space to develop freely and eventually to appear in the Greek political arena as a party that could claim and finally won political benefits.

LAOS brought a new ethos to the public discourse by engaging openly in the racist discourse, which was absent despite the past's hostile discourse.

In the same period, racist attitudes and crimes became more frequent and more organized. Unfortunately, despite international criticism, the Greek government still refrained from collecting

data regarding racist attitudes. Despite the absence of official data, many media and NGO reports recorded organized racist violence against immigrants.

Isolated acts of racist violence made it to the press occasionally, but the most remarkable difference of this period was that racist attacks acquire an even more organized form. For instance, in 2007, there were at least two organized pogroms in Athens against immigrants in the areas of Renti and Aegaleo (Nea 7/10/2007;30/12/2007), followed by anti-racist riots in the same areas organized by solidarity groups. The attacks continued in 2008, targeting not only immigrants but also NGOs and solidarity groups. All episodes had the same modus operandi, perpetrated by large groups, dressed uniformly in military uniforms and black t-shirts. This was later identified as the modus operandi of the “hit squads” of Golden Dawn. According to the media reports, police remained inactive despite the calls from locals and victims, appearing on the scene only after the attacks were finished.

Perhaps the most indicative example of the polarization regarding immigration was the organized anti-immigrant protest of 2008. On the 24th of November 2008, LAOS organized an anti-immigrant riot in the area of Agios Panteleimonas. It was the first time that a political party officially participated or organized such an openly anti-immigrant event. Before the riot, the party’s office in the area circulated a petition, which later sent to the Prime Minister, the President of the Republic, the Chief of the Police, the Public Prosecutor, and the Archbishop stating, *“Violence, crime and fear reign in the region. There have been 13 murders, numerous robberies, countless thefts, and burglaries with exclusive foreign perpetrators. The squares became toilets for drunken foreigners, the church a migrant landfill, 25,000-30,000 foreigners move in the area, sheep-breeding on the roofs “and threatening the residents. Self-defense is the only solution”* (Theodoridis, 2008,82). One thousand people signed the petition. Golden Dawn, even though not officially invited, participated in the event.

Simultaneously, anti-racist groups, immigrant organizations, and residents of the area organized a counter-riot. Extensive violent incidents ensued between the two sides, with the police remaining absent and, according to those present, providing cover to the Golden Dawn members as they attacked migrants in the surrounding streets.

However, what is striking is that the Greek government denied the existence of racist discourse from members of the Parliament, including LAOS parliamentarians, or the rise of racist violence

in the country. Responding to the ECRI report in 2009, which raised awareness to the abovementioned incidents, and the participation of members of the legislature, the Greek government, responded that: *“The claim that members of the Legislature often make “racist or anti-Semitic statements” is unfounded and therefore unacceptable. As we had the opportunity to point out in the third report, “the information that reaches ECRI from various sources and is included in this report sometimes does not correspond to the reality of the non-discrimination policy of the State Authorities”* (ECRI 2009, Country Response, 4).

The continuous denial on behalf of the Greek government on issues regarding racisms and the complete absence of an official recording mechanism appeared among the sources of the growing violently expressed racism in Greek society. As Mr. Kaminis rightfully observes, *“it is almost impossible to draft an effective policy without having the actual numbers, which will indicate the extent of the phenomenon.”* Additionally, the Greek political system until 2007 rejected any notion of the existence of racism in the Greek society, with the main argument being that unlike the rest of the EU, Greece did not have an elected far-right party. This excuse, valid until 2007, was now collapsed, but the Greek government insisted on denying that racism was an issue.

According to most interviewees, the Greek government's stance reflected a complete indifference, which was gradually transmitted to society. According to Dr. Papastilianos, *“The Greek state has long shown an aversion to the existence of elements that would force it to take action, especially on issues of low electoral interest such as racist violence. It is inaction that complements the pathogenesis of the Greek state, and that creates a gray area between legality and illegality that ultimately is to the benefit of certain groups of behaviors.”*

To conclude, this period is marked by the polarization of society regarding migratory-related issues. On the one hand, we observe the rise of the far-right as an elected political entity, and the unchecked, by the government, deployment of racist violence in the society. On the other hand, the solidarity groups' reaction was intense and, at times, confronted racist groups, leading to open clashes in major cities' streets. But what was evident was the inability of these groups to stop the escalation of racist violence completely.

Gradually, as we will see in the years to come, the society became tolerant to the racist violence of the far-right, providing its silent approval, until this sort of violence turned against Greeks,

partially confirming that the indifference of the government eventually transmitted to the society which by then was facing the most significant economic downturn of its modern history.

Securitizing practices and human rights

Despite the progression of the legal framework, especially after the transposition of the legal instruments of CEAS, and the elite de-securitizing efforts, the securitizing practices and the consequences they had on the level of protection of human rights remained unchanged and ever deteriorated.

In the previous chapter, we have identified a series of human rights deviations deriving from the Greek government's security practices in the bordering areas and the mainland. The extent of those deviations attracted international attention, with several human rights organizations and NGOs shifting their focus in Greece. Accordingly, there is a plethora of surveys and reports regarding the status of human rights, particularly of asylum seekers in the country, the majority of which confirm widespread violations of the human rights of irregular immigrants and asylum seekers at almost all stages of the procedures. Furthermore, the situation in the country provoked the strong response of international and European human rights bodies.

The deteriorating human rights protection in the country forced CPT to state that the situation left no choice but to set in motion Art.10.2 of the Convention and make a public statement on immigrants' human rights (CPT 2008). The Committee emphasized that most issues were brought before the government as early as 1993 and repeated ever since, but the government remained inactive.

Following the same direction UNHCR (2008), invoking its supervisory responsibilities enshrined in the Declaration 17 of the Treaty of Amsterdam, which requires the consultation with UNHCR on matters relating to asylum, called E.U. countries to invoke art.3.2 of Dublin and stop the Dublin returns to Greece. According to UNHCR, the Dublin system's credibility is contingent upon the existence of harmonized standards of protection among member states, a condition that is not fulfilled in Greece (UNHCR 2008). Additionally, in several interim measures, ECtHR prohibited Dublin returns to Greece from the Netherlands, Finland, UK, France, and Belgium, while the German Courts stopped Dublin transfers to Greece in more than 70 cases (ProAsyl 2009;40-41).

The leading cause of the diminishing of human rights protection was the Greek administration's prevailing tactic to limit asylum space and asylum seekers' protection by invoking claims of "immigrant crisis." Instead of addressing the structural deficiencies of the asylum system, the Greek government opted for the diminishing of asylum space by suggesting on multiple occasions that the majority of entries were bogus asylum seekers and should be treated as such, irrespective of other parameters that ought to be taken under consideration. It is thus, not surprising that the majority of deviations found in this period consider the lack of protection of asylum seekers, while specific issues such as detention conditions and police brutality are common to both categories.

To better grasp the extent of human rights deviations, we will proceed with the analysis by separating the findings into two categories. The first involved actions and measures that targeted irregular immigrants and asylum seekers equally, namely the border control practices, the detention conditions, and police brutality. While the prohibition against refoulement referred to people in need of international protection, the way border control operations have been conducted leaves no room for separation since, during the operations, people are treated equally as irregular immigrants. The second category refers to deviations from the asylum protection system, its consequences on the country's level of protection, and virtually all aspects of asylum seekers' lives.

Border controls

Following the previous period trends, the Greek policy focused on enhancing border controls, especially on the shared borders with Turkey. The militarization of Greek borders continued unabated during this period. Security forces were reinforced in terms of technical equipment and human resources.

Since 2006, the Greek Ministry of Public Order, with a subsidy from European funds, proceeded with purchasing an advanced radar system intended for the timely detection of smuggling boats (Vima 23/3/2006). Additionally, the Ministry announced the establishment of illegal immigration prosecution units in the eastern Aegean islands and increased border guard forces (Vima 4/10/2007). Also, the Ministry of Defence announced in 2008 its full assistance in border surveillance due to the critical situation and the risks posed by the uncontrolled entry of illegal immigrants. Since 2008, Frontex, present in the country since 2006, participated in the joint Operation Poseidon, which added significant value in co-operation between the Hellenic border guard units, the coast guard, and their European counterparts.

It was apparent from 2000-2005 that the enhanced border controls and practices often included the illegal refoulement of immigrants and asylum seekers. Besides the safeguards provided by the Geneva Convention Art.33, the ECHR Art.3, and UNCAT Art.3, the principle of non-refoulement is ensured by the Qualifications Directive has been transposed to the Greek legal system in the PD 96/2008 art. 21. Nevertheless, the practice of the Greek Border Guard Units and the Greek Coast Guard was found in breach of the principle.

What started as speculations during the previous period is now confirmed by multiple sources, which speak of mass, illegal, and dangerous practices on behalf of the border guard units and the coast guard, which constitute a violation of the principle of non-refoulement (CPT 2008; ProAsyl 2007; Hammamberg 2009; Ombudsman 2006;2007, HRW 2008, Amnesty International, 2010). All reports suggested a systematic use of illegal pushbacks to Turkey, which at times found to put the lives of persons in danger. Re-foulements were recorded at the Evros border, following the procedure described in the previous chapter. Irregular immigrants and asylum seekers, apprehended upon entry, were held incommunicado in unofficial detention facilities and were summarily refouled to Turkey without their identities or potential asylum claims being recorded (ProAsyl 2007, 6). Even more dangerous, due to the circumstances found to be the practice of push back at sea borders.

In 2007, a very extensive fact-finding mission conducted by ProAsyl documented the extent of the phenomenon. The findings of the survey were striking. The first finding coincides with the general perception of the Greek administration that most entrants are considered irregular immigrants and, at times, dangerous. According to the Coast Guard commander Apostolos Mikromastoras, who has been interviewed by ProAsyl, *“Every male refugee is a potential enemy. At any moment, they could strike Europe beginning a war here [...] Europe has to understand that genuine danger is approaching. I believe we are dealing with an Islamic invasion. They are all warriors [...] when we see women and children, we say: that is family, we have to help them. However, when Afghans arrive, you see that they are all young men between 14 and 17. It seems as though it were a sort of army moving from the east to Europe”* (ProAsyl 2007,13).

The same officer admitted that the policy was to send boats back without any other process, but it was not declared officially since the operations were performed without informing the Turkish side. The modus operandi resembles wartime operations. Coast Guard boats, crewed by members

of the select commandos units, approach the boats with their lights off, a practice that is justified only in case of war. If the ships do not flee voluntarily or are caught ashore, they were transported and disembarked off the Turkish coast. In other cases, their boats were damaged and left to drift back to the Turkish shores. In an indicative comment, the coast guard officials revealed that *“these are actions that the military would like to avoid at borders because it might provoke a war with Turkey. But secret services are involved”* (ProAsyl 2007, 15).

The most shocking is the recognition that returning irregular immigrants to Turkey in this manner and given the long-standing hostile relations between the two states endangered peace in the region as it might provoke an armed conflict between the two countries. Nevertheless, it was a risk the Greek site appeared willing to take.

Additionally, several reports referred to irregular deportation of immigrants and asylum seekers following roundups in the mainland. According to the reports, persons apprehended in the mainland were secretly transferred to Evros and then expelled following the same questionable procedures followed for new entries (Hammamberg 2009; UNHCR 2009; ProAsyl 2007).

The Greek government supported that there were no instances of refoulement and that the majority of deportations were legal following the readmission protocol with Turkey. However, even this statement is problematic, especially looking at the country's status of Iraqi asylum seekers. Surprisingly, and despite the situation in Iraq, Greece refrained from recognizing Iraqi asylum seekers. According to the UNCHR data, in 2006 and 2007, no Iraqis received first or second instance recognition. To give a perspective, the recognition rate of Iraqis in Sweden for the same period exceeded 91% (HRW 2008). Accordingly, Greece opted for the readmission of Iraqi asylum seekers back to Turkey, who then faced the possibility of chain refoulement back to Iraq. It is important to note that Turkey had a geographic limitation on the Geneva Convention, according to which refugee status is given only to persons coming from European countries (UNHCR 2009).

Additionally, in the rare cases that cooperate in the context of the readmission protocol, Turkey accepted persons coming from bordering countries, who were summarily expelled in their countries of origin without any further procedure. It is indicative that by 2007 Turkey increasingly accepted the return of Iraqis, while at the same time, no Afghan or Pakistan was accepted (UNHCR 2009). According to Mrs. Spatha, a lawyer member of the Athens Bar association, who has been heavily involved in asylum procedures, *“Greece could not deport people back to Iraq, thus return*

of Iraqis to Turkey found to be the optimum solution in violation of Geneva and ECHR” (ProAsyl 2007,27). The same trend applied to Iranians, who were denied access to procedures, thus faced the risk of chain refoulement (UNHCR 2009).

Nevertheless, despite the plethora of reports, the Greek government denied the allegation of push-back and re-foulements, considering them unjustified and biased (LIBE 2007; ProAsyl 2009, Hammamberg 2009).

Detention

The deviations persisted even when irregular immigrants and asylum seekers managed to enter the country and were under the Greek security forces' control. According to art. 13 PD 90/2008, an asylum seeker is not held imprisoned for the reason of entering the country illegally. Additionally, the article stipulates that if a detainee applied for asylum while being in custody, he remained imprisoned until the examination of his/her claim is following priority procedures, which cannot exceed 60 days.

Despite the provision that asylum seekers are not being held for irregular entry, as a matter of course, police detained everyone irrespective of their will to apply for asylum. According to the Ombudsman's survey (2007), the police justified the blanked detention due to false asylum applications' rising tendency. According to a communication of the Ministry of Public Order (Protocol Number 5401/1-512982/17/6/2007), *“Mass arrests are justified to secure the borders and for national security reasons, which require the immediate initiation of deportation procedures, which are fully justified since the mass inflows create reasons of public order and national security.”* According to the Ombudsman, this practice nullifies the legislator's compliance with the Geneva convention, which excludes immigrants from immigration law provisions. In this context, no alternative measures to detention were considered, and neither an individual assessment for the danger posed by each detainee or for possible vulnerability. As a result, even UAM aged as low as ten years old found to be detained among adults (ProAsyl 2007)

At borders, the police's standard procedure was to issue an automatic deportation order upon apprehension, applying art.76 3386/2005, without any prior examination of potential asylum claims. Additionally, based on the provisions of art.13 PD 80/2008, asylum seekers apprehended at borders, as a matter of course, were held longer than irregular immigrants or those who refrained from lodging an application. Thus a significant number of asylum seekers refrained from applying

at borders. UNHCR found that irregular immigrants were usually released after ten days, given an administrative order to leave the country within ten days. On the contrary, asylum seekers remained imprisoned for three months, exceeding even the 60 days limit of the accelerated procedure of asylum examination. Importantly, findings showed that the prolongation of detention in the case a person wanted to apply for asylum was used as a means of deterrence by the police guards (NCHR 2008, UNHCR 2009).

While detention can be seen as quasi-legitimate through the issuance of a deportation order, the detention conditions remained deplorable and considered potential sources of violation of Art. 3 ECHR. Both the ad hoc visit of CPT in 2007 and the periodic visit in 2008 confirm that immigrants' detention conditions remained deplorable, while Greece failed to adopt the Commission's recommendations dated since 1993. Similar findings found in the reports of the Greek Ombudsman (2006;2007;2007b;2008), NCHR (2008), HRW (2008), ProAsyl (2007;2009), Amnesty International (2008), EMN (2009), and LIBE Committee (2007).

Detention conditions were found to be a common source of suffering between irregular immigrants and asylum seekers. The main issues appeared to be extreme overcrowding, lack of infrastructure, lack of medical treatment, untrained personnel, lack of budgetary allocations to cover everyday expenses such as food, and lack of separated detention cells for women and UAM. The conditions appeared so bad that even the Panhellenic Federation of Police Officers issued a statement expressing their concern about the detention, transfer, and deportation conditions of illegal immigrants, the insufficient human resources and infrastructure, as well as the inadequate hygiene, which posed a risk to their working conditions especially in detention areas (Amnesty International, 2010,15).

In the absence of organized detention centers, irregular migrants and asylum seekers were often held in police stations and human-made facilities. In the case, *Tabesh v. Greece* (n8256/07, 26/11/2009 para 20-21)) ECtHR presented a police document (n.1026/5/22/1-Θ/30.3.2007), which revealed that the police director of Thessaloniki acknowledged the severe problems arising from the prolonged detention of foreigners in unsuitable places of detention, and who faced even insufficient feeding.

According to the reasoning of the ECtHR in the case *S.D. v Greece* (no53541/07 of 11/6/2009), “Article 3 requires the state to ensure that every detainee is held in conditions compatible with

respect for human dignity, that the means of carrying out the measure do not subject the person concerned to despair or trial whose intensity exceeds the inevitable level of pain associated with detention and that given the practical requirements of imprisonment the health and well-being of the prisoner shall be adequately ensured” (para. 47).

In this case, the government supported that detention conditions were considered deportable due to objective reasons given the intensity of the flows and the consequent overcrowding of the detention centers, a position held in every case brought to ECtHR concerning detention conditions. However, the ECtHR reiterated its position found in *Selmoyni v France* (n.25084/94), which stated that Art.3 “*makes no provision for exceptions and no derogation from it is permissible even in the event of a public emergency threatening the life of the nation.*” During this period, Greece was found in breach of Art.3 ECHR in six different cases for detention conditions.

What is important is that despite the widespread criticism, the Greek government sustained its position that all reports are exaggerating and that the country's detention conditions were acceptable and improving continuously. As in the previous years, the government remained hostile against the reports, claiming that the findings are coincidental and that the organizations or committees are biased against Greece (CPT 2007;2008, LIBE 2007, ProAsyl 2007;2008, EMN 2009).

Besides the material deficiencies, the detention of irregular immigrants appeared to lack the necessary safeguards against ill-treatment. The list of defects reported included the absence of interpretation or legal assistance provided during the administrative process. While immigrants had the right to challenge the deportation order, no free legal aid was provided. Thus the measure was practically non-existent due to the lack of financial means.

Additionally, even if an irregular immigrant managed to challenge the deportation order before the administrative courts, detention was not suspended in the face of a favorable decision. According to the ECtHR in *S.D. v Greece*, this was found in breach with Art.5.1 and 5.4 ECHR since national law did not provide any possibility to challenge the detention order. The Court held similar opinions in the cases *Eframidze v. Greece* (n33225/08,21.6.2011), *R.U. v Greece* (n2237/08, 7.6.2011), *Rahimi v. Greece* (n. 8687/08, 5/4/2001), *A.A. v. Greece* (n12186/08, 22/7/2010) and *Tabesh v. Greece* (n8256/07, 26/11/2009). The reasoning in all cases included a violation of Art.3 ECHR due to detention conditions.

Furthermore, no information was provided of the rights or status even after release, while the absence of medical care was evident in most detention sights.

According to the LIBE committee, the overall detention conditions and the absence of safeguards represented a complete disregard of the European Law's obligations. Additionally, the Committee received Prefectures' complaints, who claimed that the central government remained inactive in the calls for financial support for the construction of new humane detention centers. The Committee went as far as to state that the conditions and the overall inaction of the government gave the impression of a deliberate policy aiming to discourage inflows and asylum claims (LIBE 2007; 4:6).

The opinion that detention conditions remained squalid for policy purposes expressed by the LIBE committee was reinforced by several statements made by the Ombudsman office (2008), NCHR(2008), and CPT(2007). According to a public announcement of the NCHR, *"The actions and omissions of the Greek state come from a perception of security which sees crime as a pathology of certain groups that endanger the socio-political status quo, and that must be inactivated and removed from view and space. If they are in prison, the public is ready to accept that the living conditions and the violations of their rights are, if not legitimate, at least tolerable. This is manifested, especially in the case of irregular immigrants and asylum seekers."* (NCHR 2008,27)

Police Brutality

In addition to the degrading detention conditions, irregular immigrants and asylum seekers often had to face police brutality and excessive use of force. The issue of police brutality remained unchecked by the government, giving police forces a sense of impunity on actions against irregular immigrants and other marginalized groups, as we have explored in the previous chapter.

A survey conducted by the newspaper Nea (22/11/2006) revealed that the investigations conducted by police authorities in cases of alleged police brutality 8/10 times concluded with the indication that *"no responsibilities of executives have arisen."* However, even when cases reached the administrative Court of appeal, almost everyone was acquitted, or the penalties imposed were negligible. For instance, in the case *Bekos and Koutropoulos v. Greece* (n.15250/02, 13.12.2005), after the finalization of the case in the ECtHR, the perpetrators received a fine as low as 60 euros. In an even more striking case, the Court imposed a fine of just 90 euros on police officers who

shot and left disabled an Albanian minor. The Court found the victim equally guilty of stepping in front of the bullet as he changed direction while avoiding the gunshots. (Nea, 27/3/2006).

Several instances made it to the press throughout the years, revealing a continuous police brutality pattern against irregular immigrants. The severity of those instances was among the reasons that the Minister of Public Order let the possibility to resign open under the weight of complaints of mass beatings of immigrants in police stations and detention centers (Nea 18/6/2007), which in some cases could be described as organized torture resembling Abu Graib both on the severity and of the fact that the perpetrators were video tapping their actions.

In the 2007 and 2008 reports, the CPT raised the issue of continuous police brutality against irregular immigrants under custody. According to the Committee's findings, several allegations of ill-treatment were found consistent with forensic evidence by the mission. The Committee even reported police intimidation against immigrants while under medical examination, even in the Committee's presence to discourage them from reporting police violence (CPT 2007). In the 2008 report, the Committee repeated the need for an independent authority to inspect detention facilities and investigate police brutality instances. It is important to note that findings of excessive use of violence against irregular immigrants were found by UNHCR (2009), ProAsyl (2007;2009), while the Greek Ombudsman's office raised the issue on several occasions.

The response of the Greek government to the allegations regarding police brutality and impunity remained unchanged. In their response to CPT, Greek authorities denied the claims stating that every case was considered individually and insisted that there were no official complaints to the authorities. The government accused the Committee of ridiculing the country upon general and unclear allegations without any evidence.

What is even more striking is that the Greek government went as far as to lie to the CPT regarding the existence of a supervision mechanism against police violence.

The CPT, in its 2008 report, as explained previously, stressed the need for the creation of an independent and impartial authority. The Greek government responded that there is no need to establish a new authority since the Greek Ombudsman's office was competent ex-officio or after reports to investigate any case concerning detention conditions and police brutality. The government further stressed that the Directorate of Internal affairs, an independent central service

of the Hellenic police headquarters, was responsible for the penal investigations for ill-treatment allegations. Thus according to the government, there was an efficient mechanism for the inspection of complaints.

The Greek Ombudsman of that period, Mr. Kaminis, when asked about the report, appeared critical, to put it mildly. According to Mr. Kaminis, the Greek government intentionally lied to the Committee since his office was not competent to investigate such allegations. In reality, Mr. Kaminis said, during this period, the Greek Ombudsman's office did not have the mandate to check court decisions, only their enforcement, while it was not competent to receive complaints regarding police brutality. Furthermore, Mr. Kaminis added that the police leadership favored the Ombudsman taking over the independent control. However, as he stressed, *“the political leadership stubbornly refused. The governments did not want the Ombudsman to control the police. They wanted the police force unchecked. It was a deliberate decision to have the police power unleashed against immigrants or against whoever targeted by the government in each period”*.

Regarding access to detention centers, the Ombudsman stressed that the police refused to give access to irregular immigrant detention sites during this period. This was publicly stated in the 2006 annual report. According to Mr. Kaminis, the police could not refuse access to CPT or UNHCR. However, when the Greek Ombudsman office requested access, especially in the context of ad hoc visits, access was denied. This trend was initiated following the three consecutive reports of the Greek Ombudsman office regarding detention conditions in Pagani Mitelene. Following those reports, access was perpetually denied.

What the Greek government denied furiously was confirmed by the findings of the ECtHR in the case *Zontul v. Greece* (n12294/07, 17.1.2012). According to the facts of the case, 164 irregular immigrants were apprehended in Crete in 2001. While in detention, they were severely and systematically beaten by the Coast Guard members, while several reported virtual executions. The complainant claimed that he was raped by a member of the Coast Guard using a glop. When asked to be examined by a medical examiner, the authorities refused. Due to the publicity that the issue received, the perpetrators were taken to trial, completed in 2006. The sentence imposed was six months imprisonment, redeemable at 4.4 euros per day. The actions of the Coast Guard authorities were not considered torture, as Art. 137 A2 of the Penal Code states that for an action to be

considered torture must be methodical, while in this case, it was deemed to be conjectural (para.1-32).

The Court ruled that the provisions of the criminal law and the whole procedure, including the lawsuit, did not comply with the principles set out in Art.3, stressing that the judicial authorities should not allow such practices to go unpunished and that the punishment imposed was disproportionate given the seriousness of the Offence (para.97-108). Finally, the Court ruled that both the criminal justice system and how justice was administered do not deter such crimes from being committed by security forces (para 109).

It is important here to note that, in a similar case which was publicized in 2004, concerning the torturing of Afghan immigrants in Agios Panteleimonas police station, the Greek Courts in their finalized decision in 2012, avoided classifying the incidents as torture, while the sentences imposed were eventually suspended after the appeal. The Greek Council of refugees commenting on the findings stressed that *“Incidents of police violence, particularly against refugees and migrants, have continued unabated since 2004. Only a small number of them reach the offices of support organizations, and an even smaller number end up in the courts. This is with zero protection of the victims, with huge delays, with loss of basic evidence, and with the victims absent, since, in most cases, they leave Greece before the trial of the case. Moreover, this case finally reached the audience for the first time seven years after the events. “On 14.12.2012, this controversial case will also become statute-barred, confirming once again the regime of impunity for the guilty, when they have the privilege of belonging to the police ranks” (TVXS 20/12/2011).*

Even though the real facts of both cases dated before the period under examination, they are now mentioned because they reveal the ongoing police violence and because they give a very accurate picture of how the Greek justice system, even when it had to deal with torture cases, failed to act by imposing the appropriate deterrent sentences. Furthermore, both cases revealed an organized pattern of police brutality, which, by no means can be considered isolated. In both cases, the perpetrators act in an organized manner while their confidence about their impunity led them to videotape their actions and circulated them among their peers.

According to the UNCAT report (2006), *“The authorities’ refusal to accept the existence of incidents of police violence is usually compounded by deliberately inadequate mechanisms for investigating complaints and looks like a well-orchestrated cover-up of police officers.”* As the

interviews confirm, it was a political decision to let the police violence unchecked, based on potential electoral gains and on the fact that police violence served the policy aims regarding immigration at any given time.

Dr. Papastylianos confirmed that both the impunity enjoyed by police forces and the Greek judiciary's inaction to tackle those actions derive *“from the possibility of strong pressure groups negotiating with the state. No government wanted to control the police, precisely because of the political benefits it derived from its actions and the customer relationship that the current government had with the pressure groups within the security forces.”*

Finally, in a revealing statement, Mr. Zavos, who during this period was a consultant of the government, stressed that *“there was no provision to protect immigrants from police violence because it would be used organically by immigrants to their advantage. After all, the complaint rates reach the limits of statistical error. The complaints were made by those who did not want to return to Greece following the Dublin Agreement accusing the country of torture. It was also part of a game of impressions of Europeans who want to play it socially sensitive without taking responsibility. The NGOs' data are not reliable; they are a product of political expediency, as are most of the decisions of the ECtHR”.*

Asylum system

The deficiencies in the asylum system, already recognized during the previous period by various organizations and NGOs, accelerated during this period. The situation left UNHCR no choice but to invoke its supervisory responsibilities, enshrined in the Declaration 17 of the Treaty of Amsterdam, which requires the consultation of the UNHCR on matters relating to asylum. Accordingly, the organization called the rest of the EU countries to invoke Art.3.2, known as the sovereignty clause, of the Dublin regulation and to stop the Dublin returns to Greece.

Even though the deficiencies found in the asylum system could not be explicitly associated with the securitization of immigration and asylum-seeking, since there was no official policy towards this direction, the discourse used by the political elites, and especially by the Ministers who were responsible for the asylum procedure indirectly suggested a close connection with the perception of threat and the need to limit asylum space. As argued in the previous sections, the political elites repetitively claimed that most influxes were irregular immigrants and must be treated as such (LIBE 2007; Hammaberg 2009; ProAsyl 2007). This notion was adopted by the security

professionals, who supported that the majority of the new entries were irregular immigrants and potentially dangerous (see Mikromastoras above). These statements unwittingly reveal a rather hostile predisposition against asylum seekers, which eventually was reflected in the actions and the Greek government's inactions to fulfill its obligations deriving by European and International law.

While Greece, even with a delay, transposed the EU asylum-related Directives and given that it already had a relatively advanced legal framework of protection of asylum seekers, it did not take any measures for their actual implementation, even on issues that did not require significant infrastructure or resources. When visited by the LIBE committee, the Minister of Interior, Prokopolis Pavlopoulos, acknowledged that human rights protection is not a matter of resources and that the Greek institutional framework can be improved (LIBE 2007;9). Regrettably, though, no actions were taken towards the improvement of the system.

Besides the issues discussed in the section above, various reports identified a series of other dysfunctions in the asylum process. The first concern the access to asylum procedures, which was found to be extremely difficult. Even though art.2 PD 90/2008 provided that applications could be lodge at all points of arrival; in practice, border authorities refused to receive applications (NCHR 2008, Amnesty International 2010; ProAsyl 2009; UNHCR 2007,2008). Furthermore, there were no identification procedures at borders, while the absence of interpreters and legal assistance made the procedure practically inaccessible. It is indicative that 94% of the applications were lodged in the Central Police Asylum Department of the Aliens Directive Headquarters of Hellenic Police in Athens. However, even there, the offices were staffed with only eleven qualified employees, and only a maximum of 20 applications was accepted daily (Hammaberg 2009,10, Amnesty International 2010).

Furthermore, the interview stage lacked quality. Untrained police officers often conducted interviews without proper interpretation in breach with art.10 PD 90/2008 (or Art. 12 and 13 of Procedures Directive). The first instance decisions were taken by the Secretary-General of the Ministry of Interior based on the interview and the police officers' recommendations conducting the interview. UNHCR, in a 2007 study, found that the majority of adverse decisions had no legal reasoning, despite the provisions of Art. 7.3 PD 90/2008 (Art 10.3 of Procedures Directive) stating

that decisions should be grounded legally and on each case's facts. The study found that the majority of the applications rejected using standardized reasoning, referring to economic motives.

Equally problematic was the second-degree examination. According to NCHR (2008,2), in 2008, there were 11,000 backlog applications on the second degree. Despite the volume, the only committee that existed met twice a week with a maximum review of about 150 applications at a time. Following this pace automatically meant that the second instance examination process could take a few months to years.

Perhaps the most accurate way to have a glimpse of just how dysfunctional the system was is by taking a look at the numbers. In the table below, we present the asylum statistics as provided by UNHCR. Pending applications referred to the previous year's backlog, while closed applications considered those finalized in the second degree. Unfortunately, we have not collected accurate data regarding second instance decisions besides 2007, in which 138 persons were recognized in the second instance, accounting for approximately 2,05%.

	2006	2007	2008
Pending applications/beginning of the year	8914	3460	28463
New Applications	12267	25113	33252
Recognition 1st instance	128	8	479
Rejections	10414	20684	24104
Closed	2624	142	-
Acceptance percentage	1%	0.04%	2%

It is interesting to note that, again, according to the UNHCR data, a large proportion of asylum claimants originated from war-torn countries or countries known for their human rights deficiencies, such as Afghanistan, Iraq, and Iran. To give a perspective, the chart below summarizes the three years' findings in terms of countries of origin and recognition/rejection

numbers. It is important to note that we use only data referring to countries considered at the time as refugee-producing according to the annual Global Reports of UNHCR.

	New applications (total 2006- 2008)	Refugee status recognition	Humanitarian status recognition	Rejection	Protection rate
Afghanistan	4930	11	8	3791	0.3%
Ethiopia	390	-	-	378	0%
Iraq	8649	1	-	8489	0.01%
Iran	1194	1	8	1092	0.75%
Nigeria	1527	-	12	1441	0.78%
Somalia	473	7	7	349	2.95%
Sudan	414	-	5	410	1.2%

The next-to-zero recognition rates meant that a large proportion of persons entitled to international protection remained in limbo, exposed to the danger of refoulement, a practice that given the circumstances in the countries of origin found in breach with Art.33 Geneva, Art.18 of the EU Charter, along with the art.13,15 and 18 of PD 96/2008 (Qualifications Directive).

Another “trick” used by the Greek administration was the delivery of the “pink card” (accepted asylum application with automatic six months residence permit) at the same time as the abrupt decision, written in Greek, which gave the interested parties ten days to appeal the decision (Ombudsman 2007, HRW 2008). Therefore, and without being fully informed, the applicants were notified when they tried to renew their “pink card” that they were not entitled to renewal since they had been rejected and had not appealed the decision.

Dublin returnees had to face additional issues that technically excluded them from the asylum process. Typically, asylum returnees were arrested at the airport upon entry before their status was clarified. While there was no possibility to lodge an asylum application at the airport, detainees were released after a few days, given an order to present at the Central Asylum department to apply within three days (UNHCR 2008). Besides the inadequate information regarding the time limit,

asylum seekers had to endure the issues mentioned above regarding access to the Central Asylum department, which jeopardized their access in due time to the procedure (Amnesty International 2010).

Notably, and despite the Dublin regulation provisions, which oblige Greece to examine the asylum application thoroughly, in practice, the Greek authorities considered the application interrupted, according to art.2.8 PD 61/1999. Art.2.8 stipulates that *“Throughout the procedure, the asylum seeker is obliged to remain in the place of residence declared or assigned to him. In case of arbitrary removal, his application's examination process is interrupted by a Secretary-General's decision of the Ministry of Public Order, which is notified to the interested party as an unknown resident. If within a reasonable time, which may not exceed three (3) months from the date of issuance of the decision, the applicant reappears to the competent authorities, providing official evidence proving that his absence was due to force majeure, the above The decision is revoked, and the asylum application is examined on the merits”*.

Accordingly, while asylum seekers were transferred to Greece following the Dublin regulation, they had to face a termination decision that effectively excluded them from asylum access. Moreover, applicants could not challenge the termination decision, given that the three-month time-limit most of the times had elapsed. Thus the applicants could not submit a complaint and invoke reasons of force majeure that forced them to leave the country. Consequently, Dublin returnees remained in limbo, facing the possibility of immediate deportation and refoulement (Ombudsman 2007, 37;39).

The Greek administration practice had been heavily criticized by the European Commission, which communicating with the Minister of Public Order, challenged its compatibility with the EU law. In the same period, Norway, the Netherlands, and Finland suspended the regulation (Ombudsman 2007; 38), followed by Germany, which stopped the transfers in 70 cases following national court decisions (ProAsyl 2009;41). Additionally, in several interim measures, the ECtHR prohibited returns to Greece from the UK, France, and Belgium (ProAsyl 2009, 40).

Finally, even if asylum seekers managed to overpass the procedural obstacles, they had to endure extreme poverty, destitution, and homelessness. Despite the transposition of the Receptions Directive by the PD 220/2007, which provided material conditions, including shelter and daily financial allowance, the Greek government did almost nothing in this direction. Indicatively in

2008, there were 19,884 applications for accommodation, while the total capacity did not exceed 850 places, of which 450 were reserved for UAM (Amnesty International 2010, 13). At that time, Greece had four state-run accommodation centers and eight-run by NGOs funded by the European Refugee Fund.

Besides the apparent insufficient capacity, findings show that the state-run accommodation centers were deliberately sub-standard. According to art.2,8 PD 61/1999, asylum applicants must remain in the address stated or assigned to them by the authorities throughout the process. According to a revealing survey by the Greek Ombudsman in 2007, asylum seekers' placement to inappropriate accommodation centers derived from a political decision to discourage bogus asylum claims. Following the reply document of the Ministry of Public Order to the Ombudsman questions to this direction, it appears that the relevant Directorate of Foreigners had adopted the above practice to discourage abusive requests, considering that the referral to a Reception Center away from urban centers of the country would be a deterrent to those who will have no real need of international protection. Thus, every competent service of the Foreigners Department of the country was ordered to determine the Reception Center of Kokkinopilos, Larissa, as a place of residence of foreign asylum seekers and whose applications, in the absence of substantive content, were assessed as abusive to asylum procedures (Ombudsman 2007,33).

The lack of accommodation and overall reception conditions, which would ensure a decent standard of living, led to the creation of either makeshift camps or let dozens of asylum seekers homeless, seeking refuge in city centers. The most striking example is Patras' port, seen as a possible exit point to Europe, where about 3000 immigrants and asylum seekers found refuge and lived in extremely unsuitable conditions, without any assistance. Instead of proceeding with a solution, the local police authorities engaged in a continuous detention-release circle, including UAM, who resided in the camp. According to Red-Cross, the number of UAM in the area exceeded 132 children treated by the police as irregular immigrants.

In 2008 the situation in the Patras port reached the point of being called a humanitarian crisis. The Greek government appeared to engage in a policy of restrictive tolerance towards those populations who enjoy no other rights but the right not to be expelled. Other than that, the Patras camp residents had no access even to the most basic provisions such as food, water, or healthcare (Ombudsman 2008d,5). The Ombudsman report for the situation in Patras port stressed that “ *the*

jurisprudence of the ECtHR, makes clear that the tolerance of the state towards population groups with special protection needs to be deprived of access to basics goods and services that make up the minimum of decent living conditions, is not compatible with the positive duty of the state to protect the human value” (Ombudsman 2008d, 8).

The same applied for Igoumenitsa port, while Athens city center gradually turned into an open homeless asylum seekers camp.

Apart from asylum seekers, similar conditions were faced by those whose application had been rejected or by those who resided in Greece “sans papier” after their release from detention and who, for objective reasons, could not leave the country.

Deprived of any protection or assistance, asylum seekers and “*sans papier*” became easy targets of racist violence and labor exploitation. Notably, during this period, the working conditions in Manolada, which in 2013 would become the epicenter of the international criticism against Greece for the working conditions, became known. The ex-officio investigation by the Greek Ombudsman office confirmed the illegal employment of irregular immigrants and asylum seekers in inhuman and, at times, life-threatening conditions (Ombudsman 2008b). Following the urgent call for action, the Ministry of Employment conducted a rather superficial investigation, according to which no significant deficiencies in living conditions were found (Ministry of Labor, n.415, 26/5/2008).

The restrictive granting of asylum and the continued inaction of the authorities to create suitable living conditions, as well as the refusal to find a solution for the growing number of people living compulsorily in Greece without any document or protection, perpetuated an informal and burdensome regime of people who could not be deported, thus tolerated by the Greek government but who lived in the country without any rights or minimum protection.

Once more, the Greek government's inactions to comply with the national and European law reveal the ongoing pattern of inapplication of any legal provision that might appear beneficial to asylum seekers and irregular immigrants. While not explicitly attributed to the securitization of immigration and asylum-seeking, when seen cumulatively, the practices followed show a phobic attitude towards these individuals, which may not be as extreme as in the past, but it retains the securitization practices.

Additionally, while the Greek government's declared aim was to curtail irregular immigration and reveal bogus asylum applicants, the practices resulted in a cumulative violation, or nevertheless, non-protection of fundamental rights, leading thousands of people to endure a life deprived of any human rights, including survival. The situation resembles precisely what Agamben defined as "sovereign state of exception." The practices of the Greek government, in reality, excluded irregular immigrants from the legal order, and then they abandoned them, letting them exist in legal limbo, exposed to state and individual violence. Furthermore, while Agamben recognized the existence of camps as the most profound manifestation of the "sovereign state of exception," we can see during this period that it is not only the state-run camps that fulfill this condition but also the places that immigrants voluntarily resorted to. The most significant difference between the two is that while Agamben recognized that a person confined in a camp has at least the right to be alive, even this right is put in question in the human-made refugee camps.

Finally, and as will be further explored in the following period, the almost total lack of protection of asylum seekers and irregular migrants constructed them as prey to far-right racisms and xenophobia. With the economy collapsing and violent social unrest manifesting in all aspects of social life, immigrants and asylum seekers have been targeted politically and by the rise of racist violence. Additionally, the dreadful conditions in the cities, created by the rising numbers of homeless asylum seekers, became gradually a political tool, which instead of targeting the political incompetence of managing the issue, targeted irregular immigrants and asylum seekers directly as the source of all evils in the society.

Section B- Period 2009-2011

The period 2009- 2011 was marked by the initiation of the country's deep economic recession, which resulted in social unrest and political volatility. It was also a period during which Greece was found under the spotlight of severe international criticism regarding the human rights protection of irregular immigrants and asylum seekers.

Nea Demokratia succeeded in the country's leadership by the socialist party of Pasok, which indicated an ideological shift towards immigration perceptions. Thus, it would be interesting to see how the economic recession affected the political ideology regarding the respect of immigrants

and asylum seekers' human rights, or whether human rights are presented as a kind of "luxury" to which the government can not respond despite any intentions.

Elite Discourse

The discursive shift observed by the end of the previous period solidified from the mid 2009s, signifying the reintroduction of securitization of immigration in the public dialogue. The change could be primarily attributed to the results of the European Parliamentary elections of 7th of June 2009, during which the ruling party of Nea Demokratia sank, receiving only 32,3% versus 41,84% obtained in the national elections of 2007. The majority opposition party of Pasok suffered losses of about 1,5%, while the rest of the opposition parties remained in their previous percentage, except for LAOS, which almost doubled its electoral gains, receiving 7,15%. According to the post-electoral analysis, LAOS received alarming high rates in areas with high immigrant concentration.

The government seemed alarmed by the fall of the party's percentages and the rise of LAOS, which appeared to have drawn votes from the party's conservative voters. That was evident in a series of interviews with the then Minister of Interior, Prokopis Pavlopoulos, who was in charge of the migratory policy, and who nevertheless admitted that the issues of security and irregular immigration played a significant role both in the losses of Nea Demokratia and in the rise of LAOS (Adesmeftos Typos 14/6/2009, Hmerisia 4/7/2009)

In the aftermath of the elections, the government proceeded with a series of announcements and policy measures to curtail irregular immigration and "clear" public spaces, especially in Athens city center. Indicatively, the government on 12th of June 2009, announced its new measures called "*Law and Order*," which included the transferring of 1500 police officers to Athens city center to contribute to the "sweep operations," which, according to government officials, aimed at the apprehension of at least 100 persons daily (Nea 12/6/2007). Additionally, the government announced the creation of detention centers, with strict restriction conditions, which would deter new flows. According to a governmental official, "*with the detention of the illegal immigrants in a strictly controlled area of military standards and guarded by police, we want to send a clear message that the passage to Greece does not lead to an uncontrollable regime where anyone can pass and go wherever he wants*" (Nea 12/6/2009).

In the same vein, the Prime Minister, Konstantinos Karamanlis, a few days before the EU summit on 18th of June 2009, with a letter to the presidency asked for the discussion of a series of measures

regarding irregular immigration, including the finalization of readmission agreements with transit countries, the creation of a European supporting office for asylum, the enhancement of FRONTEX operations and the commitment of his EU counterparts to the principals of solidarity and burden-sharing. Following the summit's conclusions, the majority of Greek positions were adopted (DOC/09/2 Bruxelles, 19/6/ 2009).

The securitizing orientation is reflected in the legislative initiatives undertaken by the government, as well. Within a few days, the government amended the Procedures Directive and inserted an urgent amendment to immigration legislation. Both amendments were presented as “urgent” and were not put up for public debate as usual.

The first amendment regarding Procedures Directive was publicized on the 30th of June 2009, in the PD81/2009. Based on the new PD, the secondary committee of appeals was abolished, giving only the possibility of exercising annulment against a rejecting decision in the Council of State. Additionally, the decision-making power of the first instance decision was transferred to the police directors. The amendment was faced with severe criticism, mainly because it practically abolished the right of a real appeal provided by Art.39 Procedures Directive 2005/85/EC given that the Council of State was competent to decide on the legality of the rejection and not on the merits. The decisions appeared to contravene ECHR since, according to the ECtHR case-law: *“If the appeal is brought before a supreme court which has jurisdiction to adjudicate only on legal issues and not on the facts and the object of appeal is the substance, the appellant does not need to exercise the aid with the logic that he does not This is an effective tool”* (S. v. the UK, n11716/85, 1986).

The provision raised significant international and national criticism, initiating an infringement procedure against Greece by the European Commission in the ECJ, mainly due to the lack of legal guarantees for the substantial examination of asylum applications (UNHCR 2010,2) and finally was amended with the PD 114/2010, which reintroduced the secondary committee of appeals.

The second urgent amendment took place during the discussion of the 3772/2009 bill named *“Reforms in the organization of the Forensic Medicine Service, in the treatment of drug users and other provisions”* of the Ministry of Justice, discussed on 24th of June 2009. Importantly, art.48 regarding immigration was not included in the draft of the law when discussed in the relevant parliamentary committee but inserted at the last minute as an urgent amendment.

Due to the bill's extent and its multiple and diverse provisions, the immigration discussion remained limited. However, what is revealed was Nea Demokratia and LAOS's consensus for the need for a stricter policy towards irregular immigration. According to LAOS MP, Mr. Plevris, his party, *"consider immigration at the moment to be the biggest national problem. It is a problem that has to do directly in combination with the low birth rate, in fact, with the existence or not of the Greek nation, even if this sounds to many that it is somewhat excessive,"* a position shared by the majority party. Several MPs of Nea Demokratia and LAOS supported the amendments by invoking national security reasons vis a vis the Turkish policy towards the country. For instance, the Nea Demokratia MP, Panos Panagiotopoulos, stressed that *"illegal immigration is facilitated by all kinds of intelligence services and security services of neighboring Turkey. How is it possible the security services of Turkey, which are the beneficiaries of the Turkish deep state and consume a large percentage of the Turkish Gross National Product to shield other sides of the neighbor's border, but when it comes to border permeability Greece-Turkey and, in fact for the trafficking from Turkey to Greece the border to be completely accessible"*.

The amendments discussed concerned art.76, 87, and 88 of the 3386/2005 bill, bringing significant legal framework changes. Amongst them was the classification of migrants as a danger to public security and subject to expulsion if they were prosecuted for an offense punishable by a term of imprisonment of at least three months. The importance here is that the immigrant must not be convicted but only charged for the offense and that the time limit set included virtually all sorts of offenses of the Penal Code. Several opposition MPs objected to the amendment, such as Evaggelos Venizelos, who cited a breach of the presumption of innocence and proportionality, as only a mere prosecution would pose a threat to public safety. According to NCHR (2009,15), the amendment did not target irregular immigrants, whose expulsion was permissible for violating the immigration bill. The real target was regular immigrants automatically placed in a permanent temporality regime and insecurity of their rights.

The second significant change was the extension of detention from the maximum of three, to six months, with the possibility of extension, which may raise the maximum detention limit to 18 months. What is essential is that the extension of detention, while legally provided by Art.4,3 Returns Directive (115/2008/EC), was a fragmentary use of the Directive, which was not accompanied by the implementation of the guarantee package for the retention of Art. 15. Another

important parameter was that the extension of detention came in a period where Greece lacked detention facilities. Even the heads of police departments protested for the squalid conditions in detention facilities and police departments, while several international organizations and NGOs raised the issue in the previous years (Nea 25/06/2009).

The importance of the two amendments, besides their content, lies in the urgency invoked by the government, which resembles, in a sense, the invocation of emergency legislation of the period 1990-2000. While Greece was in the spotlight of international criticism regarding primarily the detention conditions and the overall dysfunction of the asylum system, the government, driven by internal political reasons, opted for the further restriction of asylum space and immigrant rights. Once more, though, the legislative measures were not accompanied by any structural improvements. For instance, while the law extended the detention of irregular immigrants to up to 18 months, the construction of new detention or reception centers remained in the realm of simple announcements, which were intended exclusively for internal consumption.

In September 2009, the then Prime Minister called for early elections under the weight of the global economic crisis's adverse effects on the already troubled Greek economy. The overall factors leading to this decision are a matter of thorough analysis in a later section. For now, the importance lies in the fact that while the dominant issue of the pre-electoral campaign of almost all parties was the economy, for the first time in national electoral debates, immigration became an important component, with critical ideological orientations. Accordingly, Nea Demokratia and LAOS hold the position that the issue is a matter of national security and criminality.

According to the newspaper Eleftherotypia (26/9/2009), in the official website of Nea Demokratia, immigration issues do not exist autonomously except in the chapter of the government program under the heading "*Public Order and Public Safety*," referring to the issue only in terms of the dangerous escalation of illegal immigration, clearly associating immigration with security.

In the same vein, the LAOS pre-electoral program presented immigration as a national and public security consideration associated with the country's long-standing demographic decline and criminality. Accordingly, the program stated that "*The strategy for tackling the demographic problem with immigration is particularly dangerous for Greece as, due to the small number of its inhabitants, the proportion of its population has already changed significantly.*" Furthermore, the program referred to imported criminality "*directly related to a large number of illegal economic*

migrants” and proposes measures “regardless of how strict they seem to the average Greek citizen.” (Eleftherotypia 26/9/2009)

The leftist parties of KKE and SYRIZA kept their ideological position based on the proletariat’s solidarity, calling for the legalization of all immigrants present in the country.

Finally, PASOK moved in a different direction. According to the government framework program, *“PASOK will systematically follow a dual policy: First, respect for human rights guaranteed by Greek and international law and the humanitarian values that characterize a socialist party, and, secondly, border protection and prevention of illegal entry of immigrants ensuring public order by suppressing illegal immigrants activities by both migrants and anyone who benefits from illegal immigrant status”* (PASOK 2009, 78).

As we can see, PASOK played both the card of solidarity and that of public order. Of course, given the overall context, we can not assess immigration-related positions’ with the electoral outcome. Nevertheless, PASOK won the elections, acquiring 43,9% of the votes, while Nea Demokratia became the leading minority with 33,4%. Significantly LAOS raised its power by acquiring 5,63% of the votes versus 3,80% of the previous national elections and won 15 seats in the parliament versus 10.

The new government broke down the ministry of Interior, which previously had absorbed the Ministry of Public Order, creating two separate ministries. The Ministry of Interior, Decentralization, and Electronic Governance, and the Ministry of Citizens Protection.

From the first months of the new government, the Ministers set the pace of how immigration would be treated. For instance, Mr. Chrisioides, when taking over the Ministry of Citizens Protection, stressed that *“the issue of illegal immigration is a national issue, and perhaps the greatest threat of the country currently”* (Vima 25/10/2009). A few days prior, the Minister announced the significant upgrade of police equipment funded primarily by the European Borders Fund and the allocation of 7 million euros to the intelligence secret budget(Vima 16/10/2009). In the same vein, Minister of Interior, Mr. Ragkousis, said that *“We close our borders and we open our hearts to immigrants[...]the fight against illegal immigration will be until the end”* (Vima 19/12/2009).

Nevertheless, PASOK remained true to its policy towards legal immigration, which was that of integration, and in March 2010, brought for discussion the first migratory related bill, 3838/2010,

named “*Modern provisions for Greek citizenship and the political participation of con-patriates and legally residing immigrants and other regulations.*” The discussion of the new bill was arguably the most important but also polarized debate that ever took place in the Greek Parliament on issues related to immigration, with the participation of over 100 parliamentarians.

Elite discourse Bill 3838/2010

Before proceeding to the elite discourse analysis during the discussion of the 3838/2010 bill, it is essential to stress the bill's irrelevance with irregular immigration. Despite the intense debate that followed in the parliament, none of the bill's provisions referred indirectly or explicitly to irregular immigrants. On the contrary, all aspects relating to the acquisition of Greek citizenship or political rights explicitly referred to regular immigrants and minors whose parents regularly resided in Greece. The new citizenship code appeared progressive, giving the possibility of the second generation of immigrants and to those living legally in the country for more than 15 years to acquire citizenship, including besides the *jus sanguinis*, the *jus soli*, and *animus*, while it provided for political rights to long residents in the municipality elections. Nevertheless, the law's analysis fell out of the current research scope; thus, the focus will be placed only on the parliamentary discussion.

The explanatory memorandum stressed the importance of the possibility of migrants acquiring citizenship. The memorandum focused on the issues faced by long-term residence, who at any time face the prospect of falling back into irregularity given the prerequisites of the legal framework. Thus, according to the law's drafters, the new citizenship code protected regular immigrants while simultaneously it protected the country from irregular immigrants since it was making clear that only through the regularization of their status could be benefited in the long term. Additionally, the bill was presented as means for the complete integration of immigrants in the Greek society through the creation of a security regime for the stay of foreigners, the safeguarding of individual and social rights, and finally, the gradual encouragement of the exercise of rights of collective action leading to a permanent deepening of participation in public life.

During the parliamentary discussion, the PASOK MPs remained loyal to the official dual policy of the party. For instance, the PASOK spokesperson, Mr. Diamantidis (9/3/2010), in his opening speech, stressed in all tones that the bill does not put national or public security into danger and that it referred only to regular immigrants and those born and educated in Greece. The majority of

his speech was focused on the “problem” of irregular immigration, stressing that the Greek government is taking all the necessary measures to stop the flows. Among the measures announced was the zero tolerance to irregular immigration, the strengthening of external borders, the full implementation of bilateral readmission agreements, the clarification of the policies towards asylum seekers and refugees, the invitation of foreign workers only in areas that present labor shortage, and a complete program for the reconstruction of urban areas.

The same pattern followed by the totality of the majority MPs, who in multiple levels reassured the importance of the new bill for the full integration of immigrants in the Greek society while simultaneously stressed the need to minimize irregular immigration and the determination of the government to address the issue with all possible means. The overall message of the PASOK MPs was the full respect of the human rights of regular immigrants, with the parallel curtailment of irregular immigration, which appeared among the most significant national threats, but always with respect to international and European law, and with full respect of the rights of asylum seekers.

On the contrary, the leading minority of Nea Demokratia, and LAOS, unleashed a highly nationalistic discourse, including for the first time in the Greek parliament racist elements and the issue of cultural disparity. It is interesting to observe that for the first time, leaders of the two right-wing opposition parties participated in a migratory-related discussion in the parliament, revealing the importance of the issue to their parties’ overall policy. Additionally, the bill acquired high publicization, becoming a dominant theme in the media and public discourse. Thus the opposition appeared to use the publicity to promote their agenda regarding immigration. This conclusion derives from the fact that several of the discussion arguments were later used in the pre-electoral campaign of 2012.

For instance, Antonis Samaras, who succeeded Konstantinos Karamanlis in the leadership of Nea Demokratia, stated that *“You are turning our country into an irregular immigrant hub instead of closing the doors[...] Nea Demokratia will abolish this law! And it will abolish it, first, because it does not promote universal integration but mass naturalization. Secondly, because it fuels racism and xenophobia in Greece. Third, it brings us into conflict with all our partners who will not see the bypass of the “Dublin II” positively. [...] In a phase of intense upheavals in Greece, you give the impression that you are also trying - and this is very dangerous - to change the Greek*

electorate, even if only for the municipal elections. I warned you in every tone not to do it. You insist. You will be fully responsible for what happens next [...] This dangerous bill you were asked not to bring to the vote. You were asked to change it; you were asked to suspend it. You did not listen. The Nea Demokratia warns you [...] In the most categorical way. You are leading Greek society to dangerous impasses if you finally make this immigration bill the law of the state. Do not do it! You will be fully responsible for what happens.” The promise for the abolition of the bill had a central role in Mr. Samara’s pre-electoral campaign.

Notably, the anti-immigrant discourse prevailed during the discussion, given that the participation of the right and far-right MPs exceeded 50% of the participants.

The results of the content analysis of the plenary session are indicative presented in chart n.9.

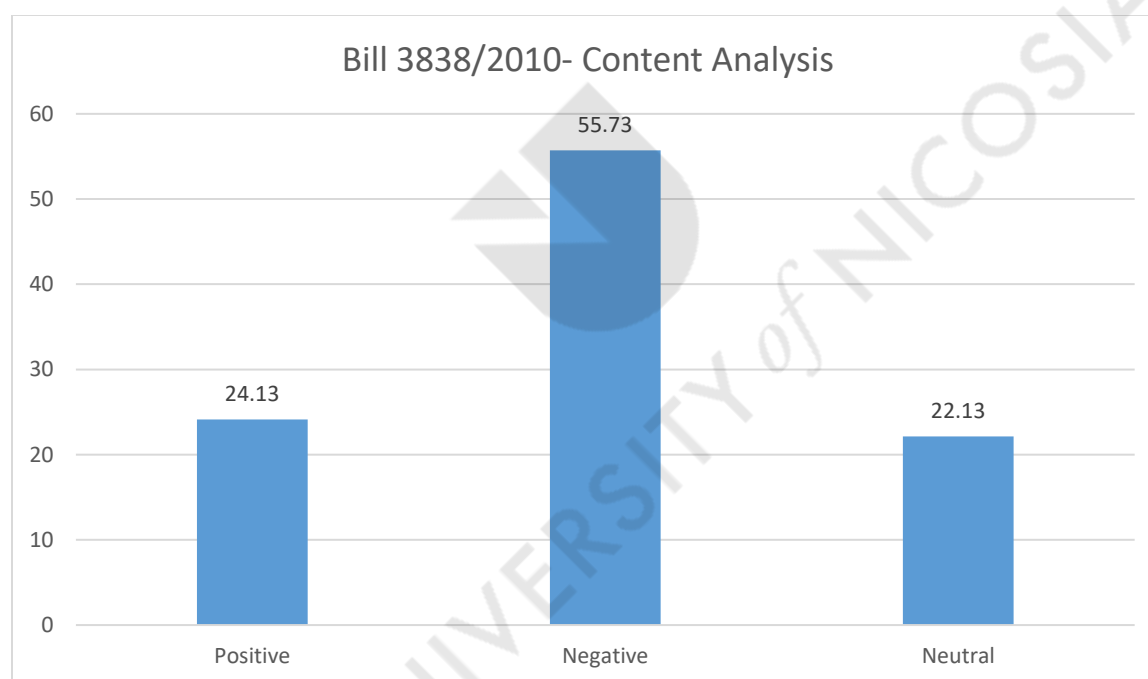


Chart .9

The chart reveals the dominance of negative discourse. While the percentages of the negative discourse of the last immigration-related discussion appeared the same, reaching 55%, there are significant qualitative differences in this case. The first was that Nea Demokratia sponsored the previous migratory legislation, and the discourse analysis revealed that the party's MPs participated in the discussion on equal terms with the other parties. Thus, considering LAOS participation, the negative percentage represents the parliamentary power of the two parties.

Additionally, LAOS MPs participated at a ratio of 60% of their MPs in the discussion. During this parliamentary session, though, the percentage of negative reference does not correspond to the parliamentary power, but the too high turnout of MPs from the right opposition parties. To give a perspective, LAOS parliamentarians participated in the discussion at 100%, meaning that all 15 parliamentarians took the stand and expressed their opinion. The rest of the negative preoccupied speakers were members of Nea Demokratia. The over 50% of negative discourse, which comes from the right, reveals the dominance of right-wing participants and the weight they gave to the bill under discussion.

The most common discursive themes were the reference to immigration as “*a bomb in the foundations of the Greek nation*,” “*an undeclared war against Hellenism*,” “*as means of ethnological and cultural alteration*” while stressing that it will turn Greece into a magnet for illegal immigrants leading to the gradual de-Hellenism. What is important is that for the first time, the discussion included racial elements, aiming at constructing a clear “us” against “them” delineation, which favored the securitizing discourse engaged by both parties.

The most critical discursive difference between the right opposition parties was the “political correctness,” followed by the majority of Nea Demokratia MPs, while LAOS MPs used harsh language that was highly racist. For instance, LAOS representative Mr. Velopoulos called the majority of Muslim pedophiles, while Mr. Karypidis said that the aim is to fill Greece with burqas and hijabs. In the same vein LAOS MP, Mr. Plevris, noted that “*the stake at the moment is the creation of a society with burqas and mosques[...] the hard Muslim element can not be assimilated by Greek society. It is aggressive and expansive.*”

The securitizing discourse at this point included virtually all referent objects of security considerations. Thus immigration constructed as a threat to national security, by associating the flows once more with the perceived Turkish and Muslim expansionism; to state sovereignty, with claims about the absolute right of the state for national purity which through the bill put in to test; to societal security by associating migration with criminality; to national and cultural identity with continuous references on the incompatibility of Muslim culture to the Greek culture and the potential dangers of de-Hellenism; to economic security, by invoking the rise of unemployment and the continuous deterioration of the Greek economy associating with the large influxes of foreign labor; to political security concerning the potential creation of religious or ethnic minorities

with expansionist claims over Greece; to health security, regarding the so-called uncontrollable spread of unknown or infectious diseases carried by immigrants; and finally by claiming that the rights of immigrants come in direct opposition with the rights of Greeks.

The securitizing discourse was accommodated by claims of the need for further securitizing measures, or else the nation might face unprecedented consequences that put at risk even its survival. After the brief de-securitizing break of 2004-2007, the Greek political elites reinvoked the issue of survival, but this time the threat posed by immigration appeared even more significant than in the past. We consider this the turning point of the securitization climax. After a brief period of at least discursive de-construction of immigration as a threat, the issue reappeared in the security agenda with greater intensity than ever. Importantly, as we will observe in a later section, the intensity was not an outcome of a significant change of the phenomenon per se, but the country's overall political situation. Considering the country's pressing problems during this period, the political elites' intensity and effort against immigration appeared disproportionate. Furthermore, and as we will observe in a later stage, it reveals once more the instrumentalization of immigration for political gains on a much larger scale than in the past.

Another important parameter of this parliamentary debate was the polarization of the public. The debate over the attribution of citizenship to immigrants had been an important topic of public discussion, with extremist views by politicians and citizens. It is interesting to note that even church officials took part in the dialogue for the first time, with Metropolitan Ambrosios calling the immigrants pedophiles and ringing the alarm bell for the Muslim element's threat in the country. The debate reached extremes with MPs of the left and the governmental majority complaining that they even received life-threatening messages, attacked in public places, and were called traitors of the nation and anti-Greeks by members of the far-right.

The bill eventually passed from the parliament, given the significant majority of the ruling party in the voting procedure. Arguably though, it left behind a new political ethos and new fields of conflict between opposing factions. The invocation of national treason in any legislative intervention concerning immigrants remained one of the main arguments of the far-right and became part of the Golden Dawn manifest. However, it did not remain only in the political dialogue. It gradually shifted to social dialogue, creating a sharp divide between those who supported immigrants and those driven by anti-immigrant sentiments. The terms anti-Greek,

traitor, Islamophile, an agent of the Turks vis a vis the term neo-nazi, racist, nationalist and inhuman became the divide among the public. In an already volatile environment, though, they seemed to dynamize the peace of a society that would soon be tested by the worst economic crisis in its modern history, thus rewarding the rise of extremist elements that introduced the raw violence in the Greek political bios.

The following months were crucial in many aspects for the Greek state. The economic recession of 2009 and the country's financial instability led to the Greek economy's gradual collapse. On the immigration front, Greece continued to face international criticism, which escalated in 2010/11 following the infringement proceeding initiated by the European Commission in 2009 and finalized in July 2010 (UNHCR 2010) and the ruling of the ECtHR in the case of *MSS v. Belgium and Greece* (n. 30696, 21.01.2011), which suspended Dublin transfers to Greece, calling in a sense Greece an unsafe third country. Golden Dawn had its first political victory in the internal terrain, acquiring a seat in the Athens municipality in the 2010 municipal elections. While the public, to the greatest extent, was preoccupied with the economic developments, the anti-immigrant sentiments strengthened, signifying that the government should engage in a more restrictive policy. At the time, the Greek government appeared obliged to balance between the international and internal opposing pressures.

While contextual parameters are a matter of analysis in a later section, they reveal the Greek policy's controversy, reflected in the elite discourse and the legal evolutions between 2010-2011. On the one hand, Greece was forced to proceed to the necessary changes in the asylum system amid international criticism, while on the other hand, the government further tighten its policy towards irregular immigration. Notably, the distinction between irregular immigrants and asylum seekers remained blurred, with only abstract references to asylum seekers' different treatment. For instance, the new Minister of Citizens Protection, Mr. Papoutsis, when commending the migratory bill prepared by the government, said that "*Greece is not a fenceless vineyard. The new bill will stop the regularization of illegal immigrants. From now on, Greece would not grant asylum without preconditions*" (Nea 18/11/2010). In the same vein, and only a few days before the parliamentary discussion of the government's new immigration bill, the Minister of Citizens protection announced the Evros fence's construction, one of the most controversial securitizing measures ever taken. The announcement included a reference that society had surpassed its limits

and could not handle more immigrants. Surprisingly, the Minister made no mention of asylum seekers or the possibility that they will be prevented from reaching Greece safely.

Thus, while the Greek government appeared willing to engage in a more integrating approach towards immigration and indeed took brave steps, especially towards the migration management, migrant integration, and citizenship policies, irregular immigration and the implementation of stricter policies remained high on the agenda, irrespective of the cost.

In this context, the new migratory bill was introduced to the parliament. The bill was part of the National Action Plan presented in August 2010 (Triantafillidou 2014), amid the international criticism the country faced by multiple organizations, including ECRE and UNHCR, which suggest the suspension of Dublin returns to Greece, the infringement proceedings initiated in the ECJ by the European Commission against Greece, and in the light of the ECtHR decision for the case *MSS v. Belgium and Greece* (n. 30696, 21.01.2011).

Bill 3907/2011- Elite Discourse

The bill 3907/2011 named “*Establishment of an Asylum Service and First Reception Service, adaptation of Greek legislation to the provisions of Directive 2008/115 / EC (Returns Directive) on common rules and procedures in member states for the return of illegally staying third-country nationals and other provisions*” brought in the parliament for discussion in January 2011, following the standard legislative procedure.

The law aimed to bring much-needed reforms to the asylum system and irregular immigration management, setting the safeguards needed to respect immigrants and asylum seekers' human rights.

Even though the new bill was celebrated as a positive step towards the structural corrections of the asylum system and irregular immigration management (NCHR 2011; Triantafillidou 2014), it was among the discussions with the higher negative discourse, shared by three out of five parties, including the ruling party of PASOK

The parliamentary discourse was divided between two thematics shared by PASOK and Nea Demokratia MPS. The first was acknowledging the dreadful detention and reception conditions and the highly dysfunctional asylum system. The second was the call for further protection against irregular immigration, which was perceived as among the most significant societal threats.

The discussion revealed a consensus among the right-wing parties and the governing party of PASOK. This consensus marked a noticeable discursive shift towards the further securitization of irregular immigration by all parties, except for KKE and SYRIZA. For instance, the Minister of Citizens protection in his speech called irregular immigration a matter of “*national survival*,” while at another point, he said that “*Humanism against illegal immigrants is neither self-evident nor considered realistic*.” In the same vein, several PASOK MPs presented irregular immigration as a threat to national security, calling for further police-oriented measures. Additionally, the majority supported the further militarization of the borders with the enhanced participation of the army.

Only a small minority of PASOK MPs engaged in a relatively positive discourse by exposing the Greek system’s chronic deficiencies. For instance, Mrs. Merentiti stressed that the most critical weakness in the Greek system was the treatment of asylum as another parameter of irregular immigration and that the main reason for the practical inapplicability of the legal framework was that the administration overlooked the legal provisions relating to the creation of infrastructure and the better organization of public services. Nevertheless, the positive discourse towards immigration remained a minority.

At this point, PASOK’s overall position did not have any significant variation from that of Nea Demokratia. Nea Demokratia also supported the militarization of borders, approved the Evros fence’s construction, acknowledged the lack of decent detention centers and the need for a better functioning asylum system. Furthermore, they supported the position that irregular immigration was a grave threat to the country, adding public and human security as the referend objects at risk. For instance, Nea Demokratia MP Tzavaras stated that “*Illegal immigrants reduce, mitigate or substantially alter the potential of Greeks to enjoy their constitutional rights*.” At the same time, Mrs. Tarouha stressed that “*humanitarianism could not be at the expense of the Greek society and the rights of the Greek citizens*.”

While essentially agreed with the measures taken against illegal immigration, LAOS divided its position on the issue of asylum. The majority of MPs even superficially supported the need to protect asylum seekers and create a functioning, effective and fair asylum system, while LAOS took a step further, claiming that there were no asylum seekers or refugees in the flows. We transfer

here part of the speech of LAOS MP, Mr. Plevris, who, during the discussion, was the representative of the party.

Mr. Plevris said, *“There are no political refugees. This is the reality. Moreover, the UN, precisely because it has given in to all these left-wing pseudo-cultural concepts, has an expanded definition of refugee [...] that is, those who come from Afghanistan, Somalia, and Iraq automatically, because they come from there, must get the definition of a refugee[...]. If there is a war in their homeland, they must stay and fight[...] Instead of seeing the essence of the problem that four hundred million Africans, Asians, hard Islam wants to invade Europe - which is the problem - every European nation-state looks at how to transfer the problem to the other[...] secure border guarding means secure border guarding. Moreover, effective border guarding may also result in human losses[...] Except, therefore, for the essentials for survival, there should be no other benefit to those who come illegally to this country, because if the conditions are somewhat better than the ones he lived in theirs, they will keep coming. This is a realistic policy! In the name of no pseudo-humanity, we will not disintegrate our homeland, our national society, the nation-state as we know it[...] At the moment we have a sovereign nation-state, Greece, which must save the continent, the European Union, the historical, national and geographical ancestry that cannot be dissolved by the influx from the harsh Islam of Asia and Africa. No, we must at least defend the nation-state.”*

The discourse used by LAOS can not be seen as isolated from the political context. According to the electoral analysis, LAOS draws a significant proportion of its votes from areas with a high concentration of immigrants, especially Athens city center. In 2010, in the municipal elections, Golden Dawn managed to get a seat in Athens municipal board by doubling its electoral power in Athens in just one year, compared to the 2009 national elections. While no-one could predict the unprecedented rise of Golden Dawn in the next national election in 2012, it became apparent that a significant proportion of the party's votes came from areas that LAOS claimed.

During the interview with Mr. Plevris, we raised the question about the extreme discourse and the relationship it may have had with the rise of Golden Dawn. Mr. Plevris acknowledged that the party in general and he personally engaged in an unfortunate discourse, for which he apologized. When asked if the LAOS's rhetoric rewarded the Golden Dawn, he claimed that his party then tried to become the bulwark against this neo-Nazi party's rise. Mr. Plevris stressed that *“The dialectic we used was extreme, but it aimed to awaken the political system for the rise of an anti-*

democratic party, at a time when the state was denying that immigration was a real issue [...] we tried through the extreme discourse to raise awareness on the issues raised in urban areas from the concentration of immigrants who downgraded the standard of living of the locals and to stop the infiltration of Golden Dawn to the public which unlike LAOS, was not just far-right, it was a neo-nazi anti-democratic morpheme.”

To conclude, during this session, we can see that while Greece, under the weight of international criticism, undertook the responsibility to correct the asylum and irregular management system, the political parties, driven by internal political aims, deepen their anti-immigrant rhetoric. According to the interviewees, and as we will see further in the analysis, the phenomenon did not significantly change, which could excuse the securitizing turn. In reality, the flows were steady with decreasing tendencies, while the EU budgetary allocations could, in a sense, cover the financial deficiencies of the country. Thus the issue of immigrant and asylum management was not undermined by the economic hardship of the country.

According to the majority of the interviewees, the securitizing reaction of the Greek political elites was influenced by the social pressures caused by the economic crisis, the shift of people to more extreme political positions, and the ease provided by the targeting of immigration to disorient the electorate from the significant problems facing the country at present. Furthermore, the political elites were aware that invoking the sealing of borders and the complete halting of migratory flows was practically impossible, but they used security for vote-buying reasons in an established political tactic.

Law 3907/2011

The new law's design aligns with European asylum law and practice to significantly improve Greece's asylum system and irregular migration management by creating a functional and flexible asylum system. Additionally, the law foresaw the creation of appropriate conditions and infrastructure and a legal framework for dealing with irregular migrants in full respect of their fundamental rights.

The new bill's first significant change was the transfer of responsibility for asylum applications from the police to civilian structures directly referring to the Minister of Citizens protection. According to art.1-3, the new Asylum Service was autonomous, directly referring to the Minister of Citizens protection, and it would be staffed by civilian personnel. Additionally, the new Asylum

Service was decentralized, and the law foresaw the immediate creation of asylum offices in the country's main entry and exit point. The new service was responsible for receiving and examining asylum claims at first degree; for providing information to applicants about their rights and obligations; for issuing the necessary documents; for processing family reunification requests; and facilitating applicants in terms of material reception conditions, among others.

Furthermore, the law provided for the creation of one or more three members appeals committee, comprised of civilians specialized in refugee, international, or human rights law, one of which would be selected by UNHCR.

Art. 6-15, provided for the creation of the First Reception Service (henceforth FRS), with the mandate of the effective management of *“third-country nationals who enter the country illegally, in conditions of the full respect of their dignity by undergoing first reception procedures.”* The first reception procedures included the identity and citizenship verification, registration, medical examination and the provision of necessary care and psychosocial support, information on their rights and obligations, and care for those who belonged to vulnerable groups to submit to the procedure. The FRS were supported by the central service and the First Reception Centers (henceforth FRC), and mobile-first reception units. The law stipulated that following a Ministerial Decree, the FRCs will be established in selected areas of the country with a constant flow of illegally entering.

Furthermore, the detention of asylum seekers was permissible, according to art.13, but must be justified for reasons of identity verification and until the completion of the first reception procedures. The law did not refer to the practice as detention but as compulsory stay under the regime of restriction of liberty of movement, which, according to NCHR (2010), could be effectively considered detention. Art. 13 provided for the safeguards on detention conditions, which appeared compatible with the international standards. According to NCHR though (2010,15), the law did not provide for the right of administrative appeal or other legal remedies during detention, which, according to the committee, should be reviewed in Court for those who apply for asylum. Significantly, though, the new law limited the maximum period of detention of asylum seekers from 90 days provided by PD 114/2010 to 25 (art.11.5).

Another critical evolution of the new legal framework is that it included several different types of residence permits. The first referred to irregular immigrants subjects to expulsion orders who could

not be removed for objective reasons. According to the new law, these people may be given a written statement that postponed their expulsion, which simultaneously provided for a six-month residence and work permit, renewable until conditions allow for the removal (art.21.4 and art.24). The new legal provision aimed at giving a solution to the issue of “*sans papier*,” providing for a minimum standard of protection and the possibility to acquire a job and a dignifying stay until their expulsion was feasible.

The second type of residence permits concerned irregular immigrants who resided in Greece for more than 12 years and have developed family or livelihood ties (art.42.1). Additionally, the law provided for safeguards against expulsion for specific cases enumerated in art.41 and allowed for the issuance of residence permits for humanitarian reasons for specific categories, including victims of trafficking, domestic violence, and importantly victims of racist violence, but only in cases of criminal prosecution and pending a court decision (art.42)

The bill also transposed the Returns Directive (2008/115/EC), which imposed the respect of the principle of proportionality and included procedural guarantees both in terms of the type of return decision and in detention conditions provided for specific safeguards in art. 31 (Art. 16 of the Directive). Additionally, the law provided special provisions regarding the detention of UAM and other vulnerable groups, which remained permissible but only as a last resort. Notably, the law provided the possibility of voluntary return for the first time, supported by the state.

Finally, the law maintained the maximum of 18 months of detention, which, as we have already seen, has been transposed in Greece since 2009, while obliging the authorities to take under consideration the availability of appropriate detention centers and to ensure decent living conditions for prisoners for the issuance of a detention order (art.30 or Art. 15 of the Returns Directive).

The new legislative framework was welcomed by the international community and national human rights bodies as an essential step towards normalizing the shortcomings observed in the asylum procedure and protecting irregular migrants' rights. However, what remained unfulfilled was the immediate implementation of the law, which clashed with both economic and structural issues, exacerbating existing deficiencies, and which lack of implementation of the law continued to perpetrate human rights deviations.

Concluding remarks

The above analysis revealed the country's quite unstable situation, facilitated by the economic crisis and political parties' focusing on electoral gains. As we have observed, the Nea Demokratia party tried during the last months of its rule to reverse its negative images, tightening immigration legislation to the point that it could be described as irrational, as it contradicted both the country's international obligations along with the country's infrastructural potential.

The new PASOK government implemented a program that could be described as an attempt to balance the party's ideological origins and the political developments that somehow necessitated the tightening of anti-immigration policies with predominately electoral criteria. Thus we observe that while the party made a relatively progressive reform in the citizenship code, and while the new immigration law considered more advanced and complete than the previous ones, the party's MPs participated in the further securitization of immigration, arguably, as the majority of the interviewees stressed for internal consumption. Thus while the legal framework was advancing, the elite discourse maintained the securitization of immigration at an arguably high level. In the next sections, we will examine the ramifications of this policy at the political and social levels and the consequences they had in implementing securitizing measures and irregular immigrants and asylum seekers' human rights. First, we will see the media response to the reintroduction of immigration's securitization in the elite discourse.

Media Discourse

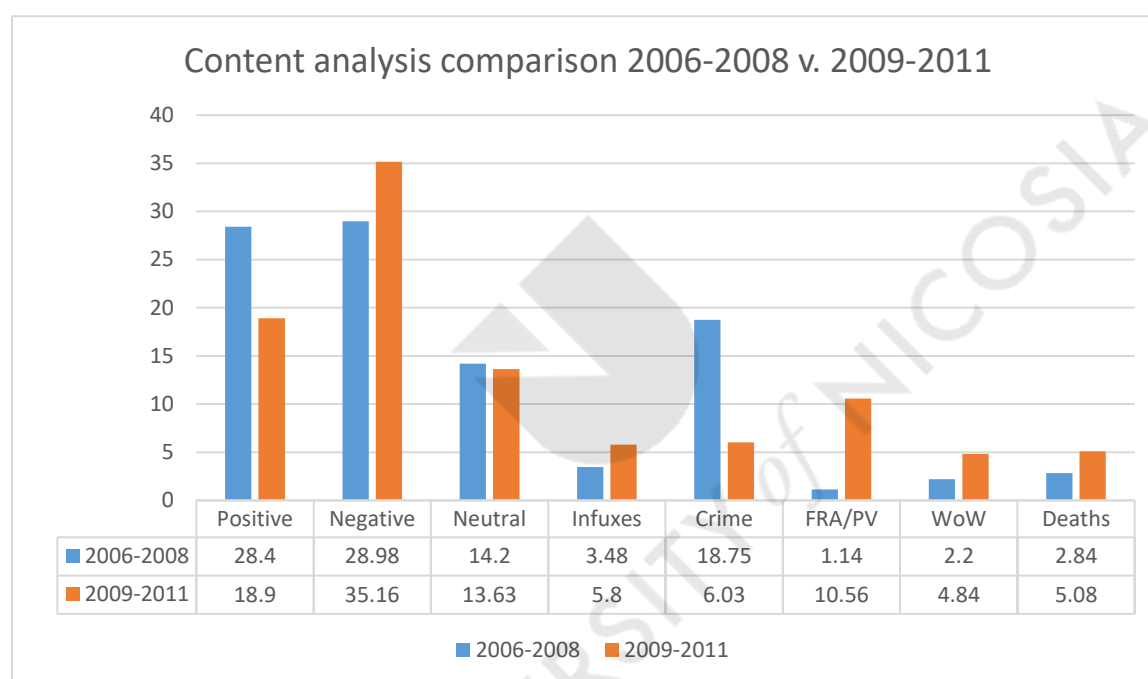
The media discourse during the period 2009-2011 reflected the rather wavering trend of the rhetoric of the political elites, which was divided between a more humanitarian approach towards immigration and the securitization of immigration.

Before proceeding with the press analysis, it is essential to comment on televised and social media. Unfortunately, in the context of this research was impossible to address the representation of immigration through televised and social media. Arguably though, since the early 2000s, social media became an essential source of information and at times of public mobilization. Several sources confirm that far-right and leftist groups used social media as the primary source of communication with the public, while research reveals a disproportionate presence of far-right representatives in televised media (Pavlou 2011). Additionally, strong indications suggest that research regarding televised and social media will be more revealing regarding the securitization

of immigration. However, given that such extensive research has not been carried out, our conclusions come exclusively from the press, without deducting the findings' validity.

Following the press's quantitative and qualitative analysis, the first observation is the significant rise of articles referring to immigration, which exceeded the one article per day ratio, either in the form of a news report, survey, or opinion articles. The second observation is the relative stabilization of statistics on the type of representation and qualitative characteristics.

Chart n.10 provides for the content analysis of the media reports. To have a better understanding, we compare the findings with those of the period 2006-2008.



Among the significant changes of this period is the even lower association of migrant-related articles with criminality, most of which did not refer to immigrants' crimes but cases of smuggling and trafficking. In conjunction with the rising appearance of references to far-right and police violence against immigrants, this event gives a different, qualitative reading in the media attitudes towards immigration.

Arguably, the media were steadily addressing racist violence in society, which remained silenced politically since the government's prevailing attitude was the denial of racist violence. According to Mr. Psaras, this was an outcome of the higher visibility of racist crimes, especially those perpetrated by organized far-right groups, and created another source of insecurity among the

public deriving from the rise of neo-nazism. Furthermore, it has been more accessible to irregular immigrants to report to the newspapers on racist attacks than the police, given the prevailing sense of mistrust and fear towards the security forces.

While the negative representation was still prevailing, we can observe that the media engaged a critical standing point towards racist crimes and attitudes and police violence, which was among the most pressing issues towards the respect of immigrants' human rights. Additionally, many positive articles referred to international organizations' reports on detention and accommodation conditions of irregular immigrants and asylum seekers and good practices engaged by local authorities. Those articles' contribution is that they continuously brought to the fore the humanitarian aspect of immigration, revealing to the public the deficiencies of the system and irregular immigrants and asylum seekers' human suffering. It is important to stress that these thematic articles were purely humanitarian, with minor references to actual violations of human rights. Furthermore, the blurring between irregular immigrants and asylum seekers in the media discourse sustained, further enhancing the public's misinformation towards the difference in policy and rights each group should enjoy.

The most significant change comes from the qualitative analysis of the articles falling in the negative category. Following the previous period's trend, the majority of negative articles reflected the political elites' discourse and securitizing practices presented as purely news reports. Thus, negative articles' rise was directly analogous to the negative elite discourse or the rising securitizing practices. Of course, we can not overlook that articles with negative or securitizing nature were present, irrespective of the elite discourse. For instance, in 2009, following the outbreak of violent riots in Athens city center between Muslim immigrants and the police, the press hosted several articles with obscene titles that characterized immigration as a *"ticking bomb"* or *"uncontrollable problem"* (Vima 31/05/2009). The majority of the negative articles, which were not associated with elite discourse, focused on the degradation of the quality of living in urban areas caused by immigrants and the rise of influxes, which at times presented as *"explosion"* or *"tide."*

Notably, a significant proportion of articles falling in the negative category referred to securitizing practice, namely the allocation of resources towards border protection, Frontex operations, the construction of Evros fence, or sweep operations, which reintroduced in the security practices,

often found in the same articles with statements by governmental officials or security agents. This tendency is quite significant. Even though the media did not engage directly in the securitizing discourse, a trend evident in the previous decades, the continuous reference on securitizing practices arguably fed insecurity. Following the Paris school of thought, securitization of immigration appeared not as a primarily discursive manifestation but as administrative institutionalized practices and discourse regarding the agenda of specific policies that sustained insecurity (Bigo 2005).

Taking these two components under consideration, meaning the rise of securitizing discourse and securitizing practices, we can observe with a certain level of confidence that they verify the existence of securitization climax. To explain the existence of climax, we should look at the overall securitizing process so far. During the period 1991-2005, securitization of immigration followed in no small extent the Copenhagen School of thought, meaning that the primary manifestation was through speech acts, accompanied by specific securitizing measures of non-permanent nature. Gradually, following the discursive de-securitization of immigration of the period 2003-2006, securitizing measures became more permanent, acquiring an institutionalized form. Thus during this period, the securitization of immigration was mostly manifested through practices. What changed in the period under consideration was the reintroduction of speech acts and securitizing practices, which gradually escalated, and, as we will observe in the period, 2012-2015 dominated the political and public agenda

Importantly though, the securitizing measures of the previous periods were not as publicized as during this period. During this period, what is being observed is intense publicity of the security measures, coming mainly from government officials, who could be said to be using the media to communicate with the public. Thus, while the government was primarily portrayed as moderate, ministers and security agents were taking on the role of continually updating on securitizing measures, creating, and playing with the growing public fears, which were not directly linked to immigration. However, they included them indirectly in the field of insecurity, which is now dominated by the consequences of the economic crisis.

The role of the media in the creation of the securitization climax is significant. While we can not attribute a certain level of intention towards the securitization of immigration, given that most of the articles are primarily news reports, in reality, the media became the median used by the elites

for the transmission of securitizing discourse and practices. So even if we accept that the media have made a clear shift towards rationalizing the representation of immigration, steadily moving away from the moral panic of previous periods, intentionally or not, they became the conduit that carried the elite securitizing speech acts and the practices of security professionals to the public, enhancing in this way, insecurity. Thus, the securitizing paradigm of both the Copenhagen and Paris School of Thoughts appeared in the same period, with both the existence of “speech acts” and securitizing practices manifested equally and simultaneously, gradually creating a highly securitizing environment of both discourse and practical construction of immigration as a threat.

To take a full circle, we can conclude that the media followed a rather peculiar course during this period. While there was an evident effort to rationalize the migratory phenomenon and an observable focus on the issue of the protection of human rights of immigrants and asylum seekers, at the same time, the over publicization of elite discourse and securitizing practices, which at a large extent could not be avoided, added to the construction of threat, the securitization of immigration and the polarization of the issue in the society. Thus, even if we consider the securitization of immigration by the media as involuntary, media still facilitated the securitization of immigration to a large extent. In parallel, the somehow more visible presence of human rights protection issues facilitated the creation of opposing powers that stood in solidarity with immigrants. Given the social upheaval that began to manifest at the first signs of the economic crisis, this polarization fatally led society sections to open and sometimes violent conflict.

Contextual parameters

The period 2009-2011 can arguably be called the most critical period in Greece’s modern history. While the migratory flows continued, the country drifted into a severe financial crisis. The sharp economic decline and the state’s long-standing inability to provide viable and humane solutions for the irregular immigrants and asylum seekers created an explosive combination in society, endangering public security and peace.

The following sections are addressing the most important political and social evolutions of this period. The first subsection provides a brief analysis of the country’s political and economic situation to understand better the events that followed. The second section addresses the flows, which continued almost undiminished during this period, with the most significant observation being the diversion through other entry points. The diversion of flows led to important changes in

policy and security measures, with important ramifications discussed in the last section of this subchapter. Finally, the last section is devoted to public attitudes. On the surface, public opinion perceptions did not shift dramatically during this period. What change significantly, though, was the sharp increase of racist violence, which gradually became a permanent phenomenon, with significant consequences in public security, and in the protection of the fundamental rights of irregular immigrants and asylum seekers

Political and economic developments

Nea Demokratia won the early elections of 2007 with a marginal majority of 152 seats. As we have already mentioned in the previous subchapter, the elections were announced prematurely following European pressures for austerity measures that pushed the then Prime Minister Karamanlis to request a renewal of the popular mandate to proceed with the corresponding reforms.

The same events led Prime Minister Karamanlis to call for early elections in October 2009, in which his party suffered an electoral disaster. The economic outlook of the country was deteriorating. According to the EU Commissioner Hoakin Almouinia, the Greek government estimated the budgetary deficit in early 2009 at 1.8%, while in April, it reached 5% (Kathimerinh 27/4/2014), more than doubling every three months. In August, the Annual IMF report (IMF 2009 Article IV) called the continuous augmenting debt, the loss of competitiveness, and the augmenting budgetary deficit the most significant issues of the Greek economy, warning of the devastating impact they might have on Greek and the EU economy. The numbers are indicative. The public debt reached 299,5 billion Euros in 2009, while in 2004 it was at 183,2 billion; the public spending reached 54% over GDP, while the public deficit appeared at 6% on the 2d of October 2009, according to the government (Kathimerini 27/4/2014).

In turn, the EU Council of General Affairs noted on the 27th of April 2009 the existence of an excessive budget deficit in Greece and recommended corrective actions (Council Decision 2009). According to the Council's recommendation, by the 27th of October 2009, the Greek government had to adopt permanent expenditure restraint measures that would support fiscal adjustment in 2009 and identify additional permanent restraint measures (BoG 2009,27). Indeed the government announced a series of measures that would increase public revenues, while an additional increase in revenues would result from the fight against tax evasion. (BoG 2009,28).

The measures, though deemed insufficient. The Prime Minister knew that austerity measures were the only way. Therefore, in a surprising move, Mr. Karamanlis called, through a statement to the President of the Republic, for early elections, citing the economic issues and the need for a stable political environment as the reasons for his decision. It is worth noting that Mr. Karamanlis, in his statement, downgraded the effects of the economic crisis in Greece, claiming that the governmental actions limited their severity apparent in the state (Nea 4/9/2009).

The pre-electoral campaign was brief, lasting less than 40 days, in which Pasok triumphed over Nea Demokratia, achieving the broadest electoral difference the two parties have ever had. Notably, during the pre-electoral campaign, the outgoing Prime Minister did not make the traditional pro-people statements (Giannatos 2020). On the contrary, he announced austerity measures as the only way out of the impasse, in contrast to Pasok, which followed the usual tactics of a broad welfare state's promises.

Almost on the eve of the elections, the country entered the most significant economic crisis of its modern history. While the extensive analysis of the reasons and the procedures that led to the economic collapse is beyond the scope of this research, we will briefly address the main steps that led to Prime Minister Papandreou's resignation in 2011.

The newly elected Greek government soon revealed that the actual public debt was way above the declared 6%, reaching 12,5%. The Greek public finances' sustainability was questioned, eroding investors' confidence (Nelson et al. 2017). Gradually the international markets shut down for Greece, which could no longer borrow at low-interest rates. The new government, though, refrained from taking measures immediately. It instead proceeded with the implementation of its pre-election commitments. Gradually, all the major rating agencies downgraded the country's credit rating, forcing the EU to put intense pressure on immediate action (Giannatos 2020).

From February to March 2010, the government announced a series of measures that met with the unionists' strong reaction, which eventually failed to improve the country's position in the markets. Facing the possibility of uncontrolled bankruptcy, the Prime Minister announced the country's recourse to the support mechanism, which consisted of the International Monetary Fund, the European Commission, and the European Central Bank, known as Troika, signed the first memorandum of support while taking strict austerity measures (Naftemporiki 24/4/2016). The first

memorandum was voted in favor by the parliament but provoked strong social reactions, with continuous mass and sometimes violent demonstrations.

At the end of 2010, the public debt fell to 10,5% over GDP, but unemployment and inflation simultaneously rise dramatically. Still, the country could not reach its fiscal goals, which led to the vote on the medium-term austerity package. However, the country remained far behind (Naftemporiki 24/4/2016).

In the European Council Summit of the 21st of July 2011, the European Council agreed on re-lending the country and a series of measures to consolidate the economy (European Council 2011). In the following days, the rating agencies downgraded the country's creditworthiness to a "limited bankruptcy regime." Still, though, the country appeared unable to recover (Giannatos 2020).

The European Council of 27th of October announced an agreement foreseeing a nominal discount of 50%, known as "haircut" on notional Greek debt held by private investors, as well as additional lending from the support mechanism (Consillium 2011,4). The plan included a new fiscal adjustment program as well as the establishment of a permanent monitoring mechanism.

In the preceding days, Prime Minister announced his intention to put the new loan agreement to a referendum, which provoked strong reactions from the European partners, who invited Mr. Papandreou to an emergency meeting on the sidelines of the G20 summit in Cannes. Nicolas Sarkozy and Angela Merkel raised the dilemma to the Greek Prime Minister that if he holds a referendum, it will concern the country staying in the Euro or not and that the disbursement of the 6th installment of the rescue package would not be disbursed until it was carried out (Giannatos 2020).

Returning from Cannes, Mr. Papandreou faced strong reactions from his party, which led the Prime Minister, under the events' weight, to announce on the 6th of November, his resignation in favor of a co-operative government (Vima 16/7/2012). Indeed, on the 11th of November, after intense consultations, a new government was formed headed by Lucas Papademos and the cooperation of Pasok, LAOS, and Nea Demokratia, with the mandate to navigate the country through the economic hardship. Papademos government lasted until June 2012, when after two consecutive electoral debates, Nea Demokratia managed to form a new government.

The above analysis's importance lies in the fact that it reveals the country's economic crisis during the reporting period. Simultaneously, as we will observe in the last section, the economic downturn was accompanied by a generalized international outcry regarding the protection of immigrants and asylum seekers' human rights, deriving from the state's timeless indifference to the issue. Furthermore, it becomes apparent that the parties' traditional customer promises in pre-electoral campaigns could not stand in the present circumstances. Therefore, the parties had to claim the prime ministership to manage the crisis better and invent new arguments that would resonate with the voters.

Indeed, the economic crisis had a substantial negative impact on the Greeks' economic and social life, which was now looking for a scapegoat responsible for their hardship and the country's collapsing economy. As we will see in the next period, immigrants became the victims and the easy targets, with the pre-election period of 2012 being the most securitized and anti-immigrant pre-electoral period in Greece's history. Besides the pre-electoral campaigns, though, the economic collapse brought new political powers to the surface, which capitulated on the general climate of distrust and frustration. By early 2009 the neo-nazi party of Golden Dawn stepped in as an anti-systemic, anti-austerity party, taking advantage of the social unrest and dramatic situation in which the city centers had fallen from the influx of dozens of homeless immigrants, whom the party openly treated as responsible for the country's woes. The party, appearing as a security guarantor, with the vehicle of racist violence, managed to penetrate the society, which, apart from the economic crisis, was plagued by the sharp rise of organized racist crimes and behaviors, which gradually led the society to marginal levels.

Inflows

While the immigrant flows during this period appeared to stabilize, even though at high numbers, there are notable changes associated with contextual and political parameters. The economic crisis, the demining of Evros' borders, and the EU visa liberation for Albanians in 2010 impact both the volume and the nature of inflows towards the country. It is important to note that data reliability remained questionable during this period, even though the sources available multiply, including a new national census conducted in 2011 and the Frontex risk analysis issued annually since 2010.

The first important observation is the decline of valid residence permits. According to the data, the Ministry of Interior issued in 2009 602,797 residence permits, while in 2011, the number fell to

447,658 (Triantafillidou 2014, 8). There are two significant reasons for the decline of residence permits, both associated with the economic crisis. The first reason was the rise of unemployment among immigrants, which rose from 13% in 2009 to 18.2% in 2011 (Triantafillidou 2011; Triantafillidou 2014, 4). Consequently, immigrants could not fulfill the prerequisites for renewal due to the inability to complete the required number of social security stamps. Notably, while many remained in the country irregularly, according to Gemi (2013, 10), a significant percentage of Albanians, estimated at 15-20%, returned to their country of origin during this period.

As a result, for the first time since 1991, there was a noticeable decrease in the country's net immigrant population. According to the ELSTAT press release (2019;7), in 2009, net immigration estimated at +14,927, while in 2010 at -1,579, reaching in 2011 -32,315.

The 2011 census failed to shed light on the number of irregular immigrants and asylum seekers. According to the data collected, the country's total immigrant population was estimated at around 912,000 persons, of which 199,000 were EU nationals and 530,000 Europeans. Regrettably, the census does not provide any further information regarding the legal status of immigrants.

Thanos Maroukis (2012;3:4) attempted to estimate irregular immigrants by applying an updated Clandestino methodology using the Ministry of Interior's and the Greek police data. According to Maroukis, irregular immigrants in Greece estimated in 2011 at around 390,000, of which 62,411 fell of legality due to the inability to renew their stay permit, 41,400 live in Greece irregularly since 2005, and 11,700 were Albanians circulating irregularly between the two countries on a seasonal basis. Nevertheless, the numbers of regular and irregular immigrants, excluding the numbers of EU citizens, deconstruct the rising narrative that immigrants were disproportionately too many, given that the overall numbers appear stable throughout the past decades (Theodoridis 2009).

In the new inflows front, Frontex analysis reveals that 75% of the total detection of illegal border crossings in the EU comes from Greece with increasing secondary movements (Frontex 2010;15). Following the previous period's trend, migratory pressures remained strong at Greek-Turkish borders, with a significant shift from sea to land borders. The following table provides for the apprehensions data per entry point based on the Greek police statistical analysis.

Apprehensions	2009	2010	2011
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Greek-Albanian Borders	38,164	33,979	11,743
Greek- Macedonia Borders	2,355	1,589	1,003
Greek-Bulgaria Borders	1,258	983	636
Greek-Turkish Land Borders	8,787	47,088	54,974
Greek-Turkish sea Borders	27,685	6,204	814
Crete	2,859	2,444	1,640
Rest of the country- Interior	45,037	40,237	29,372
Total	126,145	132,524	99,368

Table n.7

Important quantitative and qualitative observations are deriving from the data. First, there is a noticeable shift in 2010 from sea to land crossings in the Greek- Turkish borders. The shift is exclusively associated with the demining of Evros, which was completed in early 2010, providing for a cheap and safe route comparing to the sea crossings. Arguably, the Greek administration should have foreseen this shift, taking all the necessary reception measures at Evros' borders before the demining was completed.

The second important observation is the sharp decrease in Albanian apprehensions. The decrease is more visible if we compare the overall apprehension data. The following table provides for the top twelve nationalities apprehended by Greek police and coast guard in total.

Apprehensions	2009	2010	2011
Albanians	63,563	50,175	11,733
Afghans	17,828	28,299	28,528
Palestinians	10,763	7,561	2,065

Somalis	7,710	6,525	2,238
Iraqis	7,662	4,968	2,863
Pakistans	4,854	8,830	19,975
Georgians	2,522	1,456	879
Erithreans	1,484	1,628	1,167
Bangladesh	1,443	3,264	5,416
Maroco	213	1,645	3,405
Algeria	310	7,336	5,398
Kongo	15	90	1,855

Table n.8

Comparing the two tables, we can see that Albanians' apprehensions, which dominated in the past two decades, were surpassed by other nationalities in 2011. There are two significant reasons for this phenomenon. First was the EU visa liberation for Albanian citizens following the EU Council's unanimous vote, which amended Regulation No 539/2001 (PE-CONS 50/10), entered into force in 12/2010. The visa liberation concerns stay for up to 3 months, which given the proximity and accessibility of Greece, allowed for quasi legalization of the status, especially concerning seasonal workers, who took advantage of the minimum internal controls in working places engaging in irregular seasonal labor. It is indicative that in 2009, 25,399 Albanians were apprehended in the country, a number that exceeded 50% of total apprehensions in the mainland, while in 2011, the numbers do not reveal any inland apprehension of Albanians.

Importantly Albanians remained the leading nationality in total effective expulsions, counting for 60,041 out of 63,427 persons in 2009 and 48,177 out of 52,429 in 2010. Regrettably, we could not retrieve any data regarding deportations for 2011.

Accordingly, we must note that the sharp decrease in inflows observed in 2011 does not correspond to an actual reduction in migratory pressures but rather to the minimizing of irregular Albanian flows, consequent to the minimizing numbers of in-land apprehensions as well. On the contrary, the migratory pressures on Greek-Turkish borders increased, counting 36,432 crossings in 2009, reaching 55,788 in 2011.

The second observation is the rise of certain nationalities highly associated with the civil unrest caused by the Arab spring in 2011 and the volatile situation in the Gaza strip and the West Bank, which resulted in another Palestinian exodus. According to Frontex 2011, risk analysis report Lebanon, Algeria, Tunisia, Morocco, and Libya were volatile, causing significant outward movements (Frontex 2011). Additionally, Turkey continued its visa-free neighborhood policy, which included more than 60 Arab states (Frontex 2011,48). That meant that an ever-growing number of persons fleeing their countries had an easy getaway to Europe through Greece's porous borders, given the easy and significantly cheap access to Turkey.

Furthermore, the sharp rise in Marocains and Algerians' entries is associated with the stricter border controls in the central and western Mediterranean routes (Frontex 2011). This phenomenon revealed the adjustability of smuggling networks to security measures, which led to the diversion of flows to other entry points. Furthermore, it indicates that efforts to prevent entry are counterproductive since even though they might stop the flows temporarily, migratory flows can easily divert, even if that meant longer and more dangerous routes (FRA 2011,12).

Another important observation which is made in conjunction with the asylum applications data reveal the reluctance of potential asylum seekers to apply in Greece, either due to unawareness of the Dublin Regulation or due to the ongoing deficiencies in the asylum system which prevented the majority from successfully lodging a claim let alone achieve recognition. It is important to stress that there is no distinction between asylum seekers and irregular immigrants in the police or other data as in the previous period. Thus, the number of asylum applicants included among the numbers of apprehended immigrants, especially those at borders.

The following table provides for the asylum data as extracted by the UNHCR annual reports.

	2009	2010	2011
Pending applications beginning of the year	38,061	48,614	55,720
New application	28,023	11,921	15,292

Refugees recognition 1st instance	11	60	44
Refugee recognition on appeal	25	35	155
Complementary protection 1st instance	37	36	99
Complementary protection on appeal	11	-	126
Closed cases	15,522	4,811	26,714
Pending cases end of the year	48,201	55,724	43,942
Recognition rate overall	3%	2.7%	1.58%

Table n.9

As we can see, the number of asylum applications is significantly lower than the total number of persons originating from countries that could be considered refugee-producing, especially Afghanistan, Iraq, Somalia, and Palestine. In addition to the overall law recognition rate, UNHCR draws attention to the low recognition rates per nationality, comparing to the EU average. Accordingly, Afghans received 8% recognition while the EU average was around 45%, Somalis 0% while the EU average exceeded 70 %, and Iraqis 8% while the EU average was 51%. Additionally, in 2011, Greece had the third most significant backlog in the EU and the fourth largest globally, surpassed only by South Africa, Germany, and France (UNHCR 2011).

While the blurring of the distinction between irregular immigrants and asylum seekers persisted in the Greek public dialogue, Frontex Risk Analysis revealed that this blurring was an outcome of the overall EU understanding of the phenomenon. In the 2010 Western Balkan risk analysis report, Frontex officials classified Afghan immigrants as financially driven (Frontex 2010, 24). One year later, the Frontex risk analysis report (2011;52) described the security situation in Afghanistan as continuously deteriorating since 2010, while acknowledging that Pakistan and Iran, which received

the bulk of Afghan asylum seekers, gradually retreated in the level of protection of Afghan refugees, suggesting the potential of secondary movements of Afghan asylum-seekers in EU, via Turkey. Additionally, the 2011 Annual Report (Frontex ARA 2011), while acknowledging the volatile situation in West Bank, strongly suggested that most self-identified Palestinians are faking their identity to take advantage of the overall positive European attitude towards Palestinians.

Frontex's position appears in line with the overall minimizing of asylum space. Accordingly, immigrants were considered a priori irregular immigrants, without personal assessment of their status or the countries of origin's specificities. Given that Frontex was actively engaged in Greece, the Risk Analysis Reports' positions acquire a significant weight.

Irrespective of the volume of the flows, the securitizing elite discourse, the blurring of the distinction between irregular immigrants and asylum seekers, and the state's retreat from the provision of fundamental rights protection to immigrants led to a significant rise in racist violence. While we can not argue that Greece became a racist country, the overall context, including the economic collapse of the country and the dire situation created in urban areas with the existence of significant numbers of homeless immigrants, opened the space for racist attitudes, which were largely tolerated by the government and the public as we will observe in the following section.

Public attitudes

Following the elite discourse, the main characteristic of public attitudes towards immigrants during this period was a severe turn in to open hostility, which escalated since 2009 to include the rising racist hate-crimes, pogroms, open political hate-speech, and violent far-right mobilization. Several reports reflect this public shift, indicating a sharp increase in racist violence (UNCHR 2010; NCHR 2011; Amnesty International 2011; HRW 2012, Ombudsman 2010).

The public's anti-immigrant attitudes are not recognizable at first glance, at least in the area of opinion polls. Only one credible public perception survey was conducted at the end of 2009 by KAPPA research for the newspaper Vima (22/12/2009). The findings resemble the latest survey conducted by VPRC in 2008, with slightly rising tendencies in the negative perceptions, but which by no means reflect the overall public attitudes. Accordingly, 51,3% considered immigrants as a threat to the country, while 74,5% that immigrants were responsible for criminality and social violence, and 65,55% declared that they feel insecure in their city. Furthermore, 57,5% believed that immigrants suppress labor wages downwards, while 50% believed that immigration harms

national identity. The only cluster significantly altered since the 2008 opinion poll concerns the impact on the economy, which stood at 48%. Notably, 80% supported the penalization of racist attitudes.

The real change was the rise of street violence and hate crimes. Even though we have observed similar incidents in the past, it was during this period when the phenomenon became widespread, and as the evidence shows, was at least tolerated if not supported by police forces. Notably, the majority of hate crimes recorded were either perpetrated by organized groups or by civilians, identified mainly as Golden Dawn affiliates or motivated by the overall presence of the party in certain areas, expressed in the form of organized groups of “outraged civilians.” Another important observation is that there was no significant public resistance to racist violence. While there were notable public reactions in the past, during this period, besides the acts of solidarity and support by NGOs or other organizations, no public outcry is observed to counter the far-right narrative or actions.

The first-ever reliable data regarding racist violence do not come from the police, but from an initiative of NCHR, UNHCR with the collaboration of 18 NGOs at the time, which in 2011 created the Racist Violence Recording Network (henceforth RVRN), that stepped in to fill the gap caused by the absence of recording mechanism in Greece. The first report (RVRN 2012) included the pilot project results, covering only two months, from October to December 2011. According to the findings, in just two months, there were 63 recorded physical racist attacks in central Athens and Patras alone, while 51 of the attacks involved more than one perpetrator. Additionally, 18 cases were the result of an organized attack by armed groups. All victims were immigrants, while five of them were legal residents. In ten cases, the attacks resulted in serious injuries requiring more than one week of hospitalization. Notably, the findings were considered limited, given the geographic restriction and the victims' willingness to come forth.

Additionally, the far-right vote almost doubled in the 2009 national elections, with LAOS and Golden Dawn receiving 6% combined. It is interesting to note that in the 2009 elections, Golden Dawn received only 0,29%, while in the 2012 national elections reached 6,97% and LAOS 2,90%. While the elections of 2012 are a matter of analysis in the following sub-chapter, it is interesting to note that the Golden Dawn's electoral power was built during this period, through the organization's actions, mainly in urban centers with an emphasis on Athens.

Finally, there were strong reactions at the local level after the government's announcement to create detention facilities and accommodation centers for foreigners (Vima 30/5/2011). The most frequent reactions came from representatives of the region who invoked their areas' security and degradation by such facilities. It was also frequent to instigate mass mobilizations by groups of citizens with far-right elements, which even led to clashes with the security forces. It is interesting to note that these reactions reveal both a lack of solidarity within the Greek administration and, by observing the government's frequent retreat, we can speculate a rather electoral-oriented response.

The observed social drift towards racist outbreaks is attributed to three crucial reasons. The first is the economic recession, which fueled economic and social insecurity among Greeks, having an indirect impact on immigrants due to their vulnerable status in the society and targeted as scapegoats, responsible for the economic hardship (Ombudsman 2010). The second reason is found in the securitizing elite discourse, which balanced at the margins of hate-speech, and was accommodated by securitizing measures that targeted irregular immigrants. This trend, in conjunction with the criminalization of immigration by the media in the past, constructed in the public sub-conscience a sense of collective xenophobic predisposition, which found expression in extreme right-wing rhetoric and generalized hostility towards immigrants (NCHR 2011b).

The final reason lies in the governmental inaction, evident in the previous periods, to provide a minimum protection level to irregular migrants and asylum seekers (Ombudsman 2010b). As already discussed, the incompetence of the Greek administration to take all the necessary measures for the accommodation and the provision of a basic standard of living for those populations created an ever-growing population of homeless, destitute people, who found refuge in the urban centers and on human-made camps around the country, concentrated mostly in Athens and to Patras and Igoumenitsa ports, which considered as getaways to Europe. The lack of even the necessary provisions led to the rise of survival crimes and exploitation, which raised legitimate fears among the public about the impact of immigration on the social fabric and genuine fears on social security (HRW 2012).

The governmental vacuum was soon filled by two opposing forces; those who stand in solidarity with immigrants and the far-right or neo-nazi organizations which portrayed themselves as security-providers. The big difference is that solidarity groups did not come into open confrontation with the Golden Dawn, nor did they enjoy media attention. Their work was limited

to providing humanitarian assistance to irregular migrants. In contrast, Golden Dawn managed to achieve significant publicity through its actions, which, although most of the time was negative at least at this stage, made its actions known and gave it a foothold in the public discourse. The organization also turned openly and sometimes violently against solidarity groups using the protection and assistance of Greeks against foreigners as a vehicle. Intimidation by Golden Dawn affiliates appeared to act as a counterbalance against the personal will to assist immigrants, given that the organization became notorious for brutal retaliation against anyone that opposed its actions.

The rise of neo-nazism in the country did not appear as a surprise, nor could it be attributed exclusively to the economic recession nor the rise of immigrant influxes. It is instead an outcome of complete negligence on behalf of the state to tackle the issue of racism properly, along with the constant invocation of security issues concerning immigration, which opened the space for what Huysmans (1999;5) called “fascist mobilization,” in combination with the continued inaction of the state in providing protection and fundamental rights to irregular migrants and asylum seekers. As per Huysmans, the invocation of security is never innocent, carrying the possibility of creating a perceived “internal security gap” ready to be filled by far-right violence.

Huysmans’s insights were, in a sense, verified in the Greek case. While the elites engaged once more in the invocation of securitizing discourse, they opened the space for Golden Dawn to proceed with what Mr. Psaras called the “Nazi experiment.” According to Mr. Psaras, who is among the most important prosecution witnesses in the Golden Dawn criminal trial, the party copied Hitler’s NSDAP party’s practices, aiming to create “racially free zones”, inaugurating this practice in the area of Agios Panteleimon. The practice included both the violent eviction of immigrants from the broader area of Agios Panteleimon along the intimidation of Greek residents who opposed the party’s practices. It is indicative that according to media reports (Nea 27/9/2009), members of the Golden Dawn along with residents posing as groups of outraged citizens repeatedly attacked NGOs, civilians, and the priest of the church of Agios Panteleimon for the soup kitchen he organized for the homeless immigrants of the area. The “Nazi Experiment” was soon replicated in other areas, with varying levels of success, mostly depending on the local police forces’ tolerance.

In 2010, Golden Dawn succeeded its first-ever electoral victory electing for the first time a member of the municipal council of the municipality of Athens, acquiring most of its votes from the polling stations of the city's center. One month before the elections, the later MP Panagiotaros publicly stated that *"if Golden Dawn brings out a municipal councilor in Athens an organized pogrom will follow it to clean up the city"* (Nea 13/11/2010) while claiming that *"we are nationalist. Hate is a healthy human feeling when it is turned against subhumans"*. Notably, Golden Dawn never hid its violent predisposition or the perception that it is replacing the state, which is corrupt and unable to protect its citizens in the party's view.

The appearance of Golden Dawn as a guarantor of security, in the perceived absence of the state security forces, that presented as decimated by the economic crisis, was further consolidated through incidents that fueled the narrative of the "security gap." Such incidents included the murder of Manolis Kantaris, a Greek citizen, by foreigners in May 2011. What followed was an unprecedented unleashing of racist violence by groups of Greeks, which in apparent retaliation for the murder, indiscriminately attacked migrants, chasing them through the streets, dragging them off buses, beating and stabbing them mostly in Athens city center (Vima 12.5.2011; HRW 2012). The attacks lasted for several days, resulting in the murder of a Bangladeshi citizen and the hospitalization of numerous other immigrants who suffered severe injuries. According to the press of the time and reports by international NGOs, police remained inactive during the attacks, even though the crimes were committed in public sight and often in the presence of police forces (NCHR 2011; HRW 2012).

NCHR (2011b) noted that the overall situation in Athens city center, and what followed Kantaris murder, summarizes the failure of the Greek state to meet the obligation to provide security conditions for anyone living in Greece, emphasizing that the humanitarian crisis at the border (UNHCR 2011) was evident in the center of Athens. The perceived "security gap" was a human security gap, with the state being unwilling to provide even a basic standard of protection to irregular immigrants and its citizens. In fact, the "nomadic" immigrant populations of the city center, living a life limited by even the basics of human dignity, created a city invisible to the welfare state, forced to improvise, and commit crimes to survive. The responsibility for the state's inaction and the creation of this truly tragic situation in city centers was passed on to the immigrants themselves, who became the outrage citizens' target.

Notably, not only Greek citizens involved in racist attacks. According to reports (Nea 17/9/2010; NCHR 2011), Albanian immigrants engaged in racist attacks against people of color on racist grounds, claiming that irregular immigrants of Asian or African descent were responsible for their hardship in the labor market.

The state's inaction has led to the double victimization of both immigrants and citizens, with both sides claiming the right of survival and social security equally. The tragedy lies in the fact that the citizens turned violently against the immigrants who, through the state inaction, appeared to enjoy only the right to life, which, even that at times, was questionable. Furthermore, given that, as we have justified in the previous subchapters, the lack of protection considered by the state as a push factor and was at times a fundamentally conscious choice justified on security grounds, it was the one that mostly created the security gap, both for immigrants and the citizens themselves

What is even more impressive is not just the administration's inaction to tackle racist violence and the recorded absence of the police, but the almost complete inaction of the judiciary.

According to the reports (NCHR 2011; HRW 2012), immigrants were reluctant to report racist violence to the police, given the widespread perception that the police would not investigate such allegations. The issue of police impunity, discussed in previous sections, transmitted the sense of impunity for any racist attack perpetrated by civilians through the police's reluctance to intervene or investigate such allegations. We should stress that according to the police circular 7100/4/3, the investigation of racist motive is not left to the will of police officers but constitutes their obligation, *“under which the police officer must check the existence of racist motive, either as an independent motive or as a sub - motive in case of multiple motives in crime and especially when confessed by the alleged perpetrators, invoked by the victims and witnesses of a crime, there are indications based on evidence accepted by the Code Criminal Procedure or, the alleged perpetrators and victims of crime self-identified or belonging to different racial, religious and social groups”* (ECRI 2012,6).

Nevertheless, most reports converge on the belief that the police not only did not investigate any racist motives during the pre-trial investigation but did not intervene during the attacks, nor did they take any allegations into account (NCHR 2011; HRW 2012; Theodoridis 2010,94; 2011,127). Also, there are frequent reports of police officers from specific departments collaborating with far-right groups in committing racist attacks, a trend confirmed by the RVRN pilot report, which

speaks of at least 18 attacks perpetrated with police and civilians' collaboration. According to ECtHR's former vice president, *"not only there is no organized effort to address racist violence, but the authorities appeared relieved that groups are dealing with certain problems"* (HRW 2012,38).

Finally, despite the extensive legal framework, the judiciary appeared at least hesitant in investigating racist motivation. Through its participation in several international human rights bodies, Greece undertook the responsibility to prevent and punish abuses by private actors and public servants and investigate the possibility of racist motivation. For instance, according to the ECtHR in the case *A v. UK* (n.25599/94 23.9.2.1998; para.22), the equal enjoyment of rights without distinction carries the state's positive obligation to protect individuals from assaults by private actors. Furthermore, in *Nachova and other v. Bulgaria* (n. 43577/98 and 43579/98, 6.7.2005, para 156-159), the Court established the states' duty to investigate racist motivation in criminal offenses. The Court's reasoning even repeated in cases concerning Greece, such as the case *Bekos and Koutropoulos v. Greece* (n.15250/02 13.12.2005, para.63-65). Finally, the EU Council Framework Decision 2008/913/JHA (OJEU L328, 6.12.2008) stated that the EU states must ensure that racism and xenophobia are *"punishable by effective, proportionate and dissuasive criminal penalties."* Furthermore, according to Art. 4, *"states have an obligation to establish racist motivation as an aggravating circumstance in the commission of crime or subject to penalty enhancement."*

Given that access to justice during this period was at least problematic as legal aid was not provided to immigrants who want to report racist crimes, the judges' attitude reveals a lack of training and preparation in dealing with such crimes, which led to impunity. Notably, no evidence suggests even an attempt to include racist motives in the court rulings nor even prosecution for the events of May 2011, even though, according to the police, 48 persons were arrested in 11.5.2011 alone (Vima 12/5/2011).

According to Prof. Perakis, the judiciary in Greece suffers from ignorance of international law and the avoidance of its application, resulting in the country being exposed internationally. For example, the non-application of anti-racism law inevitably led to the legitimization of individual behaviors, which, in essence, are illegal and anti-democratic. Dr. Papastylianos adds that the

culture of impunity is a systemic issue in Greece, where there is no necessary perception that the law serves the public interest, so it must be applied.

To conclude, the shift in elite discourse and the reintroduction of securitizing speech acts, and the stricter securitizing practices, which will be analyzed in the following section, fueled the rise of far-right and racism in the country unwittingly. The importance of this shift is that, for the first time since WWII, an openly neo-nazi party allowed to gain political power through self-presentation as security providers in a highly insecure environment. The country's economic collapse added significantly to this direction but can not be considered the only excuse. Racism, as we have already observed, has been breeding in Greek society for decades. The inaction of the Greek governments to address the issue adequately, despite the existence of an advanced legal framework, and the continuous call by the international organization for the establishment of an effective framework and policy to counter racist violence, along with the reluctance of police and the judiciary to address the issue fueled the social racist attitudes. Furthermore, the inadequate policies for protecting irregular immigrants and asylum seekers exposed them to racist violence by excluding them both by legal and actual protection.

These developments resulted in an apparent decline in the sense of security of citizens exposed to immigrants' survival crimes and the violent outbursts of far-right groups that targeted citizens who opposed their practices. The insecurity cultivated by political elites, both discursively and practically, along with the absence of the state in a field that demanded governmental intervention, eventually created a fertile ground for "fascist mobilization," which would further jeopardize the sense of public security in the following years.

Securitizing practices and human rights protection

"When long-term and repeated violations of rights by state institutions occur routinely, then some social functions closely intertwined with them are seriously disrupted. These violations of rights are not necessarily manifested by state institutions' actions but also by the long-standing systematic failure of the state to ensure their protection. Pathogens that seemed isolated gradually turned into a complex network of social problems with an obvious threat to public order and security." (Ombudsman, 2009, 33). This line by the Ombudsman's annual report describes most clearly the conditions that prevailed in the country from the combination of governmental practice

or inaction in the field of human rights protection, or to say it best to the “*institutionalization of non-protection.*”

Following years of mismanagement and neglect, in 2009-2011, Greece did not come under the international spotlight only for its collapsing economy but also for severe human rights deviations. It is probably the period during which the imbalances between security measures and human rights protection were mostly manifested. Due to mass influxes, the country announced in 2011 a “*security emergency,*” calling the EU to provide for immediate assistance. In the same period, UNHCR called the situation at Greek borders a “*humanitarian crisis.*”(UNHCR 2011)

We have previously observed the securitizing elite discourse and a series of securitizing measures implemented to tackle irregular immigration. While the measures appeared to exclude asylum seekers, targeting only irregular immigrants and aimed at sustaining the country’s international and European human rights obligations, their implementation leaned towards the uniform application of restrictive anti-immigrant measures against every new entry. Thus, despite the official proclamations, the securitizing measures implemented during this period had a direct and indirect impact on immigrants' and asylum seekers' human rights, to an equal extent.

This section will explore the most significant ramifications of the securitizing practices implemented during this period on human rights protection. We have identified three critical areas of concern, which were directly affected, either by policies or by the administrative inaction that harmed the protection of irregular immigrants and asylum seekers, namely detention, access to asylum, and living conditions. To have a thorough understanding, we have divided this sub-section into four different parts.

The first part is devoted to the securitizing measures adopted during this period, focusing on their rationale and how they were implemented. The second part addresses the detention issue, focusing on the ramifications of the new legal framework, which provided the extension of the detention period for irregular immigrants, the legal framework for the detention of asylum seekers, and the detention conditions. We should remind that detention conditions were found to be a source of human rights deviations in the previous periods; thus, it would be interesting to observe how the conditions changed under the new policies. The third part focuses on access to asylum and the quality of asylum procedures. Access to asylum procedures is deemed among the most crucial components of refugee protection from re-foulement, while the registration of a person as an

asylum seeker carries a series of rights and benefits provided in CEAS and the Geneva Convention. Finally, this section focuses on asylum seekers and irregular immigrants' living conditions following their release from detention. As we have seen in the section regarding public attitudes, destitution, and homelessness of irregular immigrants provoke for reasons already analyzed a "*fascist mobilization*" in the society. Thus, it would be interesting to see the safeguards regarding the living conditions of asylum seekers provided by law and the administrative policy's inefficiencies that led to further human rights deviations.

Notably, the analysis relies heavily on ECtHR's findings, in the leading case *M.S.S. v. Belgium and Greece*, which resulted in the halting of Dublin transfers to Greece, reconfirmed by the decisions of ECJ in the cases *N.S. v. United Kingdom* and *M.E. v Ireland* (Joined Cases C-411/10 and C-493/10 of ECJ), which suspended Dublin transfers to Greece in the face of severe risks to asylum seekers' fundamental rights.

Securitizing Measures

The reintroduction of the securitization of immigration in the political discourse, facilitated by the escalation of security measures. While the country gradually came under the spotlight of international criticisms for its collapsing asylum system and the systematic violations of human rights of asylum seekers and irregular immigrants, Nea Demokratia and Pasok's successive governments implemented even stricter security measures. Notably, the securitizing measures justified discursively as an "*illegal immigrant flow emergency*" (FRA 2011), while the deteriorating situation in urban areas was not balanced by equal efforts towards the addressing of the systemic deficiencies, the practical implementation of the legal framework, or the creation of infrastructures that would avert the negative consequences the previous policies created.

Following the negative results of the European Parliamentary elections of 2009, the Nea Demokratia government proceeded with a series of questionable securitizing measures. As already discussed, the Returns Directive's fragmented enactment with the amendment of art.76 3386/2005 bill raised the minimum detention period to up to 6 months with a possible extension for up to 18 months. The legislation's change was accompanied by the reintroduction of sweep operations, which have been abandoned as a security tool during the previous years. According to the media reports, the Ministry of Public Order reinforced the police power in Athens by 1500 officers to implement the operation "*Lightning*," aiming to arrest 100 immigrants daily. Meanwhile, no action

was taken to create detention facilities to accommodate those arrested in urban areas and at borders(Nea 12/6/2009;13/6/2009).

During the sweep operations, the security forces proceeded with the demolition of the human-made camps in Patras, Igoumenitsa, and the forcible evacuation of occupied buildings where irregular immigrants and asylum seekers resided on the grounds of potential health hazards (UNHCR 2010,8). The government did not provide any alternative for the accommodation of those who remained homeless without providing essential commodities such as water and food. Additionally, several reports converge that during this period, there were mass transfers of detainees to detention centers in Evros, without further procedures, leaving open the possibility that these individuals were secretly expelled to Turkey (UNHCR 2009b; ProAsyl 2009,11; HRW 2009). Additionally, according to the Frontex report (Frontex WBARA 2010,25), the demolition of camps sparked substantive secondary movements through the land borders towards Hungary and Serbia, as a result of the so-called “*squeezing balloon effect*.”

The prolongation of detention and the apprehensions during sweep operations suffocated the already overcrowded detention centers. According to the CPT 2009 report, the situation became so severe that even basic needs such as food or basic hygiene were not guaranteed in several facilities, calling for the urgent need to address infrastructural deficiencies.

The security orientation did not change with the succession in the power of Nea Demokratia by Pasok, which, following its pre-electoral program, aimed at the curtailment of irregular immigration at all costs. It is indicative to observe that only a few days after the elections, the new Minister of Citizens Protection, Michalis Chrisohoides, announced an extensive police upgrade program, with a cost of 100 million euro, funded by the European External Borders Fund (Vima 16/10/2009) aiming to limit the presence and entry of illegal immigrants into the country (Nea 21/10/2009). At the same time, sweep operations continued with undiminished intensity.

The shift of flows from sea to Evros land borders prompt a strong reaction by the army, which in 2010, through the Ministry of National Defense, announced the change of the national defense doctrine with the abolition of the “*danger from the north*” and the redeployment of the army with emphasis on the dangers “*from the east*” with a focus on the prevention of illegal immigration (Vima 15/10/2010).

Amid the rising flows, Greece called for the EU's immediate assistance, calling the situation at the borders "*a security emergency*" (Frontex 2010,4; ProAsyl 2012,7). The EU's reaction was immediate, with the first-ever deployment of Frontex RABIT operation at the Greek- Turkish borders, which began its operations on 2d of November 2010. The operation included the deployment of approximately 175 Frontex officials from 24 member states at the borders and the provision of material equipment to assist their Greek counterparts in the borders protection and irregular entries' curtailment (MEMO/11/130). The Frontex Rabbit Intervention became permanent in March 2011. According to the MEMO/11/30, the RABIT operation succeeded by the operation "*Poseidon Land*" 2011 to ensure continuity in effective borders control and preventing irregular immigration in the Eastern Mediterranean region.

Frontex Director Ariaz Fernandez, in an interview given to HRW, said that "*RABIT deployment was set in motion because of a drastic increase in numbers and because the humanitarian situation also made European Commission to encourage Greece to ask for our help.*" Furthermore, according to the Frontex press release, "*Observance of fundamental rights and respect for human dignity are central components of all Frontex operations. At all stages of the operation, the highest ethical conduct and professional standards are expected from all participating officers. 'Zero tolerance' policy to infringement of fundamental rights will be applied throughout the operation, particularly concerning people in need of international protection*"(Frontex 29/10/2010).

The Greek police and Frontex's operations began to show results, reflected in a significant drop in influx numbers by approximately 44% in the first months of RABIT operations (ProAsyl 2010,7).

Moreover, the Ministry of Citizens Protection announced in 4.1.2011 the plans to construct a 12.5Km fence on Evros land borders. According to the ministry's announcement, "*the fence will shield the land border with Turkey to the maximum extent and will put an end to the uncontrolled entry of immigrants into the country*" (Nea 4/1/2011).

The construction of the Evros fence met with strong reactions, internally and externally, including the European Commission, which declined Greece's request to finance its construction from the day of its announcement, a position that was finalized on the 7th of February 2012 from the Commission (EU Buissuness/7/2/2012). According to the EU Commission spokesperson, Michele Cercone, the Commission "*considered fences pointless and walls as short-term measures that do not structurally solve migration management issues. It is up to the states to decide how to secure*

their borders, but they have to take into account their international obligations, including the respect of immigrants' human rights."

While the government treated the issue of irregular immigration in emergency terms, escalating from the implementation of internal security measures to the macro-securitization of borders with the involvement of Frontex, in the field of human rights, the country had to face the condemnation of the majority of international organizations and human right bodies for the almost complete collapse of human rights protection of irregular immigrants and asylum seekers. Several reports published from 2009 to 2011 (Ombudsman 2009-2011; NCHR 2009-2011; CPT 2009-2011; UNHCR 2009-2011; UNCHR 2011; UNCAT 2012; Amnesty International 2009-2011; HRW 2010,2011; FRA 2011) called the situation in the country an ongoing humanitarian crisis, towards which the government failed to take any action at all.

The severity of the human rights deviations is reflected in CPT's public statement in 15.3.2011 by virtue of Art.10,2 of the European Convention for the Prevention of Torture and Other Inhuman and Degrading Treatment, which considered the last weapon of the Commission in the event of continued non-compliance by a State. The public statement had been used only five times by the Commission and was the first time used against an EU Member State. According to the statement, since 1997, the Committee expressed its concerns regarding the detention and living conditions of irregular immigrants, which could even amount to inhuman and degrading treatment. After a series of ad hoc and periodic visits, the committee, followed by extensive reports describing the conditions found, warned Greece about a public statement's potential, which the country ignored. Furthermore, the committee stressed that in the 2010 high-level talks in Athens, the government asserted that action had been taken, but according to the findings, the government essentially lied, providing the committee with false information.

To explore the reasons that provoke the CPT's strong reaction, the focus is now placed on critical areas of concern regarding human rights deviation, namely detention, access to asylum, and living conditions.

Detention

Detention conditions elevated to be considered the most problematic aspect of Greece's immigration policies regarding fundamental rights protection (FRA 2011) and became among the most potent arguments for Dublin transfers' discontinuance in the country (OCHR 2010).

As we have already analyzed, and despite the harsh international criticism on detention conditions and the rulings of ECtHR, which found Greece in breach of Art.3 ECHR regarding detention conditions, the government proceeded with the transposition of Art. 14 Returns Directive, which extended the duration of detention from three to six months, with the possibility of further extension for up to 18 months. Simultaneously, we observed sweep operations' resumption, which resulted in migrants' mass arrests, mostly from urban centers.

Additionally, Art.14 PD 114 allowed for the detention of asylum seekers, limiting the grounds of detention to identity verification for reasons of national security and public orders and the speedy and effective completion of an asylum application. The three-month limit counted from the day of registration of the asylum application, without counting the time that has already elapsed. Given that asylum applications were not recorded directly, especially in border areas, it automatically meant an extension of detention. In most cases, it has been found that people who expressed an intention to file an asylum application were detained for a more extended period than those who did not (MSF 2010; Amnesty 2010; ProAsyl 2012).

Furthermore, even though detention was not mandatory under Greek legislation, it was systematically applied to all on the premises of art.76 law 3386/2005, reflecting the political prioritization of imprisonment as a control tool for irregular flows (UNHCR 2009; Nowak 2010; Amnesty 2010). Notably, irregular immigrants and significantly those who fell on the category of "*sans papier*" were subjects of continuous detention and release circles. Even though their deportation was not feasible, "*sans papier*" were found imprisoned for prolonged periods while following their release, they were re-arrest and were subject to renewed deportation orders and detention. According to OHCHR (2010), "*sans papier*" were treated as persons with no rights, a notion that was reinforced both by repeated imprisonment and degrading detention conditions.

However, the detention limit's extension was not accompanied by the necessary actions to upgrade or create new detention facilities, which, combined with the abovementioned evolutions, resulted in extreme overcrowding conditions in facilities and the further deterioration of detention conditions (UNHCR 2009; MSF 2010). The UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, Mr. Nowak (2011, para 27), following his visit to Greece, called the situation a "*detention crisis*," while several organizations raised awareness

of the inhuman conditions, especially in the bordering area of Evros and in Athens (UNHCR 2009; MSF 2010; OHCHR 2010; FRA 2011; ProAsyl 2012).

The most problematic issues concerning detention are divided into living conditions and procedural safeguards. Starting with the latter, according to the legal framework, detainees were entitled to a set of legal safeguards in detention, which included the right to information in an understandable language on the procedures, their rights, and obligations (art.76.3 law 3386/2005); the right to legal representation (art.13.4 PD 90/2008), the right to communicate with their family and relatives (PD 141/1991), and the right of unhindered conduct with UNHCR and other organizations (art.81.1 PD 90/2008).

However, ad hoc surveys revealed that detainees did not enjoy any procedural safeguards (CPT 2009; FRA 2011; MSF 2010; ProAsyl 2012). Immigrants, irrespective of their will to apply for asylum, were automatically detained upon apprehension and were given a temporary detention order issued by the local Police Director, pending deportation order. Notably, the detention order was not a subject of judicial review. Within three days, detainees were served a deportation order accompanied by an order that extended detention, grounded on public security considerations as a matter of practice. During the process, and following the issuance of administrative detention pending deportation, detainees had no access to information, legal assistance, or communication, while there was no effective legal remedy to challenge detention based on detention conditions.

Living conditions while in detention appeared even more problematic. According to the data, immigrants were held in unsuitable detention facilities, such as warehouses or police stations, while police detention facilities seemed inappropriate for long-term detention (CPT 2009; ProAsyl 2012; Amnesty 2011; Nowak 2011). Due to the extension of imprisonment and the mass arrests, almost all detention facilities appeared extremely overcrowded. Indicatively, the Evros detention facility, which had a nominal capacity of 479 persons, hosted an average of 1000 (ProAsyl 2012, 22).

Besides overcrowding, the state appeared incapable of providing the bare minimum for survival, such as food, water, clothing, heating, medical assistance, or hygiene facilities, while in most facilities, detainees were kept inside their cells 24/7 (CPT 2009; MSF 2010; FRA 2011; ProAsyl 2012).

The severity of the deterioration of detention conditions is reflected through the continuous protests on behalf of the Hellenic Federation of Border Guards, which on multiple occasions indicate that detention facilities were unsuitable for human habitation, while were a source of health hazards both for inmates and guards (FRA 2011,26; ProAsyl 2012, 9)

Perhaps the most striking evidence for the collapse of detention conditions and the severity of human rights violations of irregular immigrants are the number of cases brought before by ECtHR. To give a perspective, we found that for the period 2000-2018, Greece has been found in breach of ECHR by EctHR 63 times in cases regarding irregular immigrants and asylum seekers. Fifty-seven of the cases concerned violation of Art.3, of which 30 revolved around incidents in 2009-2011. Additionally, in 18 cases, the Court found a violation of Art.5 and 11 a violation of Art.13.

This period's most important case is the leading case, *M.S.S. v. Belgium, and Greece* (n.30696/09, 21/1/2010). The Court found Greece in breach of Art. 3 ECHR, for the detention conditions in Athens airport. The Court acknowledged the pressures endured by the country due to the influxes and the financial constraints due to the economic crisis but rejected the claim of the government that emergency conditions should be taken under consideration (para. 223-226). The Court reaffirmed the position that “ *Art. 3 makes no provisions for exception and no derogation from it is permissible [...] even in the event of public emergency threatening the life of the nation*” (*Selmouni v. France*, no. 25803/94, 8.7.1999 para. 95). Notably, in contrast to the government's firm stance, which categorically denied that detention conditions in the country were a source of serious human rights violations in the past (CPT 2007, 2009, 2011; Libe 2007), Greece did not dispute the findings of reports regarding detention conditions (para. 229).

However, it is essential to stress that the government's invocation of financial constraints regarding the non-improvement of detention conditions is unjustified for three critical reasons. First, as we have seen in previous sections, elite discourse revealed that deplorable detention conditions were, in a sense, a political decision aiming to deter future flows. Furthermore, the administration was already aware of the critical needs in detention facilities, given the abundance of reports pointing out this direction, but the official reaction towards the issue was denial and indifference.

Second, the issue of detention conditions did not come to the surface during this period but had already risen since 1993, through several reports that urged the government to take the appropriate measures to better the detention conditions. However, in its standard tactics, the Greek state

refused to accept the situation, let alone take the necessary corrective actions, even in periods of economic prosperity.

Third, despite the country's economic hardship, Greece received significant emergency financial assistance from the EU Commission to improve the detention conditions amid the declared immigrant crisis. In this direction, for the period 2009-2010, Greece received 15.7 million euros, but according to FRA's findings, there was no evidence that resources were used to improve detention facilities (FRA 2011, 6). Furthermore, according to the organization, even though Greece declared an "emergency" urging for the mobilization of EU assistance, the situation was not handled as having a humanitarian component; thus, there was no mobilization of civil protection assets. On the contrary, Greece prioritized the emergency's security component, allocating significant resources to security measures while neglecting to take the necessary steps for the human rights protection of people under its control. According to the Ombudsman (2010), even when resources were available, they were diverted in high popularity areas, oriented towards possible electoral benefits, while movements involving marginalized groups, such as immigrants, remained indifferent.

Asylum Procedures

The deficiencies in the asylum procedures are another long-lasting issue that seriously affected the protection of irregular entrants' human rights. As we have already seen, the country's asylum acceptance rate remained extremely low, positioning Greece at the bottom of the EU countries with the lowest asylum recognition rate.

In the period 2006-2008, we have identified a series of issues in the Greek asylum system, which besides the international call remained unchecked, and even further deteriorate during the period 2009-2012. Physical access to asylum remained problematic due to the authorities' refusal to receive asylum applications, especially in bordering stations, despite art.2 PD 90/2008, which provided the possibility to lodge a claim at all arrival points. Furthermore, there were no identification procedures at borders, no vulnerability assessment procedures, while interpretation services and legal assistance remained scarce to non-existent. Additionally, organizational and technical issues persisted mainly due to the understaffing of the asylum services, resulting in extreme delays in the decision process, and interviews are seen as problematic, mainly due to staff

lack of experience and insufficient interpretation (Ombudsman 2009; ICJ 2010; NCHR 2011; UNHCR 2009).

The protection standards in Greece lowered even more following the abolition of the appeals committee. The government amended the PD 80/2009 (Procedures Directive) with the enactment of PD 81/2009, abolishing the asylum appeals committee. Following the enactment of PD 81/2009, the asylum procedures collapsed, caused by the withdrawal of UNHCR from the procedure. This decision of UNHCR sparked both in protest for the abolition of appeals boards and the lack of a substantial role of non-police bodies. According to the PD, the refugee committee was comprised of two police officers, an official from the Aliens and immigration Directorate of each respective region, and one UNHCR representative. The appeal committee's recommendation was not binding for the Director of Aliens Directorate of police, responsible for the final decision on an asylum claim, giving police the essence of full power to decide on asylum applications. Thus, the only remedy left to challenge a negative decision was through the Administrative Court, a lengthy procedure, which did not automatically suspend deportation and detention. Furthermore, the Administrative Court could decide on the case's legal aspect but not on the merits.

The above observations were confirmed in the case of *M.S.S. v Belgium and Greece*. According to the Courts reasoning, access to asylum in Greece is almost impossible, while established the position of UNHCR (2008), AIDA(2007), Amnesty (2008) that the current legislation and practice in Greece is not in conformity with the international and European human rights standards (para 281). The Court pointed out the lack of information provided to applicants; the lack of training, the low quality of first instance decisions, which according to the Court are a result of structural weaknesses; the lack of procedural guarantees, and especially the scarcity of legal aid and interpretation services; while deemed the possibility of appeal to the Supreme Administrative Court as ineffective given the prolonge procedures and the non-suspensive effect of the procedure (para 281).

Following these observations, the Court found that the asylum process's inefficiencies, as described, did not provide an effective guarantee for protection from refoulement. The Court stressed that even though Community law contains significant guarantees designed to protect asylum seekers from removal, the practice "*for a number of years revealed repeatedly and consistently that Greece's legislation is not being applied in practice and the asylum procedure is*

marked by such major and structural deficiencies that asylum seekers have very little chance of having their application seriously examined and in the absence of effective remedy at the end of the day they are not protected against arbitrary removal” (para 286-300). Thus the Court found Greece in violation of Art.13 in conjunction with Art. 3 ECHR.

The most important ramification of the M.S.S. case was the suspension of Dublin transfers to Greece, accepting that situation in Greece resulted in serious human rights violations; thus, the country was deemed as unsafe, but also that Greece came under the supervision of the Committee of Ministers for the execution of the judgment (para. 399).

Following the decision, Greece reintroduced the second instance committee with the PD. 114/2010, which has been abolished following art. 5 PD81/2009, while law 3907/2011 provided an extensive restructuring of the asylum system, with the creation of the New Asylum Service, which, based on the National Action Plan, would be staffed by trained civilian personnel, and the introduction of First Asylum Service (FRS).

Regrettably, though, the restructuring of the Asylum Service and the creation of FRS were delayed due to economic shortages. It is indicative that the first positive developments of the new legal provisions appeared as late as 2013, while the asylum process in the country still lacked behind the EU standards.

As we saw in 2006-2008, the asylum procedure's inefficiencies cannot be directly linked with the securitization of immigration and asylum-seeking. On the other hand, given the broader picture, we can confidently say that security considerations dictated the entire process. The asylum procedure until this point was, in a sense, a *“police operation.”* Police were responsible for managing flows, the issuance of detention and deportation orders, and asylum application processing. Furthermore, as we have already analyzed, the prevailing perception among the Greece political and security authorities was that mixed flows are predominantly economic immigrant flows; thus, the preferred policy was containment and deterrence. This policy is best reflected in the blanket application of detention of asylum seekers as irregular immigrants, and the obstacles in lodging an asylum claim, especially while in custody, expressed both by the denial of authorities to accept applications and the observed extension of detention for asylum seekers. Accordingly, little attention was given to the humanitarian aspect of the flows and optimizing asylum services.

Living conditions

Upon release, living conditions appeared to be another common field of human rights deviations among irregular immigrants and asylum seekers, derived from the government's indifference and inability to provide a basic standard of living to those who remained in Greece. The point of departure differs between the two populations regarding the obligations or the negligence of the state.

As for irregular immigrants, the state was aware of significant populations whose removal from the territory was difficult to impossible. Those populations fell to the category of "sans papier" or were asylum seekers whose application was still unregistered, or persons originated from countries with which Greece have no diplomatic relations. Upon release from detention, people falling in this category were given an order to leave the country within a month. Inevitably the lack of travel documents deemed the departure from the country as impossible. Thus, "sans papier" remained within the territory, under the state's tolerance, but without any rights (Ombudsman 2010).

According to the Ombudsman (2010), the state could apply the provisions of Art. 6,4 of Returns Directive, which stipulates that "*Member States may at any moment decide to grant an autonomous residence permit or other authorization offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In that event, no return decision shall be issued. Where a return decision has already been issued, it shall be withdrawn or suspended for the duration of validity of the residence permit or other authorization offering a right to stay*". The application of Community law would have provided a durable solution for those populations' presence, providing minimum protection and allowing them to have a basic standard of living. The state, though, refrained from the enactment of such provision until 2011. However, even though law 3907/2011 provided a certain level of normalization of the status of "sans papier," the framework remained largely inactive.

As for asylum seekers, according to Presidential Decree 220/2007, the state must arrange for the provision of accommodation to those who cannot provide it by their own means, while employment is allowed on the condition that the job position cannot be filled by a Greek citizen or EU citizen, legal immigrant or recognized refugee. Despite though the positive obligations towards asylum seekers, the state remained inactive towards their implementation. By 2009, Greece had only 12 reception centers, with a nominal capacity of 811 persons, while at the same

time, asylum applications exceeded 28,000. Furthermore, there was no state support by other means, such as cash assistance.

As a result, most asylum seekers and irregular migrants remained entirely destitute, homeless, while to cover their daily survival needs relied on begging, charity, and solidarity group meals (UNHCR 2009; UNOCHR 2010; Nowak 2010; ICJ 2011). In 2010, the Greek Ombudsman conducted an extensive survey of the conditions in Athens's historical center. The conclusion of the survey characteristically states that *"the newly arrived migrant population lives a life limited to the absolute basics of human existence, under the state of" permanent exception "[...] in which they are forced to improvise to exist. The governmental policy and withdrawal of the state leaves the impression that the problem is due to the migrants"*.(Ombudsman 2010b, 21)

Living conditions further deteriorated through police operations for buildings and human-made camps' evictions, without providing alternative accommodation. Thus, hundreds of irregular immigrants and asylum seekers were literally thrown to the streets while their possessions were destroyed most of the time (OHCHR 2010, 8).

The issue of living conditions as a source of human rights deviations addressed by the ECtHR in the case of *M.S.S.* It is interesting to follow the reasoning of the Court and the Greek position on the subject. According to the government (para 243), nothing in the ECHR guarantees the right to accommodation or political asylum. Greece invoked the Court's judgment in the case *Chapman v UK* (n 27238/99, 18/1/2001 para 99) in which the Court found that *"while it is clearly desirable that every human being have a place where he or she can live in dignity and which he or she can call home, there are unfortunately in the Contracting States many persons who have no home. Whether the state provides funds to enable everyone to have a home is a matter of political, no judicial decision"*.

The Court, in its decision, took under consideration the findings of UNHCR (2009), AIRE (2008), and Amnesty International (2009), which revealed that all Dublin returnees in Greece were homeless, and that asylum seekers have no right to provide for their own needs (paras. 245-246). The Court also recognized that the obligation to provide for accommodation and decent material conditions has entered into positive law since the transposition of CEAS, and authorities were bound to comply with their own legislation (para.250). Furthermore, the Court found that access to the labor market can not be considered a realistic alternative due to administrative obstacles

(para.261). Finally, the Court acknowledged that conditions of destitution of asylum seekers exist on a large scale (para.255) while stating that if the asylum requests have been examined promptly, the authorities could have substantially alleviated the applicants suffering (para. 262). Thus the Court found Greece in breach with Art. 3 ECHR, concluding that living conditions in Greece amount to inhuman and degrading treatment (para. 264).

As we observe, the violations of rights do not come only from state bodies' actions but also from the state's systematic failure to ensure their protection. The fact that the country faced significant financial constraints was not a sufficient excuse, given that, as we analyzed in the previous sections, the pervasive political perception favored the non-granting of privileges to immigrants and asylum seekers, considering that any concession would act as a pull- factor for further flows.

The state's withdrawal from the provision of any benefits to irregular migrants and asylum seekers is closely linked to the securitization of immigration. As we have observed, securitization measures are not necessarily mere measures of repression and restraint. The government's clear orientation towards the securitization of migration is also expressed through practices that aim to discourage migrant populations and create conditions that will force them to leave the country. It also has profound political implications. According to most interviewees, the construction of immigration as a threat by the political elites obliged the government to respond accordingly. Thus any benefits for illegal immigrants and asylum seekers would be treated by the electorate as a betrayal of government policy, especially in a time of economic crisis where social benefits have been reduced.

As we have seen in the section regarding public attitudes, the state's retreat exposed irregular immigrants and asylum seekers to racist violence while favored the participation of irregular immigrants and asylum seekers in criminal activities in the fields of the so-called "survival crimes." Furthermore, detention conditions and the asylum system's inefficiencies sparked a series of, at times, violent reactions among immigrant populations. These evolutions introduce what Ellerman (2009) called "Weapons of the Weak."

According to Ellerman (2009), "weapons of the weak" are characterized by non-compliance, resistance, and deception. Ellerman enumerates hunger strikes, suicides, or destruction of identification papers as the most common "weapons" among migrants. Importantly, given that the social contract between the immigrant and the state is broken, due to the absence of protection, it

provides for the case that immigrants wholly deprived of any possibility of bettering their situation, to result in actions contrary to public safety, for instance, in criminal activities.

In essence, the implementation of the “weapons of the weak” stems from the abolition of immigrants’ human rights (Ellerman 2009). Since the state denies or abstains from its obligations towards migrants, migrants themselves found no incentives to comply with society’s norms, resorting to acts that vary from passive resistance to crime (Ellerman 2009; Miller 2012). As Ellerman (2009) suggests, it is the state of extreme powerlessness that incentivizes migrants to act contrary to the law, thus, eventually, become a threat to the state and public safety. The fact that states only extend their control over migrants but not fulfill their human rights obligations towards them means that the social contract remains broken and that migrants have little incentive to act following the host society’s prevailing social norms.

The findings of this period suggest a wide-spread implementation of the “weapons of the weak”. According to the data, there was a sharp rise in suicide attempts and self-harm as a means of protest for human rights abuses while in detention (MSF 2010; ProAsyl 2012, 54). Furthermore, there were frequent violent riots in detention facilities as a protest for detention conditions (Infomobile, 2010; Amnesty International, 2010; ProAsyl 2012).

During this period, one of the most massive hunger strikes in the EU took place, also known as Hypatia’s events, by asylum seekers who demanded their legalization. Three hundred people took part in the strike, while the issue had long plagued the government, provoking intense political controversy within parliament (Nea 25/11/2011, 9/3/2011). The hunger strike reached extreme points, with the strikers declaring their readiness to die, claiming equal rights. The strike ended after 44 days, following an agreement with the government to grant the strikers a residence permit valid for six months with the possibility of renewal and the right to visit their countries of origin. It is important to note that minor hunger strikes were a frequent phenomenon, many of which took place in public places, including the sawing of lips, to protest for detention conditions or the inefficiencies of asylum procedures (Infomobile 2010; ProAsyl 2012; Nea 21/11/2009, 13/12/2010).

Another important manifestation of the “weapons of the weak” was the mass prayer of 13,000 Muslims in squares across the country as a sign of protest against the lack of a mosque and burial

ground for Muslims outside the minority areas. The mass prayer resulted in violent clashes with locals and mass attacks by members of the Golden Dawn (Nea 17/11/2010).

Furthermore, many irregular immigrants and asylum seekers tried to leave the country with forged documents or illegally boarding on ships and lorries, particularly on routes between Greece and Italy. For instance, according to the events of the *M.S.S.* case, the applicant was arrested in Belgium, where he fled illegally and returned to Greece, while a year later, he was arrested while trying to travel to Belgium with forged documents.

Finally, there was a visible rise in “survival crimes” perpetrated by irregular immigrants. According to police data for 2011, there is an increased participation of immigrants in robberies, mendicity, forgery, and intellectual property theft.

According to critical criminologists, immigrants’ high criminality rates are the combination of their marginalization from the socio-political system and the discrimination towards them observed in every aspect of the criminal proceedings (Karydis 1997; Nikolakopoulou- Stefanou 2008). According to Nikolakopoulou- Stefanou (2008), destitution suffered by immigrants in Greece, their social exclusion, as well as the sense of the complete lack of protection of human rights have a decisive influence on their crime indicators as well as the possible commission of what is considered a “violent reaction,” or what we named “Weapons of the Weak.”

As we can see, the deterioration of human rights protection resulted in the endangerment of public safety. Even though most of the “weapons of the weak” had self-harm as a basic component, others are directed against public safety, mainly for survival reasons. In conjunction with the rise of racist crime, these evolutions created an explosive framework that went contrary to the government’s proclaimed intentions, which revolved around public and national security.

Many interviewees stressed that applying the legal framework would have averted both the human suffering of asylum seekers and irregular immigrants and would most likely normalize social tensions. Instead, through its actions and inactions, the state fueled racist attitudes and provoked the implementation of the “weapons of the weak,” thus inadvertently putting public safety at risk, a phenomenon that we will see in the following period further intensified.

Section C- Period 2012- 2014

The period 2012-2014 was characterized by the escalation of racism and xenophobia in society, a tendency already present in 2009- 2011.

Amid the economic crisis and following electoral debates, Nea Demokratia managed to form a government with the collaboration of the socialist party of Pasok and the leftist party of Dimar. In the same period, the neo-nazi of Golden Dawn became a significant electoral power, while Syriza's leftist party became the second parliamentary power. The country had entered a highly economic and politically volatile era, during which no party could gain parliamentary autonomy.

In the same period, the focus on migratory flows permanently shifted to the Greek Turkish borders, which became the main entry point for irregular immigrants and asylum seekers. Since the previous period, we have observed the deterioration of irregular immigrants and asylum seekers' human rights protection. It would be interesting to follow how the new government perceived immigration and what measures were put in place, keeping in mind that the country had already been internationally exposed for severe human rights deviations, mostly derived by the securitization of immigration and the measures implemented to tackle the perceived threat.

Elite Discourse

The period 2012-2014 was marked by the dominance of anti-immigrant, securitizing discourse in the political debate. The country's economic collapse and the austerity measures imposed by the Troika deprived the political elites of the possibility of engaging in the traditional pre-electoral financial promises (Triantafilidou 2014). The formation of the Papadimos coalition government led the country in an unofficial long pre-electoral period dominated by two themes: who can better handle the economic negotiations and manage migration more effectively. It was the first time in Greece's political history that migratory-related issues dominated the pre-electoral debates, often using rather extreme anti-immigrant discourse.

Both Pasok and Nea Demokratia officials engaged in a highly anti-immigrant discourse, portraying immigration as a ticking-bomb for the Greek society's foundation while invoking war-like discourse to convince their audience.

In the months pre-dated the first electoral battle of May 2012, which failed to give a new government, the Ministry of Citizens Protection, through its leader Michalis Chrysohoidis engaged in a highly securitized agenda, often supported by provocative public statements. Indicative is the

initiation of the operation “*Code Athens*,” which the press saw as electoral oriented (Vima 31/3/2012). The operation aimed at the arrest, detention, and removal of approximately 800,000 illegal irregular immigrants (Ministerial estimations) and the eviction of buildings inhabited by immigrants in Athens city center. According to the Minister, “*The aim is to detonate two ticking-bombs that are ready to explode and disintegrate Greek society.*” According to the minister, the second ticking-bomb was the health hazard posed by immigrants, which the ministry aimed to solve with the Ministry of Health's collaboration, with the issuance of the Ministerial Decree No. 39 of 2d of April 2012, known as “health provision.” According to the Decree, Immigrants who suffer from infectious diseases, are addicted to drugs, are engaging in prostitution, or live in unacceptable conditions will be detained regardless of whether they have applied for international protection status. The two ministers' joint public statement circulated in the media for several days.

On the opposition front, the new Nea Demokratia leader Antonis Samaras elevated anti-immigrant discourse as the main component of its pre-electoral campaign. In the vast majority of his pre-electoral actions, being pre-election rallies, interviews, or social media campaign, the Prime Ministerial candidate opened his speech with the phrase, “*Greece has become an illegal clandestine immigrant hub. We need to recapture our cities where drug trafficking, prostitution, and trafficking are rampant.*” (Vima 19/4/2012) In similar statements, Antonis Samaras promised to annul the citizenship bill and to send a strong message to immigrants by “*declaring war against smugglers and irregular immigrants to stop the invasion*”(Vima 12/6/2012), while stating at multiple levels that the number one priority of his government would be the protection of the “sacred right” of security of the citizens and the fight against illegal immigration (NEA 8/6/2012).

Following two consecutive electoral debates in which no party managed to acquire the necessary majority, Nea Demokratia, Pasok, and the left-wing party DIMAR, reached an agreement to form the so-called “Government of National Responsibility.” The leaders of the three parties managed to get a deal on the broad guidelines and the issues of immediate political priority, a section of which was devoted to the curtailment of irregular immigration and security, including, among others, the enhancement of border controls; the upgrade of Frontex mandate; and, the collaboration with the Southern European states towards the amendment of Dublin II among others.

Another important outcome of the elections was Syriza's left-wing party's rise, which seemed to take advantage of the gap left by the almost dissolution of PASOK and the rapid rise of the far-right party Golden Dawn. The final party that entered the parliament was Anel's nationalist party, which did not use the extreme rhetoric of LAOS and the Golden Dawn but was still a conservative anti-immigrant party.

Nea Demokratia made it clear that the government's most significant task would be the fight against immigration from the first days of taking power. In August 2012, the ministry of Citizens Protection announced the initiation of the largest ever operation aiming to crack down irregular immigration with the code name "Xenios Zeus," following the Nea Demokratia pre-electoral positions. A few days before the operation's initiation, the Minister of Citizens protection, Mr. Dendias, in a televised interview gave perhaps, the most highly securitized speech ever given by a governmental official. According to Mr. Dendias, *"The country is lost. Since the Dorians' descent 4000 years ago, the country has never received such a large-scale invasion. It is a bomb in the foundations of society and the state. It is a national challenge. We are on the verge of collapse. If we do not create a comprehensive illegal immigration management network, we will collapse. We are in danger of a complete change in our society. Immigration is probably a bigger problem than the economy."*(Vima 6/8/2012).

In only a few words, the Minister of Citizens Protection presented immigration as the greatest threat to the nation that must be tackled immediately or the country would collapse. The minister went as far as to declare that he will resign from the ministerial post if he is not released to complete his work, thus presenting himself as the most suitable to take in charge of the nation-saving project.

The minister's emergency discourse was reflected in the new government's first legislative initiative in September 2012. The bill, named *"Regulation of issues concerning First Reception Centers and Detention facilities of irregular immigrants, the protection and other provisions,"* came into the parliament with the invocation of Art.44.1 of the constitution concerning cases of *"emergencies, of extreme urgency and unforeseen need"* ratifying the act of legislative contend dated since 20th of March 2012.

In the preamble of the bill, it stated that the government took under consideration *"The emergency of extremely urgent and unforeseen need for the creation and immediate operation of detention facilities for foreigners illegally residing in our country that have flooded the center of the capital"*

and other major cities creating serious problems for security, social cohesion, public health, and the economy. of our country.” It is the first time that the emergency clause of Art.44.1 of the Constitution was invoked in migratory related legislation presenting immigration as a meta-security concern. Interestingly, the law did not decisively alter the immigration policy. The bill aimed to solve practical issues of the FRCs staffing and the construction of facilities for the detention of illegally residing third-country nationals. The bill's only significant change was the possibility of private security companies to guard FRC's.

Arguably, there was nothing in the bill that may excuse the invocation of the emergency clause, the securitizing discourse used within the law, and the parliamentary debate in which the prevailing discourse was that of a security emergency threatening the life of the nation. There was a significant exaggeration of numbers during the discussion, with most right-wing parliamentarians (irrespective of their party affiliation) claiming that the number of irregular immigrants exceeded one or even two million. Additionally, the majority supported that immigrants were responsible for the *“frightening rise of criminality”* and the *“ghettoization of the urban areas.”* Furthermore, among the most commonly used arguments was that of the difference in the value system and the cultural disparity of immigrants, which according to the Nea Demokratia MP. Michelakis, *“are responsible for the unprecedented violence experienced by Greek society since the human life has absolutely no value for them”* and that *“they are responsible for the overthrow of democracy since they deprive the Greek citizen of the basic right to security.”* Even more indicative was the speech of Mr. Dendias, who once more stressed that *“we are in a state of emergency. The country is in danger. We have to do our job otherwise the country will collapse”*.

In retrospect, invoking Art.44.1 of the Constitution appeared as an impressive move by the government and indirectly consolidated the way immigration would-be dealt with. The construction of immigration as a multilayer threat in the preamble reflected ever since almost every political initiative regarding immigration and the elite discourse.

Notably, in September 2012, following Prime Ministerial orders, the Ministry of Justice promoted legislation according to which illegal entry into the country will be considered an aggravating circumstance in case of a fraudulent crime and will increase penalties (Theodoridis 2012,24).

There was no other important migratory-related legislative initiative between 2012-2013. The weight was put on securitizing practices, enhanced during this period with the operations “Xenios

Zeus” on the mainland and “Aspida” at borders. Additionally, there was a continuous elevation of immigration in the security agenda, either through the press or through parliamentary statements, which solidified migration as a meta-issue, threatening every aspect of life. Thus, the diffusion of negative stereotyping and the construction of fear became a prominent feature of political discourse during this period.

Governmental officials, including the Prime Minister, through the press or parliament, frequently used securitizing discourse, presenting immigrants as carriers of diseases that threaten to harm citizens; as those responsible for increasing crime; as those accountable for rising unemployment and as a threat to the national security of the country, either by connecting them with Turkey or by invoking the violation of the borders as a criminal offense. For instance, the Minister of Citizens Protection, Mr. Dendias, supported the retention of the term “illegal” instead of the word “irregular” in European political vocabulary, claiming that “*The violation of Greek and European borders is a criminal act according to the Greek law. It is our right to defend our country, and we will not feel guilty about it*”(Nea 15/11/2013). What Mr. Dendias claimed was the right to perpetuate the criminalization of irregular immigration and asylum-seeking since none of his statements made any division between the two terms, elevating irregular entry as the decisive element for criminality.

Another critical element of the securitizing discourse was the frequent statements regarding the expectance of a “*dramatic rise inflows,*” which was often accommodated by statements regarding the “*quality of immigrants,*” which Mr. Dendias called “tragic” (Vima 4/2/2014). The majority of public comments included policies and measures to tackle immigration and provide security to the public.

The anti-immigrant rhetoric infused in all aspects of political life, including the municipality elections, during which the construction of a mosque in Athens became a focal point in the debate. The construction of a mosque in the capital dated for years, rising strong political and public reactions. During the pre-electoral campaign, the Nea Demokratia candidate opposed the construction of the mosque, stating that “*the mosque will become a gathering place for illegal immigrants. Athens does not want another pole of attraction for illegal immigrants or tends under the Acropolis.*”(Vima 16/4/2014). This statement revealed the dominant political position that any

cohesion to immigrants would be detrimental to the country itself, as it also implied the cultural difference of "glorious" Greek culture vis-à-vis underdeveloped immigrants.

What can not be overlooked was that the high levels of securitizing discourse came when racist violence and racist speech acquired a kind of normality in public life. As we will observe in a later section, Golden Dawn's political rise was accompanied by an unprecedented rise in racist crimes that are often directly or indirectly linked to the majority of the political elite's securitizing discourse.

Notably, the government's securitizing discourse was addressed to the country's interior and had external extensions, mainly towards the EU.

In the EU Summit of October 2013, Prime Minister Samaras tried to elevate irregular immigration as the most critical security issue in the EU, claiming it threatened to destabilize the European continent (NEA 25/10/2013). The government's ministers used the argument of uncontrollable flows as a means to demand further EU funding and the enhancement of Frontex operations, presenting the country as the guardian of EU stability (Vima 4/9/2014).

The government's securitizing logic is reflected in the Ministerial Decision N4000/4/59, which adopted the Opinion 44/2014 of the Legal Counsel of the State, which provided for the indefinite detention of immigrants, after the 18-month detention, in the form of a compulsory stay in pre-removal centers. According to the rationale of the Opinion (para.1), *"The release will result in the indirect legalization of foreigners' stay in the country and will intensify migratory flows, will lead to a rapid increase in the population of illegal immigrants with adverse effects on public order and security, taking into account the fact that they are deprived of survival resources."*

Regarding the potential deviation of indefinite detention with the Directive 2008/115/EC, the Opinion (para 23) stressed that *"The directive is aimed at establishing an effective return policy and not to the abusive application of protective provisions leading to an indefinite stay given the obvious consequences for public order and security in the country."* The excuse provided by the Committee appeared in contrast with the CJEU, which in the decision C-357/09 ruled that the EU Returns Directive *"in no case authorizes the maximum period [of 18 months] to be exceeded", even when the person concerned ... does not have valid documents, his conduct is aggressive, and*

he has no means of supporting himself and no accommodation or means supplied by the Member State for that purpose”. (ICJ 2014,15)

The ministerial decision sparked intense international and national criticism (AIDA 2014; EMN 2014; UNHCR 2014; International Commission of Jurist 2014). The Athens Administrative Court of First Instance ruled on 23 May (Decision 2255/23.5.2013) that migrants' indefinite detention violates national, European, and International Law, but still, the immigrants continued to receive official notice for the prolongation of their detention beyond 18 months (AIDA 2014). There were at least 20 cases during 2014 in which the Administrative Courts around the country found the extension of detention illegitimate (2014,28). Irrespective of the court decisions, the administration continued the practice in blatant contempt of Justice and circumvention of the rule of law's institutional guarantees.

According to interviewee X, this “*institutional deviation*” is not isolated by the government's general political position. The interviewee revealed that, despite the international criticism for the lack of reception facilities, this period's political position was that the phenomenon was primarily an issue of irregular immigration and that the best way to address it was through detention. Thus it was a conscious choice to allocate financial resources to the police services, while even the asylum service received more funding than the reception services. According to the interviewee, the then government aimed to force migrants to depart voluntarily from the country, using prolonged detention in conditions far below international standards. Notably, the extent to which these practices were contrary to international law and human rights was an issue that did not concern the authorities but instead used human rights restrictions concerning detention conditions as a conscious push factor.

In 2014 the government brought two new legislations for voting in Parliament. The first was the “New Migratory Code” (law 4251/2014), and the second was the “*Amendment of Law 927/1979 and its adaptation to the Framework Decision 2008/913 / JHA of 28 November 2008 on combating certain forms and manifestations of racism and xenophobia through criminal law*” (law 4258/2014/ anti-racism law). Arguably, none of the two legislative initiatives altered the government’s policy or the legal framework decisively. The Code was essentially the incorporation of all legislation, ministerial decisions, and presidential decrees into a legal text, while the anti-racism law came to add to the already existing but inactive legal framework for combating racism.

In both cases, however, the parliamentary debate turned into a deep ideological conflict between the left-wing parties and the far right, which used parliament as a means of anti-immigrant propaganda.

Law 4251/2014 Elite Discourse

In March 2014, the government brought to the parliament the “New Migratory Code,” which, according to the explanatory memorandum, aimed to unite in a legislative text all the scattered immigration legislation, thus consolidating an integrated immigration policy with a clear orientation in the field of legal immigration.

From the legal standing point, the new Code did not bring any significant changes. According to the observations of the Greek Ombudsman (2013), the Code included many positive elements, among which, the obligatory justification for the rejection of entry visas by the consular authorities (art.4.1); the extension of residence permits (art.7.5); the simplification of the process of issuing residence permits for humanitarian reasons and its extension to new categories, including victims or witnesses of racist violence or to persons who worked in particularly abusive working conditions (art.19); and the securing of residents permit for second-generation (art.109). Despite the favorable provisions, the new code maintained the expanded public order and national security grounds to grant residents permits, reinforced by public health security grounds.

The parliamentary discussion was heavily influenced ideologically, reflecting the ideological extremities of the new political landscape.

The first observation was the slight disparity in the MPs' positions of the three coalition parties who, even though they supported the new bill, their arguments derived from their different ideological approaches. As such, Pasok and Dimar MPs supported the bill to enhance integration, stressing that the new bill protects and supports regular immigrants creating a comprehensive framework for their integration into the Greek society. On the other hand, Nea Demokratia MPs maintained their security-oriented approach, supporting in their majority the need for the enhancement of police forces to tackle irregular immigration. Additionally, several MPs stressed that Greece was incapable of handling the uncontrollable flows of immigrants. Simultaneously, a small minority invoked cultural disparity between immigrants and nationals, which jeopardized integration, stressing that Greece is by no means a multicultural society.

On the other front, the leftist parties of SYRIZA and KKE criticized the government for the anti-immigrant discourse and practices, stressing that any security measures are condemned to fail in halting flows and that the government needed to abolish its securitizing orientation and adopt a more integrating approach with full compliance to the international and EU law. Both leftist parties supported that phobic syndromes drove the government against immigration and intentional deviations from human rights standards. Notably, most leftist MPs used their given time to condemn the operation “Xenios Zeus,” the extension of detention of irregular immigrants in substandard conditions, and the policy of closed borders engaged by the government. Furthermore, both parties agreed that the government constructed an internal enemy by securitizing immigration for electoral gains while creating a population of heavily marginalized labor force deprived of any sense of human rights protection.

On the other side, the presence of two far-right parties, ANEL, and Golden Dawn, in the parliament caused bidding as to which party would appear more anti-immigrant. Both parties supported that the new bill is anti-national, jeopardizing Greeks' rights by facilitating the entry of even more illegal immigrants. Additionally, both parties shared a similar populist discourse, claiming that immigrants were responsible for the country's economic and social collapse while elevating religion and the Greek civilization as the main target of immigrants who “*come in Greece with mandate mission to destroy*” (Arvanitis, GD MP).

The most significant difference between the two parties was in the language used. ANEL MPs deployed their anti-immigrant discourse with a sense of political correctness, without getting into the process of using extreme rhetoric and without turning against the state as a whole.

On the contrary, Golden Dawn MPs used the debate to unleash their party manifesto, arguing, as Mr. Arvanitis for example, that “*the state is anti-Greek, and has as its purpose the biological annihilation of the Greeks. The new code is an act of genocide, an effort to ex-Christianize the country*”. Additionally, Mrs. Zaroulia claimed that the criminal prosecution against the party that had started in 2013 was part of the state war against the Golden Dawn to punish it because it promoted Greeks' rights against foreign criminals.

It is important here to stress that despite the anti-immigrant discourse, the parliamentary discussion's overall climate was not as harsh as it was in previous sessions that we have already

examined. This more moderate stance in the parliament can be attributed to the overall context in which the debate took place.

One of the first observations was that most of the MPs who took the stand used their time to analyze fiscal issues or irrelevant amendments. Thus the actual reference on the Code or related migratory problems was somewhat limited.

Furthermore, the discussion took place in a somewhat volatile environment, two months before the European Parliamentary elections, and six months after the initiation of criminal proceedings against Golden Dawn, following the murder of the Greek anti-fascist singer, Pavlos Fysas. Before the murder, Greek society experienced an unprecedented rise of polarization, racism, and social violence. The economic collapse, let society unable to react against those incidents, premium Golden Dawn's social action, which according to its members *“aimed at civil war. It is us, the nationalist against immigrants and anarchist”* (MP Panagiotaros, Chanel 4).

The murder of Pavlos Fysas provoked the initiation of criminal proceedings against the party whose leadership was found imprisoned. During this period, the party stopped its activities in the streets. Compared to the previous years' rhetoric, it kept relatively moderate rhetoric until the 2014 European Elections, which raised the party even more in public preference, appearing the country's third political power. The numbness caused by the criminal proceedings seemed to have dragged political discourse to a more moderate level, not resulting from a general policy alteration but rather as a separation from the far-right rhetoric entirely attributed to Golden Dawn.

The reinforcement of Golden Dawn in the European Parliamentary elections gave the party a margin for political realignment. Thus, from July 2014, while the party's activities were significantly limited in the public sphere, the party intensified its presence in the parliament, using its criminal prosecution as a political argument.

Law 4258/2014

Law 4258/2014, known as the “anti-racist” law, was brought for discussion in September 2014. According to the explanatory memorandum, the law aimed to be the Greek contribution to the European initiative to combat racism and xenophobia, transposing European Decision 913/2009 in the Greek legal system. The new bill amended the previous anti-racist legislation dated since

1979, which had been characterized as among the most progressive legislations in Europe but remained inactive, even in cases with profound racist motives.

In essence, the new legal framework penalized the speech act, but according to the criticism, it failed to punish racist actions, which remained a subject of criminal law. According to art.1, the law penalizes acts *“which intentionally, publicly, orally or through the press, via the internet or by any other means incited or provoke into actions that may cause discrimination, hatred or violence against a person or group of persons identified based on race, color, religion, nationality, ethnic origin, sexual orientation, gender identity or disability, in a way that endangers public order or poses a threat to life, freedom or physical integrity.”*

It is surprising, though, that the parliamentary discussion revolved mainly around immigration. We have identified three main thematics during the debate. The first came from the leftist parties that strongly criticized the law for excluding racist violence and the absence of substantive protection of victims when reporting such incidents. Additionally, most of the opposition accused the government of institutional racism infused in every aspect of public life, through the police practice, the judicial system, and immigrants' marginalization.

The second thematic was mainly used by Nea Demokratia MPs, who, while supporting the law, insisted on denying racism or xenophobia in Greek society. According to MP Likourentzos, *“racist crimes are isolated phenomena which ruin Greece's reputation [...] newcomers are not immigrants, are third-country citizens who came into the country illegally and must be treated accordingly”*. Surprisingly several Nea Demokratia MPs used arguments similar to that of Golden Dawn. For instance, MP Nerantzis and Kasapidis voted against the law because it favored homosexuality and because they deemed the law as racist against Greeks. Significantly the same arguments were used by the ANEL MPs, who voted against the law. For instance, according to MP Chrisoveloni, the previous law remained inactive because there were not racist incidents in Greece while claiming that The anti-racism law should not be a priority over the protection of the Greeks and that it will become a weapon in the hands of illegal immigrants for their benefit

Finally, Golden Dawn, empowered by the European Parliamentary election's results, engaged in a highly anti-immigrant discourse. We transfer here parts of MP Gregos's speech, which encompasses all the arguments posed by Golden Dawn MPs. According to Mr.Gregos, *“There are many ways to characterize this bill. We can characterize it as fascist, egotistical, racist, anti-*

Greek, treacherous, miserable, immoral, and many more. The law hides an unbelievable and abysmal hatred against Greeks”. He then proceeds to present the aims of the legislation, which according to his party, are the Islamification of Greece; the national degradation of the population; the ghettoization of the urban centers through the organized invasion of illegal immigrants who aim in the biological extinction of the nation; the insertion of jihadists who are trained in beheadings and finally that the law targets directly the foundations of the Greek nation which are the Orthodoxy, the language and the national purity. Finally, he called the law racist against Greeks.

Besides the qualitative discourse analysis of the minutes of the Parliament, it is interesting to observe the quantitative content analysis, which showed a prevalence of the positive discourse for the first time.

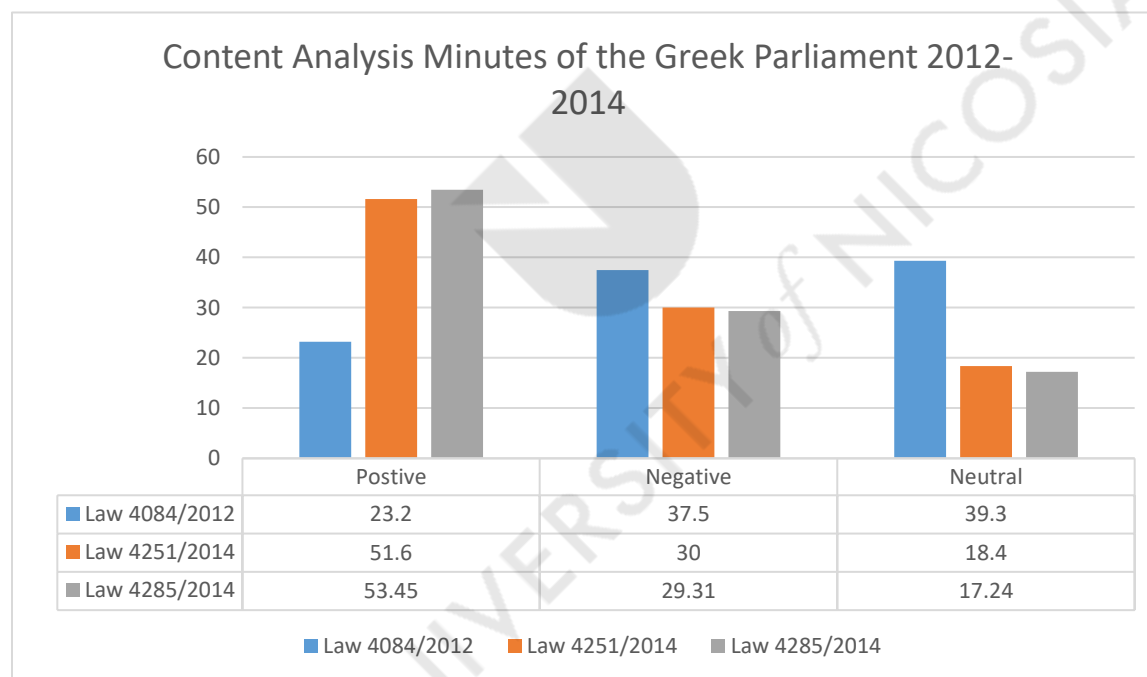


Chart n.11

The prevalence of positive discourse is not attributed to a change in governmental policy but rather an outcome of participation and political affiliations. Accordingly, there were seven elected parties during this period, of which three were leftist, one socialist, one conservative, and two nationalist or far-right. Following the evolutions regarding Golden Dawn described above, PASOK appeared to return to its socialist base. Thus while PASOK did not leave the coalition government, the MPs

seemed to support their party's socialist ideological lines. Therefore their discourse varied from neutral to pro-immigrant.

Furthermore, there was disproportionate participation of SYRIZA MPs in the discussions than Nea Demokratia MPs' participation. Finally, the ANEL and Golden Dawn MPs did not follow the example of LAOS, in which, in the past, almost all MPs took part in discussions on immigration. For instance, during the anti-racism law discussion, only nine out of 18 MPs of Golden Dawn and five out of 20 of ANEL took the stand. Finally, we can not overlook that DIMAR MPs who participated in the coalition government followed pro-immigrant rhetoric, raising the positive discourse percentages significantly.

One important final observation is that, despite the positive discursive climate in the parliament, with the prevalence of pro-immigrant discourse, the media refrained from presenting the positive attitudes. By examining the press, we did not find any mention to the parliamentary discussion, unlike other periods, except for general reports regarding the Migratory Code. On the contrary, as we will see in the next section, the media were keen to present the governmental officials' securitizing discourse.

Media Discourse

The media discourse during this period appears to follow the pattern established in the period 2009-2011. Accordingly, immigration appeared in the media in even higher frequency, exceeding the one article per day per newspaper ratio, reflecting the rise of immigration in the political agenda.

The following chart includes the content analysis of the media report during the period 2012-2014. The presentation contains the findings of the two previous periods to have an exact comparison.

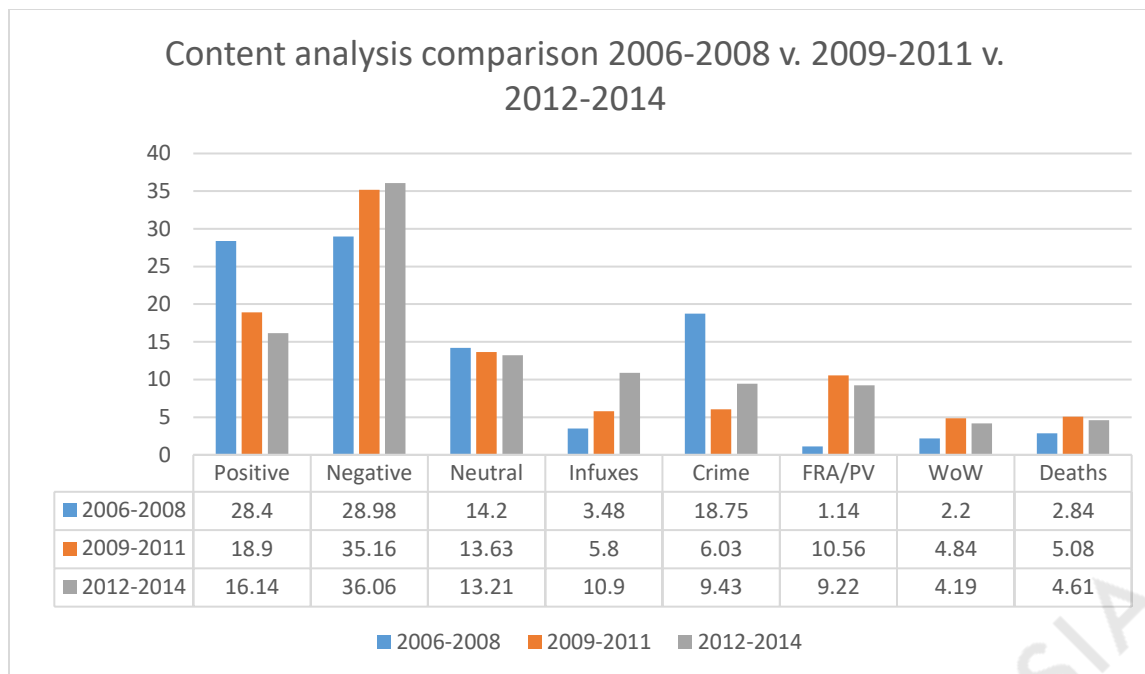


Chart n.12

At first reading, we notice a slight rise of the negative articles, but if we add to this category articles referred to crime and in the influxes, we observe an increase of approximately 10% in the texts with a negative predisposition. The qualitative analysis of the articles confirms this outcome. While in the previous period, the articles regarding criminality referred mostly to smuggling networks, during this period, following the political discourse, the articles referring to criminality included extensive reports on the rise of criminality in urban areas with irregular immigrants' presence. Additionally, there was a significant rise in articles referring to influxes, which included negative connotations in their totality, including phrases like “invasion,” “overflowed,” and “suffocation.” This comes in a period during which, as we will observe in the following section, the irregular immigrant flows dropped significantly, reflecting a rather hostile predisposition of the press, which was found to be under the overall elite discourse.

Among the most important deviations of this period from the previous is the rise in negative articles that at first sight appeared disassociated with the elite discourse. Accordingly, we found reports regarding the health hazards posed by immigrants due to their deplorable living conditions and the degradation of living standards in urban areas. In reality, even though not directly including elite statements, those articles appeared to be dictated by the elite discourse, which, as we have

observed, shifted its security focus in the internal terrain. Thus the articles appeared as an autopsy verifying the elite discourse. Importantly though, only a fracture of those articles can be considered as complete negatives. On the contrary, many of these articles presented the situation as a humanitarian crisis, directly or indirectly blaming the welfare state's absence, which was supposed to protect both immigrants and locals.

Still, the significant majority of negative articles were news reports transmitting the elite discourse and the government's security practices against irregular immigration. Even though once more we observe the absence of articles that could be described as a remnant of “moral panic,” except for the articles referring to arrivals, the media engaged in the securitization of immigration by transmitting the elite position. Another important observation is that despite the positive elite discourse's prevalence during the parliamentary debates, the media avoided presenting positive attitudes.

Interestingly, we observe that there is a disproportionate presentation of anti-immigrant positions even if we consider that the presentation of the securitizing discourse as involuntary, being a part of the declaration of government policies, the absence of the pro-immigrant discourse raises questions about whether the media finally consciously reduced the visibility of pro-immigrant discourse.

These observations lead us back to the discussion with Mr. Aggelides, who, during the interview, stressed that the media discourse is influenced both by the political elites and the public. According to Mr. Aggelides, *“the anti-immigration discourse had a greater impact on the public, from a commercial point of view. During that period, Society had developed an anti-immigrant perception, which was also reflected in the press. The relationship remains circular, with the press, political discourse, and society giving each other feedback. The political discourse is the one that gives the rhythm, and when we say politically, we mean the governmental one, which also represents as an indicator of the social perception of each period.”*

In the opposite direction, we observe a gradual qualitative upgrade of the articles with positive content. Among the most important observations of the previous period was the absence of human rights discourse and the prevalence of humanitarian discourse in the media. During this period, though, there was a significant qualitative shift towards a more human rights approach. Thus, in several cases, articles hosted statements by international human rights bodies stressing the need to

implement the human rights framework and even engaged in critical journalism towards issues with observed severe human rights violations.

For instance, extensive reports referred to Manolada as a matter of grave human rights violations, presenting both the internal and the international legal framework protecting irregular immigrants. It is perhaps the first time we found such a reference in the press. The case of Manolada is not isolated. What is being observed is a genuine qualitative upgrade of journalism that seems, at least in the articles with a favorable predisposition, to avoid sentimental and humanitarian positions and raise the protection of human rights in its real legal and practical dimension.

The qualitative upgrade of media reports is a welcome phenomenon, but the sizeable numerical difference between positive and negative articles could not influence the public's view decisively in how it perceived migration. Furthermore, the market-driven approach of the media favored the securitizing discourse at the expense of pro-immigrant discourse. In a period in which public perceptions were heavily influenced by the government's securitizing discourse and the far-right, the media appeared to overlook the gradual rise of de-securitizing speech in the parliament and by large parts of the political world.

Besides, this period confirms the inextricable link between political and media discourse. Even though unlike in the past and in particular with the first period of migration flows, the media did not actively participate in the securitization of migration as significant actors, nevertheless the transfer of the extreme anti-immigration political discourse and the preoccupation with security practices of the current period confirms the position the media remained an important facilitator in the securitizing process.

Contextual Parameters

The period 2012-2014 is characterized by acute economic and political volatility. While the country struggled to navigate through the financial collapse, the Troika's austerity measures impoverish the Greek society, leading to political polarization. Meanwhile, the rise of neo-nazism as a political entity in the national elections of 2012 unleashed an unprecedented wave of racist violence not only for the Greek but also for the European context.

On the international front, the implosion of Syria and Iraq, and the rise of ISIS, created a new wave of moving populations. The security measures in Evros borders managed to seal the entry through

the country's land crossings but eventually diverted influxes through the more precarious sea crossing through the Aegean islands.

This section, divided into three subsections, aims to shed light on the political evolutions in the country, the change in irregular immigrants and asylum seekers influxes, along with the public attitudes towards the phenomenon of immigration, to examine the contextual changes that influence immigration policy and the securitization of immigration.

Political evolutions

The period 2012-2014 was characterized by political volatility amid the economic crisis, whose social effects became more apparent in the most negative way. Austerity measures imposed on the country led to the dramatic rise of unemployment, from 8% in 2008 to more than 25% in 2012-2014. Furthermore, a significant wage cut of 5% of GDP contributed to the dramatic increase in income inequality. This was helped by the rigidity of prices concerning reducing incomes, which undermined the purchasing power even more (Mavraganis 22/01/2015).

The substantial impoverishment of a large part of the Greek population and the uncertainty caused by the unfavorable economic situation led to an unprecedented political polarization expressed most decisively in the two electoral debates of May and June 2012.

In April 2012, Prime minister Lucas Papademos announced elections in May 2012, stating that his government had completed its mandate, which included the fulfillment of the obligations launched by the previous government; the disbursement of the next installment of the loan agreement; the voting and implementation of the remaining structural measures set by the European Summit of 26 October of 2011 and the preparation of the early national elections.

The 6th of May's national elections failed to form a new government, while neither the cross-party consultations achieved any form of cooperation. The results indicate the rapid shift of the country's political landscape, signaling the collapse of political bipartisanship, with the percentages of the two formerly ruling parties, the PASOK and the Nea Demokratia, shrinking by 42% in combination. In particular, Nea Demokratia lost 14,62% of its electoral power compared to the 2009 elections, managing to receive only 18,85% of the votes, while Pasok lost a staggering 30,74 acquiring only 13,18%.

Another significant change was the shift of voters in the left and the far-right parties, indicative of the polarized climate. Following this trend, the coalition of leftist parties, SYRIZA, a former marginal leftist group, became the second most important political power, acquiring 16,78% of the votes, marking a rise of 12,18%. The communist party of KKE experienced an increase in its power and received 8,48%, while the new leftist party DIMAR received 6,11%. In total, the leftist party managed to acquire a significant 35% combined.

Simultaneously, the new nationalist party ANEL managed to receive 10,6%, while the neo-nazi party of Golden Dawn managed to achieve an unprecedented rise of 6,68%, reaching 6,97% of votes. Adding up with the 2,9% received by LAOS, which failed to enter the parliament, the nationalistic far-right voting reached a staggering 20,47%. It is essential to clarify that the three far-right parties had significant ideological differences that prevented them from forming a sizeable far-right coalition, which could become the most robust political entity at the time.

The failure to form a new government led the country to another round of pre-electoral battles, characterized by the press of the time as the most crucial electoral debate of the past 30 years (Vima 15/6/2012).

The debate revolved mainly around the economy, reaching extreme points of political devaluation. The main narrative was the division between memorandum and anti-memorandum with accusations of national treason and anti-Hellenism on both sides, while there were also verbal parallels with the past, especially of the German occupation and the civil war.

While the main point of contention was the economy, there was a robust anti-immigration discourse, especially from the Nea Demokratia, but also the Golden Dawn, whose anti-immigration activity peaked in the electoral period with a significant increase in racist physical and verbal attacks.

The leader of Nea Demokratia, Antonis Samaras, used the country's EU course as his central argument, while his pre-electoral campaign did not lack robust anti-immigrant discourse, as the slogan of *"recapturing our cities by immigrants"* was present in every pre-election action. During the pre-election period, Mr. Samaras managed to gather around him both fractures of the conservative right who had previously left the party and parts of the far-right with the absorption of former LAOS members, thus achieving a significant increase in the percentages of his party.

In such a volatile political and economic period, it is hard to assess anti-immigrant discourse's power, at least for the rise of electoral power for the conservative right. In the same period, Golden Dawn conducted an intensely anti-immigrant pre-electoral campaign accompanied by physical and verbal racist attacks. Anti-immigrant and anti-systemic arguments became the vehicle of Golden Dawn, which according to the political analyst Mr. Vernardakis, acquired the majority of its power from the lower social strata, which had been severely affected by the economic crisis.

The 17th of June national elections' results failed once more to give an absolute parliamentary majority to a single party. Accordingly, Nea Demokratia raised its power by 10,81% compared to 29,66% in the May elections. SYRIZA experienced a similar rise, reaching 26,89%, while ANEL and KKE experience significant electoral losses of more than 3% each, receiving 7,21% and 4,5%, respectively. Simultaneously, DIMAR and Golden Dawn maintained their power by receiving 6,25% and 6,92%, respectively.

Following intensive negotiations, Nea Demokratia, Pasok, and Dimar manage to form a new coalition government, named "*Government of National Responsibility*," with Antonis Samaras's leadership. As already observed, and while the main body of the inter-party agreement referred to the economy, an important part was devoted to the curtailment of irregular immigration and the implementation of stricter migratory measures. Throughout the coalition government, Antonis Samaras's leadership tried to maintain a fragile balance between the security approaches of his party and the more socialist approaches of his two socialist and leftist counterparts. This can partially excuse the absence of decisive legislative measures on behalf of the government, which gave full weight to securitizing policies and practices reflecting the governmental philosophy, which was inspired by the logic of restraint versus management.

In the 2014 European elections, the equilibrium changed in favor of Syriza, which managed to overpass Nea Demokratia, receiving 26,56% of the votes, while the percentages of the Nea Demokratia fell to 22.72%. Pasok, which was renamed ELIA, fell to 8,02%, while the new party of Potami received 6,61%. Anel suffered significant losses as well, receiving only 3,46%, KKE received 6,11%, while Dimar, which left the coalition government in 2013, failed to elect a Parliamentarian.

Contrary to what one would have expected, amid the criminal proceedings against the party, Golden Dawn managed to raise its power by approximately 3%, receiving 9,39%, and becoming the country's third political power.

The reinforcement of Golden Dawn in the European elections is the most characteristic example of the introversion of Greek society, in which the anti-immigrant speech of the Golden Dawn had a more significant impact than its crimes. The party inserted a new ethos in the Greek political landscape, with the frequent use of physical and verbal violence even inside the parliament, while it normalized racist violence in the society.

In the meanwhile, the far-right approach of Nea Demokratia led to electoral losses. According to Dr. Papastylanos, “ *the choice of the Nea Demokratia to follow extreme right-wing rhetoric ultimately worked against it. The anti-immigration rhetoric was an easy political tool that theoretically had no political cost. In the end, however, it led to electoral losses.*”

Nea Demokratia government, fulfilling its pre-electoral promises, was soon to take action upon immigration, which the party's officials constructed as the nation's gravest existential threat. While the outcome of the governmental securitizing practices is a matter of analysis in a later section, we will now observe how securitizing measures affected irregular flows. Furthermore, we will see how the governmental fixation on irregular immigration's curtailment prevented the state from realizing that it was facing an emerging refugee crisis and taking the appropriate measures. Instead, the government overlooked international organizations' warnings and continued to treat flows as a pure security issue.

Influx

While the prevailing discourse constructed immigration flows as a continuous crisis, this period's data reveal an essential drop of irregular entries and an overall limitation of immigrant stock. Significantly, as we will examine, while the mixed flows were dominated by economic migrants in previous years, with significant numbers of asylum seekers, the course until 2014 reversed this fact, with the flows consisting mainly of people fleeing from war zones.

Three critical parameters appear to influence the migratory phenomenon in Greece during this period.

The first was the economic crisis, which led to a significant outflow of immigrants legally residing in Greece in the previous years and the inability of many who remained in the country to renew their residence permits (Gemi 2013).

The economic crisis led to a sharp rise in the country's unemployment rates, which severely hit immigrants as well. We observe immigrants' gradual rise in the labor and wage scale during the previous years, while the unemployment rates were in 2008-2009 at around 4% (Triantafillidou 2013). In 2013, though, the immigrant population's unemployment rates increased to 27,9%, while the construction sector's collapse further raised the unemployment rates. This resulted in what Triantafillidou called (2013,5) an internal immigrant crisis. Given that the issuance of resident permits was linked to the payment of insurance contributions, a significant number of long-term legally residing immigrants could no longer pay the contributions, thus falling to the status of illegality.

This partially excuses the significant drop in the issuance of valid stay permits. According to data provided by the Ministry of Interior, in 2012, the Ministry issued 440 000, in 2013 507,276, while in 2014, the number fell to 449,889 (EMN 2012;2013;2014). The drop of valid stay permits did not signify an outflow trend, but rather the de-legalization of many immigrants who remained in the country illegally (Triantafillidou 2013,9). According to Gemi (2013,24), in 2012 alone, 36% of regular immigrants could not renew their legal stay permits due to unemployment.

Furthermore, Gemi (2013) revealed that a significant percentage of around 15% of Albanians return to their country of origin during this period. The number is consistent with the comparison of stay permits issued for Albanians between 2011-2014. Accordingly, in 2011 there were 388,666 issued residents permit for Albanians, while in 2014, the number dropped to 302,148. Notably, many Albanian returnees continued to work in Greece temporarily, taking advantage of visa liberalization. In this way, temporary employment emerged as one of the most important reasons for Albanians' irregular mobility in Greece, justifying as we will see below the significant numbers of arrests of Albanians in the country.

The economic crisis appeared to influence the inflows of economic migrants of different origins as well. According to Triantafillidou (2014), significant numbers of flows from Turkey bypassed Greece, entering through Bulgaria and following the Balkan route through Macedonia, being aware that Greece had nothing to offer in terms of labor or asylum perspectives. Significant flows

were diverted through Libya as well, following the country's implosion, which led space for the uncontrollable operation of extensive smuggling networks, which diverted flows through the central Mediterranean route to Italy (Forntex 2014).

The second important parameter was the gradual sealing to Greek- Turkish land borders, which by 2011 were the main entry-gate to Europe. Frontex Operation “Poseidon Land,” along with the operation “Shield” of the Greek government and the finalization of the Evros fence's construction in 2012, diminished the entries through Evros. Simultaneously though, the sealing of land borders led to a ten-fold rise in sea crossings, proving once more that the flows can not be halted through security measures but instead will lead the smuggling networks to more precarious and expensive routes.

The Greek police apprehension data provide significant insights for the shift of flows, especially regarding the change from land to sea borders. Once more, we should stress that apprehension data do not exclude asylum seekers, since as a matter of course, the Greek police do not differentiate apprehensions; thus, everybody is counted as irregular immigrants.

	2012	2013	2014
Greek-Turkey Land Borders	30,433	1,122	1,914
Greek/Turkey Sea Borders	-	11,111	42,651
Greek/Albanian Borders	10,927	10,413	9,290
Greek/Macedonia Borders	1168	1,041	1,216
Greek/Bulgaria Borders	365	-	780
Crete	2834	2,557	3,093

Rest of the Country	31,151	16,253	18,219
Total	76,878	43,002	77,163

Table n.10

A rational reading of the data reveals two critical observations. First, that the argument of the Greek government of an ongoing immigration crisis was a fallacy. As we can see, apprehension numbers dropped significantly during this period, marking a sharp decrease in inflows, potentially making the management of flows more effective. According to Frontex's data, in 2013, Greece marked a 41% drop in illegal border crossings and a 41% drop in unlawful stays, reflecting a significant reduction in migratory pressures.

Furthermore, there was a rise in expulsions, forcible, or voluntary. According to EMN data (2013, 2014), between 2012-2014, 74,092 persons were returned to their countries of origin. Police data revealed that Albanians continued to be the majority of returnees, but compared to previous years, during which Albanians' ratio exceeded 70%, during this period was less than 40%. Furthermore, since 2011 there was a slight but important rise in the effective readmissions to Turkey, even though they were still far behind the expectations (Triantafillidou 2013,11).

The second observation is that the sharp decrease of land crossing through Evros, succeeded by a similarly sharp increase in sea crossings, which multiply geometrically between 2012-2014. The construction of the Evros fence and the Frontex and Greek operations at Evros land borders succeeded in diminishing the flows from the, arguably, safer land crossings, but eventually flows diverted through sea borders, portraying once more that security measures are not sufficient in curtailing flows. We should remind here that Frontex operation "Poseidon Sea" launched simultaneously with the operation "Poseidon Land," while significant national resources were diverted to the protection of sea borders. However, the extensive Greek coastline made the operation practically insufficient.

Finally, as we can see, following the significant decrease in inflows in 2013, flows rose again in 2014. Even though the flows remained significantly lower than those of 2009-2011, the reemergence of flows from different routes indicates a gradual intensification of border pressures deriving from the broader contextual changes in the Middle East.

The last point led us to the third parameter, influencing the migratory phenomenon of this period. The implosion of Syria and Iraq and the rise of ISIS created a significant wave of refugee populations, initially diverted to neighboring countries. The perpetuation of conflict led those populations to proceed to secondary movements across borders, aiming to reach the EU. Notably, the flows intensified by the end of 2014, given that the Syrian implosion took the form of a protracted civil war.

The regional evolutions are directly reflected in the apprehensions by nationality, presented in table n. 11.

Apprehensions	2012	2013	2014
Albanian	10,602	15,389	16,751
Afghanistan	16,584	6,412	12,901
Pakistan	11,136	3,982	3,621
Syria	7,927	8,517	32,520
Bagladesh	7,863	1,524	1,164
Iraq	2,212	700	1,023
Palestine	1,718	469	622
Somalia	1,765	1,004	1,876

Table n.11

The numbers indicate that as we move towards 2014, most new entrants consisted of nationalities eligible for international protection. As we can observe, most new entries originated from Syria and Afghanistan, which along with Iraq and Palestine, were over 60%, without counting people from other war-torn territories such as Eritreans and Nigerians.

Data reveal that what Frontex reports (2013; 2014) and the Greek political elites called an immigrant crisis was, in reality, an emerging refugee crisis. Notably, though, and even though most newcomers were eligible for international protection, asylum applications during this period did not correspond to the numbers of new entrants.

The following table provides for asylum data, extracted by UNHCR annual reports

	2012	2013	2014
Pending cases- Beginning of the Year	44,302	36,183	49,830
New applications	17,338	14,399	17,557
Recognition 1st Instance(Refugee or Humanitarian)	627	1413	3,852
Closed Cases	27,665	22,917	41,038
Pending end of the year	36,183	49,830	31,929
Recognition rate	0,9%	6,1%	9,3%

Table n.12

While there is a significant improvement in recognition rates, we can now see that the numerical data are not compatible. According to UNHCR (2014), there are two reasons for this disparity. The first is that, despite the reforms in the asylum system, following the creation of the new Asylum Service in 2013 and establishing the first 5 out of 11 regional Asylum offices, certain structural inefficiencies persisted. The administrative detention of newcomers continued as the dominant policy, while the long of asylum claims often resulted in an extension of detention. Thus, most entrants refrain from applying for asylum at detention centers, transferring the bulk of the process to the Athens Regional Office, which received more than 68% of the applications.

The second reason is that large numbers of Syrians refrained from applying in Greece, already informed by the smuggling networks of the system's essential deficiencies and the lack of any substantial protection. Thus, the majority viewed Greece as a transit state, aiming to move onwards to Western Europe (Frontex 2014, 35). Furthermore, since August 2014, Greece implemented a fast-track recognition procedure for Syrian holders of ID papers, valid for six months, which did not provide the protection guarantees contained in full refugee recognition under the Geneva Convention (UNHCR 2014).

At this point, it is essential to attempt an assessment of how Greece utilized the Frontex early warning system or the warning of other important actors. Frontex Annual Risk analysis report of 2014 warned the Greek authorities about the displacement of routes in the Aegean, warning of a potential humanitarian crisis that could emerge at any moment, putting significant pressure on the islands' limited capabilities. It is worth noting that at no point in the Frontex report, the emerging crisis is described as a refugee crisis. The report referred only to migratory pressures triggered by the ongoing civil war in Syria. Nevertheless, Frontex risk analysis warned Greece of an emerging crisis that could be triggered at any moment.

In the meantime, UNHCR, in an urgent public statement, in July 2014, called its partners to contribute an added 3,74 billion Euro to the Syria Regional Response Fund, warning that the regional situation is deteriorating and that the organization could not support the growing populations of a refugee fleeing the country. The organization warned that a potential failure to retrieve the necessary funding would trigger unprecedented secondary movements since people will seek to escape to the EU to search for better conditions.

Despite the efforts, we found no evidence that the Greek government took any of the two reports seriously. Until the end of 2014, no governmental official, parliamentarian, Minister, or even media report referred to the rise of flows in terms of refugee influxes, nor any effort to create the minimum structures. The only two reports we manage to retrieve comes from the public statements of the Minister of Merchantile Marine, who described the country's operational plan for Syria. The plan included the reinforcement of the coast guard's material and human resources capabilities with *"a particular emphasis on deterrence through the co-operation of the Coast Guard, the Greek Navy Police and the Army"* (Vima 18/9/2012). The statement ended with the promise of creating new reception centers on the islands, a commitment that until 2014 remained vague (Nea 10/10/2014). The second came from an interview in "E" magazine in 2013. The minister was asked how the country is preparing to deal with a possible escalation of the refugee flow. The Minister's reply is indicative: *"our dogma did not change. It remains a deterrence to the illegal entry of migrants. I understand the humanitarian dimension, but Greece can not become the warehouse of Europe. The coast-guard currently undertakes the largest anti-immigration operation. Our priority remains the curtailment of illegal immigration"*.

The above analysis provides two important insights. First, as the number reveals, the country was far from considering as facing an immigrant crisis compared with the previous years. Numbers were significantly lower, while in conjunction with voluntary and forcible repatriations, signify a substantial minimizing of immigrant stock. Thus, the government's narrative appeared as an over-exaggeration of numbers in the context of political exploitation of the securitization of immigration. The second insight concerns the “quality” of flows. Considering the countries of origin, we can see that the flows during this period were predominately refugee flows. The majority of new sea-entries originated in war-torn areas, demanding, in a sense, a new approach for the management of flows. Despite that fact, the Greek administration continuously perceived the flows as irregular immigrant flows dealt with purely security terms. This position had significant ramifications both in the treatment of immigrants by the government, and importantly, it led the country entirely unprepared for the real crisis of 2015.

Public attitudes

The securitizing discourse of the political elites and the volatile economic and political environment directly impacted public attitudes, which, as observed, entered already in an anti-immigrant trajectory. According to Floyd (2011), speech acts validity relies on the ability to issue a threat, a warning, and a promise. This period's political discourse succeeded in issuing a threat that convinced the audience of the need for further measures but failed to fulfill the promise of protection. The security gap, described in the previous period, although it was an imaginary creation intended for the political exploitation of immigration, grew to such an extent that securitizing practices appeared no longer sufficient. In contrast, the public's insecurity grew at levels never seen before.

Having already observed the securitizing discourse of political elites, which elevated immigration as an existential threat to the state's survival, the increase in public phobia should not be a surprise. Notably, the “phobic syndrome” of society manifested through an unprecedented crime-phobia, which focused on the presence of immigrants as a threat

To make this position even more visible, we attempted to compare public opinion surveys across the four out of five periods examined so far.⁵ To have an exact comparison, we selected three questions that were found common in all surveys. The selected surveys were carried out by the

⁵ The period 2006-2008 is excluded in the absence of relevant opinion poll

same company, namely Kappa Research (Vima 1995; 22/12/2009; 8/4/2012; Nea 20/5/2004), while only one answer was drawn from Eurobarometer (1997)⁶. The results are presented in chart n. 13.

The comparison indicates the rise of society's negative perception of immigrants, which reached almost absolute levels, on criminality.

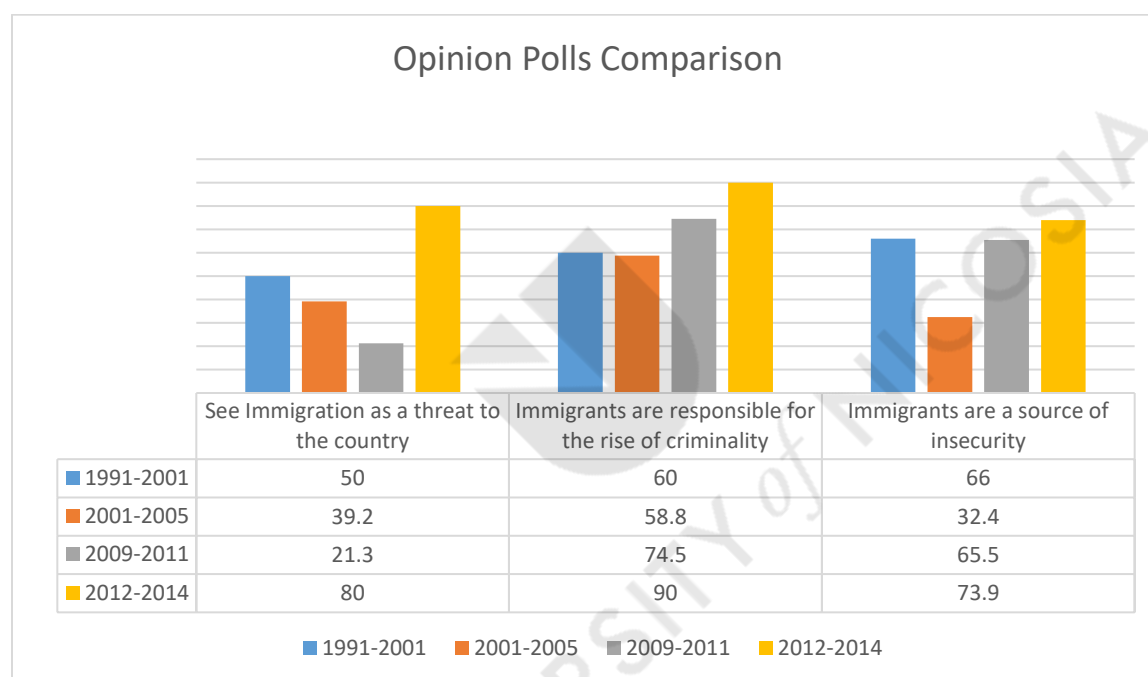


Chart n.13

The growing insecurity came when, in fact, there was a decline in all crime rates, based on police statistics, and Greece was ranked at the bottom of Eurostat(2013) as among the countries with the lowest crime rates in Europe. We paid particular attention to the indicators referred to as precarious in political statements, i.e., theft and drug trafficking, which were often presented as sectors where illegal immigrants have increased participation. We found an increased presence of immigrants in

⁶ Whether immigrants are responsible for the rise of criminality in the period 1991-2001

these areas of crime, which exceeded the percentage of their presence in Greece, as seen in table n.

Immigrant participation (arrests)	2012	2013	2014
Robberies	42%	32.8%	28.66%
Drug-related crimes	26.6%	21.22%	17.91%
Over-all participation	40.57%	32.75%	31.36%

Police data, though, must not be understood only numerically. Besides the significant gradual decrease in immigrant participation in criminality, we should consider the higher policing of those populations. Significantly following Xenios Zeus's initiation, immigrants became the most controlled part of the population, resulting in higher arrest rates than Greeks. It is also important to note that based on the data of the police and especially on the issue of thefts and burglaries, the majority of them concern the so-called "survival crimes" (Hellenic Police Press release 2014), which is seen in the light of the absolute poverty in which fell a large portion of immigrants, as we saw in the previous subchapter, partially justify the increased participation. It is worth noting that by analogy, the most extensive involvement of immigrants is observed in the crime of begging, where it exceeds 90%, and that of forgery of documents, which also exceeds 90%, crimes that, however, do not have a direct aggravating effect on society to justify increased phobia.

Police lieutenant Mr. Lolis of the police's anti-racist department revealed that the higher apprehension rates were not an outcome of the higher participation but the racist predisposition of police forces towards immigrants. According to Mr. Lolis, there is a prevailing racist narrative among police forces that *"the police must guard normalcy. Immigrants do not belong to it, they are strangers. Normality concerns only the Greeks"*. Accordingly, immigrants are considered a priori criminal, thus *"are arrested much easier and more often than the Greeks. So it is not a matter of increasing crime but a disproportionate percentage of arrests"*.

The Greek Ombudsman(2013), in an extensive survey regarding racism in Greece, analyzing the relationship between crime rates and political rhetoric, recognized that social anti-immigration panic is essentially the result of the state's long-term failure to manage immigration and the political exploitation of immigrants. As she stressed, the criminality rate analysis reveals that the real problem was not an increase in crime but the systematic cultivation of xenophobia by the political forces, which created in the collective consciousness a perception of threat that legitimized extreme practices as a “necessary evil” to neutralize the constructed threat and which was ultimately politically oriented.

In the previous period, we have examined the exploitation of the perceived “security gap” by racist forces, especially from the neo-nazi party of Golden Dawn. The increased levels of public insecurity appeared to widen the gap, consolidating Golden Dawn as a “necessary evil” to tackle the perceived existential threat of immigration. A mixture of social actions for Greeks, combined with the extreme anti-immigrant and anti-systemic rhetoric, which was strengthened by the broader political anti-immigration dialogue and the economic crisis, gave the party the necessary impetus to rise from the margins, in the center of Greek politics.

The rise of the Golden Dawn as a political force was accompanied by a sharp increase in racist crimes, as reported by numerous reports of that period (FRA 2012,2013; RVRN 2013,2014,2015; Ombudsman 2013; Amnesty 2013; Muizieks 2014; ECRI 2014; UNHCR 2014). All reports converge in associating those crimes with the rise of Golden Dawn, the lack of governmental reaction, and the tolerance or even participation of police forces and the public.

The extent of the phenomenon is evident in the findings of the RVRN annual reports. In the period 2012-2014, the network recorded more than 400 racist attacks in the regions of Athens and Patras, of which 340 targeted irregular immigrants, asylum seekers, and legally residing immigrants, resulting in four deaths and hundreds of severe bodily injuries. Ninety of the cases involved police misconduct or excessive use of violence, while the majority of assaults perpetrated by extremist hit-squads identified as members of Golden Dawn. Notably, only 69 out of more than 400 incidents were reported to the police.

Considering the geographic and methodological limitations of the network reports, it appears that the recorded incidents were the tip of the iceberg. To give a perspective, MDM reported that 1 to 6 victims were treated in their clinics weekly in Athens alone (Muizieks 2013, 6). Attacks were

described as blind, driven by the physical appearance of the victims. This fact led the US embassy to issue a travel directive in November 2012 warning of the risk of racist attacks on its citizens with specific racial characteristics (FRA 2013, 10; Ombudsman 2013).

While Golden Dawn seemed to be at the forefront of racist attacks, racist behavior was not limited to members or the party's supporters. For example, the armed attack against immigrants in Manolada, who demanded their earnings, was part of the pervasive hostile atmosphere created against immigrants.

Notably, racist violence appeared to be tolerated by the public and the government since there was no recorded strong reaction to the crimes and racist actions perpetrated either by Golden Dawn or by the public. Despite the escalation of racist violence, the government remained practically inactive, or according to Baldwin-Edwards (2014), unwilling to tackle the phenomenon, even denying its existence (Muiznieks 2013). The legal framework provided all the guarantees for the suppression of racist violence but remained inactive, fueling the institutional mentality of impunity that had already permeated the security forces and spread to civil acts.

The governmental inaction was founded on the assumption that racist violence is an outcome of the migratory and economic crisis, elevating the suppression of irregular immigration as a key priority in the fight against racism (FRA 2013). In reality, though, the legitimization of xenophobic discourse in conjunction with the governmental inaction maintained the belief that these behaviors are tolerable and perhaps necessary to protect society from the supposed enemy. Furthermore, evidence suggests the complete indifference of the administration towards the phenomenon. For instance, according to the president of NCHR, Mr. Papaioanou, which we should remind that it is a governmental advisory body when presenting the bodies findings on racist violence and human rights violations against immigrants to the Secretary-General of the Government, he replied, "*We do not care about immigrants rights*" (WSJ 2013; ECRI 2014;28).

Apart from the political system, apathy continued to be pursued by the police and the judiciary to investigate racist crimes, leading to perpetrator impunity. The CoE Human Rights Commissioner, Mr. Muiznieks, stressed that part of the problem is the in-application of the anti-racist legal framework and the prolonged process of adjudicating such cases, which appeared to be a structural problem of the Greek justice system. According to Mr. Muiznieks (2013,21), 438 judgments

delivered against Greece by ECtHR by 2012 concerned an excessive length of judicial proceedings while 250 were pending in 2013.

Dr. Papastylianos confirms that the excessive length of judicial proceedings runs contrary to the administration of justice. Even if an immigrant managed to overcome all obstacles, he is faced with a time-consuming, costly, and soul-destroying process from which he is effectively forced to give up.

After two years of inaction, the government finally stepped in to counter Golden Dawn's unlawful activities. The reference of the Golden Dawn in a trial for establishing a criminal organization in 2014 could be considered a government reaction to the racism. In reality, however, it was nothing more than a movement of self-defense of the political system.

As we know today, since the organization's trial ended in October 2020, the party was responsible for at least two murders, murderous attacks on immigrants, violent attacks on left-wing, anti-fascist organizations and immigrant associations, pogroms, and attacks against religious places, while the most severe accusation was that of the formation of a criminal organization.

The acts of the party were not targeting only immigrants. Upon elections, members of the party visited hospitals, nursery schools, private businesses, intimidating immigrants, and natives (Skleparis 2015). Intimidation was the preferred tactic of the party against opponents. According to Mr. Psaras, in Agios Panteleimon's area, which served as the base of the party, there were members of the community that supported Golden Dawn, but the majority felt intimidated by the party hit-squats, who threatened anyone who helped or interacted with immigrants. Additionally, there were frequent attacks against clinics, NGOs, human rights advocates, or people who stood in solidarity with immigrants and even against theaters and other spectacles perceived as contrary to the party's ideology.

Despite the organization's criminal activities, however, it took the murder of a Greek to provoke a state reaction. In 2013, members of Golden Dawn stabbed to death the Greek anti-fascist rapper Pavlos Fysas. Following the murder, the Minister of Citizens Protection, Mr. Dendias, called the prosecutor's office to investigate the party's criminal activities. In his letter to the prosecutor, Mr. Dendias stated that the "party's" actions were *"endangering public order and the country's internal security. These activities expose not only the natural and moral perpetrators but also the*

country itself, its democratic tradition, its legal culture, its commitments under international and European human rights law.” (Iefimerida 19/9/2013)

At the time, the Greek government's reaction, even though in the right direction, was not an outcome of an effort to deal with the party's racist crimes, but admittedly, it resulted from the organization's strategic mistake to turn against Greeks. We transfer here the interview transcript with Mr. Psaras, who explains why the Greek government finally reacted.

“ By the summer of 2013, the Golden Dawn felt invulnerable and was left unchecked as exactly no one reacted, neither politically nor socially. Violence against immigrants was legitimized through inaction. The party drew its image of power from bloody blind violence, and it managed to penetrate and "clean" as they said, areas from which they ultimately gained electoral benefits or silence approval derived from intimidation.

Fysas assassination intended to create what the organization had in its plans from the beginning, a widespread violent social conflict that would lead it to power. This was precisely what caused the system to react. The fear of both the social war and the fact that the organization had exceeded the limits with the risk that the next target was to be from the broader political space, something that the system could not cope with. If, the Golden Dawn, continued to hit only immigrants and leftist groups, most likely no one would have reacted.”

The interviewees' totality converges in the position that what provoked the state's reaction was not a genuine will to tackle racism and hate crime, but the party's strategic mistake to overstep the “accepted boundaries.” Therefore, the halting of the Golden Dawn was the result of a calculation of future political costs that could have occurred if its action had been left unchecked.

Prof. Perakis added another dimension. As he stressed, *“Golden Dawn was not initially persecuted because immigrants were not considered rights holders. There was a denial of the identity and existence of foreigners, not verbally but substantively. Human rights are attributed stereotypically to those who have specific characteristics; they are whites, Greeks, and Christians”.*

While Fysas murder did not lead to the “civil war” envisioned by Golden Dawn, it provoked a violent reaction against the party. On November 1st, 2013, 2 members of Golden Dawn were murdered by members of a leftist terrorist organization in retaliation for the murder of Pavlos Fysas

(Nea 3/12/2013), while the party's offices were frequently attacked by arson (Ethnos 17/12/2019). At the same time, violent clashes between Golden Dawn and anarchists or leftists became frequent.

As we have seen, the political elites' securitizing speech acts managed to consolidate immigration as an existential threat. Simultaneously, the promise of security through securitizing acts fell short in meeting the audience's escalating sense of insecurity. The long-standing mismanagement of immigration created severe social problems that deteriorated during the economic crisis. The government's choice to address the issues through securitization instead of providing a sense of security widened the security gap. The security gap created between the promise of absolute security and the insecurity of the audience fueled by the securitization of immigration gave a chance for the emergence of forces that turned against the immigrants and society itself.

The escalation of racist violence had an adverse impact not only on immigrants. Racist violence is eventually an assault on human dignity, society, and democracy, which sharpen the dividing line between “us” and “them.” In Greece's case, the escalation of racist violence against immigrants, with the government's tolerance, eventually turned against its citizens, creating new sources of insecurity. The “us” against “them” argument divided the society mobilizing marginalized violent forces that added to the already high levels of insecurity.

The governmental assumption that racist violence can be tackled through stricter immigration measures collapsed with the initiation of criminal proceedings against Golden Dawn. In 2014 RVRN recorded 46 racist crimes against immigrants vis a vis 143 in 2013 and 151 in 2012, portraying a sharp decline in racist crime as soon as the government took the step to address the issue adequately. Additionally, the creation of two Departments and sixty-eight Offices for Combating Racist Violence established with the PD 178/2014 and the enactment of the anti-racist legislation in 2014 enhanced the governmental efforts to tackle racist crime. According to lieutenant Lolis, the new framework remain insufficient, but the progress made is significant. The new department is responsible for providing statistics on racist crimes while addressing only citizens' issues but is not responsible for police issues since this authority remained in the bureau of internal affairs. The most persisting issue remained the reluctance of irregular immigrants to report racist crimes, deriving from the prevailing fear and mistrust towards police, which, according to Mr. Lolis, outcomes in a significant underreporting.

By definition, racism is a human rights violation, causing discrimination, indignity, and human suffering (ECtHR, *Nachova, and Others v. Bulgaria*, No. 43577/98 and 43579/98, 6/7/2005). The Greek state was found responsible for years of inaction and indifference that added another source of human rights deviation against immigrants. The inapplicability of the country's arguably extensive anti-racist legal framework consolidated the sense of impunity of crimes perpetrated against immigrants both by public servants and civilians. Given the repeated calls from international organizations and human rights bodies towards the country to address the issue of racist violence, and the continuous denial of the phenomenon by authorities, we consider the non-addressing of racist violence as another securitizing measure that is added to a series of actions that have a direct adverse impact on the human rights of immigrants. The rise of racism with the government's tolerance was another expression of the governmental assumption that the limitation of immigrants' human rights will act as a deterrent for future flows.

While racism, as described, is a phenomenon that puts society in the perpetrator's role, the state, through its inaction, is presented as a moral perpetrator. At the same time, this period's elite speech acts were accompanied by further securitizing measures to fulfill the governmental promise for the provision of security, the majority of which seemed to exacerbate the already limited provision of fundamental rights of irregular immigrants and asylum seekers in the country. In contrast, their effectiveness in providing security remained questionable.

Securitizing practices and human rights protection.

The discursive securitization of immigration of this period, accommodated by a series of securitizing practices deriving by different needs but fulfilling the same objectives. Greece received intense criticism in two seemingly rival fields. As observed in the previous period, the country came under the spotlight of international criticism for its completely dysfunctional asylum system and the grave human rights deficiencies deriving from its migratory policies. At the same time, the EU MS threatened to introduce border controls to Greece due to the inability to protect its borders that resulted in increased flows towards central and western Europe (ProAsyl 2013). On the internal front, the securitizing discourse used by the ruling party of Nea Demokratia, before and after the electoral campaigns, the rise of far-right, and the increased social anti-immigrant

phobia increased racist crimes, obliged in a sense the government to remain faithful to its “securitizing” promises.

As the Ombudsman (2014) rightfully observed, neither the ECtHR decisions, the CPT or another international organization reports, or the Ombudsman office's interventions succeeded in leading to significant changes in human rights issues under the guise of a lack of resources. On the contrary, though, the Greek government managed to set in motion the, arguably, most restrictive and security-oriented policies in the EU, both at the external and internal front. The intentions of the Greek government best reflected in the National Action Plan, which stated that *“the Greek government seeks to send out a strong message to third-country nationals that wish to enter the country illegally, to warn immigrants non-eligible for international protection that they will be arrested, they will be detained and they will be returned to their countries of origin”*(EMN 2013,51). Thus, it became apparent that the Greek government's ultimate policy goal was the absolute curtailment of irregular immigration at any cost, with the primary objective being deterrence and return(Angeli et al. 2014,4).

The principal characteristic of this period was the institutionalization of securitizing practices. As we will observe securitizing structures and policies became permanent on all fronts, creating a highly unfavorable environment for irregular immigrants and asylum seekers embedding in the most obvious way the hostile treatment of the Greek state against immigration. Furthermore, it was also the period that, in addition to national policies, European securitizing practices and structures became permanent, reflecting the EU's primacy to security.

To assess the securitizing practices of this period, we will divide this section into two sub-sections. The first section will describe the securitizing practices at borders aiming to prevent irregular crossings, along with the ramification they had on human rights protection. The second section will observe the internal securitizing measures aiming to clear the country from irregular immigrants. We will observe how policing and detention elevated as a critical instrument for immigration control, the ramifications of internal securitizing measures in the already burdened landscape of the human rights of immigrant detainees, and how securitizing measures led to an increase in police immunity. Furthermore, we will examine the improvements and persisting deficiencies of the asylum system. Finally, the aim is to investigate whether the measures

implemented achieved their objectives and how the security orientation led the country unprotected when the real crisis of 2015 occurred.

Border controls

During the period 2012-2014, the militarization of Greek borders reached a new high, amid the repeated threats for the suspension of the Schengen membership of Greece. Identifying the Evros land borders as the main entry gate in the country, the government drafted in 2012 the “Integrated Border Management Program to Combat Illegal Migration “ with Frontex co-operation, whose operations in the country became permanent.

The program was based on four pillars, including strengthening border controls by exploiting additional resources and technologies, improving asylum procedures, establishing FRS, and improving returns with IOM's assistance. In reality, though, the weight was put on security practices aimed at sealing borders, while the progress on asylum procedures and the creation of FRS were moving at a much slower pace.

To that end, in August 2012, the government announced the initiation of Operation “Aspida” (Shield), a national initiative that included the deployment of approximately 1800 police officers and significant material resources at the Evros area. In December of the same year, the construction of the Evros fence was finalized. According to the Minister of Citizens Protection, the construction of the fence was “ *a move of intense symbolism [...] the aim is to curtail the over-accumulation of illegal immigrants which has serious implications for the internal security environment and a negative impact on functional areas*” (Written Statement, protocol number 7017/4/15367, 9/11/2012).

The militarization of Greek borders was finalized with the renewal of Frontex Operations, “*Poseidon Land*,” and “*Poseidon sea*,” which became permanent. Notably, in 2010 Frontex created the first Frontex Operation Office (henceforth FOO) outside its headquarters in Warsaw, stationed in Pireus. The office was initially conceived as a pilot project aiming to better manage the perceived crisis of 2010-2011. In 2013 the Office became a permanent Frontex structure. FOOs activities included the full range of Frontex interventions at a regional scale within Operation Poseidon, which became permanent. The activities included the establishment of joint operations at sea and land borders; the participation in the design and the assessment of national operations; the strengthening of border management; information gathering and risk analysis and the

operational coordination and data gathering of all MS actors involved in the Operation Poseidon (FIDH 2014, 16).

Frontex's permanent presence in Greece arguably raised essential questions on national sovereignty since, by default, it ended the government's exclusive responsibility for the control of national territory. Even though Frontex Officers remained under the host state's command, they enjoy executive powers, including conducting border controls and identity checks. According to Prof. Perakis, there was no provision on behalf of the Greek government for the implications of the transfer of exclusive state responsibilities to organizations such as the Frontex in terms of state sovereignty.

Nevertheless, the Greek initiatives at Evros' land borders appeared successful, at least momentarily. The observed rapid decrease of flows celebrated by the Greek government and the EU. According to the Report of the Special Evaluation Commission for the correct implementation of the Schengen acquis *“it appears that there is a clear and visible improvement of equipment and infrastructure regarding border control [...] there is a clear strategic design and visible improvements in many areas contributing to the correction of deficiencies [...] Greece is increasingly retaking the lead in border management”* (EMN 2013, 35).

In the same vein, the Minister of Citizens Protection, Mr. Dendias, supported the continuation of Frontex and national operations at borders in the parliament, stating that *“ they are considered necessary for the management of illegal immigration flows heading to Greece and Bulgaria in particular amid the crisis in Syria”* (EMN 2013, 35). The statement of Mr. Dendias revealed in just a few words the governmental position that viewed Syrians as irregular immigrants and the prevalence of border controls over the country's human rights responsibilities.

The successful sealing of the Evros land borders diverted the flows to the more precarious Greek-Turkish sea borders, which by 2013 experienced a 912% increase (Frontex 2013, 25). Since 2012, the Greek government organized the sea borders' shielding through the coast guard's cooperation with the army and the police. According to governmental officials, *“the goal is to prevent entry through the restraint of any waves of illegal immigrants at our maritime borders, and to prevent landing on the Greek shores because then the problem will be uncontrollable”* (Nea 18/9/2012).

By 2013, the Greek government initiated, with the assistance of Frontex, the biggest ever operation in the Aegean, allocating more than 2000 officers, including the coast guards elite forces, 35 vessels, and significant technical equipment for the detection and prevention of small vessels coming from the Turkish shores, patrolling 24/7. What is important is that according to Mr. Karagastos, the head of the department of the Greek Coast Guard for the surveillance of Greek borders, the bulk of the available resources diverted to the establishment and connection of the surveillance systems and border controls, instead of the equipment, human resources, and maintenance of vessels (FIDH 2014,22).

The media reports reveal the Ministry of Merchantile Marine's ongoing efforts for the upgrade of its operational capabilities, through the allocation of significant European and national resources, focusing on the sealing of crossings, in the standards of Evros (Vima 18.9.2012; 5.7.2014; Nea 18/9/2012, 5/11/2014). The minister, Mr. Varvitsiotis, supported the initiative by stating at multiple levels that the coast guard operation was the greatest ever performed by a single European country, aiming at the curtailment of irregular flows through sea borders and the protection of EU from the irregular immigrants' invasion.

The sealing of land borders, though, and the extensive security operations at sea borders raised questions on the country's compatibility with the obligation of non-refoulement. Numerous reports of that period speak of a consistent pattern of push-backs, collective expulsions, and re-foulements of persons entitled to international protection (Amnesty International 2013,2014; Pro-Asyl 2013, 2014,2015; UNHCR 2014; FRA 2013; EMN 2012,2013; FIDH 2014; Ombudsman 2014).

Push backs at sea were found in breach with the European acquis, the ECHR, and the Geneva convention. According to the legal opinion of the Vice-President of the European Commission, Jacques Barrot, *“The principle of non-refoulement, as interpreted by the ECHR, essentially means that States must refrain from returning a person (directly or indirectly) to a place where he or she could face a real risk of being subjected to torture or inhuman or degrading treatment. Furthermore, States may not send refugees back to territories where their life or freedom would be threatened for reasons of race, religion, nationality, membership of a particular social group, or political opinion. That obligation must be fulfilled when carrying out any border control in accordance with the Schengen Border Code, including border surveillance activities on the high seas. The ECtHR case-law provides that acts carried out on the high seas by a State vessel*

constitute cases of extraterritorial jurisdiction and may engage the responsibility of the State concerned” (Hirshi Jamaa et al. v. Italy, n 27765/09, 23.2.2012 para 34).

The leading case, *Hirshi Jamaa et al. v. Italy*, is of great importance, given that the case's core issue was the compatibility of border control measures with international and European human rights law. While acknowledging the sovereign right of the state to protect its borders and control unauthorized entries, the Court established that even when individuals are intercepted in international waters, governmental authorities are obliged to abide by international human rights law. Furthermore, the Court found that people intercept at sea must have access to an individualized procedure and remedies to challenge the decision to return them to their country of departure.

The principle of non-refoulement is provided in Art.33 of the Geneva Convention; Art. 19 of the EU Charter of Fundamental Rights, Art 17 of the 1985 Schengen Border Code; and Art. 14 (4) of Qualifications Directive. Furthermore, in the national legal framework, besides the superior legislative force on international law following Art. 18 of the Greek Constitution, the principle of non-refoulment found in law 3907/2011 art. 19-20.

Amnesty International (2013) was the first international human rights organization that revealed the systematic use of push-backs at Greek borders. According to the report, irregular entrants were routinely pushed back to Turkey, even if they managed to disembark on Greek coasts or cross the land borders. The allegations included the use of firearms and force, while no screening or identification procedure took place. Arrested immigrants were often held in disclosed areas for days before forcefully send back to Turkey. Amnesty International's findings converge with research conducted by UNHCR, which in the 2014 country report speak of at least 152 credible incidents of push-backs verified by residents. Similar findings are present in the CoE Commissioner of Human Rights, Mr. Muižnieks, in 2014.

The reports were commented by the EU Commissioner Cecilia Malstrom, who stated that “ *The Commission is aware and very concerned about allegations of push-back operations to Turkey by Greek Authorities*” while stressing that if proven and persist, Frontex operations may be halted (ProAsyl 2013,5).

The Greek government rejected any allegation regarding push-backs. The minister of Merchantile Marine, Mr. Varvitsiotis, went as far as to accuse Amnesty International and Mr. Muizieks as politically driven, aiming to hurt the country's international profile (ProAsyl 2013,6). In a 2014 report, Amnesty found that push-backs were not a systematic and deliberate policy but a routinized practice of the Greek security forces.

The evidence suggests that, indeed, push-backs and re-foulements were a systematic and deliberated policy, conducted with the government's knowledge and approval. The first evidence comes from the Minister himself, who, in a televised interview in 2013, *stated, "If boats are not on the Greek side, we first inform the Turkish authorities so that they collect them. If they are on the Greek side, we find a way to **push them back** to the Turkish side. We do not tow them, we prevent them"* (Aytopsia 17/10/2013). To our understanding, Minister Mr. Varvitsiotis unwittingly described the definition of push-back as the prevailing policy and practice of the coast-guard.

The second evidence comes from Frontex officials. On two different occasions, Frontex officials revealed that they received credible complaints about push-backs on both sea and land borders (Amnesty International 2013,9; Nea 20/6/2014). Since 2011 German Frontex officials were asked not to participate in the Evros Rabbit Operation amid witnessing unlawful and violent push-backs at Evros borders (HRW 2011, 49). Those reports found to contradict the statements of the Minister of Citizens Protection, Mr. Dendias, who addressing the parliament, said that *"No incident of interdiction of a foreigner who tried to cross the Greek- Turkish borders illegally were ever reported by a Greek police officer or by a Frontex officer"* (ProAsyl 2013, 5).

The third evidence comes from interviewee X, who revealed that the Greek government had always known and supported push-backs during the interview. According to the interviewee, push-backs were a significant part of the governmental policy towards irregular immigration. The policy was tolerated and supported by the Ministry, which provided the public cover-up through continuous denial. Furthermore, the interviewee revealed that push-backs at sea stopped by the end of 2015 due to high visibility caused by numerous media and NGO representatives but remained in place in Evros until today. The interviewee revealed the content of a meeting conducted in 2015 at the highest governmental level, during which the discussion revolved around a potential opening of Evros borders to avert the significant human casualties at sea borders. During the meeting, the decision was to keep the Evros borders closed out of fears of

uncontrollable influxes and because such movement would divert public attention to the area, in which push-backs were conducted systematically.

The Greek government's securitizing practices are portrayed through securitizing actions and inaction in areas regarding humanitarian assistance and human rights protection. The security efforts in the Aegean and the upgrade of coast-guard and police capabilities were not balanced by a simultaneous upgrade of the islands' reception and accommodation structures. Despite the rise of flows through sea borders, the Greek Ombudsman (2014) noted that no infrastructures or first reception procedures had been created. The absence of first-line assistance created a new humanitarian crisis on the islands since new entrants were kept in highly inappropriate facilities or open spaces without even the minimum provisions such as food or water (Ombudsman 2013,2014; EMN 2014). The severity of the conditions amounted, according to several reports, to inhuman and degrading treatment, while sparked reactions in local communities, which demanded the creation of appropriate infrastructures for the accommodation of irregular immigrants and asylum seekers (Nea 10/10/2014). While the law provided for FRC's creation, by the end of 2014, only one was adequately functioning at Evros, while the FRC at Moria, while completed, was still not operating. In the absence of functioning FRC's, the police were responsible for the reception, screening, and accommodation of new entries, a task that was way above the local capabilities (UNHCR 2014).

According to interviewee X, the state's reluctance to create the appropriate structures derived from the government's overall position that the flows consisted of irregular immigrants and that any sort of provision would act as a pull-factor. Thus, the government's inaction to create even the minimum infrastructures was a direct outcome of the prevailing dogma of curtailing and deter flows at any cost irrespective of their legal status.

Importantly, even at the Evros borders, where the first FRC was established in 2013, the unstable funding resulted in grave deficiencies in necessary provisions. The center was occasionally closed due to the inability to cover necessary expenses such as catering or medical screening (AIDA 2014). In reality, the Evros FRC gradually became an informal prison, given the Greek administration's continuous tactic for the blanket detention of asylum seekers until their application examined following PD 116/2012 amending PD114/2010, which extended asylum seekers detention for more than three months. Conditions of detention, though, remained dreadful.

The state practices at borders revealed an almost absolute imbalance between securitizing practices and respect for the country's human rights responsibilities. While the state was keen to absorb EU funding for security purposes and supported the enhancement of border controls through the national budget, there was no effort to create at least the minimum infrastructures for the management and accommodation of flows. The same tactic followed in the internal terrain where securitizing practices prevailed over human rights considerations, further undermining the human rights protection of irregular immigrants and asylum seekers.

Internal securitizing measures

In the internal terrain, the government's securitizing practices, even though they had a different point of departure, maintained the imbalance vis a vis human rights considerations. While measures at borders were, in a sense, dictated by the pressure put on the country by its EU counterparts, the majority of internal measures were politically oriented.

The escalation of securitizing practices appeared in the period before the 2012 elections. In March 2012, the then Minister of Citizens Protection, Mr. Chrisohoides, announced the initiation of the operation “ Code Athens,” aiming at the clearing of the Athens city center from irregular immigrants, which the minister called “*ticking bombs on the social and health security*” (Vima 31/3/2012). According to the minister's repeated statements, “*The police aim to arrest and deport hundreds of thousands of illegal immigrants who are now openly threatening to dismantle Greek society. If we are not cleansed of illegal immigrants, it will be like giving the far-right a premium in the elections*” (Vima 24/3/2012). At another point, the Minister stressed that “*Athens will clean up in a few days. We must recapture public space and not submit to those who wanted citizens submissive to fear*” (Vima 31/3/2012).

The elections were won by Nea Demokratia, which conducted a highly anti-immigrant securitizing pre-electoral campaign, during which the main motto was the recapturing of urban space from irregular immigrants. According to Baldwin Edwards (2014, 10), the rise of far-right and racist crimes created a political context in which the conservative right found in competition with the far-right for the burgeoning racist vote.

Soon after the elections, Nea Demokratia initiated the most extensive ever security operation in the urban areas, with the code name “Xenios Zeus.” The operation was impressive in terms of mobilization of human resources and the geographic area it covered, including the deployment of

more than 2500 police officers in Athens alone, tasked with the identification, arrest, and deportation of all irregular immigrants. The spokesman of Greek Police, Christos Manouras, stated that “Xenios Zeus” was a permanent measure following Prime Ministerial orders. The main aims were to repel illegal immigrants from Evros, seal the borders, identify, arrest, and deport all irregular immigrants found in urban spaces (Nea 4/8/2012). As Mr. Manouras put it, *“Anyone located, whether on foot or moving by any means of transport, will be brought to detention centers where they will remain temporarily until their return to their country of origin.”*

The operation included regular round-up operations in public spaces, mass arrests and detention, house raids, and searches in places of work.

Soon, it became apparent that the operation had increased racial profiling characteristics, while the results celebrated by the government were disproportionate to the means used. According to the Greek police results, between August 2012 and April 2013, 80,073 persons were taken to police stations for identity verification, of which only 5175 found to reside in the country irregularly, while only 59 arrested for illegal activities (Ombudsman 2013; HRW 2013). Furthermore, the operation results further burdened the already strained control system of the Aliens' administration and increased the population in police detention facilities, causing the almost complete deterioration of detainees' living conditions. (Ombudsman, 2013).

The first issue that arose concerned the legality of the transfers to the police stations during ID checks. According to P.D. 141/1991 art.74.15, transfers to police stations following ID checks are allowed when persons are deprived of identity documents or suspicions of committing a crime. Under this light, the massive arrest and transfer of immigrants to police stations appeared to lack legal reasoning, and according to the Ombudsman (2013), it constituted an arbitrary deprivation of liberty.

Furthermore, given the large disparity between those arrested for illegal stay in the country, and the number of those who were transferred to police stations for identity verification, there was an observed abusive police practice which was carried out with the sole criterion of race, nationality, or skin color of the immigrants. ECRI (2007,4) defines unlawful racial profiling as *“The use by police with no objective and reasonable justification of grounds such as race, color, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities.”* Furthermore, according to FRA (2009, 13), the targeting of specific groups based on

profiling is unlawful even when it does not constitute an intentional policy but rather an unconscious stereotyping.

While the police did not provide data regarding the origin of the arrested immigrants, an extensive survey conducted by HRW (2013) revealed that police authorities' targeted people with obvious physical characteristics indicating foreign nationality during stop and search operations. It is indicative that the US embassy warned US nationals visiting Greece of "*confirmed reports of US African-Americans detained by police authorities conducting police operations*" (HRW 2013,34).

Several reports speak of the excessive use of force by police officers during stop and search operations (UNCAT 2012; Muižnieks 2013; ProAsyl 2013; CPT 2013), while on several occasions, the transfer to police stations led to lengthy detention. This practice, according to both the UN Special Rapporteur on the Human Rights of Immigrants, Francois Crepeau (2012), and the UN Working Group on Arbitrary Detention (2013), constituted arbitrary and unlawful deprivation of liberty since "*any detention on discriminatory grounds constitutes arbitrary detention and that detention without any legal basis also renders the detention arbitrary.*"

Given that the operation "Xenios Zeus" launched in an era that, as we have seen, was characterized by increased phobias against immigrants and increased racist incidents, police practices contributed to the negative portrayal of immigrants. The public arrests were communicatively used as repression, as they showed the government's willingness to fulfill its pre-electoral promises. The increased visibility of the operations, though, consolidated the criminalization of immigrants in public attitudes. Furthermore, during this period, there was an increased overlapping between public and police racist behaviors. According to the RVRN (2013,2014) findings, most racist incidents involving police officers' participation were reported during sweep operations. What is created is a circle of violence. Governmental policies enhanced police powers, while the political discourse even encouraged abusive behavior, accommodated by police at a higher level. In a linked discussion, the then Chief of Police was heard saying to his subordinates, "*... If they told me to go to a place, and you would be detained for three months, and then you would be free to steal, to rob, to do anything, I would be happy. That is what we sought; that is why we increase detention to eighteen months. We have to make their lives unbearable*". (Amnesty 2014). The already evident police violent behavior towards immigrants, reinforced by the impunity, merged with the

far-right racist mobilization, further enhancing the marginalization of migratory populations portraying them as non-citizens deprived of any human rights protection.

Operation “Xenios Zeus,” along with the prolongation of detention of asylum seekers and the indefinite detention policy of irregular immigrants whose deportation was unlikely, further strained the already deploring detention system of the country. The indiscriminate and prolonged detention of irregular immigrants reflected the government's securitizing logic, according to which detention represented a warning mechanism to those wishing to enter the country irregularly. This governmental policy, though, lacked both normative and practical legitimacy.

On the normative level, the practice appeared to contravene the national legal framework. Following art. 30.4 law 3907/2011 *“when the reasonable prospect of removal no longer exists, detention ceases to be justified and the person in to be released immediately.”* Furthermore, following Returns Directive Art. 15, *“Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence.”* Regarding the detention of asylum seekers, PD 113/2013 art.12 stipulates that *“A foreigner or stateless person seeking international protection is not detained for the sole reason that he has applied for international protection, as well as that he has entered and remains in the country illegally,”* while provided that detention is an exceptional measure carried out with due respect to human dignity.

Irrespective of the legal framework, though, following governmental orders, irregular immigrants and asylum seekers were detained on abstract reasons of public order and security, while asylum seekers were detained indiscriminately for the maximum provided by law. In fact, according to the AIDA report (2014), irregular immigrants had better chances to be released than asylum applicants who, in all cases, were detained until the finalization of their application.

Despite international criticism, the government's choice to extend the detention of irregular immigrants and asylum seekers was not accompanied by the substantial infrastructural upgrade, questioning, as we will see the practical legitimacy of securitizing measures. At this period, national prisons and irregular immigrants detention centers ran at approximately 151% of their capacity, creating what the Ombudsman (2013) called a “prison blast.” To give a perspective, the overall national detention capacity by 2014 did not exceed 6000 places in total, including penal prisons and aliens detention centers (MSF 2014,6). In the same period, 6285 immigrants alone

were held in detention facilities, while 2160 in police departments around the country (Ombudsman 2014).

According to the CPT report (2013), despite the continuous recommendations, detention conditions remained dire. As the report reveals, while some improvements were made in certain stations and detention centers, the overcrowding and the lack of stable resources led to essential deficiencies in the arrangements regarding food, hygiene, medical care, and staffing. Simultaneously, the infrastructures were impossible to comply with the rules of custody in conditions of extreme overpopulation. Furthermore, the report revealed that pre-departure centers operated based on a security approach, treating irregular immigrants as criminal suspects, while there were widespread allegations of abusive and racist behavior by police authorities.

Similar findings were repeated in several reports, including that of the UN High Commissioner of Human Rights of Immigrants, Francois Crepeau (2013), EMN (2013), and the UNHCR (2014). By 2013, based on Art. 23 CAT optional protocol, the Greek Ombudsman assigned as the national preventing mechanism with an extensive array of responsibilities, including conducting autopsies in detention centers. According to the 2014 Ombudsman report, the government often invoked the excuse of limited resources for the non-compliance with its obligations regarding the provision of decent living conditions in detention facilities. According to the Ombudsman (2014), these excuses led to the violation of detainees' rights and the structural violation of human dignity, pervasive in all detention centers.

Indicative of the situation is the unprecedented decision 682/2012 of the Single-Member Criminal Court of Igoumenitsa, which acquitted 17 detained immigrants for escaping from detention centers. According to the Court, detention conditions amounted to a cumulative violation of Art. 3, 8, and 13 ECHR and Art.2.1 of the Greek Constitution. The decision based on art.32 of the Penal Code, which stipulates that *“The perpetrator shall not be charged with any act which is present to prevent a present and otherwise unavoidable danger which endangers without his fault the person [...]if the damage caused to him/her other than the act is in kind and importance proportional to the damage threatened”*.

The dire situations sparked a series of uprisings in detention centers around the country. Between 2012-2014 seven collective hunger strikes have been recorded, including the self-infliction of pain through lip sewing. Hunger strikes and riots often responded with riot police intervention and the

extensive use of tear gas and violence in the closed facilities (Vima 25/10/2013, 10/8/2013, 8/3/2013; Amnesty 2013,2014, 18; Msf 2014, Cladenstina 2014; AIDA 2015). MSF (2014) also speaks of mass suicide attempts, five of which were successful, stemming from despair due to detention conditions and insecurity due to the uncertain regime, as detainees were not informed of the reason or extent of their detention. Significantly, according to several reports (MSF 2014; ProAsyl 2013; Amnesty 2014), a significant number of Syrian refugees applied for voluntary return to Syria, claiming that the situation faced on the Greek islands and detention facilities was way worse than the war-experience they had in their country. As they said, “*at least in our country, we will die in dignity.*”

In the absence of any other means of responding, we see that detained irregular immigrants and asylum seekers resorted to the last weapon available, which was either the attempt to escape or use their bodies as weapons to achieve an elementary improvement of their living conditions. The violent riots sparked in detention centers, classified as a manifestation of the Weapons of the Weak though, had a direct negative impact on the public acceptance of the creation of detention centers at a local level (Nea 12/8/2013). The violent response of the police, and the conditions created in detention centers, raised concerns on public security, which were manifested through, at times violent reactions, at a local level, often with the encouragement of far-right groups.

Furthermore, the effectiveness of detention as a policy tool is questionable. In 2014, Danai Angeli, Anna Triantafillidou, and Angeliki Dimitraidi conducted a critical survey regarding assessing the cost-effectiveness of irregular immigration control policies. It is important to note that until that point, we have not found any similar survey. At the same time, the Ministry of Public Order claimed that all measures taken derived through risk analysis assessments based exclusively on the irregular immigrant behavior (Ministry of Public Order, Prot. N. 6624/1-356717, 9/7/2013). The survey revealed an almost fundamental imbalance in the allocation of resources for securitizing measures versus the funding of measures either aiming at the betterment of detention or reception conditions or for alternative measures to detention.

According to the findings, which we have verified through the EU Refugee, Integration, Return, and External borders Funds (SOLID Framework), Greece received more than half a billion euros for immigration management. According to the official EU data, between 2012-2013, Greece received more than 160 million Euros from the EU Return and External Borders Fund, and less

than 16 million for the Refugee and Integration Fund. Greece also received significant amounts through Frontex and the EEA Grants Framework. Unfortunately, there is no valid data on the emergency EU funding or the national budget allocations.

Notably, the EU Commissioner of Home Affairs, Cecilia Malmstrom, in 2012, expressed her regret for the government's inability to absorb EU funding for the reception and accommodation of irregular immigrants and asylum seekers. Mrs. Malmstrom stressed that the Commission was prepared to allocate an additional 200 million in this direction, which Greece did not seem ready to absorb, as it had not presented any satisfactory plan (Nea 3/4/2012). This position was verified by the UN Special Rapporteur of the Human Rights of Immigrants, Francois Crepeau, who reported the disparity between resource allocation in his 2013 mission in Greece report. Mr. Crepeau even suggested that *“given the difficulties Greek authorities have experienced in absorbing European funds, the European Union should consider providing more funds without going through the Greek Government to improve the living conditions of migrants, to the asylum and first reception services, rather than to the construction of more detention centers and efforts to “seal” the land border.”* (para 82)

Returning to Angeli et al. (2014), the survey revealed that the government's indiscriminate detention policy was counter-productive in terms of financial allocations and the social damage it caused. Extensive detention proved to be an inadequate deterrence tool, given the re-emergence of flows. Furthermore, and in the face of the financial crisis, the survey found that the detention cost was significantly higher than alternative measures. Specifically, the survey found that detention cost approximately 16 euros per person per day, while the cost for open accommodation varied from 6 to 12 euros per day, depending on the location.

The above-described disparity reveals that the Greek government's continuing excuse for the poor detention conditions based on lack of resources was invalid. Financial resources were available through the EU funding both for security and for accommodation and reception initiatives. The Greek government appeared more effective in the absorption of funds for security purposes, while the total indifference to the improvement of detention conditions was also expressed through the inability or apathy to the absorption of funds towards this direction. The issue of funding absorption adds another dimension to the prevalence of the securitization of immigration, which resulted in the overlooking of the country's international human rights responsibilities. Despite the

financial crisis, Greece received significant support from the EU in both directions but opted, as a matter of policy, to prioritize security practices instead of a balanced policy that would avert the widespread human rights deficiencies.

The same indifference persisted in asylum-related matters. Besides the issues already analyzed, such as the risk of re-foulements at borders and the blanket application of detention to asylum seekers for the maximum period, institutional and policy deficiencies remained unaddressed

Despite the positive steps, the Asylum Service remained highly dysfunctional, while the registration capacity appeared way below the actual demand. According to AIDA (2014), the Asylum service refrained from registering asylum seekers out of fear of creating a new backlog as a matter of policy. According to the report, “*the statistics are dealt with priority over the actual right of asylum under Art.18 of the EU Charter*” (AIDA 2014, 8)

Notably, while there was a visible improvement in the asylum system, reflected in the significant rise of acceptance rates, the second line reception remained practically inexistent. Indicatively, in 2014 the country received 9500 asylum applications, while accommodation places were only 1100, excluding by default the majority of asylum applicants from the enjoyment of the benefits provided by law (AIDA 2013, 2014). According to UNHCR (2014), there was no strategic plan for creating accommodation centers, while not even necessary provisions such as food provided. In reality, according to UNHCR (2014), those issued with the suspension of deportation orders and those who applied for asylum practically enjoyed no rights at all and were practically condemned in absolute destitution, exposed to racist violence and marginalization.

At this point, we should recall the ECtHR decision on the case *M.S.S. v Belgium and Greece* (n.30696/09, 21/1/2010, para. 250;264), which found that “*the obligation to provide accommodation and decent material conditions to impoverished asylum-seekers has now entered into positive law and the Greek authorities are bound to comply with their own legislation, which transposes Community law, namely Council Directive 2003/9/EC laying down minimum standards for the reception of asylum-seekers in the member States [...] because of their deliberate actions or omissions, it has been impossible in practice for him to avail himself of these rights and provide for his essential needs.[...] The Greek authorities have not had due regard to the applicant’s vulnerability as an asylum-seeker and must be held responsible, because of their inaction, for the situation in which he has found himself for several months, living on the street,*

with no resources or access to sanitary facilities, and without any means of providing for his essential needs.[...] The Court considers that such living conditions, combined with the prolonged uncertainty in which he has remained and the total lack of any prospects of his situation improving, have attained the level of severity required to fall within the scope of Article 3 of the Convention”(emphasis added). Notably, the Court acknowledged that such conditions exist on a large scale in Greece through the Greek government's fault.

Despite the ECtHR decision and the continuous international and national reports stressing the need for substantial protection of asylum seekers, the Greek government did absolutely nothing. Besides the first FRC in Evros, which remained dysfunctional due to unstable funding and overpopulation, no other initiatives were undertaken during this period. It is important to remind that Frontex and UNHCR (2014) warned Greece of the potential escalation of refugee flows and the need to create appropriate facilities to avert a potential humanitarian crisis. However, the Greek government did not take any action in this direction, insisting on prioritizing securitizing practices and the governmental dogma of zero concessions to migrants and asylum seekers as a means of deterrence.

Having all data of the period 2012-2014 available, we can conclude that this era represents the highest pick of securitization climax so far in the country. The construction of immigration as a multidimensional threat is evident in every part of social life, through elite and media discourse, the escalation of securitizing practices; the rise of racism and xenophobia; the imbalance in the allocation of resources; and the arguably complete absence of human rights protection. Importantly, it is a period in which flows were at relatively manageable levels, and the country, through international reports, was or should have been able to know what actions needed to be taken to strike a balance between security and human rights. Instead, the Greek government's attitude and the security forces deepened the feeling of insecurity when Greek society had to deal with the serious internal issues that arose as the economic crisis continued.

Immigrants and asylum seekers' scapegoating became a political tool in the absence of financial cohesions to the electoral body. The financial crisis provided the perfect excuse for the political manifestation of racist discourse transmitted in public and added to the already volatile environment. Though instead of solidifying security among the public, securitizing measures deepened the perceived “security gap,” which in a sense made the actions of Golden Dawn

tolerable and allowed the party to regain its power in the 2015 national elections, despite the criminal proceedings against it. Furthermore, the Fysas murder mobilized the until then silenced part of the public, which stood against racist violence provoking social conflicts, nevertheless to a lesser extent of what the party aimed.

The conditions created would soon be tested when the real refugee crisis of 2015 emerged, which was described by the UN as the worse refugee crisis since WWII.

Section D- Period 2015-2018

The humanitarian crisis that the country had been warned of happened eventually in 2015. During the summer of 2015, more than 900,000 immigrants and asylum seekers crossed the Greek-Turkish sea borders, in what the UN Secretary-General (UNHCR 2015) called the most significant refugee movement since WWII.

As we saw in 2012-2014, the governmental initiatives were purely security-oriented, preventing the country from drafting any contingency planning for thousands of asylum seekers and immigrants' reception and accommodation. Arguably, though, no-one was in a position to foresee the magnitude the phenomenon would take in 2015.

The initial shock was followed by a decisive EU involvement, which seemed to impose the national policies. However, the EU's orientation was not that of humanitarianism, but rather that of restriction and containment, while the EU solidarity through burden-sharing collapsed over the prioritization of security.

While Syriza succeeded Nea Demokratia, having initially shown a tendency towards human rights protection and a political aim for reversing the securitization policies introduced by the previous government, it was nevertheless called upon to impose an overly restrictive policy. Although the new framework did not share the securitizing discourse or manifestation of the previous years, it created unprecedented conditions within the country, especially in the Aegean islands, which became the scene of the collapse of human rights protection.

Elite Discourse and legal evolution 2015-2018

The elite discourse of the period 2015-2018 was heavily influenced by Syriza's ruling party's ideological disposition, which won the early elections of January 2015 and managed to form a

government with the patriotic party Anel's collaboration. The former marginalized leftist party of Syriza managed to record a dramatic rise in the period 2011-2015, taking advantage in part of the collapse of the socialist Pasok party, but also of the polarized environment created by the economic crisis, which pushed voters to both ends of the political arc, the left and the far-right.

As expected, the party's ideological identity and its sharp disparity with the opposition affected political dialogue and the legislative processes until 2016, when the legislative regulations were virtually submitted to the European policies. The implementation of the EU-Turkey Agreement in 2016 obliged the government to adopt more restrictive measures, signifying a departure from the government's pre-electoral positions and its ideological manifestations (Skleparis 2017).

Before the EU-Turkey Agreement, the government took some necessary positive steps towards immigrants, adopting a human rights approach and aiming to avert the human rights deviations caused by the previous years' securitizing measures. The efforts were significant, but due to the general context, their effects were minimum. Following the Agreement, though, the governmental policy changed rapidly, introducing more restrictive measures, while the Agreement proved to be another source of human rights suffering in the long run.

The following section is divided into three sub-sections. The first section observes the elite discourse and the legal evolutions before the EU-Turkey Agreement. It is important to note that while the governmental political elites aimed at de-securitizing immigration and proceeded with specific de-securitizing measures, opposing political elites maintained the securitizing discourse, enhanced by the elevation of national and cultural survival as the referent object.

The second section observes the gradual "Europeanization" of Greek migratory policy. Thus this section briefly presents the step leading to the EU- Turkey Agreement and its ramification on the Greek and system framework. Additionally, we will examine the elite discourse during the drafting of bill 4375/2016, which was the Agreement's outcome, and the legal evolutions it brought to Greece's asylum and migratory policy.

The final section examines the additional legal evolutions of the period, reaching 2018 along with the elite discourse. The aim is to have a comprehensive understanding of the reasons that led to the legal evolutions and how the political elites reacted towards the refugee crisis.

Elite Discourse and legal evolution until 2016

The first migratory related move of the new government was the immediate repeal of the Ministerial Decision by which the opinion of the legal Council of the state no. 44/2014 had been accepted and concerned the indefinite detention of irregular immigrants through a Joint Ministerial Decision. The Decision foresaw the immediate dismissal of those detained for more than 18 months and the immediate dismissal of vulnerable cases with the necessary referral to hosting facilities and asylum seekers. The Decision included the release of detainees who have been detained for more than six months and the gradual closure of the detention center of Amygdaleza by finding and implementing alternative detention measures. (Vima 18/2/2015)

In April, the government presented a series of emergency measures to manage the crisis on the islands, which included the immediate transfer of all persons from the islands to the mainland and their segregation; the immediate provision of documents to Syrian asylum seekers; the approval and implementation of a plan for the creation of hosting facilities, stressing that the previous government had not taken any action despite the warnings; and a series of steps towards the EU for financial and logistical support (Vima 14/4/2015)

The announcement of the plan sparked immediate reactions by the opposition. Amid the rising flows, the opposition MPs accused the government of inciting illegal immigrants (Vima 11/5/2015, 15/4/2015, Nea 15/4/2015). In a joint statement, Nea Demokratia M.P.s stated that "*the increase in illegal immigration is not due to the events in Syria but to the relaxation of the measures for protecting the sea borders and the suppression of illegal immigration.*" (Nea 20/4/2015)

The choice of words by the opposition is indicative of the polarized political climate. Members of the previous government of Nea Demokratia insisted on the use of terms such as "*illegal immigrants*" to describe the current situation, supporting the measures taken in the past to prevent entry. It is indicative that the discourse used by Nea Demokratia had provoked strong reactions from its allies in the co-operative government before the January elections, with Pasok publicly condemning the use of the term *illegal immigrant* while, as the party stressed, the country was going through a refugee crisis. The dispute between the two former partners reached extreme points, with Pasok stating publicly that Greece, as a state governed by the rule of law, is obliged to provide protection, security, and registration to the refugees. Mr. Samaras's answer is indicative, "*The theories that we must tear down the fence so that illegal immigrants can enter and provide*

them with hospital and insurance coverage is something that the Greek people will not allow."
(Vima 6/1/2015)

The opposing ideological dispositions of the parties in the Greek parliament, best reflected in the parliamentary discussion for the amendment of the "Citizenship Code" with the bill 4332/2015 named

The law did not provide for significant amendments regarding irregular immigrants. The most relevant provisions were art.25, which extended the categories eligible for humanitarian aid, including victims and essential witnesses to criminal offenses, including racist crimes. Another essential provision was amendment 162/63, which de-criminalizes the transfer of immigrants and asylum seekers from individuals before their registration by the authorities.

The importance though of this parliamentary debate lies in the discourse used during the discussion. We should recall that the previous discussion on the "Citizenship Code" was among the highest polarized and security-oriented debates of the parliament, during which national composition, national identity, and cultural survival elevated as key referent objects.

The same pattern followed during the current discussion. It is important, though, to note that the present debate lacked participation, unlike in the past. The debate was postponed halfway due to the July referendum on the country's stay in the Eurozone. This issue overshadowed the immigration code discussion, as several MEPs preferred to refer to the economy and the forthcoming referendum than to the bill under consideration.

Nevertheless, the debate was marked by an extreme anti-immigration discourse, while the Golden Dawn's presence added extensive racist characteristics. Voices against the code were heard from all right-wing parties, including the co-ruling party.

Three were the prevailing arguments against the attribution of Greek citizenship to immigrants. The first was the need to preserve national purity, with the prevalence of *jus sanguinis* and the use of the motto that *"You are born Greek. You can not become one"*. The Nea Demokratia Mp's statement, Mr. Kyriazidis, was indicative as he stated that *"the bill threatens the existence and homogeneity of the nation and the homeland. The character of the bill is unconstitutional and is based on electoral considerations"*.

The second argument was that the bill would act as a pull factor for irregular immigrants. The idea that citizenship is a pull factor for irregular immigrants is not new. It reflects a long-standing perception of a large part of the Greek political elites that any benefit to immigrants, let alone the provision of citizenship and civil rights, despite the strict provisions of the law, will serve as a pole of attraction for illegal immigrants. The argument was often associated with the invocation of the problems caused by irregular immigrants in the country. As Anel MP, Mr. Chaicalis, said, *"The effects of the accumulation of foreigners are disastrous. Illness, crime, inability to guard the border, rising unemployment, not to mention how nationally dangerous it is for foreigners to enter the security forces [...] In a fragmented country, in a country that is confused, divided, I can say, do you bring a bill for immigrants and create citizenship, to make Greek citizens foreigners? Is this the interest of the country?"*

The final argument was that of cultural disparity, an idea mostly used by Golden Dawn MPs. The discourse used by Golden Dawn MPs was profoundly racist with the use of statements such as that immigrants are "inherently criminal," that they are subhumans whom no education can civilize, that they are by nature pedophiles who give no importance to human existence. Furthermore, the party's MPs called the bill an organized plan for the country's Islamification, while they threatened with violent mobilizations upon the bill's voting.

Despite the negative attitudes towards the bill, the contribution of the bill's positive attitudes was significant. Thus, there was an observed increase in the invocation of human rights discourse, focusing on the child's rights and the country's need to overpass the social phobias towards immigration, focusing on immigrants' positive contribution to the economy and society. As stated in the explanatory memorandum, *"The bill aimed to preserve social cohesion, the cultivation of the sense of security and social integration."* In that vein, several MPs stressed that human rights could not be seen as a luxury but as non-negotiable goods that acquire greater value in crisis times as they ensure social security. The most common argument among the bill's supporters was the protection of the child's rights and the promotion of integration through education, one of the essential prerequisites of the law.

The bill passed with the support of Syriza, Pasok, and the newly founded party of Potami, but notably without the consent of the co-ruling party of Anel. Arguably, the two parties' ideological divergence often led to the leftist Syriza's retreat in migratory-related issues. As the former

Minister of Migratory Policy, Mr. Vitsas, revealed, several government legislative initiatives on immigration issues have either been curtailed or not promoted due to disagreements between the co-government. The passage of the code could, if failed, led to the government's collapse; thus henceforth, any legislative initiative had gone through the ideological filtering of the two parties' opposing views.

The Syriza government's second legislative initiative was bill 4375/2016; the second-ever emergency migratory-related legislation brought before the parliament. This bill had an entirely different starting point as it was not a stand-alone government initiative but was essentially a necessary move for the implementation of the EU-Turkey Agreement signed in March. To have a complete understanding of this bill, it is essential to follow the events that led to its passage, as they unfolded through the 2015 refugee crisis.

The road to the EU-Turkey Agreement

By September 2015, and amid the refugee crisis, the European Commission expressed the intention to recommend the resumption of Dublin transfers to Greece, halted since the seminal Decision of ECtHR on the case *MSS v. Belgium and Greece* and the concordant Joined Cases C-411/10 and C-493/10 of ECJ. The Commission further pushed to this direction as reflected in the Commission communication COM (2015) 510 (2015,12), in which it stated that *"Progress so far has been encouraging and must continue. On this basis, the Commission will assess the situation by November 30, 2015, and if all conditions are met, it will recommend to the European Council in December 2015 or in March 2016 to confirm the reinstatement of Dublin transfers to Greece"*. The Commission identified measures that should be taken by the Greek government, including the increase in reception facilities and the asylum assessment capacity.

Additionally, to relieve the pressure from Italy and Greece, the Commission presented in May and September 2015 two draft Decisions for the relocation of 160,000 asylum seekers from the two countries. These two proposals were based on Article 78(3) of the Treaty on the Functioning of the European Union (henceforth TFEU), enabling the Council to adopt provisional measures in emergency migratory situations in the EU's external borders.

As of November of 2015, the EU explored the possibility of positively engaging Turkey, the leading transit country to Greece, to curtail flows. On November 29, 2015, the EU and Turkey activated a "Joint Action Plan on Managing the Refugee Crisis." The plan, which was the

forerunner of the EU-Turkey Agreement of March 2016, foresaw the financial assistance towards Turkey in exchange for the country to take positive steps to reduce refugee and immigrant flow towards the EU.

In the meantime, the flows diverted to the Balkan route towards Western Europe. It is estimated that nearly one million refugees followed the Balkan route, crossing from Greece's western borders to Macedonia until the end of 2015 (Frontex 2016). In November 2015, Macedonia introduced border restrictions allowing access only to people from Syria, Afghanistan, and Iraq. Following a series of restrictive measures, including quotas on crossings, or exclusion of specific nationalities from all states along the Balkan corridor, on March 7, the EU Heads of States Council announced the permanent closure of the Balkan route, resulting in the stagnation of large numbers of refugees in Greece.

On March 18, the EU Council announced the essential upgrade of the Joint Action plan with Turkey, with the EU-Turkey Agreement. The Agreement was described as a *"temporary and extraordinary measure which is necessary to stop the human suffering and restore public order"* (EU Council 18/3/2016), aimed at preventing irregular flows from Turkey to Europe, breaking the smuggling networks, and providing asylum seekers alternative options than dangerous sea crossings.

The nine-point deal foresaw the return of all irregular immigrants arriving in Greece after 20/3 to Turkey on the basis of the Greek-Turkey readmission agreement in full accordance with EU and international law, thus excluding collective expulsion; the return of those who don't submit an asylum application or whose application deemed inadmissible; the signing of any necessary bilateral agreement between Greece and Turkey, including the exchange of officials to ensure the smooth implementation of the Agreement; the resettlement of one Syrian refugee in an EU country for any Syrian returned from Greece to Turkey prioritizing those who have not previously entered or tried to enter EU irregularly, setting the maximum number of resettlements to 72,000 persons; Turkey to take all necessary steps to prevent irregular crossing by land or sea; the activation of a Voluntary Humanitarian Admission Scheme once flows reduced; the acceleration of visa liberation vis-à-vis Turkey; the disbursement of a total of 6 billion euros to Turkey for the reception and accommodation of refugees; the re-energization of Turkey's accession process; and finally the joint action to improve the humanitarian situation in Syria.

Furthermore, in the complementary Fact Sheet on the EU-Turkey Agreement, the Council let open the possibility for Turkey to be characterized as a safe third country; the detention of irregular immigrants in closed detention facilities, and asylum seekers in open reception facilities; the provision of assistance towards Greece on asylum issues and in particular the staffing of first instance examination commissions and appeals commissions; and finally the creation of 20,000 temporary accommodation places on the islands.

Besides the Agreement's ramifications in the Greek legal and policy framework, it is essential to refer to a few issues relevant to the Agreement regarding human rights protection. The first issue concerned the concept of safe-third country vis-à-vis Turkey. The concept's definition included in the recast Procedures Directive (2013/32/EU) Art. 38 and 39. Notably, the Procedures Directive foresaw specific principles for the presumption of a state as safe, including respecting the principle of non-refoulement and the provision of protection according to the Geneva Convention to recognized refugees. Importantly Art.39.1.a. requires the ratification of the Geneva Convention without any geographic limitation. According to Dr. Reinhard Marx (ProAsyl 2016) legal opinion, though, Turkish law on "*Foreigners and International Protection*" of 2013 maintained the geographic limitation on the Geneva Convention, according to which the concept of refugee applies only to persons coming from Europe. The law provides for the provision of "*conditional refugee status*" to people of different origins than Europe, which provides a limited framework of protection compared to the Geneva provisions. Furthermore, according to Marx, Turkey does not observe the prohibition of non-refoulement on both turning away or deporting refugees. Thus, at first glance, Turkey does not fulfill the EU legal framework's criteria to be considered a safe third country.

The second important observation at this stage is the Decision of the General Court of the EU (Press Release 19/17), which found that the Court has no jurisdiction under Art. 263 TFEU on issues regarding the Agreement. According to the Decision, "*neither the European Council nor any other institution of the EU decided to conclude an agreement with the Turkish government on the subject of the migration crisis. In the absence of any act of an institution of the EU, the legality of which it could review under Article 263 TFEU, the Court declares that it lacks jurisdiction to hear and determine the actions brought by the three asylum seekers*". In essence, the Court found that the Agreement was not conducted by EU institutions, but by MS acting on their national

capacity. According to human rights advocates, the way the Agreement was completed aimed to avoid judicial scrutiny while using EU resources and publicized as an EU deal (Amnesty 2017; HRW 2017; ECRE 2017).

Notably, the European Ombudsman (2017), examining a joint complains inquiry against the European Commission concerning the Human Rights Assessment of the Agreement, found that the political nature of the Agreement, proclaimed by the Commission (para 10), does not diminish the responsibility of the Commission to ensure compatibility with the EU fundamental rights commitments. According to the Decision, *"The Human Rights Impact Assessment Tool identifies the sources of risk and the human right impacts on the affected stakeholders at each stage of the project's life. Its role is preventive in the first place because when negative impacts are identified, either the negotiated provisions need to modify or mitigating measures have to be decided upon before the Agreement entered into force. No such assessment was done before the Agreement was signed"* (EU Ombudsman 2017, para. 29-30).

Law 4375/2016- Elite Discourse and legal evolution

Law 4375/2016, brought for discussion in the parliament under the emergency procedures in 1.4.2016. According to the law's sponsor, Mr. Kamateros, the law came with an urgent procedure, as it regulated issues related to the implementation of the EU-Turkey Agreement, which would be valid from April 4. The explanatory memorandum speaks of the *"streamlining and reforming the system of international protection, reception, registration and identification of newly arrived third-country nationals as well as the system of reception and hospitality of applicants for international protection."*

The parliamentary discussion lasted for only one session due to the emergency character of the legislation. The general spirit of the debate was that of confrontation between the government and the opposition. Importantly, even parties with pro-immigrant traditions such as KKE confronted the government for diminishing asylum spaces and implementing security policies that endangered refugees' and immigrants' human rights. As the MP Fotilas from Potami stressed, *"the EU-Turkey Agreement and the current legislative framework will soon turn Greece into a human warehouse."*

On the anti-immigrant front, the most repeated arguments were that the Syriza led-coalition abandoned the security measures of the previous government, thus engaging in an "open border policy" which attracted thousands of immigrants in the country while elevated the refugee and

immigration crisis as the most crucial factor for the social and political life of the country. Additionally, several MPs raised awareness of social security's risk derived by the overconcentration of irregular immigrants in the closed and open facilities that led to the escalation of conflicts and criminality.

The epicenter of conflict found to be art.46, which de-criminalized irregular entry with the MPs divided into two separate camps, to those who considered that the decriminalization would lead to uncontrollable flows that given the closure of the Balkan route will destroy the country, and to those that deemed the open-border policy as immature given the absence of reception facilities, which will potentially lead to an unrepresented humanitarian catastrophe.

It is important to note, though, that despite the vibrant discussion, except for Golden Dawn, which rejected the term "refugee crisis" and insisted in the repeated position of the party that it was a well-orchestrated *"illegal immigrant crisis aimed at the Islamification the country,"* the rest of the parliamentarians, used the term refugee crisis. It is indicative that even members of Nea Demokratia, and importantly, the previous Minister of Public Order Mister Dendias, speak of deficiencies in human rights protection and the degrading conditions in the reception facilities that caused unprecedented human suffering. Importantly, again except for Golden Dawn, what was absent was a clear securitizing discourse. The majority of the opposing arguments had to do specifically with the new bill's ramifications instead of constructing the refugee crisis as an imminent threat. Even when MPs raised security considerations, the wording used was significantly more streamlined by avoiding the past's generalities and extreme securitizing discourse.

On the legal front, the bill, despite some positive improvements, included a series of questionable provisions that resulted in the limitation of refugees' human rights.

On the positive side, the bill provided for the institutional and operational upgrade of the Reception and Identification Service (former FRS, henceforth RIS) (art.8-16) through the crystallization of procedures and the establishment of a central service (art.9) as well as peripheral services as well as the creation of open Reception and Identification centers (henceforth RIC) (art.10). Furthermore, the new service is responsible for identifying vulnerable groups, a category that is quite developed and thorough in the bill (art.5.8).

Additionally, the new bill provided for the possibility of employment of illegal immigrants in the rural economy following a declaration by their employer and with specific conditions and their insurance in the agricultural insurance funds (art.16.3). The law also provided for the acquisition of long-term resident status (art.16 para. 18-20) and a two-year residence permit, renewable under conditions, to those whose asylum application pending for more than five years (art.22).

One of the first and most critical adverse developments deriving from the new legal framework is that, as of March 20, RICs turned into de-facto detention centers due to movement restriction. The indiscriminate restriction of movement enshrined in art.9 and 14. The length of detention was regulated through art.46 for asylum seekers, while for persons against whom deportation orders have been issued, detention was regulated through the provisions of law 3907/2011 art.30, and law 3386/2005 art.76. According to ECRE (2016), while the provisions of art.46 brought the Greek legal framework in line with the recast Receptions Directive, the movement's restriction within the RICs provided by art. 14 constituted a de facto detention against which the right of appeal is not granted.

The second crucial provision of the new law was found on art.60, which foresaw the so-called "*special borders regime*." Accordingly, the law gave the Ministers of Interior and Defence the possibility to activate exceptional border measures in mass influx cases. Notably, the law did not define what constitutes mass influxes. The "special border procedures" consisted of a fast track procedure, which lasted for a maximum of 14 days, including both first and second instance examination, while the limits the time available to prepare for the crucial step of the interview to one day, and the lodging of an appeal to three days. Furthermore, the law gave the police and army the possibility to conduct registrations, while EASO may assist in the registration and interview procedures.

This last provision resulted in the differential treatment of asylum seekers, divided by the date of entry in Greece. As a result, people who entered Greece before March 20 fell under the standard examination procedure and were transferred to accommodation centers on the mainland. On the other hand, those who arrived in Greece after March 20, following the EU-Turkey Agreement's implementation, were examined under the fast-track procedure, except for categories identified as vulnerable.

The most crucial parameter of the law was that applications that fell under the fast-track procedure undergone the "*admissibility test*," which was based on the concept of "*safe third country*" of the art.56.a. As a result, virtually all Syrians rejected at first instance under the concept of "*safe third country*," deeming Turkey as safe. The appeals committees overturned first instance decisions, deeming Turkey as a non-safe country for Syrian asylum seekers. Following intense EU pressures, due to the de-facto suspension of returns to Turkey, the Greek government inserted an emergency amendment under an irrelevant bill, introducing the restructuring of the Appeals Committee, which was comprised of two judges of the Administrative Court and a member of UNHCR, while restricting the possibility of an oral hearing.

This evolution sparked a furious reaction by the former members of the appeal committees, who in a joint statement stressed that "*managing legal issues through the use of political priorities raises many questions about the future of the asylum system in Greece, the protection of human rights and the rule of law [...] The objective of the Ministry is to proceed with mass returns to Turkey*" (AIDA 2016,42).

The appeals committee's restructuring practical ramification was a significant drop in recognition rates that fell from 13% to 0.4% under the new Appeals Committee.

Turkey's presumption as a safe third country solidified following the Decision of the Council of State, which through the decision 2348/2017, deemed Turkey as safe. According to interviewee X, the Council of State's Decision could be considered as at least scandalous. The decision of the Council of State was taken with a minimum majority of 13 v. 12 judges. However, the Council's Decision considers the Procedures Directive provisions as straightforward as whether Turkey is regarded as a safe third country. However, the European Court of Justice had ruled otherwise in a recent opinion requested by Hungary. Besides, several plenary judges had asked questions to be referred to the ECJ as it is incumbent to ask questions for clarification of the European law, which the Council of State did not do.

According to interviewee X, both the restructuring of the Appeals Committee and the Council of State's decision were the epitome of political intervention to the judiciary. The EU pressure to enforce the Agreement with Turkey led the government to a series of interventions that not only harmed the right to asylum but had also been a direct interference in the work of justice by circumventing the rule of law.

The impact of the evolutions mentioned above on immigrants' human rights is a matter of thorough analysis in a later section. The importance here lies in the disparity between governmental discourse and practice. While the Syriza government appeared as guarantors of human rights, aiming for the management of the refugee crisis and irregular flows on the humanitarian ground however it proceeded with a series of laws and measures which eventually led to the limiting of asylum space, the extensive use of detention, unlawful deportations, and the enhancement of external border controls policies.

Law 4540/2018 and 4587/2018- Elite Discourse and legal evolution

Two years after implementing the EU-Turkey deal and adopting the appropriate national legal framework for its proper functioning, the Greek government proceeded with the adoption of law 4540/2018 transposing the recast Receptions Directive (2013/33/EU).

During the intervening years, political discussions regarding immigration were dominated by funding, with the opposition accusing the government of mismanagement of the significant EU resources allocated in the country.

Despite the absence of significant public political discourse, before adopting the law, the government proceeded with another questionable move, this time by bypassing judicial authority. In the seminal decision 85/2018, the Council of State deemed the geographic containment of asylum seekers on the islands as illegitimate. According to the Decision, "*Containment policy has no legal basis, and there were no imperative reasons under EU or Greek law justifying the restriction to the freedom of movement of asylum seekers.*" The Council annulled the administrative act that foresaw the geographic containment because it was not justified in terms of public interest and disproportionately impacted the islands.

Instead of respecting the judiciary's Decision, the administration proceeded through the Asylum Service with the issuance of decision 8269/2018, which reintroduced the concept of geographical restriction, which was also introduced in law 4540/2018.

The new bill was brought before the parliament in May 2018. The explanatory memorandum stated that the bill was expected to positively impact society and the economy as it would help restore the balance between local communities and asylum seekers.

Two years following the crisis, the parliamentary discussion regained the securitizing discourse of the previous years, while the distinction between immigrants and refugees was once more blurred through the continuous references on the immigration crisis. The Nea Demokratia parliamentary representative, Mr. Varvitsiotis, set the tone high from the discussion's very being. In his opening speech, Mr. Varvitsiotis claimed that immigrants were responsible for the disruption of social peace, are a threat to public security due to the rising level of criminality, while calling immigration flows a Turkish weapon against national safety. Furthermore, Mr. Varvitsiotis suggested a series of securitization measures such as the creation of closed pre-departure centers, the strong guarding of borders through the upgrading of infrastructure, and the deepening of cooperation with the Frontex.

Nea Demokratia MP, Mr. Charakopoulos called immigration a ticking bomb threatening social cohesion in the same vein. Additionally, Mr. Athanasiou claimed that there was no refugee crisis since the majority are *"irregular immigrants from the depths of Asia and Africa [...] it is a weapon of human bombs [...] what we experienced in 2015 was a methodical violation of the sovereign rights of the country aimed at its disintegration."*

The majority of the Nea Demokratia MPs claimed that flows consisted of irregular immigrants, an argument widely used by Golden Dawn parliamentarians, which appeared to have had a particular impact on the public. The prevailing argument of Golden Dawn, vividly expressed in and outside the parliament, was, in the words of the party's leader Mr. Michaloliakos, that *"refugees are understood when they enter Turkey. When they come here, they are illegal immigrants."* Golden Dawn MPs maintained their constant rhetoric about the coordinated plan of de-Hellenization of the country, immigrants' connection with criminality, unemployment, terrorism, the dangers posed on religion, and the nation from the "cancer of immigration" while insisting that the government's policy was racist against Greeks.

The leftist parties of the opposition accused the government of continuous and deliberate violation of asylum seekers' human rights through the implementation of the EU-Turkey Agreement, best reflected on the squalid living conditions on the Greek islands. Another contention point was the implicit ban on minors' detention, which remained in the law as a last resort, but which was widely applied based on experience.

What was shared between the left opposition and the governmental majority was the insistence on the need to protect human rights, which were being concretized during the debate, in contrast to the past, which was exhausted in vague references. Thus there was a general agreement on the need for practical protection, especially of minors, vulnerable groups, and recognized refugees, emphasizing access to education, health, work, and appropriate accommodation.

Once more, though, we can not but notice the prevalence of the parliament's negative discourse, which far outweigh the positive discourse. To give a perspective, the quantitative content analysis of the parliamentary discourse reveals that more than 43% of the speakers referred to immigrants and asylum seekers with discourse ranging from negative to securitizing, while only 23% referred to immigrants and asylum seekers positively. Adding the two dominantly worry electoral results, to say the least, parties towards immigration, their percentage does not exceed 35%. Chart n. 14 provides the visualization of quantitative analysis of the Greek parliament's minutes for the four migratory-related bills of this period.

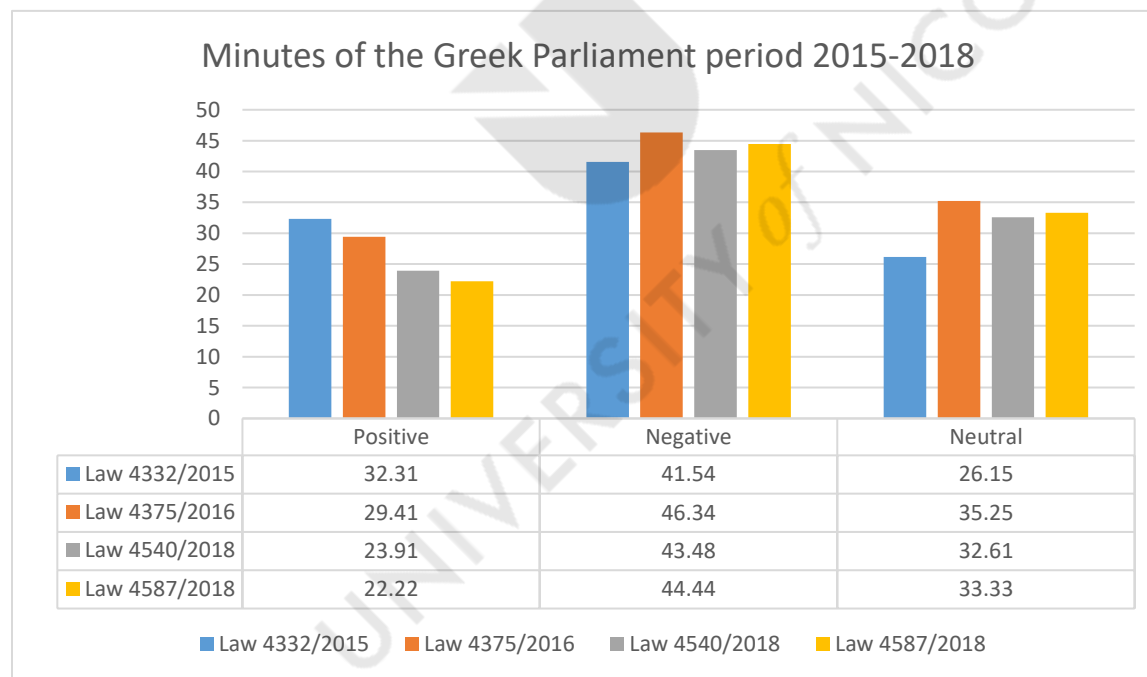


Chart n. 14

This disparity reveals that the parliament's anti-immigrant voices were more robust and more determined to pass their message to the public, which would have a possible electoral gain according to the previous elections' data. On the other hand, the deliberated silencing of the pro-

immigrant voices through the non-participation in the parliamentary discussion leaves anti-immigrant rhetoric unchecked.

This observation directly contrasts with most journalist interviewees' opinions, who claimed that anti-immigrant rhetoric prevailed in the public because it was more readily accepted. We have noticed that even if we assume that the media silenced pro-immigrant rhetoric as a "non-profitable product" compared to anti-immigrant discourse, Greek political elites who were positively predisposed to immigration were self-constrained. We consider that this attitude essentially undermined any de-securitizing effort perpetually. This observation suggests that the anti-immigrant parties posed a significant weight on the externalization of their positions compared to pro-immigrant parties, elevating immigration's securitization as the dominant discourse even in eras marked by de-securitizing efforts.

Returning to the bill, we can observe that several of the provisions were deemed as restrictive in terms of human rights. Article 7 transposed the regulatory Decision of the asylum service to restrict the free movement of asylum seekers. According to NCHR, the restriction, besides the profound implications it had on the living conditions of asylum seekers contained on the Aegean Islands, also acted as a deterrent to the exercise of fundamental rights provided by law, such as access to education, the labor market and to healthcare (art. 13, 15 and 17).

Additionally, art.9-11 regulated the detention conditions providing for the separation of asylum seekers and irregular immigrants, while art.10 explicitly referred to the detention conditions of vulnerable groups. According to art.10, UAM may be detained as a last resort in specialized facilities. Simultaneously, the law provided as an exceptional measure the temporary accommodation of UAM even in police stations, a measure that, according to the Ombudsman, violates the principle of proportionality and the minor's best interests in breach of CRC.

Among the most questionable provisions were those of art.28.7, which allowed for EASO staff's ability to register asylum applications and proceeded with any other action related to international protection applications' processing. This provision essentially empowered a non-governmental organization to carry out acts that constitute an exercise of exclusive state power; that is to say, it is, in essence, a delegation of sovereign rights of the state. This is the second area of a delegation of state sovereignty to an organization, after the delegation of power to conduct border controls to Frontex, and as we will see further on to NATO.

On the positive side, the law provides for the access of minors to education(art.13); access to the labor market and vocational training programs after the recognition of refugee status (art. 15); provision of material reception conditions and uninterrupted medical care (art.17); and the provision of medical screening to all new entrants with full respect of the personality and human dignity (art.12)

The last parliamentary discussion under consideration was bill 4587/2018, which came under the emergency procedure. The law provisions were technical, mostly aiming to make the reception and identification procedures operational; thus, their analysis fell out of this research scope.

On the other hand, the parliamentary debate was limited but kept the previous sessions' polarizing character and anti-immigrant/securitizing discourse prevalence. Besides the harsh criticism of the government's opposition to the refugee crisis's financial mismanagement, the debate acquired a highly ideological character.

The right-wing parties supported a stricter migratory policy, elevating public and border security as the higher priorities of a functioning state. As Mr. Varvitsiotis stressed, *"the governmental migratory policy is a monument of incompetence and insult to human dignity and national sovereignty [...]no agreement was observed nor the feeling of security was consolidated in the Greek citizens [...] Europe is not an open space, it wants to safeguard its borders"*. The issue of public insecurity was raised by most of the right-wing opposition, with particular reference to the islands' situation.

We dare to say that the opposition arguments regarding regional security on the islands were partially valid. By the time of the law's drafting, Moria had become globally known as *"a hell on earth."* The totality of the interviewees that visited Moria at some point confirmed that the situation in and outside of the camp was a source of danger for both the immigrants and the inhabitants of the island. Inclusion and uncertainty led to extreme situations, with an increase in interracial crime, but also in cases of severe psychological and medical problems arising from living conditions.

While acknowledging the issues raised on the islands, the governmental representatives focused their speeches on criticizing previous governments and the right-wing securitizing rhetoric, noting the similarity of views on many issues related to immigration between the Nea Demokratia and the Golden Dawn.

Among the most rational speeches made in this last debate was the statement of Anel MP, Mr. Katsikis, who, in a few lines, summarized the conflict between security and human rights in the context of immigration. Mr. Katsikis said that *"Unfortunately, the refugee crisis of 2015 coincided with the rise of terrorism in Europe, signaling a security crisis. However, there can be no social or humanitarian underpinning in the refugee crisis as long as it is seen as a problem of external border security, and as long as police repression is given priority."*

The above extensive analysis provides important insights regarding the securitization of immigration and the "state of exception." Arguably this era was exceptional for Greece in multiple ways. The country suffered economically, entering the fourth year of economic crisis, while the referendum and the capital controls imposed on the country led to political polarization. On the other hand, not only Greece but Europe as a whole experienced the worst refugee crisis after WWII. Greece found in the epicenter of the refugee crisis, being the main entry gate, and receiving an astonishing total of more than 1 million people in less than a year.

The state's reaction, dictated in the largest part by the EU policies, brought back the notion of the *"sovereign state of exception,"* as per Schmitt, manifested by the destabilization of the balance of power between the executive and the judiciary. We have observed either the direct intervention to the judiciary or the judicial authority's bypassing through administrative decisions during this period. Importantly, all acts were deemed exceptional, aimed at managing the refugee crisis, but maintained unchanged even when the flows were minimized. Even though we have not observed the enactment of extra-legal force, the bypassing or silenced suspension of international and European human rights law was grounded in the emergency caused by the crisis. Schmitt argued that the aim of the sovereign is the eventual return to normalcy. That was precisely the rationale behind the EU-Turkey Agreement and the national initiatives for its implementation.

To make a clear association with the Schmittian conception of the state of exception, we should also keep in mind that Schmitt's writings came in an era where the use of brute force as an extra-legal measure was in a sense legitimate. In the current period, the use of force is expressed through the legal framework, bypassing international law, and the political negotiations that legitimize deviations from principles considered *jus cogens*, such as the prohibition of refoulement.

To conclude, the governmental elites at this period aimed, at least discursively, for the de-securitization of immigration. The political, economic, and international evolutions of this period

obliged the government to adopt measures of dubious compatibility with human rights protection. In the next section, it is interesting to see if media affected by the government's de-securitizing efforts or other parameters influenced the media attitudes towards immigration.

Media Discourse

During this final period under research, the media discourse confirms the circular relation between elite discourse and public attitudes that influence how migratory-related issues are presented in the media. The rise in power of the leftist coalition of SYRIZA signified as we observed, a rapid shift in governmental discourse towards immigration, dictated by the sharp ideological divergence with the previous government.

Two additional essential parameters influence media discourse during this period. The first was, according to the journalist interviewees, the attempt of the majority of journalists not to identify with the xenophobic and racist statements of Golden Dawn against whom legal proceedings had already been initiated, and in general of the wider far-right. This did not lead to an openly positive predisposition towards immigration but to a more rationalized way of presenting migratory-related issues, away from emotional attitudes.

The second parameter was the public reaction towards the refugee crisis. What is observed and analyzed thoroughly in a later section was the high levels of public solidarity towards refugees' massive inflows, especially in 2015-2016. Above all, media are a market-driven product; thus, media attitudes are positively associated with the general public's disposition towards phenomena. During this period, the succeeded shift of governmental discourse that managed to separate the terms immigrant and refugee acted as a catalyst in the public's reactions. Although maintained as we will see locally, the phobia observed in previous periods gave its place to a positive predisposition of the Greek public, which was identified, influenced by historical memories, with the refugee flows.

The reduction of crime, especially in urban centers, also played an important role, which, given the substantial flows, acted as a catalyst, at least at a general level, in the decriminalization of immigrant flows.

The content analysis of the media reports of this period, presented in chart n. 15. indicates the change of media discourse, which shifted significantly to a more favorable position towards migratory-related issues.

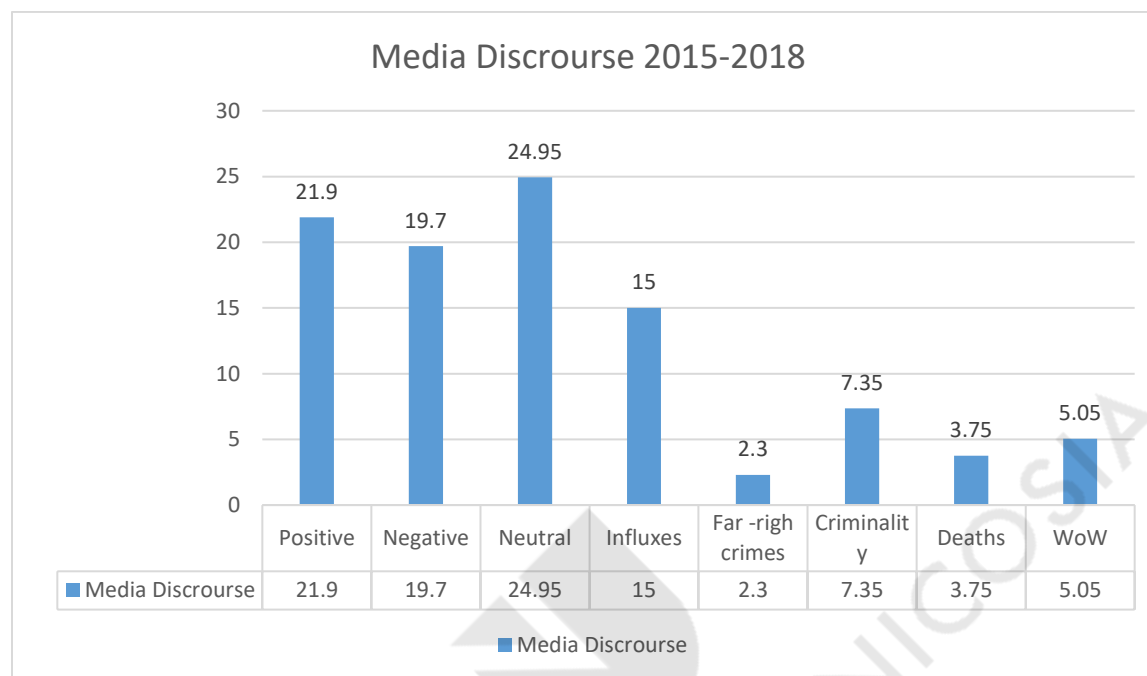


Chart n. 15

At first glance, we observe the prevalence of positive articles to negative articles, which drop by more than 40%. Even if we add the articles referring to criminality, the percentage of negative articles does not reach even close to the previous periods' ratio. Furthermore, we can see that neutral articles are the majority. As explained in the methodology chapter, articles labeled as neutral describe political or legal developments without emotional interventions. Given that political evolutions at the national and EU level were constant, aiming to address the crisis during this period, neutral articles' prevalence appeared justified.

One of the most critical qualitative changes of this period was that flows were associated with terrorism for the first time. Following the Bataclan terrorist attack in Paris, it became known that one of the perpetrators passed through Greece in the summer of 2015. This raised concerns about the potential infiltration of Daesh fighters in the refugee flows. Additionally, allegations of Yezidi refugees that Daesh members were present in refugee camps (Nea 1/11/2018) made it to the press, raising awareness of potential terrorist attacks. However, comparing the extent of terrorism in the

rest of Europe, Greece retained its long-standing rational position that the country is not threatened by jihadist terrorism, partially explaining the limited extent of those articles.

Finally, the largest proportion of negative articles referred to either the islands' conditions, which arguably reached a breaking point, or to the dangers posed by a second similar wave, especially following the Balkan route's closing. What is important though is that, articles of this nature were, in a sense, justified. The islands' situation was indeed an issue of concern that sparked legitimate local reactions, while the potential of a new similar wave would have been devastating to the country. However, it is important to note that this period's reports are far from the climate of "moral panic" that we had observed in previous periods despite their negative predisposition. The articles were presented in a rationalized way, presenting real issues that had arisen and constituted a potential security threat. Notably, most articles speak of the dangers posed to immigrants' security, delivering a more holistic approach to the issue.

The quantitative upgrade of positive articles was accompanied by a qualitative upgrade as well. The majority of media reports refrained from using the term irregular or economic immigrants. Instead, most used the term refugee who is imbued with a positive predisposition in the collective consciousness.

The majority of positive articles were humanitarian, while there has been a significant increase in references to human rights, which has been lacking in the past. The series of analyzes presented in the press concerning the protection of refugees and immigrants' human rights can only be seen with a positive sign, as they changed the image of the immigrant and refugee from a person in need of charity to a human rights beneficiary. The impact of this shift will be better understood in the section regarding public attitudes. What is important to note here is that the press reports were accompanied by a more general change in the attitude of the public, which now actively participated in the protection of immigrants' rights, especially in areas such as education, while actions that had previously been strongly opposed were more readily accepted.

A typical example was the implementation of the pilot program Estia in Livadia. Before implementing the program, which concerned the accommodation of refugees in homes within the urban fabric, there was an extensive presentation of the program in the press. In contrast to the reactions observed in the past regarding refugees' settlement in local communities, the press's presentation acted as a catalyst in its mass acceptance by the local community.

In a period of an actual crisis, the press's rationalized attitude acted almost catalytically in avoiding mass hysteria and extreme reactions. Given the adverse events of the past and the period 2012-2014, the vertical reduction of racist attacks on immigrants and the public's generally favorable treatment, which showed remarkable solidarity levels, can be associated with the media discursive shift with a certain level of confidence.

Given the previous periods' experiences, one would have expected that the 2015 crisis would lead the country to the verge of collapse, sparking unprecedented social reactions. The political and media discursive shift curbed backlash, curtailed extremist groups' activities, and promoted social solidarity among citizens. A delicate and fragile balance was thus created, which helped the country to at least deal with the immediate effects of the refugee crisis. Although it remained in the social dialogue, the securitization of migration was weakened through its limited media transmission.

It is important to mention that, for the second time, we are witnessing an attempt to de-securitize immigration. The first attempt in 2004-2006 was unsuccessful, as the retention of securitizing practices and the securitizing media discourse retained the negative social predisposition. It remains to see whether the political and media de-securitizing efforts affected public attitudes, and above all if they were accompanied by the diminishing of securitizing practices and their impact on immigrants' human rights asylum seekers in the country.

Contextual Parameters

The period 2015-2018 was a period of multiple crises. Greece had to face another financial and political turmoil, escalating by the summer of 2015, which brought the country one step before exiting the Eurozone. In the same period, the ongoing war in Syria, and the absence of any prospects for resolution, fulfilled the predictions of an uncontrollable wave of refugees that might hit Europe at any time. Greece was found in the epicenter of the refugees' movement, with more than 900,000 persons crossing its borders in 2015 alone.

Meanwhile, the impoverished Greek society was gradually stepping out of a vicious circle of political and racist violence, having to cope both with austerity and with a genuine humanitarian emergency.

This section aims to present the political evolutions of this period, along with the reasons that sparked the 2015 crisis; a numerical representation of the refugee crisis along with the reaction of the Greek asylum system, and finally, having already analyzed the elite and media discourse of the period, and the contextual parameters that intervene in the process, we will assess the impact they had in the public attitudes towards immigration.

Political evolution

Arguably, 2015 was among the most troubled years in Greece's modern history. Besides the refugee crisis, which began to unfold during the spring of that year, the country suffered from political and economic volatility, which almost reached a breaking point in summer 2015.

The Prime Minister, Antonis Samaras, announced early elections in December 2014 due to the inability to elect a President of the Republic. The elections were held on January 25 and won by the leftist- coalition party of Syriza, receiving 36,34%. Nea Demokratia followed, receiving 27,81%, while Golden Dawn became the third parliamentary power, receiving 6,28% of the votes.

Notably, while Golden Dawn celebrated its electoral victory, it is essential to note that the party's actual percentage fell compared with the previous elections, during which Golden Dawn received 6,98%. The rise of the Golden Dawn as the third political power was not an outcome of electoral gains but of the electoral vote distribution that brought to the parliament a total of seven parties, which except for the two largest, their percentages ranged from 6.28 to 4.68%.

Pasok also entered the parliament amid a significant drop in its electoral power, receiving just 4.68% of the votes, the ANEL with a percentage of 4.75, the KKE with 5.47, and finally the newly formed party Potami with a ratio of 6.05%.

The pre-electoral campaign was exclusively preoccupied with economic developments. The pre-electoral campaigns were divided among the anti-austerity/anti-memorandum parties, which predicted a rupture with the European institutions and which included the Syriza, KKE, Anel, and Golden Dawn, and the pro- European parties, which favored a close collaboration with the European Institutions as means to overcome the financial crisis. Hence, immigration was silenced, except for Golden Dawn, for which immigration was the primary source of the country's economic collapse.

Even though Syriza won the elections, it did not manage to acquire the necessary parliamentary majority; thus, after negotiations, the party formed a new government with the collaboration of the nationalist party of ANEL, with which the main point of convergence of views was the exit from the memoranda.

On June 27, the government announced the conducting of a referendum regarding the acceptance of the new set of austerity measures, known as the Juncker package. The new measures included further wage and pension cuts, the rise of the VAT, further reduction of social expenditure by 0.05% of GDP, collective redundancies, the abolition of tax deductions in the agricultural sector, and reduction of early pensions, among others (Actions to be taken in consultation with EC/ECB/IMF staff, 26/6/2015).

The referendum's announcement sparked the EU's intense reaction, with president Juncker threatening that no vote equals no to Europe and potential exodus for the Eurozone (The Guardian, 30/6/2015). Reactions were severe in and outside the country. Society was divided into two camps; those who favored the new package out of fear of a "Grexit" and those who favored an exodus from the austerity measures imposed on the country by the Troika.

Meanwhile, to avert the economic collapse until the referendum, the government imposed capital controls and set a limit for cash withdrawals from banks, while the banks remained closed until the referendum was conducting (DW 17/8/2018). Importantly, Greece failed to pay the 1.5 billion installments to the IMF, making it the first developed country to fail to meet its obligations to the agency (Nea 27/6/2015).

Greeks reject the new austerity package since no prevailed in the referendum with a wide margin. However, on the Eurogroup of June 12-13, following intense negotiations, Greece achieved a financing agreement amounting to 86 billion from the European Stability Mechanism, while Greece accepted almost the totality of the new austerity measures package (DW 17/8/2018).

The new "memorandum" passed through the parliament on August 14, while the government resigned a week later with Prime Minister Alexis Tsipras stating that the government had exhausted the limits of the popular mandate entrusted to it and that a government with a renewed popular mandate was needed to proceed with the necessary reforms (Euronews 29/8/2015).

The pre-electoral campaign was conducted in the refugee crisis's shadow, but financial considerations were still dominant in the political debates.

The elections were held on September 20. Syriza won again, receiving 35,46% since its electoral losses were minimal compared to the events that followed the referendum. Notably, the party once more failed to acquire the necessary majority in the parliament; thus, the new government was once more formed with the ANEL nationalist party's collaboration.

Nea Demokratia maintained a significant parliamentary power, acquiring 28,09%, while Golden Dawn returned to its previous electoral percentage receiving 6,99% and becoming once more the country's third political power. Pasok experience a slight rise, receiving 6,29%, followed by KKE with 5,55%, Potami with 4,09%, and ANEL, with 3,69%. The new parliament consisted of eight parties: the largest number of parties in the Greek Republic history.

Following 2015, the Greek economy showed signs of recovery, presented by 2018 a yearly economic growth of nearly 2.3% (EU Commission 7/2018), while unemployment fell from 34% in 2015 to 19% in 2018 (ELSTAT 2019).

On the external front, the ongoing Syrian civil war continued for the fourth year without any visible prospects for a solution. By 2015, 4 million Syrians were found outside the country, most in camps in Lebanon and Jordan, while an additional 8 million were IDPs (UNHCR 2015). Additionally, countries like Afghanistan, Iraq, Eritrea, or Somalia found amid civil, religious, or sectarian conflicts, sparking new waves of people on the move.

According to Carnegie (2015), three critical reasons sparked the 2015 crisis. The first was the hopelessness of Syrians found in refugee camps in the neighboring states. Both Lebanon and Jordan faced significant economic and political problems, while the lack of humanitarian support funding further undermined Syrian refugees' prospects. Notably, the wealthy Gulf countries appeared reluctant to host refugees from the region, while the financial assistance provided was insufficient.

Furthermore, the drop in smugglers' prices and the relative ease in crossing the Eastern Mediterranean and the Balkan route towards central and Western EU further enhanced movement. According to the Carnegie survey, the smugglers' prices fell from 5-6000 dollars to 2-3000, a price that was accessible to the middle class of Syrians, who was showed the most significant flight

trends. Despite the drop in prices, Carnegie estimates that during the last six months of 2015, smugglers earned approximately 1 billion euros, only from facilitating crossing to Greece.

Finally, the Turkish policy appeared to facilitate people's movement since there were no significant attempts to control the flows, while Turkey turned a blind eye to smugglers.

While the country's financial crisis preoccupied the Greek political system, the refugee flows escalated dramatically. Greece has been warned of the forthcoming refugee emergency since 2014. Frontex repetitively urged the country to take the appropriate measures since all indications pointed to potential uncontrollable people's flows, resulting in a humanitarian crisis (Frontex 2014, 2015). Still, the country did little to prepare. No contingency plan, besides the securitizing measures of the previous period, was drafted. The only positive step taken was improving the Asylum system, which still was not functioning at full potential.

The two following sections provide the numerical analysis of the 2015-2018 flows, the asylum system response, and the public reaction to the refugee crisis. It would be interesting to observe how public reactions shifted, given that the country was in the middle of yet another financial crisis and political instability.

Flows

The period 2015-2018 marked by the most significant refugee mobilization on European soil since 1945 (UNHCR 2016). Greece was found in this mobilization epicenter, with flows diverted in their largest proportion towards Greece. The vast majority of flows used Greece as a transit state since the majority proceeded to secondary movements through Greece's northern borders following the Balkan route, towards central and western Europe. The flows also attracted large numbers of irregular immigrants already residing in the country, who followed the Balkan route.

What was evident was that even though the largest proportion of flows identified as refugees, the vast majority refrained from applying for asylum in Greece until the implementation of the EU-Turkey Agreement. Following the Agreement, flows were significantly reduced, primarily through sea-borders, but as we will see, they re-emerged through land-borders following the "hydraulic principle," according to which when flows minimized through one crossing, they are escalating in another (Triantafyllidou 2015).

Another characteristic of this period was the stabilization of foreign immigrant stock in the country, at arguably higher levels than in the past, which still reveals that many immigrants were permanently present in Greece.

Starting from regular immigrant stock, the Ministry of Migratory policy data reveals an increase in valid resident permits compared to 2014. The rise is meanly attributed to the quasi regularization program provided by law 4375/2016, which foresaw the regularization of stay of persons with pending asylum applications for more than five years and long-term residents exempted from legality due to the economic recession. Table n. provides for the valid residents' permits for the years 2014-2018.

	2014	2015	2016	2017	2018
Valid Stay Permits	449,889	572,369	579,736	556,586	540,260

Tablet n.13

According to Triantafyllidou (2015,11), sources of the Ministry of Interior verified that at any given point during those years, additional 100-150,000 applications were under consideration. As we can see, though, the numbers of valid stay permits were arguably stable, with minor variations, revealing that at this period, Greece had a constant legal immigrant population of approximately 650-700,000 regular immigrants.

Immigrants were still occupying the lower labor scale levels, with a slight upward movement, mainly based on the second generation's insertion to the labor market, which acquire higher educational and vocational skills (Triantafyllidou 2016). An exciting survey published in 2018, conducted by the University of Florence, revealed that the Greek agriculture economy was almost exclusively dependent on foreign labor since, according to the research, 90% of the paid work in agriculture consisted of foreigners (Vima 9/12/2018). The study reveals the high dependency of specific economic sectors on foreign labor, which appeared, according to the authors, as inconsistent with the social hostility and the marginalization that immigrants experience in the country.

While the country's permanent immigrant population appeared stabilized, that was not true regarding the new influxes. In 2014, Frontex and UNHCR warned Greece of a potential

unprecedented refugee movement that might spark at any time. That time had come in 2015 when Greece had to face the refugee crisis resulting in the movement of hundreds of thousands of people across the country's borders.

As observed in the previous period, the sealing of the Greek land borders with Turkey gradually diverted the flows through the most precarious and extensive sea borders. Influxes escalated quickly, picking in October at 212,168 persons, which stood higher than the cumulative irregular immigrant flows of 2012-2014.

The numbers provided in table n. 14 are the total detection number per border, derived for police apprehension data. As we can see, the total number of incomers is estimated at around 911,471 persons, signifying a staggering 1081% rise in flows in 2015.

Greek-Albanian Borders	8.867
Greek-Macedonian Borders	1.395
Greek- Bulgarian Borders	1.245
Greek- Turkish Land Borders	4.907
Greek-Turkish Sea Borders	867.731
Crete	3.148
Rest of the Country	22.178
Total	911.471

Table n.14

The vast majority of refugees were directed from the islands to the country's northern borders with Macedonia, through which they followed the Balkan route, re-entering the EU either through Hungary or Austria. It is estimated that approximately 764.038 persons left Greece following this route (Frontex 2016, 16).

Furthermore, according to media reports, significant numbers of irregular immigrants and asylum seekers already previously in Greece, especially those accumulated at Patras and Igoumenitsa ports, merged with the outward flows, opting to leave the country through the northern borders (Nea 29/11/2015).

Flows continue at high levels during wintertime and diminished only after the implementation of the EU- Turkey Agreement. Notably, though, moving towards 2018 flows rediverted from sea to land crossings, bypassing the restrictive island regime.

The following table provides for the Greek police apprehension data for the years 2016-2018 per border.

Year	2016	2017	2018
Greek-Albanian Borders	5.915	7.352	4.974
Greek-Macedonian Borders	783	947	1.162
Greek-Bulgarian borders	1421	1.737	3.718
Greek-Turkish Land Borders	3784	5.677	15.900
Greek-Turkish Sea Borders	175.861	30.521	34.676
Crete	1.700	2.184	2.928
Rest of the country	15.356	19.694	30.009
Total	204.820	68.113	93.367

Table n.15

To give a perspective on the impact of the EU- Turkey deal in terms of sea flows, it is sufficient to say that, in 2016, 140,454 out of 175.861 persons entered Greece between January and March, while from April onwards flows were stabilized at an average 2.000 entries per month. Furthermore, according to Frontex data (2017, 18), in 2016, another 130.261 followed the Balkan route through Greece's northern borders before its closure in March.

Furthermore, as we can see, land crossing experience a fivefold rise in 2018 compared to 2016. There are two reasons for this shift. The first was the bypassing of the islands, on which, besides the squalid living conditions, the exceptional border procedures provided by law 4375/2016 applied, which effectively limited asylum space. The second reason was the suspension of

operation Aspida at land borders (Triantafyllidou 2015) and the significant damage of the Evros fence that made access to Greek territory easier.

Another important observation is the diminishing of apprehensions at Greek Albanian borders. As we have seen in the previous period, the EU visa liberation to Albanians favored Greece's seasonal labor movement, thus minimizing border apprehensions. It is important, though to note, that many Albanians were apprehended in the mainland, mostly for irregular employment; therefore, there is a considerable disparity between border apprehensions and Albanian immigrants' forceful returns. For instance, in 2016, only 5.915 persons were apprehended at Greek- Albanian borders, while more than 8.000 were forcefully expelled (Ombudsman 2016, 136).

Importantly, even though over 80% of the newcomers originated from war-torn areas, only a small fracture applied for asylum in Greece in 2015. However, the Balkan route's closure in March 2016 and the implementation of the EU- Turkey Agreement contained tens of thousands of people in Greece with no other choice than to apply for asylum in the country.

The following table provides for the asylum applications per year and per nationality, extracted by the Greek Asylum Service Data (2020)

Year	2015	2016	2017	2018
Syria	3.490	26.667	16.396	13.384
Afghanistan	1.720	4.362	7.563	11.924
Pakistan	1.822	4.692	8.922	7.743
Iraq	661	4.810	7.919	9.731
Albania	1.003	1.420	2.450	3.319
Turkey	42	189	1.826	4.834
Bagladesh	738	1.215	1.383	1.552
Iran	241	1.096	1.316	1.763
Congo	120	225	1.087	1.469
Palestine	60	850	1.304	1.520
Rest	3290	5.517	8.469	9.721
Total	13.187	21.053	58.635	66.960

Table n. 16

As we can see, asylum applications more than tripled between 2015-2017, while by 2018, Greece ranked 4th in asylum applications in the EU in absolute numbers. Notably, while nearly half a million Syrians passed through Greece in 2015, only 3. 490 applied for asylum in the country. This trend verified the assumption that Greece was not the final destination but only a transit state for the bulk of the flows.

The improvements in the country's asylum system, evident since 2013, reflected in the number of positive decisions, which appeared significantly higher than in the past. The following table provides for the asylum recognition data to have a full understanding of the asylum procedures in the country

Year	2015	2016	2017	2018
Total Applications Processed	12.818	26.905	51.577	46.062
Refugee Status Recognition 1st Instance	3.647	2.451	9.301	12.622
Subsidiary Protection	347	249	1.045	2.573
Refugee status Recognition 2^d Instance	65	4.796	2.389	2.673
Rejected Applications	4.434	6.584	12.133	15.556
Inadmissible	2.018	15.231	22.449	4.825
Halted or Resigned	2.372	2.390	6.649	10.486

Total Asylum Recognition Rate	31.64%	27.86%	24.69%	38.79%
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Table n.17

Asylum data provide essential insights. The first observation is the significant rise in asylum recognition rates, a long-standing issue for Greece. Until 2012 Greece had the lowest refugee recognition rate in the EU and among the lowest globally, while during this period, recognition rates were closer to the EU average.

The second observation is the significant number of applications deemed as inadmissible, the majority of which referred to Syrian applicants, following Turkey's presumption as a safe third country of departure, which opened the way for the collective rejection of asylum applications of Syrians on the Greek islands. The reduction in applications deemed inadmissible in 2018 was not the result of a policy change, but of the fact that during this period, a significant proportion of asylum applications came from people entering from the land border and to whom the so-called "admissibility test" did not apply.

In September 2015, the EU announced the Emergency Relocation Mechanism, which foresaw the transfer of a total of 160.000 asylum seekers from Italy and Greece to the rest of the EU countries, as a way to enforce burden-sharing. The results were not as impressive as the Commission expected. However, until March 2018, a total of 21.994 asylum seekers successfully relocated from Greece to other European countries (Ministry of Migratory Policy 2018). Simultaneously, the data for readmissions to Turkey based on the EU-Turkey Agreement were disappointing since, between 2016-2018, only 1806 returned to Turkey, the majority of whom were Pakistani nationals.

In 2018, the Ministry of Migratory Policy announced that it was estimated that approximately 70.000 refugees would remain in the country permanently.

The above analysis provides for a comprehensive understanding of the numerical unfolding of the "refugee crisis." Following years of the invocation of "exceptional flows" by the successive Greek governments, it was perhaps the first time that the words "exceptional" and "crisis" acquire substance. The crisis unfolded amid the economic and political volatility of the spring and summer of 2015 and continued as the country's financial outlook improved by the end of 2018.

Up until this point, we have observed constant negative attitudes towards immigration, which was picked in 2012-2014. The unprecedented rise of xenophobia and racism explored in the previous period suggested that the refugee crisis outbreak would lead to unprecedented social unrest. As we will see, however, the change in elite and media discourse and policies, the historical memories of the Greek society as well as the critical interventions of justice in the field of racist violence, acted as a catalyst for society to turn, albeit temporarily, to more humanitarian approach towards refugees.

Public attitudes

Despite the colossal rise of flows and the explosive situation created in 2012-2014, public attitudes present high fluctuation levels during this period, moving in a more positive direction. Three significant evolutions led to this shift.

First was the notable change in governmental and media discourse, using the term "refugee" instead of "immigrant" crisis. This discursive shift acted as a catalyst in public reactions, which now were driven by solidarity towards the newcomers. Notably, the term "refugee" has a significant emotional weight in Greek society, based on the country's historical memories, thus sparked an unprecedented wave of solidarity and humanitarianism.

The discursive shift was accompanied by the government's immigrant decriminalization efforts, which departed from the previous government's securitizing discourse and practices against irregular immigrants. The legal and policy initiatives undertaken until 2016, including the suspension of the operation Xenios Zeus and the termination of indefinite detention of irregular immigrants and asylum seekers, appeared to positively impact public perceptions solidifying the sense of security and the normalization of general anxiety towards foreigners. Importantly, even following the EU-Turkey Agreement, which was implemented in the Greek national legal framework through the adoption of restrictive and, at times, questionable measures, the official government discourse maintained its pro-immigrants stance. At the same time, securitizing practices lacked the visibility and the criminalizing connotation of the past.

This period's third significant evolution was the beginning of the Golden Dawns trial in April 2015, accused of forming a criminal organization and a series of violent racist attacks against immigrants and Greeks. Notably, the Mixed Jury Court published its decision in September for the assassination of Sehzat Luqman by Golden Dawn militia, including in its reasoning, for the first

time in Greece's judicial history, racist motivation as an aggravating circumstance (Amnesty 6.10.2015). The decision was followed by at least three more convictions for racist attacks against immigrants.

These positive developments appeared to shift public attitudes towards the condemnation of racist violence, creating a climate of respect for immigrants' fundamental rights (Triantafyllidou 2015, 26).

The shift is evident both in public opinion surveys and in the reports for racist violence.

Data showed a significant positive shift towards accepting refugee and immigrant populations regarding opinion poll surveys. We compare three surveys, two conducted by the PEW Research Center in 2014 (Triantafyllidou 2015) and 2018 (Nea 19/9/2018), and one run in 2017 by Public Issue on behalf of the Migration Observatory Network (Vima 3/4/2017). We include the 2014 research in this period to have a comparison with the previous period.

Accordingly, in the 2014 research, Greeks appeared to have the highest anti-immigrant sentiments in the EU, irrespective of legal status, reaching a ratio of 86%. On the contrary, in the 2017 and 2018 surveys, 66% and 69% respectively advocated for refugees' reception in the country. The surveys reveal a rapid shift in public acceptance of refugee populations. Regrettably, the 2017-2018 surveys did not use the term "immigrant," as did in the 2014 study. Thus the comparison is not direct. Still, though, we can trace a significant change in perception among the public, which favors the reception and co-existence with refugees.

On the other hand, racial violence appeared to decrease only momentarily, re-emerging at the end of 2017-2018 as a warring phenomenon. Still, though, there are crucial qualitative differences compared to 2012-2014.

According to RVRN reports (2015-2018), 214 out of 587 reported racist attacks perpetrated against immigrants representing 36,45% of total attacks. It is essential to remind that in the period 2012-2014, the ratio exceeded 80%. Furthermore, Police data speak of an additional 457 physical or verbal racist attacks between 2015-2018. We have to note that there is no evidence suggesting that all 457 episodes are new or are double recorded by RVRN. Importantly, there was a gradual rise in racist crimes as we move forward to 2018 of approximately 20%.

Unlike in the previous period, most racist incidents in 2015-2016 were not perpetrated by organized far-right groups, but rather individual or small group assaults. Furthermore, there were no significant incidents in urban areas or areas with a high concentration of refugees, except for Kos's island.

Kos represents an exciting example of how authorities at a local level may contribute to the rise of racist behavior. On several occasions, the mayor of the island expressed his indignation at the existence of refugees on the island, stating that he will not allow his island to become a storehouse for migrants and that migrants disrupt tourism and threaten local security (Vima9/4/2015; 10/6/2016). Interestingly, unlike the rest of the Eastern Aegean islands, which received a massive blow from the mass influx of refugees, Kos was in an advantageous position hosting in 2016 only 532 refugees in structures with a capacity of 1000 people.

Meanwhile, Kos was the first island where the Golden Dawn hit-squads reappeared, carrying out attacks against the refugee camp, which also extended to residents or NGOs assisting refugees (Theodoridis 2015). The emergence of organized racist attacks on the island can not be seen as isolated by the local authority's reaction. The mayor's anti-immigrant position and the invocation of security considerations gave the impetus for the violent intervention of far-right groups, sparking public arrest and confrontation among the inhabitants.

To assess the extent of racist attacks during this period, we should also consider the flow volume. Given that between 2015-2018, more than 1,3 million persons passed through Greece, and adding the more than half-million immigrants regularly residing in the country, the volume and severity of racist attacks appeared as exceptional and individual phenomena. In conjunction with the previous period's phenomena, one would have expected that the extent of racism and xenophobia might reach unprecedented highs. On the contrary, though, amid the refugee crisis, racist attacks and xenophobic behavior were once more marginalized.

The "sporadic" adverse reactions of local communities were arguably counterbalanced by the "wave of humanitarianism" of the Greek society towards refugees. According to the CoE Human Rights Commissioner, Mr. Mijatovic (2018), Greeks showed unprecedented humanity, hospitality, and solidarity towards refugees on a collective and individual level. The international press praised the great humanitarian mobilization, especially of the islanders, who helped during this first period in rescue operations, humanitarian assistance, and in general, in every possible way to alleviate

human suffering. The locals' excellent contribution was sealed with the candidacy for the Nobel Peace Prize of two inhabitants of Lesbos's island for their efforts to save thousands of refugees and migrants while sparked an unprecedented movement of solidarity throughout the EU.

The implementation of the EU-Turkey Agreement, and the squalid conditions it created with the confinement of thousands of people on the islands, along with the governmental decision to integrate refugee children in the school program, gave the impetus for the second round of racist outburst. Thus, in 2017-2018 there was an evident increase in racist crimes and behavior, mostly manifested in Eastern Aegean islands and schools.

Several reports speak of violent reactions by local "residents groups" on Samos, Lesbos, Chios, and Kos, while on several occasions, the attacks were orchestrated by members of Golden Dawn. We observe that the "security gap," which the organization exploited in Athens during 2011-2014, was transferred to the islands. Furthermore, it was fueled by frequent reports of the dangers posed by the conditions prevailing in the hotspots and the residents' indignation for the government's inability to manage the situation created.

The rise of anti-refugee mobilization on the islands comes in direct opposition to the situation on the mainland. The effective intervention of UNHCR, local authorities, and the government for the proper accommodation of refugees in apartments or organized facilities largely prevented phenomena that have been observed in the past. Reactions in the mainland were minimum. Furthermore, the Public Issue survey revealed that security sentiment was restored both for residents and refugees. Indicatively, the survey revealed that more than 60% of Athens' citizens did not feel threatened by refugees or immigrants, while 95% of refugees said that they feel safe while not experiencing racist behavior at any level (Vima 3/10/2017).

Another field of racist manifestation was the education system, following the government's decision to include refugee children in the school curriculum, which sparked orchestrated reactions by parents associations, often with the direct involvement of Golden Dawn MPs (Triantafyllidou 2017; Theodoridis 2017).

According to the former Educational Director of the refugee camp of Malakasa, these mobilizations were over-projected, especially by the televised media, and created an initial phobic shock in the school environment. He emphasizes that the climate was reversed when the parents

realized that integrating refugee children into the education system positively affects the school environment. Also, he stressed that the positive actions were not shown as much as they should have been from the media to inform the public and present refugee education in its humanitarian dimension.

To summarize, what we have observed during this period was a fluctuation of public attitudes, which amid the refugee crisis moved to a more favorable position towards immigrants and refugees. The shift in public discourse and practice and the public condemnation of racist violence by the political and judiciary system had a significant effect on how the public reacted to the flows and the social elimination of racism, at least at the level prevailing in the previous period.

Once the flows normalized and the adverse effects of the EU- Turkey Agreement became apparent, the public attitudes shifted again, while racist and anti-immigrant mobilizations, especially at a local level, were manifested. Nevertheless, though, anti-immigrant attitudes and phobic syndromes did not reach the extent of 2012-2014.

Arguably though, the adverse public reactions on the islands were not a priori unjustified. As we will observe in the following section, the islands' conditions gradually reached the level of humanitarian and security crisis. While celebrated at the EU level due to the diminishing of flows, the EU-Turkey Agreement's impact resulted in the containment of thousands of refugees in squalid conditions, which became a source of local reaction and genuine security considerations. Furthermore, the absence of obvious securitizing measures, at least in the form of the previous periods, did not constitute a practical shift. The EU- Turkey Agreement and the way it was implemented was indeed a securitizing measure, aimed to protect the EU borders, but harmed refugees' human rights, especially those trapped on the islands.

Securitizing measures and human rights

The refugee crisis of 2015 brought to the fore the long-standing systemic deficiencies of Greece due to years of negligence regarding the compatibility with the human rights protection of irregular immigrants and asylum seekers. So far, we have observed the continuous imbalance between securitization of immigration and human rights protection and the avoidance by successive Greek governments to create structures and procedures that would be compatible with the country's obligations and assist in managing irregular immigrants and asylum seekers flows. Instead, as we have evidenced, the Greek governments focused their efforts on border protection and deterrence,

while the improvement of reception and detention conditions were considered possible pull factors for further flows.

Additionally, the crisis exposed the EU's securitizing logic, since as we will observe, the European initiatives of this period were an outcome of security calculations aiming at the curtailment of flows. At the same time, human rights considerations remained in the adopted policies' margins. Furthermore, the crisis exposed the lack of solidarity between the EU member states, and the insufficient preparation and planning, despite the continuous warnings of the potential humanitarian crisis outbreak.

The most noticeable difference of this last period under research is the absence of obvious securitizing measures. The succession in the power of the conservative party of Nea Demokratia by the leftist coalition of Syriza momentarily signified a policy shift towards a more human rights approach to the management of irregular immigration. Despite though the initial efforts of the government, the 2015-2016 crisis appeared as a game-changer. While at the governmental level securitization discourse and straightforward securitizing practices were absent, the EU involvement, with the signing of the EU-Turkey Agreement, the legislative changes adopted by the country for the implementation of the Agreement and their practical outcomes, created a highly unfavorable environment for asylum seekers, especially those stranded in the Aegean islands. What was more evident, as we have observed in the first section, was the continuous bypassing or intervention on the judiciary, which led to a concealed, yet in practical terms, enhanced securitization of asylum-seeking, with adverse consequences on the human rights of refugees, asylum seekers and irregular immigrants.

To navigate this period's developments, we have divided this section into two subsections separated in the period before and after implementing the EU- Turkey Agreement. The first period observes the initial governmental initiatives towards the de-securitization of immigration through policy and legislative initiatives and the gradual unfolding of the crisis and the initial Greek and EU response until March 2016. The second section is devoted to the period between March 2016 and 2018, following the EU- Turkey Agreement's implementation. The aim is to present the securitizing logic behind the Agreement, the effects on human rights protection, especially those trapped on the islands, and the implication these policies had on national and social security.

The unfolding of the crisis- January 2015-March 2016

Syriza's newly elected government made apparent right away its intention to adopt a migratory policy that was in line with the national and international law, especially regarding the detention of irregular immigrants. Among the government's first initiatives were the interruption of indefinite detention, the immediate release of any person held for more than 18 months, and the termination of Operation Xenios Zeus (Skleparis 2017).

Additionally, the Common Ministerial Decision 8038/23/22 (Gazzette b' 118/21.1.2015) foresaw the creation of seven Pre-Departure centers, with clear instructions to avoid detention more than six months and to prohibit the detention of minors (Ombudsman 2015). Furthermore, art.18 law 4332/2015 was also a very positive development, as it stated that an expulsion decision was no longer issued when the conditions of the non-refoulement principle are met but foresaw the issuance of a certificate of non-expulsion for humanitarian reasons.

On a negative note, as a matter of course, the police authorities viewed the six-month detention as a rule and not as the limit. According to the Greek Ombudsman (2015), this practice is found in breach with art.30,5 law 3907/2011 and of Art.15 Returns Directive, which stipulates that *"Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence."* Additionally, national and public security reasons were used excessively as grounds of detention in view of removal (AIDA 2015; Ombudsman 2015). According to CPT (2015), a final issue was the security orientation of pre-departure centers, according to which irregular immigrants were still treated as criminal suspects. Furthermore, there was an observed inability to absorb funds from the AMIF in a stable manner, which created significant gaps and shortages in living conditions, especially regarding catering and material provisions.

Nevertheless, the evolutions mentioned above resulted in a sharp decrease in detained persons in pre-departure centers and detention facilities. According to the data provided by the Greek Ombudsman (2015, 127), in November 2014, there were 6,283 detained irregular immigrants, of which 2,160 in police stations due to lack of capacity, while in November 2015, there were only 504 detainees exclusively in pre-departure centers. Furthermore, the seven pre-departure centers' nominal capacity raised to 6127 persons, operating in full compliance with hygiene and safety rules (EMN 2015, 68).

Among the most important findings of this period was a rare yet crucial public intervention of the Panhellenic Federation of Police Officers (henceforth POASY) in April 2015 (Vima 24/4/2015), which indirectly revealed that the securitizing practices of the past were an outcome of political will, and not of the intervention of security professionals. Amid the rise of flows, POASY, in an open letter addressed to the government and the EU Commissioner for Immigration, Home Affairs, and Citizenship, Dimitris Avramopoulos, expressed their intense concern for the increasing migration flows, especially on the island regions of the country, without the existence of the necessary infrastructure. The statement referred to the accumulated problems and pointed out the effects of the further escalation of the phenomenon on the operation of the Police Services, the health and safety of immigrants, and the Greek society in general.

The importance of the public statement lies in the general condemnation of previous policies. As we read from the statement, *“Police showed great sensitivity to the issues of foreigners and at an unsuspecting time had sounded the alarm bell, when still others considered sweep operations and fences as unique and sufficient means to address the immigration issue. While the acute problems caused to the police and especially to society by the long absence of immigration policy were visible to all, the leaderships remained indifferent for years. In 2007-2008, we asked for foreign nationals’ employment in the police, as liaisons, interpreters, etc., and the establishment of an anti-racist department for the police at the Hellenic Police Headquarters. They did not even want to hear such advanced proposals.”*

This statement verified many interviewees’ position who stated that the securitizing approach to immigration and the police impunity of crimes perpetrated against immigrants was a political decision. The police’s actions were driven by the political environment and were often imposed by policy initiatives, supported by the police leadership, but not pursued by police. Thus, it became apparent that in Greece, the securitization of immigration was not an outcome of security professionals’ intervention but almost exclusively a political process.

As the refugee crisis escalated, the structural and infrastructural inefficiencies of the country manifested. According to the then Vice Minister of Defence and later Minister of Migratory Policy, Mr. Vitsas, by summer 2015, only two FRCs were operable, one in Evros and one in Lesvos; there were only two well-staffed asylum offices; there was no electronic registration and fingerprinting

system; no contingency plan; no supply chains; and the only way to describe the situation was as chaos.

To manage the situation, Greece requested Frontex's reinforcement, which responded with the deployment of additional 600 officers and 76 fingerprinting scanning machines. Simultaneously the Greek army took over the management of the situation. According to Mr. Vitsas, that was not a security-oriented move but an outgrowth of the need for an already existing mechanism to manage the situation. At this stage, only the army had the know-how, the infrastructure, and the way of coordinated action to address the crisis. Therefore, the army undertook the task to create hot-spots on the islands, create reception centers, the catering, the management, and the coordination of medical assistance.

In the same period, the EU Commission announced the allocation of 262 million euros in emergency funding towards Greece, mostly absorbed by the UNHCR and NGOs (C(2016)280 of the Commission; Ombudsman 2015). The emergency assistance amount coincides with the IMF's estimations, which estimated the cost for managing the crisis for 2015 at approximately 300 million euros (EMN 2015, 19).

Still, the state appeared weak in managing the situation, while resource allocation was slow and inefficient. Volunteers and NGOs took on the role of addressing the state's weaknesses through an unprecedented mobilization of civil society both domestically and internationally (Ombudsman 2015; FRA 2016).

As already observed, the vast majority of flows diverted in the Balkan route; thus, the Greek response remained mostly on an ad-hoc basis. Aegean islands and the border crossing of Idomeni gradually became the "choke points" of the refugee flows. At Idomeni, an average of 5000 people crossed the borders daily, while the accommodation centers on the spot had a nominal capacity of 2,500 persons (UNCHR 2015). The border crossing of Idomeni became the theater of occasional riots and violent outbreaks due to the frequent closure of the Macedonian site's borders, the imposition of quotas on daily crossings, and the restriction of crossings only to specific nationalities before the permanent closure in March 2016.

In June 2015, the European Council adopted the so-called "hot-spot" approach to assist the front line countries, namely Greece and Italy, by providing operational support for the swift

identification, registration, and fingerprint of newcomers, the process of asylum claims, and to conduct return operations. The “hot spot” approach foresaw the deployment of EASO, Frontex, Europol, and Eurojust officials that would work in collaboration with the local authorities (AIDA 2016). The first Greek “hot-spot” operated in Lesbos in October 2015 but suffered from significant financial and infrastructural constraints due to the lack of national funding and the Greek government’s inability to swiftly absorb funds available by the EU (AIDA 2016).

Until March 2016, four hot-spots became operable on Lesbos, Chios, Samos, and Leros's Greek islands with an initial nominal capacity of 5,362 persons (ECRE 2019).

In February 2016, following a request from Germany, Greece, and Turkey, NATO deployed forces in the Aegean to “*to support international efforts to cut the lines of **human trafficking and illegal migration***” (NATO Fact Sheet 2016,1). The wording used by NATO indicates a clear securitizing orientation, as the organization clearly stated that the crisis was an “*illegal immigration*” crisis, despite the data suggesting that it was an apparent refugee crisis. NATO forces collaborated with Frontex and national forces providing real-time information, surveillance, and conducting reconnaissance operations (Crepeau 2017). Importantly, rescue operations were not included in the NATO's mandate, another indication of the exclusive security orientation. The NATO intervention marked the complete militarization of Greek borders, which now were guarded by national forces, Frontex and NATO.

Notably, while the European Commission celebrated NATO's involvement in the Aegean (Vima 11/2/2016), the Greek government kept a low profile on the issue even though NATO's presence was a Greek initiative. This was the beginning of an extensive chain of concealed securitizing practices undertaken by the Greek government, either on its own initiative or following EU pressures.

In March 2016, the Balkan route's closure and the EU- Turkey agreement turned Greece from a transit into a receiving country overnight. Notably, there was no initial preparation on the mainland or on the islands to create the appropriate infrastructures and efficient operational planning for managing the thousands of people trapped in Greece overnight.

Thus far, we have observed that the initial Greek response was that of shock, succeeded by ad hoc measures, which mostly aimed to provide immediate humanitarian assistance and facilitate the

diversion of flows to the Balkan route. On the contrary, there was no preparation for long-term reception and accommodation of large numbers of refugees despite the indications that the Balkan route was gradually closing. Furthermore, besides the militarization of borders, no other securitizing practice was put into place. The implementation of the EU- Turkey deal, though, turn out to be a game-changer in the management of the crisis, reflecting the EU's perception that the situation should be treated as a security urgency, prioritizing the curtailment of flows to mainland Europe rather than treating the issue as a humanitarian crisis.

The day after the implementation of the EU-Turkey Agreement- March 2016-2018

The closure of the Balkan route and the implementation of the EU- Turkey agreement had three immediate effects: the stagnation of approximately 60,000 refugees in the country (Amnesty 2016), the transform of “hot-spots” on the islands into detention centers overnight, and the subsequent rise of asylum claims which put additional pressure to the countries already strangled system. Another important consequence was the creation of “two speeds” asylum procedures, as the enactment of law 4375/2016 provided a substantially different system on the islands than on the mainland.

Even though these two evolutions appeared separate, their rationale and ramifications seemed complimentary, aiming to secure continental Europe from additional flows.

The Balkan route's closure on March 7 caught the country unguard since until then served mainly as a transit state with only a fracture of persons who entered the country applied for asylum or aimed to remain in the country. In reality, according to the Ombudsman (2016), the diversion of flows to the Balkan route attracted irregular immigrants and asylum seekers found in Greece before the initiation of the crisis, who followed the new routes to Central and Western Europe. According to the data, in 2016, Greece has the lowest number of irregular immigrants since 1990 (Ombudsman 2016).

The EU Council President Donald Tusk announced that the decision was an outcome of consensus among the 28 MS, aimed “to end ***irregular migrant flows*** along the route of the Western Balkan countries” (Hellas Journal, 8/3/2016, emphasis added). The announcement provoked strong reactions within the country, with Prime Minister, Alexis Tsipras, stating that it was not a joint decision to close the route, resulting from unilateral actions.

The EU- Turkey Agreement announced on March 16, entered into force immediately, and its effects became apparent from the first days of its implementation. The Agreement, which was characterized as an “*emergency measure*,” prioritized containment both as a deterrent to future flows and facilitated returns to Turkey as the second priority. The overall aim was to constitute the Aegean islands, a buffer zone, which will halt flows towards continental Europe in conjunction with the closure of the Balkan route.

Several human rights bodies heavily criticized the Agreement for creating barriers to asylum and undermining asylum seekers’ human rights in every step of the process (Amnesty 2016; ECRE 2019; UNHCR 2017; UNHCHR 2016). According to the UN Special Rapporteur for the Human rights of Immigrants, Fracoic Crepeau (2016), the Agreement revealed the Union's struggle to maintain border control irrespective of the human rights cost, creating a “*new normal*” through the instrumental stripping of immigrant rights. Furthermore, Mr. Crepeau directly accused the EU of shifting a disproportionate burden to Greece for border control, regardless of financial or human costs, while taking no action to protect those trapped in the Aegean islands, since as he said, “*the emphasis on securitization does not fully work unless one really violates immigrants human rights[...] overreliance on securitization at borders will only increase suffering at borders*”.

Notably, the Agreement did not carry out a human rights impact assessment. According to the European Ombudsman (2017), irrespective of the political nature of the Agreement, all policies, and actions conducted by the EU bodies and institutions which directly affect human rights “*should contain an explicit consideration of the human rights impact of those policies and actions concerning the principle of proportionality*” (para.25). The Ombudsman concluded that even if MS were acting on their national capacity, their actions should have been compatible with Art.6.3 TFEU and the EU Charter of Fundamental rights, since “*the implementation of the agreement had a direct impact on the human rights of immigrants and the ability of the EU and of the MS to fulfill their human rights obligations*” (para.26).

In section A, we have thoroughly analyzed the Agreement's provisions, along with the necessary national legal initiatives for its implementation. We have also discussed the issues that arose regarding the concept of a “*safe third country*” and the restriction of movement on the islands, and we have seen how the Greek government, affected by EU pressures, circumvented the judiciary

and proceeded with policies and legal amendments that essentially curtailed access to asylum on the islands.

In the rest of this section, we will focus on the Agreement's practical ramifications on the human rights protection of asylum seekers and irregular immigrants. We will focus on three key areas severely affected by the evolutions mentioned above, namely the detention of asylum seekers, access to asylum, and reception conditions. As we will see, the Agreement resulted in different policies and procedures on the mainland and on the islands. Though, the common ground was the restrictive approach that resulted in significant deviations from human rights protection.

Detention

Among the first consequences of the measures taken for the implementation of the EU- Turkey Agreement was the reintroduction of asylum seekers' detention as a critical migratory policy tool. The Greek initiatives undertaken in 2015 for minimizing immigrants detention were almost completely reversed with the imposition of blanket detention for all new arrivals.

On the Aegean islands, since March 2016, hot-spots turned into detention centers overnight, which was described as a *“hybrid scheme of detention/reception of the newly arrived, where the same facilities serve as detention centers for 25 days and then become a place of open accommodation”* (AIDA 2016, 100). The indiscriminate detention of asylum seekers provided by art.14 and art. 46 law 4375/2016. Accordingly, asylum seekers restricted at RICs until they go through the reception and identification procedures provided in art.9, which include the registration of personal data, fingerprinting, identification, the provision of medical care, and referral to the competent services for submission to return or deportation procedures if their asylum application is rejected or deemed inadmissible (LIBE 2017).

In line with the European legal framework, art.46 law 4375/2016 provides that asylum seekers may not be detained *“for entering or staying in the country irregularly”* and that *“detention is allowed in exceptional circumstances and in the absence of alternative measures.”* Under Law 4375/2016, Greek authorities retained the right to detain an asylum-seeker based on one of the following grounds: a) to determine his or her identity or nationality, b) when there is a risk of absconding, c) when it is highly probable that the application for international protection has the sole purpose of delaying the enforcement of a return decision, d) for reasons of national security or public order.

Mandatory detention on the islands sparked significant reactions from international organizations and NGOs, starting with UNHCR withdrawing from the islands protesting against containment policy (FRA 2019). It soon became apparent that universal detention did not fulfill the legal prerequisites of art.14, setting the maximum limits to complete procedures to 25 days. Thus, the detention scheme was replaced by a geographical restriction on the islands. The geographical limitation was implemented by an administrative decision issued by the Greek Asylum Service Director on May 31, 2017, based on art. 41.1.d.cc law 4375/2016, which provided that the “*The international protection applicants card may refer to restriction of movement of the to a part of the Greek territory after a decision by the Asylum Service Director.*”

Even though the geographic limitation gradually replaced mandatory detention measures on the islands, several reports indicated that asylum seekers’ detention became a systematic policy (Crepeau 2017, AIDA 2016; Ombudsman 2017). Asylum seekers were routinely detained on excessive and unjustified grounds of public order, while reasons of abusive asylum application invoked to specific nationalities without individual assessment based on the “*Low Profile Scheme.*” The “*Low Profile Scheme*” refers to systematic and arbitrary detention not legally defined in the legislation (AIDA 2019). Newcomers belonging to nationalities with low recognition rates were immediately placed in administrative detention upon completing RIS procedures until the finalization of their asylum application or as subjects to EU- Turkey deal returns (AIDA 2016, 146; GCR, 2018).

Thus there was a vertical rise of persons held in pre-departure centers, while the policy of prolonged detention in highly unsuitable police stations re-emerge at an alarming pace. According to the data provided by the Greek Ombudsman (2017, 138), while in 2015 the number of detained persons did not exceed 600, in 2017, this number rose to 2598, while an additional 974 were held in police departments under squalid conditions (Ombudsman 2017; CPT 2018).

Both the Ombudsman (2017), the UN High Commissioner for Human Rights of Migrants (Crepeau 2017), and the Council of Europe Commissioner for Human Rights (Mijatovic 2018) converge on the existence of severe deviations from the national and European legal framework regarding procedural safeguards on the detention of asylum seekers. Indicatively, they state that the detention was not imposed as an exceptional measure as provided by law 3907/2011; there were no measures alternative to detention; no individual assessment to determine the necessity and proportionality

of detention; there was no periodic judicial review; access to asylum procedures was restricted; no legal aid was provided; conduct with the outside world was limited; there was lack of medical assistance; no interpretation or information regarding procedures was provided; while the lack of stable funding resulted to the limitation of necessary provisions such as food.

These findings were reinforced by the CPT reports, which in 2016 and 2018 found that conditions in most detention sites and pre-departure centers reached the threshold of inhuman and degrading treatment. As for the absence of judicial review, the ECtHR in the cases *J. R. and other v. Greece* (no.22696/16, 25.1.2018) and the case *O.S.A. v Greece* (no. 39065/16, 21.3.2018) found a violation of Art.5.4 ECHR considering that the applicants had not had access to remedies by which to challenge their detention.

Additionally, asylum applications in detention remained problematic for two reasons. First, according to art.46.2, asylum applicants who lodge a claim while in detention remained in custody until their application is processed. Second, and despite the progress made by the Asylum Service, registration of new claims remained slow. According to UNHCR (2017), asylum-seekers in pre-removal detention waited, on average, up to four months to register their asylum application and remained in custody until the full process; thus detention period might at times exceed 18 months (AIDA 2018; Ombudsman 2017).

Another critical evolution was the detention of asylum applicants who broke the geographic restriction. While detention was quasi justified to facilitate return to the islands, on-ground research reveals that asylum-seekers were being detained for more than three months in pre-departure centers in the mainland before they were transferred back. The practice ran contrary to the provisions of art.46.4a, which states that “*the detention of applicants for international protection shall be imposed for the minimum necessary period. Delays in administrative procedures that cannot be attributed to the applicant shall not justify a continuation of detention*”. Furthermore, in the critical decision 94/2018, the Administrative Court of Pireus found that the violation of geographic restriction was justified due to a threat against the applicant’s physical integrity due to Moria’s conditions (AIDA 2016, 147).

Close to the mandatory and, at times, arbitrary detention were the allegations of extensive push-backs in Evros Borders. As we have already observed, flows through Evros borders rise during 2017 and continue to increase due to the effort to bypass the restrictive system on the islands; thus,

by 2017, the border guards' presence increased. Allegations of pushbacks were consistent, referring to re-foulements of persons apprehended upon entry and detained unregistered in disclosed facilities near borders. Re-foulements included UAM, minors, and pregnant women and were conducted by masked paramilitary forces (CPT 2019, para 139; Mijatovic 2018; AIDA 2018).

The Greek government rejected such allegation stating that there was no such operational activity or practice. Furthermore, the Ministry of Citizens Protection supported that border guard and police involvement aimed exclusively in controlling illegal crossings in Greek- Turkish borders (Mijatovic 2018; CPT 2019). We recall interviewee X's statement, who was able to know that pushbacks at Evros continued uninterrupted throughout the period as a matter of routine.

According to the Ombudsman (2017, 88), the reintroduction of detention as a key policy tool was dictated by security considerations, creating an environment of practical "*human rights negligence*," which canceled any legal improvement. The negligence was publicly expressed by statements such as "*the construction of new detention centers will deter future flows*" (NEA 11/2/2017), or the statement of the Minister of Migratory policy that detention centers were a valuable tool for second instance decisions (ProAsyl 2017), indicating that detention of asylum seekers was not an exceptional instrument provided by law, but rather a policy choice. Recalling that by that point, the country has found in breach with Art. 3 ECHR more than 50 times for detention conditions of immigrants and asylum seekers, and given that no substantial improvement took place, deemed the reemergence of detention as key policy problematic. The statements of the Greek government that conditions were challenging due to financial constraints in conjunction with mass influxes (CPT 2016) remained vague, given that the issue of the deteriorating detention conditions had been brought up since 1997 (CPT 1997), and that, despite the legal provisions, as a matter of policy no alternatives to detention have been put in place.

Asylum

Among the most profound changes brought by the EU- Turkey Agreement's implementation and the Balkan route's closure was the unprecedented rise of asylum claims lodge in the country's already strained asylum system. This section will examine the ramifications of the Agreement and the changes brought to the Greek asylum system in conjunction with security considerations and the restrictive orientation.

Until March 2016, the Greek administration's main challenge was the recording and identification of newcomers before their diversion to the Balkan route, a task that was already overwhelming for the Greek system. Following the closure of the route and the Agreement's implementation, over 90% of those who arrived or were found trapped in the mainland were obliged to long for a claim to have the right to remain in the country (Crepeau 2017).

The most significant repercussions for Greece's asylum system following the implementation of the Agreement and the enactment of law 4375/2016 was the introduction of two separate asylum procedures.

Accordingly, those applying for asylum in the mainland remained under the regular asylum procedure and fell out of the Agreement's scope. On the contrary, those applied on the islands were subject to the "*Fast Track Border Procedure*" provided in art. 60 law 4375/2016, aiming to implement the deal, and most importantly, to facilitate returns to Turkey.

The most crucial difference between the two procedures was that, while the applications lodged under the regular procedure were examined individually on the merits, the fast track procedure introduced the "*admissibility test*," an additional administrative step preceding the substantive examination of asylum applications. Accordingly, in the context of the Agreement, if Turkey was perceived as a safe third country, claims were rejected as inadmissible, and the person became a subject of a return to Turkey under the Agreement (AIDA 2019).

While according to Kiprioti (2018), the new procedure served as a basis of limiting Syrians' protection on admissibility grounds without examination on the merits; on the ground, the application of "*Fast Track Procedure*" created a discriminatory framework. Accordingly, irrespective of the date of entry into the country, Syrians' applications were prioritized over applications lodged by different nationalities, who have to wait for more than six months just to register as asylum seekers (AIDA 2016). According to Alpes et al. (2017), Syrians' prioritization reflected a sense of institutionalized discrimination, which aimed to facilitate rejection and returns on inadmissibility grounds. We should note that prioritization does not equal adequate protection since the standards and guarantees are limited and are enhanced by the minimal deadline to challenge the negative decision, while the procedure did not provide sufficient safeguards (AIDA 2016).

Significantly, following the Council of State's decision, which identified Turkey as a safe third country, the "*admissibility test*" expanded to all nationalities with a recognition rate of over 25% (AIDA 2019, 26). This evolution must be seen in conjunction with the Appeals Boards' reshuffle. According to data, while the previous appeals board overturn the majority of negative decisions on inadmissibility grounds, the new Appeals board, in the totality of the decisions, upheld inadmissibility, despite the credible allegations that Syrians returned to Turkey under the "*concept of safe third country*" were subjects of refoulement (Amensty 2017; UNHCR 2017). Significantly, according to multiple reports, there is no individualized assessment in the application of the safe third country concept, despite the explicit referral on the Agreement, that each case would be examined individually (AIDA 2016, 2017; ECRE 2016).

Another point worth focusing on fast-track border procedure is EASO's enhanced engagement in the asylum procedure. EASO experts have an increased role as they issue opinions regarding asylum applications; they conduct interviews and are involved in the vulnerability assessment procedure. EASO's function was upgraded by law 4540/2018, which provided authority on regular asylum procedures as well. EASO's engagement in the asylum procedures is deemed problematic. Several reports speak of the inadequacy of the interviews conducted by EASO personnel, which are exclusively focusing on the origin of the applicant and the implementation of the "*admissibility test*" rather than on the individual case parameters, while in most of the occasions they refrain from proceeding to vulnerability assessment (Ombudsman 2017; OXFAM 2017).

The exclusive focus of the EU on returns and deterrence of flows is expressed in all progress reports. For example, as we read in the 2017 (p2) report, the EU Commission stressed that "*significant additional efforts are still needed to reduce the backlog of asylum application, address the insufficient pre-return processing and the detention capacity, and to improve returns of irregular immigrants.*" Importantly, in all reports, the prevailing description of flows is that of irregular immigrants, or immigrants, even when the reference concern Syrian refugees. Notably, the success of the Agreement is celebrated in terms of flow reduction and not of the adequate protection of refugees and asylum seekers (Com(2016)231, 15).

Another profound manifestation of the EU's prioritization on returns over protection was the pressure put on Greece to restrict vulnerability criteria. We should recall that the Greek law excluded vulnerable populations from the "*fast-track procedure*" while provided for their

immediate transfer to appropriate accommodations on the mainland and prioritizing the examination of their application provided in art. 51.6 law 4375/2016. Notably, law 4375/2016 provides an extensive list of vulnerable persons, including UAM, persons with disabilities or severe illness, older adults, pregnant women, single parents with minors, victims of torture or people suffering PTSD, and trafficking victims. Significantly, according to Alpes et al.(2017), following the situation on the islands, access to adequate procedures depended on one's identification as vulnerable and not as prima facie refugees.

According to multiple sources, despite the already manifested deficiencies of the Greek system in the identification of vulnerable people, the EU put pressure on Greece to limit the list of persons considered as vulnerable and to prevent their transfer to the mainland (HRW 2017; MSF 2017; FRA 2019; Amnesty 2017). In an alarming statement on the issue, the then head of the Greek Asylum Service, Mrs. Stavropoulou, stated that *"Insufferable pressure is being put on us to reduce our standards and minimize the guarantees of the asylum process. We are asked to change our laws to change our standards to the lowest possible under the EU Procedures Directive"*. Additionally, HRW (2017) revealed that EU officials express the position that Greece should restrict vulnerability criteria because they might incentivize others to come while let open the possibility of returning vulnerable persons to Turkey.

Furthermore, despite the positive progress on the Asylum Service's functioning, reflected in the rising recognition rates since 2013, several deficiencies persisted, jeopardizing, even more, the already limited asylum seekers' protection. Accordingly, access to the procedure remained a structural problem, affecting both those applied on the islands and the mainland. In addition to the challenges of physical access to asylum procedures, the waiting period exceeds the law's time-frames. According to UNHCR (2018), in 2018, the average wait time until the first instance decision exceeded 8,5 months without calculating the period between the expression of intention and the actual application, which at times exceeds 40 days, while second instance procedures are even more time consuming (NCHR 2019).

The issue was addressed by the ECtHR, which in the case *A.E.A. v. Greece* (no 39034/12, 15.3.2018, para 85), found Greece in breach of Art.3 in conjunction with Art.13 ECHR due to obstacles in accessing asylum procedure.

Additionally, applying for asylum through detention remained problematic. As a matter of practice, lodging an asylum claim suspends only deportation but not detention. Notably, the waiting period between the expression of intention and the actual registration of an asylum claim is not counted in detention duration. Thus, asylum seekers often remain in detention for more than the maximum limit of three months provided by law (NCHR 2019). As a consequence, asylum applicants remained detained without enjoying the provisions of art.14.5 law 4375/2016.

Detention imposed on asylum seekers on the islands if their application is rejected on the second instance upon notification and are subject to removal. As a last resort, asylum applicants may challenge their rejection through the judiciary. Following Law 4540/2018, the previous appeal stage of interim order and suspension of removal merged, echoing the EU-Turkey Statement's implementation and the EU pressure to limit the appeal stages. The application for annulment and application for suspension of removal do not have an automatic suspensive effect. Therefore, between the appeal and the decision of the court, there is no guarantee that the applicants will not be removed, putting in to question the protection against re-foulement (AIDA 2019, 88 89)

Another point worth noting is the absence of legal assistance, even though the law provides free legal aid, at least in the appeal stage. The lack of legal assistance must be seen in conjunction with the inadequacy of the information supplied to potential asylum applicants or those whose application is under processing, the lack of interpreters, and the scattered legal framework, which is hard to navigate without legal knowledge. Those deficiencies further diminish access to asylum procedures, and the procedural safeguards legally provided further undermining the level of protection of asylum seekers in Greece.

The above analysis is by no means exhaustive. The focus was placed on the limitation on the access to asylum and refugee protection deriving from the restrictive EU policies, which obliged Greece to overturn any positive national initiative. According to OXFAM (2017), Greece tried to put safeguards to uphold international standards but had to retreat under excessive pressure from the EU. The EU's exclusive focus on limiting flows and returning as many persons as possible back to Turkey led to creating a highly unfavorable context that undermined refugee and human rights protection. The tangible effort of extraterritorial management of refugee flows reflects in the most obvious way the prevailing securitization of refugee flows, which in the official EU discourse are described as irregular immigrant flows, against respect for international law and European aquis.

While Greece has led to a contraction of the asylum and protection of refugees, the living conditions of these people in Greece became another source of violations of fundamental European and international law principles, creating a long-standing humanitarian crisis on the islands and in the interior. The overcrowding of reception facilities and the deterioration of conditions led to a renewed intensity of the racist phenomenon and immigrants' violent reactions. The critical point of reference remains the long-held belief that improving living conditions will lead to new flows and put national and European security at risk.

Reception conditions

Until March 2016, Greece served mainly as a transit state since only a fracture of persons applied for asylum or aimed to remain in the country. During the crisis, most actions regarding reception were oriented towards the emergency response to the humanitarian needs on an ad hoc basis, while no measures have been taken to create adequate permanent structures irrespective of the strong indications that the Balkan route would soon be closed. The announcement of the closure of the Balkan route, and the implementation of the EU- Turkey agreement, found the country completely unprepared. Indicatively, in the first months of 2016, Greece had only 1896 reception places available (AIDA 2016, 15).

Notably, though, the absence of adequate accommodation facilities cannot be considered an outcome of the crisis exclusively. Instead, it is an outcome of subsequent Greek governments' long-standing indifference to create appropriate and substantive accommodation places. The national legal framework foresaw the provision of proper accommodation and living standards to asylum seekers since 2007 with the enactment of the PD 220/2007, while similar provisions existed in law 3907/2011 and the newly enacted law 4375/2016. Despite the existence of an extensive framework of protection, Greece has been criticized on multiple occasions for the absence of appropriate structures and policies regarding asylum seekers' accommodation and living conditions. Indicatively, ECtHR found Greece in violation of Art.3 ECHR in at least 5 cases following the leading case *M.S.S. v. Belgium and Greece* of 2011, due to systemic deficiencies regarding reception conditions. Thus, the crisis did not create the problem but instead exacerbated it.

Additionally, the economic crisis cannot be considered a significant factor constituting the Greek government unable to allocate the necessary resources to create additional accommodation places.

Despite the internal economic hardship, the EU had allocated significant financial resources towards the country both through emergency funding and through the 2014-2020 budgetary allocation through AMIF and ISF. However, Greece appeared unable to absorb the funds available, an issue which was raised as early as 2012. Indicatively, AMIF and ISF allocated more than half a billion euros to Greece for the period 2014-2020. As of October 2016, Greece managed to absorb only 2 million euros through AMIF regular funding. (ProAsyl, 2019). The actual amount of emergency funding channeled to Greece during this period is unknown. According to the former Minister of Migratory policy, Mr. Vitsas, Greece received approximately 400 million annually in emergency funding between 2015-2018, half of which obtained by UNHCR and other NGOs active on the field. Thus, as we can see, Greece received significant financial assistance to manage the crisis.

The closure of the route and the Agreement's implementation meant a necessary policy change on the part of the government, given that tens of thousands of asylum seekers were now trapped in the country, which was forced to provide them with decent living conditions.

In the mainland, besides the persons trapped amid the Balkan route's closure, thousands of people transferred from the islands until 19.3.2016, who were exempt from the Agreement. According to the numbers provided by the Greek Ombudsman (2016, 29), as of November 2016, approximately 37,000 persons were trapped on the mainland.

The administration's immediate response was creating approximately 33,000 temporary accommodation places, mostly created after March. The majority of the facilities were located in abandoned military barracks and industrial areas, provided by the army (NCHR 2016; Amnesty 2016; Crepeau 2017, para 57). Almost all temporary accommodation places had an unclear legal status, while the conditions were deemed substandard for long-term residence. Issues of the absence of necessary material and procedural provisions and security arose quickly, without the appropriate state response (AIDA 2016; ProAsyl 2017b; Mijatovic 2018).

The situation remained unclear, with different actors intervening, covering various needs, while the camps' operation was not uniformed, resulting in different standards of protection depending on the site. Access to asylum procedures remained problematic due to the establishments' location, which were often located away from the cities, while medical and legal assistance was scarce.

We should recall here that since 2015, the EU put in place the Emergency Relocation Scheme, which foresaw the relocation of 60,000 asylum seekers from Greece as part of the implementation of burden sharing, provided in Art.78(3) TFEU. After implementing the EU Agreement, persons arriving at the islands were exempt from the relocation scheme, which covered only asylum seekers on the mainland. The program ended in September 2017, despite the strong protest on Greece's behalf, and the results were rather disappointing. From the 60,000 persons provided by the scheme, only 21,994 were relocated to other EU countries (Kiprioti 2018, 7). Given the numbers of persons found in the mainland at the time, the program's full implementation would have significantly eased Greece's burden for asylum seekers' accommodation and would have demonstrated in practice European solidarity. Instead, the program's practical failure exposed the EU MS's lack of solidarity and deemed the burden-sharing as a failure.

The situation in the mainland was partially normalized by 2018, with the decisive involvement of UNHCR and the implementation of the two essential programs ESTIA and HELIOS, funded by the EU. The programs concern asylum seekers exclusively and include housing in apartments or hotels with subsidized rent, fixed financial aid, and support services. According to EMN (2018, 10), in 2018, 22,686 persons were hosted in optimal conditions through the UNHCR scheme, while an additional 18,329 persons in good or acceptable conditions in state-run facilities or facilities run by IOM, UNHCR, and other NGOs.

UNHCR programs' implementation took place without particular objections at the local level, while they admittedly helped in the gradual integration and acceptance of asylum seekers in local communities. Additionally, the program had significant financial benefits from local communities since the financial assistance was diverted to the local economy through rents or household spending. Furthermore, the mainland minors gradually had better access to the education system, despite the initial reactions. According to EMN, by 2018, 12.500 minor refugees on the mainland had access to education.

Even though living conditions gradually improved in the mainland, human security issues and the lack of protection, especially UAM and vulnerable, were sustained. According to recent research conducted by Digidiki and Bhabha (2017), UAM found in a particularly precarious position, as their transfer to the mainland did not equal the appropriate protection. According to the authors'

survey, there is a growing “child prostitution” epidemic resulting from insufficient material provisions, scarcely suitable accommodation for UAM, and inadequate minors protection policies.

The survey findings converge with the revelations made by the former educational director of the refugee camp in Malakasa, Mr. Kalemis. According to the interviewee, in at least two cases, the camps managements had to intervene on behalf of children who were victims of child exploitation networks. Furthermore, Mr. Kalemis revealed that the inadequate identification procedure became a source of threat to public security. According to Mr. Kalemis, due to procedural inefficiencies, an unknown number of asylum seekers hold asylum cards that include multiple names, surnames, and countries of origin; thus, their recognition in case of unlawful conduct is almost impossible. The allegations were supported by pictures of asylum registration cards of which the holder was presented with several different names and countries of origin in the same document. According to Mr. Kalemis, there are reasonable suspicions that people with similar documents are involved in trafficking networks.

Despite the gradual improvement of the mainland’s situation, the islands’ condition sharply deteriorated following the March 2016 developments despite the decrease in new arrivals. From the first day of the Agreement’s implementation, which provided asylum seekers’ detention on the islands, hot-spots run overcapacity. In fact, given the numbers provided, occupancy doubled capacity at any point in time, creating an explosive mixture of overcrowding and frustration (Ombudsman 2016; Mijatovic 2018; EMN 2018). CPT (2016) described the conditions developed as amounting to inhuman and degrading treatment, enhanced by overcrowding, the lack of separation between populations, the insufficiency of material provisions, inadequate legal aid and information, lack of adequate medical care, and efficient security.

The situation did not improve after the abandonment of mandatory detention and its replacement with the imposition of geographical restrictions on the islands. Even though asylum seekers were not obliged to remain at hot-spots, the lack of financial means made finding accommodation by own means prohibitive. As a result, thousands of persons remained in the hot spots perimeter, in tents and other temporary and highly unsuitable constructions, to have access to procedures and the minimum material provisions, provided mostly by NGOs, such as food and water. Moria hot-spot in Lesvos appeared to be in the worst position, since according to the estimations, at times, more than 13,000 people resite in the perimeter of the hot-spot, which has a 3,100 person capacity.

The miserable conditions around the camp gave it the nickname “*Moria jungle*,” while aid workers describe the conditions as the worse conditions ever faced, even comparing it with camps in under-developed countries.

The severity of the reception conditions’ deficiencies soon raised awareness of the potential health hazards due to the sub-standards hygiene conditions. Indicatively as for 2016, the Hellenic Centre for Diseases Control and Prevention (KEELPNO) proposed the closure of hot-spots stating that “*The long-term survival of these primarily healthy populations in similar conditions multiplies the chances of food and waterborne epidemics as well as transmitted by mosquito-borne exposes it to several risk factors*,” noting that the operation of hot spots and reception facilities, based on existing weaknesses constitutes a severe security risk for public health (NCHR 2016, 21). Additionally, according to MSF (2016, 2017), conditions described as “institutional neglect” and “forced immobility” resulted in traumatic consequences for asylum seekers’ mental health. The organization pointed out the rise in suicide attempts due to living conditions and the widespread increase in mental illness and depression caused by despair (MSF 2017).

Furthermore, asylum seekers on the islands were deprived of basic human needs such as food, water, and clothing, while minors’ access to education was limited to non-existent. Indicatively, the national framework provided that children have access to education after their continuous presence in Greece for three months. According to HRW (2018), even though minors may remain on the islands for more than a year, only 15% have access to education, while no child from Moria camp enrolled in school. Citing governmental sources, HRW supports that this policy was justified on the premise that refugee populations are frequently on the move; thus, there is no need for the provision of education to minors at the hot-spots.

Additional to the material deficiencies, conditions inside the camps became a fertile ground for inter-ethnic tensions, racist attacks, and sexual and gender-based violence. According to the Ombudsman (2017), the security forces understood their constitutional duty to protect those residing in the territory of the State as a fundamental right of citizens, without taking into account the commitment of provision of security to asylum seekers living either under partial liberty on the outskirts of the hot-spots or to those living under the responsibility of the State. Thus the police presence at the hot-spots was deemed as rather formal than substantial, as police interventions

were limited to either suppressing uncontrolled conflicts or limited on the perimeter of camps without providing substantial protection even to sexual violence or trafficking victims.

According to multiple reports, insecurity prevailed inside the camps, while violent clashes and riots were frequent (Crepeau 2017; AIDA 2016, 2017; FRA 2016; Ombudsman 2017; CPT 2016; Amnesty 2017; HRW 2017; NCHR 2016, 2019). Indicatively, in the first year of the Agreement's implementation, MSF (2017, 13) recorded 100 security incidents concerning violent clashes and riots, lethal accidents caused by living conditions, rapes of women, and UAM, and suicides. Simultaneously, the organization reported widespread abuse of drugs and alcohol, while sexual harassment of women and minors was an everyday phenomenon. The lack of security appeared to be acknowledged by the EU commission, which estimated that police forces should have been at least tripled in the hot-spots (Amnesty 2017, 23). The situation was of such severity, which according to reports, several asylum seekers, among them 548 Syrians, opted for voluntary return to their country of origin, claiming that living conditions on the islands are worse than Syria's war zones (Amnesty 2017, 20).

In-camp insecurity is not the only security issue that emerged as several reports speak of racist attacks against camps, perpetrated by far-right groups, often with police tolerance, while local communities gradually turn hostile against asylum seekers (ProAsyl 2017; Theodoridis 2018; FRA 2019). The over publicization of the dire conditions in the hot-spots and the rising public discussion regarding the camps' security threats, either in terms of public health or public security, along with the practical State's inaction, facilitate an at times legitimate climate of insecurity on the islands.

While the lack of appropriate reception and accommodation of asylum seekers on the islands could have potentially be excused on the grounds of mass influxes, significant indications pointed out that conditions were an outcome of political decisions or political priorities aiming to deter future flows. First, despite the universal outcry regarding the reception conditions on the islands, especially following extensive documentaries on the conditions in the Moria camp, the EU Joint Action Plan Progress report for the implementation of the Agreement of 2017 (COM(2017) 204) urged Greece to continue to enforce the geographic restriction on the islands to ensure efficient returns. As a response, and amid the continuous pressures to limit the number of persons perceived as vulnerable, the Greek government refrained from the transfer of vulnerable of specific nationalities in the mainland, who were obliged to remain on the island's dire conditions until the

final decision of their application. Notably, even though an “emergency measure,” the geographic restriction is still implemented four years after the crisis.

Security considerations were raised by governmental sources as well. While the government and the EU were heavily criticized for the instrumentalization of the reception conditions as deterrence for further flows, the then Minister of Migration, Mr. Mouzalas, in an interview in *Der Spiegel* when asked why the government does not take action to correct the situation on the islands stated that “*If we relieve the islands that would play into the hands of smugglers and trigger a mini 2015*” (HRW 2018).

Finally, according to New York Times sources(2/10/2018), in a private meeting held by Greek and European Union officials and aid workers on September 4, 2018, officials of the European Commission suggested keeping living standards low at Moria hot-spot to deter future migration to Greece.

The data provided above are by no means exhaustive and fail to grasp the exact magnitude of human suffering on the Greek islands. In conjunction with the political and legal evolutions described in the first subsection, though, draw an accurate picture of the securitizing logic that drives the EU and Greek policies to manage the refugee crisis.

To round the findings up with the analysis provided in the first section, we can say that the refugee crisis management was an outcome of the imposition of exceptional measures that became permanent. While we have identified the Schmittian influence on the legislation drafting manifested by the enactment of emergency legislation and the destabilization of the balance of power between the executive and the judiciary, the above analysis reveals that the management of “*disorder*” was an exercise of biopolitics as described by Agamben (2005) where the exception is routinized through the containment of immigrants and refugees in the camps, in which life is diminished to bare living.

Recalling Agamben’s conception that the “sovereign state of exception” is “*a fiction iuris par excellence, which claims to maintain the law in its very suspension but produces instead a violence that has shed every relation to the law*” (Agamben 2005,59), we can now identify the similarities with the EU and Greek policies in the practical level.

The framework created from the implementation of the Agreement, starting with the presumption of Turkey as a safe third country; the mandatory detention; the geographic restriction on the islands; the dire living conditions in the camps; the bypassing of international refugee norms through the fast-track procedures; the a priori classification of asylum claims to “admissible” and “inadmissible” based on generalized criteria; the returns of asylum seekers to Turkey despite the strong indications that are subject to mistreatment and re-foulement were all described as exceptional measures, that became the routine of managing immigration flows on the islands. Above all, the construction and operation of refugee camps, in which life is diminished on the bare existence, and in which asylum seekers and irregular immigrants are contained for months or even years, is the according to Agamben, the manifestation of the routinized “sovereign state of exception.”

The EU failed to undertake its role as a guarantor of human rights protection by prioritizing security considerations over human rights protection, while the organization failed to demonstrate the necessary degree of solidarity. The so-called state of emergency as a pretext for restricting refugee protection and the blatant violation of basic human rights has collapsed as the situation described above remains in place four years after the crisis. Greece, already having a burdensome system, and with the aforementioned social trends, was left to manage on behalf of Europe a disproportionate burden.

Long-term government inaction, wrong and ineffective policies, economic constraints, and sometimes political expediency have created a field of extreme violation of immigrants' and asylum seekers' human rights.

In recent years, the islands, particularly Lesvos, have been a securitizing experiment, that not only does not protect the rest of Europe, given the increase of inflows from other gateways but has gradually become a field where EU principles and values they broke down. The camps became reference points, where the residents have absolutely no right than the right of physical survival, and even that at times is questioned conditions echoing Arendt's famous quote, saying that “*The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationship except that they were still human.*” (Arendt 1951, 295)

CHAPTER 5- DISCUSSION AND CONCLUSION

Introduction

How does the securitization of immigration affect human rights protection? This research began with that question, looking up in Greece's case to shed light upon the phenomenon. This research has sought to explore the relationship between the securitization of immigration and the protection of human rights of irregular immigrants and asylum seekers through the answering of three research questions:

First, whether the issue of immigration in Greece can be considered as a case of successful securitization. In doing so, the research sought to answer why securitization was successful, how securitization of immigration succeeded, and the dominant actors in the securitizing process. Furthermore, this research sought to examine whether securitization appeared as a linear procedure or whether there were fluctuations (climax) and the factors contributing to this direction.

Importantly, this research sought to investigate the relation between the securitization of immigration and the level of human rights protection and whether securitization climax affected the level of protection of immigrants and asylum seekers' human rights.

The final research objective was to identify additional consequences of the securitization of immigration, focusing on public and social security. The aim was to investigate the relation between securitization and context and how the two interact with each other, and the effects of this interaction.

To answer these questions, this research employed a multimethod approach engaging in a detailed analysis of the Greek case study for the past 30 years.

Chapters 3 and 4 presented a thick description of how Greece dealt with immigration with security terms from the very initiation of the phenomenon; a tendency sustained throughout the 28 under research. We observed that the securitization of migration was directly related to external factors, such as the country's bilateral relations with neighboring states, and endogenous factors such as

each period's economic and political situation. We also observed that the level of securitization of migration fluctuated considerably from period to period, with obvious de-securitization attempts, which failed to reduce migration as a matter of political management. On the contrary, immigration remerged in the security agenda, on a higher level enticing the social treatment of immigration and paving the way for what Huysmans called "fascist mobilization."

Furthermore, we have observed the gradual deterioration of irregular immigrants and asylum seekers' human rights protection, despite the existence of a progressive and integrated legal framework, deriving by both state's actions and inactions and the practical non-implementation of the legislative framework. Based on the evidence provided, we have identified that human rights deviations were an outcome of political decisions directly related to the securitization of immigration. As we will analyze further, while several authors consider human rights violations as an outcome of securitization, evidence shows that in the case of Greece they have perceived as a securitizing tool aiming to tackle immigrants' perceived threat. Furthermore, the research shows that the deterioration of the protection of migrants' human rights resulted in the exclusion of migrants from the reciprocal obligations between citizens and the state bringing immigrants into a state of extreme powerlessness that incentivizes law-breaking conduct and violent reactions. Additionally, the exposure of immigrants to substandard living conditions and their social, legal, and economic marginalization quickly made them victims of racist behavior, which gradually developed into an unprecedented rise in the phenomenon, with the rise of neo-Nazi formations that turned not only against immigrants but also of Greek society intensifying the feeling of insecurity and provoking violent social conflicts.

This chapter brings this project to a conclusion by reflecting on what this research contributed to knowledge and its shortcomings, by linking the empirical findings of Chapters 3 and 4 with the theoretical framework presented in Chapter 1.

Chapter 5 is divided into two broad sections. Section A, following the structure of Chapter 1, revisits the different features of securitization theory, providing for the insights deriving from the empirical findings regarding the contested or under-investigated elements of securitization theory. The discussion will revolve around the exception and routine, the actors of securitization theory, and the role of the context.

After providing the analysis of securitization findings, in section B, the focus is placed on the effects of securitization on immigrants and asylum seekers' human rights. While the previous research considers human rights violations as an implication of securitization, we argue that human rights deviations are a calculated securitizing move that has adverse effects on the country's public security.

Section A: Revisiting Securitization Theory

In the light of the empirical findings, in this section, we revisit securitization theory to provide insights derived from the empirical findings in the contested features of securitization theory. Chapters 3 and 4 described the birth and process of the securitization of immigration in Greece. The evidence provided solidifies the construction of immigration as a threat in Greece and the longitudinal securitization of immigration in the country through elite discourse and securitizing practices.

In this section, the discussion will revolve around the issues raised in Chapter 1 namely: the controversy between exception and routine, the actors of the securitizing process, the role of the media and the audience, and finally of the role of context in the process of securitization.

Before proceeding with the analysis, a few words on methodology. This study implemented a "hybrid" methodological framework in the field of securitizing studies. Departing from Balzacq (2005), we adopted the position that securitization could not be examined only through discourse analysis. Discourse analysis remains a valuable tool, yet insufficient to reveal the different forces, actors, or parameters that influence the securitizing process and its outcomes.

The results justify this position. By implementing, the methodological framework described in Chapter 2, this research reveals the actors of the securitizing process, assesses the contextual parameters that intervene, assesses the contested role of the audience and the media, and reveals that securitization is path-dependent. Furthermore, we manage to reveal the consequences of the securitization of immigration in Greece for immigrants and the social level. While the research findings cannot be compared with other research due to the uniqueness of each case of securitization, the methodology employed could assist future research by providing a blueprint for the appropriate methodology for the analysis of securitization.

Exception and routine- Cutting the divide between speech acts and routinized practice

Among the most critical debates between securitization scholars is the discussion between the logic of exception and the logic of routine. Recalling from Chapter 1, The Copenhagen School of Thought holds the position that labeling something as a security issue through the speech acts elevates the issue in the realm of emergency politics, legitimizing emergency measures to counter the perceived threat. Thus, discourse appears as the most critical component for designing a threat as existential and the requirement of emergency action (Buzan et al. 1998:27).

On the other end of the spectrum, Paris School introduces the logic of routine, according to which securitization is a tool of governing insecurity, arguing that “*securitization is a process of establishing and inscribing meaning through governmentality and routinized practices carried out by bureaucrats and security professionals*” (Bourbeau 2017:108). Thus, for Paris School, securitization is about practice, rather than rhetorical performance focusing on the tools employed in the securitization process than on the dramatization of threat through speech acts (Bigo 2005:2001; Balzacq et al. 2016).

However, this research adopted Bourbeau’s argument that the separation between the two logics appears counterproductive to the understanding of the process of securitization and “*can potentially lead to a partial and potentially deceptive account of the securitization process*” (Bourbeau 2014; 205). As Bourbeau stressed, both logics are essentially incomplete when standing alone. The logic of exception fails to grasp the securitizing practices’ reproductive power in the solidification of insecurity. On the other hand, the logic of routine is not amenable to potential changes in the securitizing process expressed through critical junctures or windows of opportunity (Bourbeau 2014: 191; Bourbeau and Vuori 2012).

To that end, in Chapter 1, we elaborate the notion of securitization climax as described by Lupovici (2016), assuming that, to keep an issue on the security agenda for a long time, it presupposes the existence of long periods of routinized securitization with transitional periods of exceptional discursive securitization as mean to sustain an issue in the security agenda. To do so, in this research, we stepped out of the restrictive imposition of discourse analysis as the sole methodology for analyzing securitization. By employing the variety of methodological tools described in chapter 2, this research has produced significant results regarding the relationship between the logic of exception and the logic of routine.

The empirical findings revealed a close relationship between the logic of exception and the logic of routine. As observed in Chapter 3, the political elites' and mass media during the period 1991-1999 invoked emergency discourse by constructing immigration as an exceptional security threat to national and public security. In section B, we have observed that both the press of the period and the first parliamentary debate proceeded to subsequent speech acts that solidified the notion of the exceptionality of threat and the need to implement extraordinary measures to tackle it. We have also observed the immediate institutionalization of securitization through the adoption of a highly restrictive legal framework which almost entirely restricted access to legal immigration, led to the criminalization of migrants, while drastically limited the definition of refugee and asylum seekers and the provision of international protection in breach of the Geneva Convention. Furthermore, the Ministry of Public Order, and consequently, the police, elevated as the key actors of the migratory policy, being responsible for every aspect of the process in collaboration with the Army, a position that remained unchanged ever since. In addition to the legal provisions, securitizing measures focusing on mass arrest, detention, and deportation were adopted initially at an ad hoc base but soon routinized through their ongoing implementation and institutionalization since the creation of permanent security structures exclusively in charge of the phenomenon in 1998.

Furthermore, during the first legislation drafting, we have identified the application of the "sovereign state of exception" as per Schmitt. As we have seen, the strict legislation of 1991 appeared as emergency legislation aimed to counter the perceived threat posed by immigration. The discourse used in the parliament invoked the "us" against "them" argument, presenting the country at the verge of collapse, thus justifying any deviation from the constitutional and human rights obligations of the state. The then Minister argued that the country was in a state of emergency. Therefore, the law allowed the government to step outside the constitutional boundaries to tackle the threat. Let us remind here that the law's application depended on applying PD and Ministerial decisions, thus by-passing the legislature for the implementation of extraordinary measures. This extra-constitutional ability, again and following the Schmittian argument, was constitutionally provided. The law also allowed for the marginalization of the judicial authority by removing jurisdictions that at first reading are constitutionally guaranteed and, appear purely judicial. The destabilization of the balance between the executive and the

judicial power is among the founding premises of the concept of the “sovereign state of exception,” as per Schmitt.

What followed this initial stage was a decade during which securitizing practices acquire a sense of routine through the frequent use of the preferred securitizing tools, namely arrest, detention, and deportation. Importantly, through that period, and despite the change in government, the securitizing measures and mentality remained unchallenged. In that sense and through the creation of permanent security structures, securitization acquires a sense of permanency (Bigo 2005). Additionally, until 2003, the political elites and the media maintained the highly securitizing discourse through speech acts. The content and discourse analysis of the media and the parliamentary debates at least until 2001 present, as the evidence shows a high degree of emergency discourse and securitizing speech acts, while, according to the content analysis, the elite discourse during the 2001 debate was the highest securitized discourse we have encounter. In the same vein, and despite the official proclamations, the 2001 bill maintained the securitizing logic, while any positive changes, especially on asylum, resulted from external pressures and not an internal shift towards the politicization of the phenomenon.

Moving forward to the period 2003-2006, we observe that many researchers (Kalantzi 2007; Swarts and Karakatsanis 2013) consider this as a period of de-securitization of immigration, at least at the political level. Indeed, as we have seen, the elite discourse moved away from the emergency discourse and viewed immigration as an economic opportunity for the country. Swarts and Karakatsanis, though, rightfully observed that the public and media attitudes towards immigration remained that of hostility during this period, which reinforced the public insecurity.

However, our findings suggest that immigration was only discursively de-securitized. Following the 2005 legal framework analysis, we have observed that it maintained the entire spectrum of restrictive policies, retaining arrest, detention, and deportation as key policy tools, while border protection absorbed a disproportionate amount of financial and human resources. Furthermore, evidence reveals that despite the legal framework’s progress, the government remained inactive regarding the actual implementation of the favorable legal provisions, especially towards irregular immigrants and asylum seekers. Evidence revealed that the subordination of all the responsibilities to the Ministry of Public Order constituted a regression from the de-securitization efforts and an expression of routinized securitization. Following the Paris School, the militarization of borders;

the legal framework, which is no longer exceptional; and the securitizing practices became a matter of constant practice; thus, routine. Besides, measures previously cited as exceptional were now a matter of ongoing practice, based on permanent structures, and still legitimized discursively or practically by the exceptionality of threat by the elites at an informal level.

The perceived de-securitizing efforts continued until 2007. However, as thoroughly analyzed in Chapter 4, section A, those efforts were deemed superficial. On numerous occasions, we have justified the re-invocation of securitizing speech acts from governmental officials through international organizations' reports or statements to the media. Furthermore, despite the elite discourse, the legal framework has been steadily moving towards an increasingly restrictive approach to immigration, which, even though it did not include the emergency discourse of the past or the exceptionality of measures, used the invocation of public security reasons to reduce even more the immigration space.

In 2008, we observed the reverse of official discourse, with the reintroduction of emergency discourse. As we have analyzed, the shift was not an outcome of changes in the migratory phenomenon per se, but of the political landscape. The electoral success of the far-right party of LAOS appears as a turning point that transforms political discourse and practice. This trend was more evident in the pre-electoral period of 2009, following the electoral losses of the ruling party of Nea Demokratia in the European Elections. We have seen that what follows was the re-emergence of speech acts and the parallel enhancement of the already established securitizing measures.

Returning briefly to the discussion between exceptionality and routine, we can now see that we would have missed important developments in the securitizing process by staying within the confinement of one logic. The exclusive focus on the discourse analysis would prevent us from noticing that despite the discursive de-securitizing efforts by the political elites, the media discourse, the public attitudes, and the securitizing practices remained unchanged and even reinforced, reproducing the sense of insecurity and retaining immigration in the realm of security considerations. On the other hand, focusing on the routinized practices exclusively would have prevented us from noticing that the enhanced implementation of securitizing measures resulted from the political shift, which reintroduced immigration in the political discourse as a threat to the national and public security, deriving from political considerations.

The period 2011-2014 appeared as the epitome of the merge of the two logics. According to the majority of the interviewees, the securitizing reaction of the Greek political elites was influenced by the social pressures caused by the economic crisis, the shift of people to more extreme political positions, and the ease provided by the targeting of immigration to disorient the electorate from the significant problems facing the country at present. Furthermore, the political elites were aware that invoking the sealing of borders and the complete halting of migratory flows was practically impossible, but they used security for vote-buying reasons in an established political tactic. It is indicative that during the 2012 pre-electoral campaign, immigration appeared among the dominant themes, especially for the right-wing parties.

As the country drifted deeper into the economic crisis, immigration elevated by the official political discourse as the gravest national threat, while as we have seen, the Nea Demokratia government proceeded to the implementation of a series of securitizing measures, presented as permanent, for example, the operation “Xenios Zeus,” and the construction of the Evros Fence which have been justified on the exceptionality of threat. We can recall here the statements of the then Minister of Public Order, Mr. Dendias, who during the announcement of the measures said that *“The country is lost. Since the descent of the Dorians 4000 years ago, the country has never received such a large-scale invasion. It is a bomb in the foundations of society and the state. It is a national challenge. We are on the verge of collapse. If we do not create a comprehensive illegal immigration management network, we will collapse. We are in danger of a complete change in our society. Immigration is probably a bigger problem than the economy.”*

What is evident is that exceptional discourse and practice merged for the second time in the context of securitization of immigration in Greece. The findings reveal that the perpetuation of securitizing measures maintained a high level of public unease, while the media facilitated the preservation of immigration high in the agenda. The unchallenged period of 1991-2003 solidified the perception of threat, while the institutionalization and routinization of securitizing practices perpetuated the securitization of immigration, even when the issue was partially silenced discursively.

Finally, as we saw in 2015- 2018, the then government, while initially opted for the de-securitization of immigration, soon had to retread amid EU pressures and initiatives that bound the country to renew securitizing practices. What is remarkable during this period was the imposition of securitizing measures from the EU that the Greek government implemented under the guise of

the state of emergency, but which remain in place to this day. Furthermore, we have seen that the securitizing discourse came from the opposition, which eventually won the 2019 elections, and from the EU, while the then government passed legislation under the guise of humanitarian management of the immigration crisis, which, as we have seen, overlooked or contradicted international human rights norms.

Additionally, as we have seen, the concept of the “sovereign state of exception,” as per Schmitt, was practically replaced by the Agamben routinized conception. The Greek legal framework progressed gradually, providing broad protection of illegal immigrants and asylum seekers’ human rights. As we have seen, though, irregular immigrants and asylum seekers were essentially excluded by those legal provisions in two distinct ways. Either by applying the law in its exception, for instance, through the blanket invocation of public and national security reasons to justify the detention and deportation irrespective of each person’s status or through the non-application of the law. Importantly, the non-application of the law was justified externally through the use of emergency discourse, regardless of whether these exclusions were the result of a long period of inaction or the declared political will to restrict the rights of immigrants as a means of repulsion. Thus immigrants were either set outside the legal order or abandoned by it, remaining in legal limbo in conditions that violate the core of human rights protection. In the words of Agamben, *“the normative aspect of the law can be obliterated and contradicted with impunity by governmental violence that while ignoring international law externally and producing a permanent state of exception internally nevertheless claims to be applying the law.”* (Agamben 2005:87)

During the last period, though, we have observed the simultaneous existence of the “sovereign state of exception” as per Schmitt and as per Agamben. Among the most important characteristics is the exceptionality of measures, and as we have seen, the retreat of the judicial authority over the executive, both characteristics of the Schmittian “sovereign state of exception”. Furthermore, at the same time, the routinized securitizing practices that appeared as a source of human rights deviations continued while the existence of “concentration camps”, especially on the Aegean islands in which human rights deviations are the norm, provide the justification of the existence of the “sovereign state of exception” as per Agamben. Importantly, the evidence and the analysis revealed that the succession between the logic of exception and the logic of routine also reflects

the existence of the sovereign state of exception as per Schmitt and Agamben. As we have seen, the Schmittian paradigms appeared in the initial stage of the securitizing process and reemerged in the last period, characterized as a crisis. On the other hand, the Agambian paradigms of the “sovereign state of exception” materialized as soon as the securitizing measures were institutionalized and routinized.

It is important to recall that among this research key contributions is the association of the concept of the “sovereign state of exception” as per Schmitt and Agamben with securitization schools of thought, linked closely with the concepts of exception and routine as described by the two different schools of thought of securitization theory. Throughout chapters 3 and 4 we have pointed out the prevalence of each concept in the different periods, which was directly associate with the logics of exception and routine.

Thus we have observed that the Schmittian paradigm was present during the first period of migratory flows, 1990-1999, identified through the invocation of emergency measures, the conflictual relation between the legislative and the judicial authority over the executive, and the retreat from the international responsibilities of the country in the pretext of the return to normalcy. Furthermore, while during the periods that followed, marked by the institutionalization and the routinization of the securitizing measures, the Schmittian concept of the “sovereign state of exception” retreated over the Agambian concept of routine, the Schmittian paradigm remerged in the last period, characterized by the refugee crisis.

We thus can argue, that the sovereign state of exception as per Schmitt appears as a form of politics amid perceived crisis, while the Agambian conception of the sovereign state of exception, appears as the outcome of the routinization of securitization, in conjunction with the use of human rights deviations as a securitizing tool. Notably, the research findings manage to justify the Agamiban position that the “sovereign state of exception” gradually abolished the sense of exceptionality, becoming the norm that governs the state's response towards irregular immigrants and asylum seekers. An abundance of evidence point out the prevalence of the Agambian paradigm, marked by the collapse between law and anomie justified not by the inexistence of the law, but as we have pointed out multiple times, of the lack of content and substance of the law, given that among the most crucial elements of the Greek administrations' response towards immigration was not the inexistence of law, but its inapplication, especially of those aspects concerning the human rights

protection of irregular immigrants and asylum seekers, especially when they were under the state's control.

Being the first research that empirically examines the sovereign state of exception as per Agamben, this research manages to justify how the routinization of securitizing measures, and as we will analyze in the last section of this chapter, the use of human rights deviations as securitization tools, led to the exclusion of irregular immigrants and asylum seekers from states protection, which gradually became the new normal. Unlike the Agambian argument though, the existence of “homo sacer” is not directly associated with the existence of “concentration camps”. As the evidence showed, “sans papier” who remained in Greece followed their release by the authorities, remained in the country, stripped of any other right than the right of physical survival. As the phenomenon progressed, evidence showed that persons confined in camps or detention centers shared the same level of exposure to human rights violations with “sans papier” or asylum seekers pending registration. Thus through the empirical findings, we managed to reveal two categories of “homo sacer”: of persons deprived of any human quality, limited to the biological existence.

We should point here that the case of the refugee crisis in Greece and the EU reaction is a fascinating subject of further research. Until now, we have seen that securitization theory is, in a sense, a state-centric theory. Several analyses were devoted to the securitization of immigration on the EU or national level, treating the EU as an entity that carries a state's character specifically in dealing with threats. To our knowledge, though, no research has been conducted so far investigating the relation of the securitization of immigration on the EU level and its impact on national policies. Most of the research is focused on the measures taken by the EU or by the states due to EU initiatives. Greece's case reveals a top-down enforcement of the securitization of migration from the EU to a Member State. Thus, in a broader context, it would be interesting to explore securitization due to the positions and policies of an international non-state actor on the national level. Terrorism, immigration, climate change, or health security would be interesting subjects for further research in this direction.

The findings are compatible with Bourbeau's (2011, 2014) analysis of the securitization of immigration in France. In his research, Bourbeau revealed the coexistence of exceptionality and routine at various points in time in the course of securitization of immigration in France. While the construction of threat in Greece followed a different path, given that immigration have been

securitized in the country almost instantly, the findings suggest a similar process in which routine securitizing practices maintained the high levels of threat perception, while exceptionalist discourse occasionally intervenes, driven by political or ideological considerations.

The analysis furthermore indicates that securitization is not a linear procedure but subject to fluctuations and is path-dependent. Starting from the former, this research, through the examination of both of the logic of exception and routine, revealed that once an issue is securitized, the perception of threat is sustained through the routinization and instrumentalization of securitizing practices, while the re-introduction of emergency discourse push the securitization of an issue to a higher level. Through the course of the research, we have seen that the re-invocation of emergency discourse both enhance securitizing measures and directly affects public perceptions towards the threat and to what is acceptable as an emergency measure to counter the threat. The extremely restrictive policy framework implemented to counter immigration and the audience's acceptance of the allocation of significant resources amid the economic crisis to tackle the perceived threat are strong indications towards this direction.

Importantly, fluctuation, as appeared in the case of Greece, does not concern the succession of de-securitization and securitization periods, but rather peak points in the securitization process. In the case of Greece, once immigration was effectively constructed as a threat, it remained in the realm of security considerations, sustained through the routinization of securitizing practices. Routinization presupposes consistent and repetitive practices, which, although they retain an issue on the security agenda, cannot account for change either on the perceived threat or on political priorities and contextual changes. While Bourbeau (2014:194) rightfully observes that speech acts often used to legitimize routinized security practices as if not existent, it is also a tool to reinforce threat perception, which, as we have seen in the case of Greece, is an outcome of political considerations.

Taking, for example, the operation “Xenios Zeus”. Besides the arguably impressive mobilization of resources, the measures implemented during the operation did not vary significantly from the established securitizing practices. In essence, the operation's main securitizing tools were the reinforcement of borders and arrest, detention, and deportation. However, as we have seen, those measures were part of long-term routinized securitizing practices adopted since the 90s. In that case, the government opted to enhance the visualization of securitizing measures, amid the

increased public insecurity deriving by the economic crisis and the existence of perceived security gaps, which were filled by extreme right-wing forces, and which potentially attracted the conservative vote. Thus, the Nea Demokratia government adopted an extreme securitizing discourse which both excused the enhancement of measures, with a crucial point being the allocation of significant resources amid the economic crisis, and that by invoking emergency discourse presented as the appropriate government to deter the perceived threat. We should remind here that the then Minister threatened to resign if he was not allowed to complete the task of “rescuing the homeland from the invasion of immigrants,” an issue which, as it turned out, was a communication ploy in the context of the broader securitizing emergency discourse adopted by the government.

Furthermore, as the evidence and the interviews revealed, securitization is path-dependent. Pierson (Pierson in Soersen 2015:7) describes path-dependency as “*those historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic properties.*” According to Bourbeau, once set in motion, securitization pathways are challenging to alter (2014:195). Necessary prerequisites for an issue to be considered path-dependent are the existence of multiple alternatives of action and the dependence of choice on historical events or critical junctures (Sorensen 2015).

Fulfilling the prerequisites to consider an issue as a path-dependent, we first argue that Greece had the choice to politicize immigration instead of instant securitization. The choice, though, as we see in the section regarding context, was contingent on both the country’s historical memories and the abrupt and reckless beginning of migratory flows.

Sorensen further argues that “*a suboptimal arrangement can persist because even though multiple possibilities initially existed, contingent events led to one approach gaining an early lead*” (2015:7). In the case of immigration in Greece, the choice to securitize the issue from its initiation and the audience’s acceptance of the threat trapped the political elites in the vicious circle of insecurity. The majority of the interviewees agree that the securitization of immigration through elite and media discourse created a public “phobic syndrome” against the immigrants. This phobic syndrome led to an “intolerance” of the lifting of restrictive policies, expressed from time to time even by extreme right-wing formations. Thus, the maintenance of securitization of immigration is

presented as a political one-way street, while de-securitization carries a political cost that the political elites are unwilling to take on even if it will benefit the state in the long run.

Furthermore, to identify path- dependency, it is essential to identify those that benefit and support the continuation of a policy, looking at the meaning of positive feedback in the light of their own interests. (Sorensen 2015)

As the interviewees revealed, the securitization of immigration was perceived as an inexpensive political option. Proof of this is, for example, the reading of the election results by Nea Demokratia after the rise of Laos, which perceived electoral losses as a result of the social insecurity caused by immigration. Therefore, the day after the elections, the party's policy turned to the resumption of immigration as an essential security issue. Furthermore, we had seen that the securitization of immigration, especially through routinized practices, was sustained even when the socialist party of Pasok was in power. For instance, in Chapters 3 and 4, we have seen that despite the party's cosmopolitan approach towards immigration, the political initiatives focus on regular immigration, while the party maintained the restrictive institutionalized securitizing practices of the past.

Path- dependency appears in the way in which the Greek governments handled the securitization of immigration. We have noticed that even those who ideologically advocated for a humanitarian approach to migration maintained even unwittingly the securitizing discourse and practices, while even in eras of elite discursive de- securitization routinized practices maintained the reproduction of securitizing process. Thus, we have observed a long-standing continuity in the securitizing practices interrupted by periods of elite discursive securitization. It is surprising to see that for the entire 30 years under research, only a period of approximately six months in 2015 was marked by governmental discursive de-securitization during which securitizing practices were restricted, only to be reinforced in 2016 amid European pressures.

Under the light of that evidence, it is evident that the securitization of immigration was sustained based on shortsighted political considerations that failed to understand the benefits of the de-securitization of immigration. As many interviewees argue, the Greek political system acts opportunistically and shortsightedly, always guided by the next electoral contest. A comprehensive politicized immigration approach requires time to deliver as expected, while the political cost or benefit is imminent. Furthermore, as many commentators argue, the Greek political system lacks consistency. In an effort to advance its own political agenda, every newly elected government

effectively abolishes previous policies even in cases where they have proved to be beneficial. That issue is persisted not only in the migratory policy choices but in many aspects of governmental policy. In this context, the preservation of the securitization of immigration appears to have imminent political benefits, irrespective of the sub-optimal results. Thus, it was sustained as the preferred treatment of immigration in Greece.

Actors, Media, and Audience

Primary actors

The issue of actors is another controversial issue among securitization scholars, which we have encountered in Chapter 1. The controversy between the Copenhagen and the Paris Schools of Thought is an outcome of the controversy between the logic of exception and the logic of routine. As such, the Copenhagen school of thought supports the position that only those possessing social capital by their position of authority in society can make legitimate security claims (Buzan et al. 1998), thus view political elites as the primary actors of securitization. On the other hand, the Paris School of thought viewed security professionals as the main actors of securitization who ground their legitimacy as experts on the field of security and who enact securitization claims through everyday practices (Bigo 2001, 2005; Huysmans 2006). The common ground of the two theories, as seen in Chapter 1, is that securitization is a top-down process in which either political elites or security professionals are in a position of making legitimate securitizing claims.

Interestingly, the research findings in the first instance appear more in line with the Copenhagen School of thought. In the case of the securitization of immigration in Greece, the main actor appear to be political elites, while the Ministers of Public Order are presented as the more important actors.

From the very initiation of the phenomenon, the Ministry of Public Order was responsible for the entire spectrum of irregular immigration and asylum policies. Even after 2001, when the Ministry of Interior undertook the role of managing regular immigration, the Ministry of Public Order retained its competency in matters of irregular immigration and asylum-seeking, while several provisions gave the Ministry jurisdiction even over issues that were at first reading within the responsibilities of the Ministry of Interior, for example, the revocation of a residence permit for reasons of public order and security.

It is also indicative that there has been good cooperation between the ministries throughout the period under investigation, especially in the implementation of securitization policies. The evidence suggests that the Ministries of Public Order, National Defence, and Mercantile Marine cooperated with full alignment on border protection and flow restraint issues. Furthermore, evidence showed that, outside the parliamentary procedure, most securitizing speech acts were performed by the Minister of Public Order.

Another essential element is that we could not find but minor evidence of power struggles among ministries or institutions throughout the research. According to the Paris School of thought, security professionals often enact securitization claims, and might at times question political authority, elevate oneself as possessing the “expert knowledge,” thus as more suitable to handle the perceived threat (Bigo 2002;2005). The research findings suggest that security professionals acted more as facilitators of the securitizing process, enjoying a wide margin of discretion during the implementation of securitizing practices.

The interviewees revealed that the wide margin of discretion was by no means an outcome of the power struggle between the Ministry of Public Order and its subordinates or other Ministries. On the contrary, police actions, even those deemed as violating the law, such as the use of excessive violence, were not tolerated but facilitated and supported by the political elites. As revealed during the interviews, the political control over security professionals’ actions is almost absolute, and decisions and policies are always politically driven and controlled. To support this argument, several interviewees pointed out that police actions, which is the leading implementer of the governmental policies regarding irregular immigration, differentiated based on each government’s ideological position.

It is essential to recognize that the findings of the research are not decisive for two important reasons. First, specific processes, especially regarding security issues, are carried out at a secret level, where they remain opaque to the general public, while data from these processes remain mostly classified. For instance, while specific evidence suggests the intelligence services’ involvement in the securitizing process, we could not retrieve hard evidence on whether there was any conflict of interest or power struggles that remained classified. The second reason is that we have not investigated the potential conflict of interest between national security professionals and Frontex or other international security actors due to the research’s nature, which focused almost

exclusively on the national level. It will be interesting at a future stage to investigate the relationship of Frontex both with the national security forces of the EU Member States and with EU institutions, to analyze the role of the organization in the securitization of migration at the European level.

While data suggest that security professionals are only facilitators of the securitizing process in Greece, evidence showed two other important actors' existence. Departing from both Copenhagen and Paris's schools of thought, which view securitization as a top-down process, this research reveals bottom-up pressures initiated by the media and the audience.

Media- actors or facilitators

Starting from the former, the role of the media remains significant but contested in securitization research. Bourbeau (2008), in his analysis of the media in Canada and France, found that while media can potentially act as securitizing agents, the empirical evidence suggests the contrary, pointing that media's role in the securitization process is at least insignificant. Vulte (2007) supports the media's role as transmitters of the securitizing frame that affects the audience. This position is supported by Karyotis (2011) and Tsoukala (2011), who find a close relation between elite and media discourse, with the latter reflecting the elite's securitization agenda. Thus, media appear as transmitters of the elite securitizing discourse.

Recently, Schafte et al. (2015) found a relationship between media and the securitization process but only in terms of threat construction or threat perception. Vuori (2008), on the other hand, supports that other actors beyond the political elites can become securitizing actors, including media and audience, having the ability to raise an issue in the security agenda. This case presupposes that the actor has sufficient social capital to be in a position to persuade the governmental authorities on the existence of the perceived threat that should be taking action upon (Vuori 2008:77). Finally, Messina (2014) stands critical towards securitization theory for not giving the appropriate attention to the media's role in the securitizing process. As he stresses, in securitization theory, *“media's role in the process of securitizing immigration is, at best, ambiguous and, at worst, insignificant. The paucity of concrete evidence for the view that the media reflexively echo the securitizing cues of political elites raises doubts about the veracity of the claim that they play a critical role in facilitating communication between securitizing agents*

and their target mass audience and, in so doing, “popularize” the former’s security rhetoric” (2014: 551).

Our analysis solidified the media’s role as facilitators of the securitizing process and as among the actors responsible for sustaining an issue in the securitizing agenda.

First, we should discard the perception of media as actors who raise an issue on the agenda. Given that the securitization of immigration in Greece is a case of durable securitization, the only period in which the media could potentially act in that direction was during the initial period of 1990-91.

Before proceeding with the discussion of the findings, chart n. provides for the comparison between the quantitative content analysis of the media and the elite discourse yearly, based on the parliamentary discussions. The data include only the percentage of the securitizing discourse employed by the media and the elites in each respective year and will assist in the navigation through the discussion.

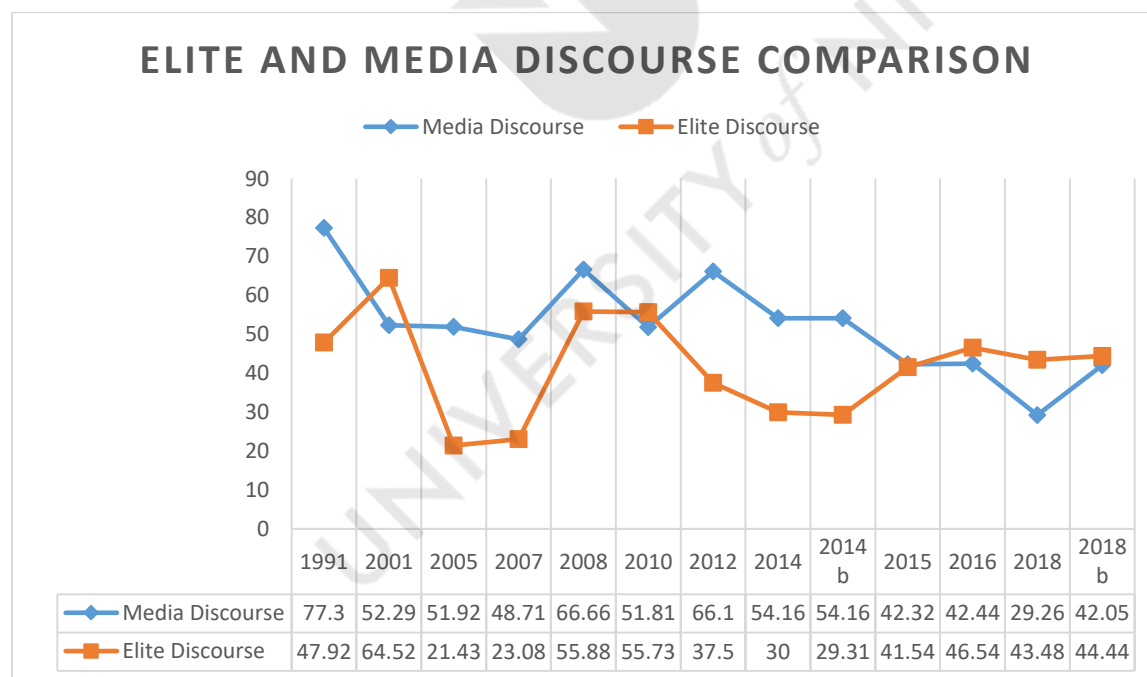


Chart n.16

Looking at 1991, we observe a significant disparity between the elite and the media discourse, with the latter presenting higher securitizing discourse levels than the former. As we have seen,

though, the initial media discourse was somewhat sympathetic towards newcomers, which during the first months of 1991 were mostly members of the Greek minority of Albania. We should remind, though, that during 1990 the press hosted extensive analysis on the conditions of the Greek minority, dramatically describing the suffering of the members of the minority caused by the Albanian regime, thus fueling anti-Albanian nationalistic sentiments.

In the first months of 1991 months, an ever-increasing number of Albanians joined the members of the minority, creating a significant wave of immigrants irregularly crossing the borders. The dominance of Albanians in the flows marked a U-turn in the press reports. What followed was an almost total criminalization of flows. The reports reflected a sense of total panic, with a continuous reference to violent acts perpetrated by the as they were called “ungrateful invaders who pay for the hospitality of the Greeks by undressing houses” and who, as mentioned in the articles, it makes sense to steal and kill as “we do not even know their origin, they have no face, they are illegal and savage criminals” (Vima 16/6/1991).

However, the discursive shift was not a result of the media’s initiative. As we have seen, it was preceded by a limited parliamentary debate before the enactment of law 1975/1991, which set the tone for the securitization course to be followed by the government. Given that this research examines only newspapers, we cannot have a safe conclusion on televised media’s role; thus, we cannot see if there were securitizing speech acts from that medium. Given the data that we have analyzed, we conclude that the media acted as transmitters of the governmental position, which viewed immigration as a threat.

Through the dramatization and criminalization of immigrants, we have seen that media solidify the perception of threat in society, creating a sense of moral panic during this first initial period. Cohen (2002) defined “moral panic” as having the following characteristics: a concern of a real or imagined threat; the hostility towards the actor who represents the threat; the consensus that the threat is real and must be tackled and the disproportionality and exaggeration of numbers to solidify the image of the threat.

The creation of “moral panic” acted as a catalyst for the public perceptions regarding immigration, provoking the audience’s acceptance of the securitization of immigration.

Besides the initial period of the securitization of immigration, we have seen in the research that even when the media adopted a more rational approach towards immigration, they kept reproducing the securitizing elite discourse at high levels. The securitizing elite discourse made it through the daily press in greater frequency rather than the de-securitizing discourse. Furthermore, even when the parliament's elite discourse moved to a de-securitizing direction, the elites used the media to reproduce threat perception. For instance, in the period 2012- 2014, the parliamentary discourse appeared to be at the lowest securitization scale. As we have analyzed, though, this was not an outcome of a policy shift. On the contrary, the period 2012- 2014 was when the securitization of immigration in Greece peaked. The inconsistency between the governmental policy and the parliamentary discourse was an outcome of participation and political affiliations.

However, during this period, governmental officials used the media to transmit the elite discourse and the government's security practices against irregular immigration. Even if that was an involuntary action, the media played a significant role in reinforcing the perception of threat and the rising levels of insecurity. Accordingly, the press appeared as a facilitator of the securitizing process, either voluntary, as observed during the first period, by participating in the construction of threat, or involuntary by transmitting the securitizing elite discourse and practices.

Additionally, as we saw in 2015- 2018, despite the refugee crisis, media discourse shifted dramatically as an outcome both of the government position and the public reaction towards the refugee flows that of humanitarianism and solidarity. Importantly, as we have seen, the discursive de-securitization of this period, at least initially, was accompanied by de-securitizing practices aiming to break the circle of routinized securitization. Thus, the media of that period appears to adopt a more humanitarian approach, facilitating the governmental position, which was in line with the public perception towards the refugee flows.

The most exciting outcome is the media's appearance as securitizing actors assisting in perpetuating ongoing securitization.

Interestingly, the interviewees reveal a cyclical relationship between the elite and the media discourse and public perceptions. As Mr. Aggelides stressed, *"the press first follows the political position and later shapes it. This relationship is regenerated through society. If society accepts journalistic discourse, it feeds back on politics, which for opportunistic reasons follows the accepted perception and enhances it. It's a sort of spiral."*

This position reveals the second role of the media: the reproduction of ongoing securitization (Vuori 2008:83), which is highly associated with the audience. To understand this position, we should remind that, as Mr. Psaras stressed, mainstream media are above all profit-oriented organizations, thus market-driven. To put it simply, as interviewee Mr. Loverdos said, the press says what people want to hear, and the political reactions are dictated by the perception of what people want to listen to. Thus, while the media act as facilitators of the securitization process, they simultaneously act as transmitters of the public perceptions to the political elites, thus affecting governmental policies.

The transmission of public perceptions was achieved through the significant volume of reports referring to the rising levels of immigrant criminality and the citizens' call for additional security, and the frequency of public opinion surveys conducted on behalf of newspapers regarding the public acceptance of immigration. It is interesting to see that opinion surveys and electoral outcomes directly affected the political position regarding immigration. For instance, following the 2009 European elections during which Nea Demokratia suffered significant losses which were attributed to the rise of LAOS, the then Minister of Interior Prokopis Pavlopoulos acknowledged that according to public opinion surveys, the leakage of votes to LAOS was a result of the insecurity of the public from illegal immigration (Adesmeftos Typos 14/6/2009, Hmerisia 4/7/2009). It is worth noting that opinion surveys of 2009 showed that 65.5% of the public stated that their immigration causes insecurity, 74.5% that immigrants increase crime, while 51.3% consider immigrants a threat. Soon after, the government implemented a series of securitizing measures, including sweep operations, the abolishment of the asylum appeals committee, and the rise of the detention period from 3 to 6 months with possible extension to up to 18 months.

We should remind here that in 2003-2006, while the political elites proceeded with de-securitizing speech acts, media reports sustained the high levels of securitization of immigration as appearing in chart n. As we have seen, this period was marked by the discursive elite de-securitizing efforts. In the same period, the media sustained high levels of negative representation of immigration. Furthermore, secondary data reveal that during the pre-electoral campaign for the 2004 European Parliamentary elections and despite the silence of the issue by the majority parties, immigration was among the dominant subjects in the televised media debate generating some very high ratings,

while frequently hosting anti-immigrant politicians (Pavlou 2005, 4). This trend re-appeared in the 2007 national and 2009 European elections.

While at first instance, the evidence provided might present media as actors who raised an issue in the securitizing agenda, it is essential to remember that, despite the discursive de- securitization of the period, routinized securitizing measures remained unchanged. Thus we consider that immigration remained in the securitizing agenda while the media and the audience, by proxy, reproduce and reinforced the already existed securitization.

The consistent analysis of the press of the period 1991- 2018 reveals that media are active in the securitizing process either as facilitators of the elite securitization or by sustaining and reinforcing an issue in the security agenda. Given the practical limitation, this research analyzed only two newspapers. Even though we consider the outcomes as sufficient, further research regarding the role of televised and social media will shed even more light on the media's role. Nevertheless, the research findings reject the notion that the media's contribution to the securitizing process is marginal, at least in the case of Greece. On the contrary, we found that media are important actors in transmitting the securitizing discourse to the audience (accepting the audience as the general public in this case), solidifying and reinforcing the perception of threat and affecting the governmental policies by transmitting public opinion.

Audience

While appearing as among the securitization theory's main features, the audience remains among its most under-investigated and controversial components. According to the Copenhagen School of thought, "*successful securitization is not decided by the securitizer but by the audience of the security speech act*" (Buzan et al. 1998: 25-31). Furthermore, Copenhagen identifies the audience as those the actor aims to convince the securitization move to be successful (Buzan et al. 1998: 41; Weaver 2003). Under this prism, Salter (2008) and Bourbeau (2011) rightfully point out the possibility of multiple audiences' existence in each securitizing process.

Another controversy is assessing the audience's role, its impact on the securitization process, and how it provides for support or rejection of the securitizing process (Balzacq 2005; Cote 2016). Finally, according to Messina point out that there is not sufficient investigation of whether opinion survey records provides longitudinal evidence of the role of the audience in accepting securitizing

moves or whether securitizing speech acts of the elites, if seen as the independent variable, have a significant impact on the dependent variable, meaning on public opinion.

This research is in a position to provide significant insights regarding the role of the audience in the securitizing process. In the previous section, we briefly referred to the audience as securitizing actors by proxy to reinforce an issue in the security agenda. As we have seen, public acceptance of securitization is transmitted to the elites through the media, either in the form of news reports or opinion surveys, and we briefly discuss, by providing empirical support on the impact those reports have on the elite reaction to the process of the securitization of immigration.

We now proceed with the discussion of the findings regarding the audience. First, we will identify the different audiences of the securitizing process, and then we will assess the role of the audience in the securitizing process, basing our analysis on the empirical findings of the research.

Who is the audience?

Before proceeding to further analysis, we should stress that the research findings agree with Salter's and Bourbeau's position of the existence of multiple audiences. In the course of the research, we have identified at least five different audiences of the securitizing speech acts. First, as analyzed in Chapter 1, accepting Floyd's (2011) position that securitizing speech acts are simultaneously a warning and a promise, we a priori accepted the existence of two audiences, the general public, and the aggressor.

In the research, we have seen that judicial authorities and security professionals constitute a distinctive part of the audience. We put our attention to these two institutions due to their significant involvement in securitizing practices. The security professionals are the leading implementer of securitization practices, as we have seen, and it enjoys extensive responsibilities in the field of irregular immigration and asylum. As we have seen in the research course, we have found that security forces and security professionals acted as facilitators of the securitizing process. We have also seen that security professionals accepted the securitizing speech acts and developed strong anti-immigrant sentiments within the security forces. The role of the security forces as facilitators of the process and as the leading institution who undertook the routinized securitizing practices have been analyzed in the previous section. The only addition we want to make regarding the security forces as part of the audience in the securitizing process is that the finding indicates that on the one hand, security professionals accepted the securitization of immigration as reflected

in opinion polls among security professionals and the overall attitude of the police towards immigrants. However, we should add that evidence revealed that security professionals stood critical in the government's securitizing practices on certain occasions. Still, though, the Panhellenic Federation of Police Officers' public reaction in 2015, for instance, was silenced and didn't provoke any policy change. The same is true, as we have seen in several other cases where the border guard and the police have protested against immigrants' conditions of detention, where again there has been no significant political reaction.

On the other hand, the judicial authorities have a dual role: the judicial review of the securitizing policies and the application of the legislation (immigration or criminal) in their court decisions. According to the research data, the judiciary, especially in the first period, showed the same restrictive reflexes as those of the government. As we have seen, several investigations have shown a disproportionate application of penalties between Greeks and foreigners for similar offenses, while the study conducted in the judiciary has shown that judges recognize that they are biased against immigrants. Furthermore, we have seen that the judges refrain from applying the anti-racist legislation, the investigation of cases of ill-treatment of immigrants, or intervening in the case of detention conditions.

The interviewees explained the stance of the judiciary in two ways. According to Mr. Kouvelis, the judges are part of the general audience and are therefore affected as much as the public by government positions. The second issue according to Mr. Perakis and Mr. Papastilianos is the hesitant attitude of the Greek judges towards the obligations imposed by international law and the beneficial provisions towards immigrants. They further stressed that the Courts are responsible for the impunity enjoyed by the perpetrators of racist crimes, explaining that the court's institutional intervention is the one that sets the tone and not the existence of the law. When the court does not suppress phenomena through the legal path, it legitimizes individual and collective behaviors. In this way, the judiciary appears to have participated through its inaction or discreet treatment in securing immigration.

We cannot overlook the rather peculiar stance of the Greek Courts in the last period. As we have seen, while in some aspects we have seen a power struggle among the judiciary and the executive, for instance, in the case of geographic restriction, the Greek courts appear to comply with the securitizing measures of the government, for example, in the issue of the presumption of Turkey

as a safe third country, or the participation of judges in the appeals committees, which as we have seen served the broader government policy of restricting the recognition of international protection status in the second degree. Unfortunately, the empirical findings cannot give a decisive answer to the Greek courts' ambiguous attitude during this period. However, we assume, based on the interviews, that this is an outcome of the personal perception of each judge, of his knowledge and as Mr. Papastylianos mentioned, the involvement of the judiciary with interest groups and pressure

The final audience we have identified is the Greek government in relation to the EU institutions. On multiple occasions, we have seen that the Greek government put bottom-up pressure on the EU to implement further securitizing measures by constructing irregular immigration as an imminent threat to the EU. Additionally, in the period 2015-2018, we have seen how the EU as an actor of the securitizing process, persuaded the Greek government to alter its legal framework and invoke a series of security-oriented measures to contain the refugee flows. As we have said, this research focus on the Greek national level; thus, the analysis of this relation will remain epigrammatic. It will be interesting in a future stage to thoroughly analyze the power play on the EU level on migratory related policies and the impact of the securitization of immigration at an EU level to the EU MS.

The rest of the analysis will focus on the audience as the general public. We exclude the aggressor from the analysis, meaning the irregular immigrants, for two reasons. First, as already analyzed, irregular immigrants lack agency and cannot directly influence the securitizing process, and second, the immigrants' reaction will be a matter of thorough analysis in the last part of this chapter.

General Public

The research findings strongly support the public's active role in the securitizing process in three different ways. By providing moral support assessed through the opinion poll surveys and active participation in the securitizing process, formal approval assessed through the electoral results and silent support through the inaction against securitization practices and their outcomes.

Starting from the first, Messina (2014:551) argues *"assuming that "securitization [only] occurs when securitizing actors . . . succeed in convincing a relevant section of society that exceptional measures are needed in response to an existential threat," then logically we should expect to discover two trends in the public opinion survey record. First, there should be abundant and*

unambiguous evidence that either a large minority or a majority of the contemporary public perceives immigrants as an economic, sociocultural, and/or physical safety threat. Second, the data should reveal that whenever elites rhetorically associate, however tangentially, immigration with terrorism following a major domestic terrorist event, a greater percentage of the public becomes insecure about immigration and/or the presence of immigrants”.

Guided by this statement in the course of the research, we have managed to collect a significant number of opinion poll surveys that reveal beyond any reasonable doubt that society has accepted immigration as an exceptional existential threat.

Chart. N provides an overview of the findings of public opinion surveys. We grouped the results into three categories of questions: if immigrants posed a threat to public security or public order, immigrants threaten the economy or increase unemployment, and finally, if migrants are a source of insecurity and increase criminality. The data are collected through multiple opinion surveys conducted by acknowledged statistical services in Greece, namely Kappa research and VPRC, ECRI, and Eurobarometer. The individual data of the surveys were presented in detail in the individual chapters. The data presented in chart n are not inclusive since while there are a plethora of further surveys, their questions and findings did not fit any of these clusters. It is important, though, to note that all surveys revealed a negative public attitude towards immigration.

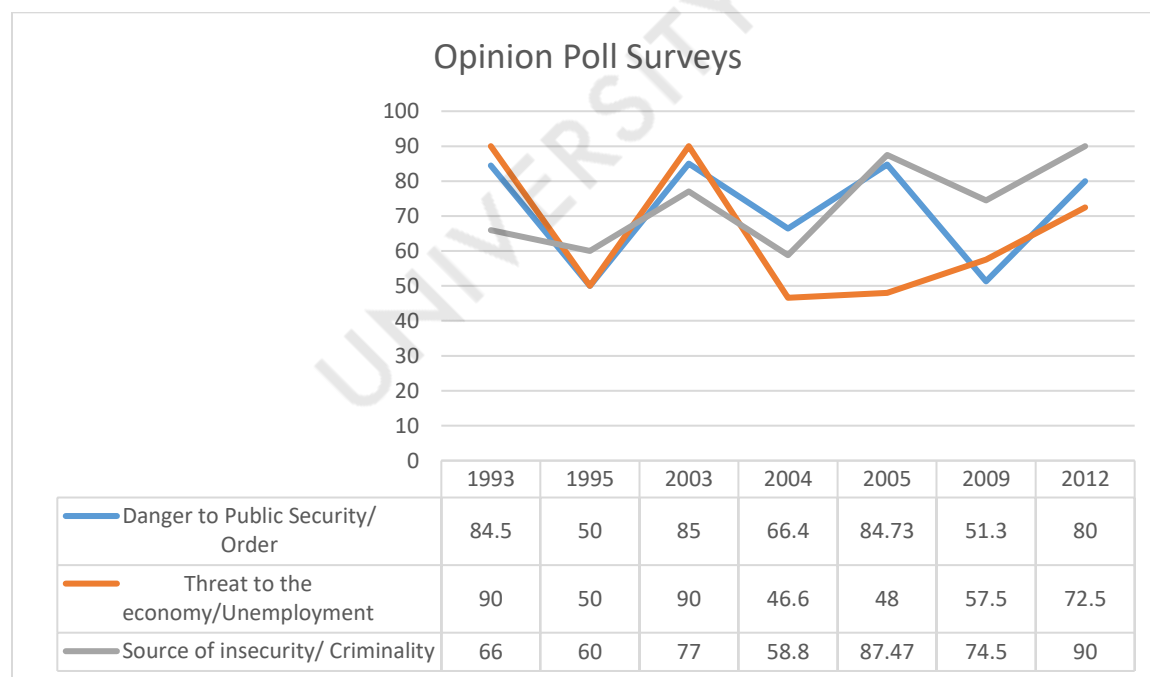


Chart n.17

As we can see, the data reveals that at every given moment, public attitudes appear accepting the construction of immigration as a threat in a high percentage, revealing that securitizing actors have managed to convince the audience, which through the opinion surveys, provide moral support to the securitizing practices.

The second scale of Messina's argument, adapted to the present study's needs, considers that to prove the relationship, it is necessary that in periods of higher securitizing elite discourse, the public react with higher levels of insecurity. To that end, let us focus on the year 2012, which makes our argument even more apparent. As we have analyzed in Chapter 4 Section C, the period 2012- 2014 marked a peak in the elite securitization of immigration, both discursively and practically. Immigration was a dominant theme in the electoral campaign. At the same time, the elite proceeded with a series of speech acts that constructed immigration as the most significant threat to Greek society, focusing on the rise of criminality and urban degradation caused by the presence of immigrants. We should also remind that Greece was in the midst of economic collapse, while the number of influxes of that period was significantly lower.

However, public opinion surveys revealed an unprecedented, almost catholic consensus of the public regarding the insecurity caused by immigration. Another indicative example is the shift in public perceptions between 1989 and 1993. According to the Eurobarometer survey of 1989, only 15% of Greece considered immigration an important issue while only 19% increased unemployment. In the 1993 survey conducted by Lambrakis Institute, 90% of Greeks agreed that immigrants are responsible for the rise of unemployment, and 84% that immigrants are a danger to public order. The shift in public perception is dramatic, to say the least, guided by the elite and media securitizing discourse of the period.

Furthermore, as we have seen in Chapter 3 and 4, the public acceptance of immigration as a source of insecurity led to the rise of racisms and xenophobia, expressed through the rise of racist crimes and the electoral gains of the Golden Dawn, which appeared as security providers, filling the perceived security gap caused by the inefficient governmental action. Finally, as we can see, in the largest part of the securitizing process in Greece, the public remained inactive in supporting a policy change. We cannot deny the existence of strong public human rights and solidarity movements that developed especially after 2005, but their actions in countering the securitization

of immigration appeared marginal. We have to remind that both the degrading detention conditions and the rise of racist attacks against immigrants were highly publicized, especially in 2011-2014. Nevertheless, there was no notable reaction on behalf of the public, providing in a sense, even unwittingly, moral support to the governmental policies. The same trend appeared after 2016 and the implementation of the EU- Turkey Agreement. As we have seen, while the refugee crisis provoked significant waves of solidarity and humanitarianism towards immigrants, there was no significant public reaction to counter the islands' dreadful conditions, created by the geographic restriction. On the contrary, we have seen the re-emergence of xenophobia and racism, expressed through attacks against refugee camps and solidarity groups.

Solidifying that the public can actively express the acceptance of securitizing discourse by providing moral support through opinion surveys to the elite securitization, we will now turn to the issue briefly analyzed in the previous section, namely the role of the audience as actors in the securitizing process.

Through opinion surveys and reports, we have seen that media elevated as actors in the securitizing process by reinforcing an issue in the security agenda. This role would not have succeeded without the audience. Focusing on the period 2003-2005, which we saw was a period of discursive elite de- securitization, we see that public perception retains high levels of insecurity and hostility towards immigrants. This hostility was soon expressed by providing formal support to far-right anti-immigrant parties, which, as we have seen by 2009, provoked a policy change to the then ruling party of Nea Demokratia. Furthermore, we have seen that even the socialist party of Pasok that supported a more integrating approach to the management of immigration openly invoked a highly anti- irregular immigrant discourse and proceeded with enhanced securitizing measures. Furthermore, the rise of Golden Dawn in the 2010 municipal election, and the 2012 interim elections, appeared as the driving force behind the highly anti-immigrant securitizing discourse employed by Nea Demokratia, while the party absorbed the majority of the far-right former parliamentarians of LAOS.

Based on the above, we can conclude with a certain level of confidence that the audience is accepting the securitization of immigration and can act as an actor in reinforcing an issue in the security agenda. The audience expressed its support for the securitization of immigration, or its disappointment for the governmental policies towards de- securitization, by providing moral

support through opinion polls and formal support through voting. Thus, the audience appears to have a dual role. The first is that describe in the initial theory. By accepting the perceived threat, the audience entitles the elite to proceed in adopting the necessary “extraordinary measures” to counter the threat. The second role is the role of the actor. Through the opinion polls and voting tendencies, the audience intervenes in the securitizing process by reinforcing an issue in the security agenda. As we have seen in Greece’s case, the disparity between the governmental discourse and the public perceptions of threat is perceived as a reason for electoral losses, thus shifting the elite discourse back to securitization.

In Greece, we have seen that public perception plays an essential role in the securitizing process giving the consensus among the political elites and the public of the perception of immigration as a threat. In the case of Greece, we have solidified that the bottom-up pressures for further securitization succeeded. However, what about cases where the political elites securitize an issue while bottom-up forces of the public push for de-securitization? That’s a parameter needed further investigation, especially in cases of initially successful securitizations.

Securitization- A contextually shaped process

The research findings support the position that successful securitizations are contextually shaped (Balzacq, 2010; McDonald 2008; Ciuta 2009). In the case of Greece, the successful securitization of immigration appeared contingent on historical memories and already established perceptions, while the choice of securitization instead of politicization appeared as an outcome of political priorities, aspirations, or national security considerations of political elites, which at first reading would have been seemed to be paradoxical in the context of immigration.

Securitization of immigration in Greece has a distinct moment of birth, providing an excellent opportunity to investigate the way and why immigration has been securitized. This research departed from the examination of securitization through the lens of the Copenhagen School of thought, which views securitization as a self-referential de-contextualized process (Buzan et al.1998:24), focusing on the process (how) rather than the reasons (why) of a successful securitization. As per Balzacq (2005; 171-72), a thorough analysis of securitization should consider the context in which securitizing actors operate. This position was supported initially by Buzan (1991) himself, who in his initial writings included the historical aspect of threats and their evolution over time, assuming the impact of development and context in state response. This

deficiency of the Copenhagen School of thought, eventually acknowledged by Waever (2014), who points out the importance of contextual aspects in influencing the securitization process.

It is essential, though, not to overlook that a nation's fears are unique, related to its vulnerabilities and historical experience (Weaver 1989; 46). This realization provides that, even if an issue is constructed as a threat to multiple countries or entities, the reasons and ways that constituted a successful securitization differ based on each case's distinctive contextual factors. Furthermore, we should add the different migratory experiences of each country.

This explains the different course of securitization of immigration in Greece compared to other EU countries. In the case of Greece, migration appeared as a massive and relatively abrupt phenomenon. Society and the state seemed to be unprepared to manage the mass influx of immigrants. The fact that the main gateways were states with which Greece had historically disturbed relations effectively facilitated the immediate construction of threat on national security grounds. Combined with the absence of interaction with other populations, given that Greece has not so far been a predominantly host country for immigrants, it helped to create a "moral panic," leading both the public and the state to address the phenomenon as an imminent threat to public and national security.

In the following sections, we will analyze the key contextual parameters identified as the major influencers of the securitization of immigration in Greece, namely, the country's bilateral relations and the internal political and economic situation. We should note that while the impact of securitization on the context is an issue under consideration, will be examined separately in the last section of this chapter.

Bilateral Relations

By taking a step back and examining the period pre-dated the first migratory legislation drafting in Greece, which many researchers identify as the birth moment of securitization, we have seen how historical memory and contextual parameters acted as stimuli in the securitizing process. As shown in Chapter 3, sections A and B, the threat construction was directly associated with the country's bilateral relations. As such, flows entering from Turkey, which was dominated by asylum seekers, were associated with the long-standing rival relation between the two countries, presented as a direct threat to national survival, organized and manipulated by Turkey. We remind here the statement of the then Minister of Public Order Mr. Anagnostopoulos, who during the

parliamentary debate said, *“Turkey sends refugees to create a national issue. Hence it is legitimate to sent third-country nationals back to Turkey.”* Simultaneously, the notion that Turkey instrumentalized asylum seekers’ flow to destabilize the Greek state dominated the parliamentary discussion and the press.

Notably, while Balkan countries’ flows could potentially excuse the invocation of emergency, the flows coming for Turkey, which were predominately asylum seekers, could not justify either the emergency or the exceptionality of threat. As we have seen in Chapter 3, section B, the asylum seekers flow an average of 1,500 persons per year, while the 2001 census revealed that asylum seekers represent an insignificant 1.62% of the country’s total migratory population. Despite the minimal flows, the Greek political system and the media securitized asylum-seeking, presenting it as a national security threat associated with Turkey’s historical rivalry.

As the flows from Turkey intensified throughout the years, we have seen that Greece failed to associate the flows with the broader contextual changes in the Middle East while at the same time seeing a direct link with Turkish policy. For instance, in 2007, the Nea Demokratia MP, Panos Panagiotopoulos, stated in the Parliament: *“illegal immigration is facilitated by all kinds of intelligence services and security services of neighboring Turkey. How is possible the security services of Turkey, which is the beneficiaries of the Turkish deep state and consume a large percentage of the Turkish Gross National Product to shield other sides of the neighbor’s border, but when it comes to border permeability Greece-Turkey and, in fact for the trafficking from Turkey to Greece the border to be completely accessible”*. The perception of the Turkish threat was reinforced by the fact that most of the flows from Turkey consisted of Muslim populations, something that was considered an attempt to disrupt the country’s national and religious homogeneity.

Besides Turkey, bilateral relations with Albania played a significant role in the securitization of immigration in Greece, especially in the initial period under consideration. Since 1991, flows entering from Albania were constructed as a threat in relation to the issue of the Greek minority of Albania. The nationalistic sentiments developed in the period before the initiation of the mass flows towards Greece acted as a catalyst in the acceptance of Albanian flows as an immediate security risk, while the direct interconnection of flows with the theoretical rise of criminality created a strong sense of insecurity that made securitization of immigration immediately accepted

by the audience. This position becomes more evident if we compare the public and media reaction towards the flows. The Greek public's initial reaction was that of solidarity, perceiving the flows as fugitives and dominated by the Greek minority members. A few months before the enactment of law 1975/1991, though, media indulged in what the interviewees described as "journalistic cannibalism," directly linking immigration flows with increasing crime, creating a sense of moral panic in the society, while this link was always made against the background of the suffering of the Greek minority in Albania. Thus, the enactment of the highly restrictive legislative framework of law 1975/1991, which is the first securitizing move of the Greek state, was achieved in a state of moral panic, directly related to the country's bilateral relations.

While though, one can argue that the construction of Albania as a threat was an outcome of the actors' ability to act upon the context, evidence from the later periods revealed that indeed Albania deemed as a potential national security threat, influencing the policies implemented until 2007, when the focus shifted to Turkey exclusively. As we have observed in Chapter 3, section B, while the bilateral relations with Albania were normalized by the mid-90s, the invocation of national and public security consideration in the legal framework were dictated by the evolution of the phenomenon, in relation to the Albanian treatment of the minority and the perceived national security threat posed by Albanians rapprochement with Turkey. Furthermore, Turkey's view as the main threat to national security has led to a series of securitization measures aimed at securing the country's borders, with the dialectical construction of flows as a threat stemming from Turkish expansionist policy as a means of destabilizing the Greek state.

Furthermore, the evidence leaves room to suggest that the construction of immigration as a threat was not purely an outcome of the phenomenon per se but might arguably be seen as a byproduct of national security considerations exclusively deriving from the country's bilateral relations. While we cannot overlook the element of surprise, given that irregular immigrant flows were spontaneous and arguably massive, the evidence of this first decade suggests a high level of instrumentalization of securitization of immigration driven by national security considerations. Furthermore, several research points out that Greece until 2005 viewed immigration as a temporary phenomenon or a "historical accident" (Kassimis 2004; Triantafillidou 2013). Thus, while the initial "moral panic" reaction towards the phenomenon can be partially justified, the securitizing discourse and the measures implemented in the first decade indicate an almost exclusive

association of migratory policies with Albania's bilateral relations. For instance, in Chapter 3, section B, we have observed how the ad hoc securitizing measures of this period exclusively targeted Albanian immigrants, which some authors associate either with the dominance of Albanians or with pre-electoral campaigns. In contrast, we have provided proof that there is a clear association of the intensification of those measures with the course of the bilateral disputes.

Following the EU visa liberalization with Albania, the normalization of bilateral relations led to the de-escalation of measures against migratory flows from Albania, which, as we have seen, was the almost absolute target of the securitizing measures for more than 15 years. This de-escalation does not happen with Turkey's flows, which, among other factors, are considered weapons of a hybrid war against the country.

On the contrary, although Greece received significant flows of Bulgarian and Romanian immigrants, the friendly relations it maintains with these countries prevented their reduction to a security risk. At no point in the investigation, did there appear to be a discussion about the increasing numbers coming from these countries, nor was there any particular security units' movement at the Greek-Bulgarian border during the 1990s.

Finally, as we have already observed, terrorism was interconnected in Greece with the country's relations with the Arab states. While it has been recognized that the resumption of immigration as a security issue in several countries was a result of the 9/11 terrorist attack and the terrorist attacks in Europe in 2005 (Guild 2003), Greece did not appear to be affected by these events. Even though immigration had already been securitized in the country, as we have seen, the traditionally friendly relations with the Arab world prevented the resurgence of terrorism as yet a matter of security concerning immigration.

While this research failed to provide for a decisive conclusion as to whether the securitization of immigration in Greece was part of the government's foreign policy concerning neighboring countries, indications are that it was not adopted only as a means of restrictive treatment of the phenomenon but as part of the broader foreign policy of the country. It would be interesting at a later stage to explore this kind of instrumentalization of the securitization of immigration through a foreign policy lens. Given that even today, members of the Greek elite, media, and academia support that countries like Turkey are instrumentalizing immigration with various foreign policy objectives, it would be interesting to explore this relationship both from the point of view of

securitizing immigration as a tool, as well as the instrumentalization of migration flows as a broader foreign policy strategy.

Internal political and economic conditions

Data also suggest that the securitization of immigration is heavily influenced by the country's internal political and economic situation. To understand the extent of the impact of the internal political and economic situation on the securitization of immigration, we will focus on two periods: the birth of securitization in 1991 and 2009-2012. The two periods share significant similarities on both ends. Both were periods of economic and political volatility, while simultaneously, as the research showed, are the period with the highest level of securitization of immigration.

The political and economic instability of the period 1988-1993 and the disapproval of the government's economic policies led, as demonstrated both by the findings and through interviews, to the choice of securitization of immigration as disorientation of the public opinion. This position coincides with Fakiolas and King's (1996) position, which found that the securitization of immigration through the first migratory legislation resulted from the rising xenophobia triggered by the media representation of immigration and the economic situation of the country.

As seen in Chapter 3 sections A and B, in 1988-1990, the country was shaken by political and economic scandals, while the country went through three electoral debates in less than eight months before managing to form a majority government. The Nea Demokratia government enjoyed a marginal majority of 151 seats, an outcome of the collaboration with the party of DIANA. Besides the volatile governmental majority, the country underwent a significant economic crisis in 1989, while the Nea Demokratia government's economic reforms in 1991 sparked substantial public opposition.

According to Mr. Psaras, during the voting of the first migratory legislation, "*Greece was still amid crisis. The system did not have the will or the ability to deal with migration in political terms. And at the time, it was rather beneficial to create an enemy, which would distract the public from the scandals and the country's economic crisis*"—this position confirmed by Mr. Kouvelis, who was a member of the Parliament during that period. As Mr. Kouvelis said during the interview, "*it is not possible to disconnect the policy pursued then with the wider political climate. The construction of immigration as a threat was clearly based on voting-buying reasons, it has always been, especially given the political situation of the country at the time.*"

Moving to the period 2009- 2012, we see that, despite the differences in size, especially in terms of the economic crisis, the country was once again going through a simultaneous economic and political turmoil. The economic developments have been thoroughly analyzed in Chapter 4, sections B and C, along with the ramifications of the crisis in the social web with the sharp rise in unemployment and the impoverishment of a large part of Greek citizens. The economic collapse led to widespread disapproval of the Greek political system. Indicative is that in two consecutive electoral debates in 2012, no party managed to acquire the necessary parliamentary majority. Importantly, we have seen that the public disappointment rewarded both the far left and the far right with the spectacular entry of the Golden Dawn in the Greek Parliament.

The 2012 elections were marked by strong anti-immigrant rhetoric on behalf of Nea Demokratia. During his campaign, party leader Antonis Samaras used extreme securitizing rhetoric, using belligerent expressions such as “the recapture of cities by immigrants.” Furthermore, among the elements of the Agreement for the formation of the “Government of National Responsibility” in 2012 was the curtailment of irregular immigration through a series of security measures, most of which were implemented immediately after the government took power.

We recognized that the effects of the anti-immigrant discourse during the parliamentary debates of 2012 are not easy to assess, given the period’s polarized environment on the issue of the economic crisis. It was evident, though, that Nea Demokratia is presented as having an informal competition with the Golden Dawn for the anti-immigrant votes, which was expressed both by the extreme political discourse and by implementing harsh anti-immigration policies during this period.

Even though the evidence does not appear decisive, we should stress that similar political reactions have been identified in other periods as well. For instance, following the 2009 European elections during which Nea Demokratia suffered significant losses which were attributed to the rise of the anti-immigrant party of LAOS, we have seen a sharp reversal of government policy with urgent and immediate implementation of stricter migratory policies, accompanied by a shift in the elite discourse which immediately dismissed any discursive de- securitizing elements.

It would also be an omission not to notice that parties with a clear, friendly ideological bias towards immigrants, such as the Socialist Pasok, have pursued a series of securitizing discourse and practices, largely attributed to an attempt to acquire gains over the electorate.

The majority of the interviewees agreed that the securitization of immigration in Greece is predominantly voting-oriented and is most pronounced in times of political and economic crisis, where the political system is unable to use the regular pre-election tactics of the promises of financial benefits.

For instance, as Mr. Kaminis stressed, the anti-immigrant rhetoric and the securitizing discourse is an easy and inexpensive political tool, especially in times of crisis, through the use of fear and insecurity created by the political system itself, which is then presented as a security provider. Prof. Perakis called it “voices of insecurity to gain votes” (Κορώνες ανασφάλειας προς άγραν ψήφων). At the same time, Dr. Papastylianos stressed that the anti-immigrant rhetoric of the Nea Demokratia, especially in 2012, was the result of the party’s attempt to return to the dogma of “law and order” for reasons of party survival, as the far-right turn was considered to have immediate electoral benefits.

EU- Turkey Agreement and the potential role of the contextual environment-need for further research

The impact of the EU policies on the securitization of immigration in Greece is rather peculiar. The findings suggest a positive effect on the Greek legislation through the transposition of CEAS, which despite the existence of restrictive provisions, it provides for an extensive framework of human rights protection of immigrants and asylum seekers in every step of the process. On the other hand, we have seen how Frontex involvement added to the routinization of securitizing practices, which later institutionalized through its permanent involvement in border protection in Greece.

This section will focus on the impact of the EU policies in the securitization of immigration in Greece in the period 2016 onwards.

As we have seen the months pre-dated the EU- Turkey Agreement, Syriza’s newly elected government proceeded with a series of de-securitizing moves, both at a discursive and practical level, reflecting the party’s ideological predisposition on the matter of immigration.

The de-securitizing efforts of the government permanently halted following the implementation of the EU- Turkey Agreement. Greece was obliged to alter its national legal framework urgently to comply with the provisions of the Agreement. The extent of the policy change is thoroughly

analyzed in Chapter 4 section D. What is important to examine in this section is the context in which the Agreement took place.

We have two important observations. The first is that the refugee crisis sparked people's unprecedented movement through the Greek borders towards the EU. The closure of the Balkan route trapped significant numbers in Greece without a possible way out of the country. In the meantime, the EU- Greek relations were at a critical juncture due to the referendum for acceptance of the terms of the memorandum and later of the substantial dependence of Greece on European aid for the alleviation of the economic crisis. Additionally, amid the refugee crisis, the country depended on European financial and logistical support for the flows' humanitarian management. Finally, the Agreement took place amid rising anti-immigrant tendencies throughout the EU, expressed by the rise in power of far-right anti-immigrant parties, the closure of borders, the failure of the burden-sharing scheme, and the unwillingness of the rest of the EU MS to accept the relocation of recognized refugees from Greece to the rest of the EU.

We have observed with certainty that while the agreements were presented as a temporary measure to manage the crisis, it essentially became permanent as it is still in place four years after the refugee crisis. We have also positively identified the ramifications of the Agreement in the process of the securitization of immigration in Greece since the Agreement re-introduced the securitizing measures. At the same time, its implementation led to the re-emergence of anti-immigrant securitizing discourse. The research's evidence failed to shed light on the potential relation between Greece's economic instability and the acceptance of the EU- Turkey Agreement. What is evident, though, is that the Agreement took place in a specific context, and that obliged Greece to proceed with the enactment of a series of questionable legal amendments, to restore securitization practices which the country tried to eliminate and to be an accomplice in the humanitarian crisis that is still taking place in the islands of the eastern Aegean.

Future research on the contextual parameters that led to the EU- Turkey agreement's adoption will help better understand the process of the securitization of immigration at the EU level, while will provide powerful insights on the issue of solidarity among the EU MS in times of crisis.

Section A provided for the revisiting of the securitization theory in light of the empirical findings. In the next section, we turn our attention to the relation between securitization and the respect of human rights of irregular immigrants in Greece.

Section B: Human rights and securitization

The research so far has demonstrated that securitization of immigration in Greece is a case of successful, durable securitization. As seen in the previous section, the securitization of immigration sustained through a combination of elite speech acts and routinized securitizing measures that periodically alternate or coexisted. Furthermore, we have solidified that securitization of immigration in Greece was not a linear procedure but fluctuated depending on contextual changes and political aspirations.

The findings also indicate a consistent pattern of human rights abuses, deriving either by state's actions or by inactions. As states' actions, we classify legal provisions or practices that either went directly contrary to the international and national human rights provisions or manipulate the existing framework, or deliberately overlook the pursued policy's human rights implications. As state inactions, we classify the state's indifference to enforcing legislation specifically on asylum matters or indifference to the improvement of procedures and infrastructure, such as detention conditions, which have long been judged as a source of extreme violations of fundamental rights and freedoms.

The absence of the state from the essential protection of immigrants and asylum seekers' human rights has encouraged the creation of another source of human rights violations by private organizations, citizens, or government agencies. For instance, we have seen a steady increase in police violence against immigrants, which met with impunity. Furthermore, we have seen the gradual rise of extreme far-right formations, which capitulate the absence of state and the dire living conditions of irregular immigrants in urban areas, present oneself as security providers, and proceed with organized racist attacks against immigrants and those in solidarity, which were also tolerated by the state for an extended period.

The common ground of the abovementioned human rights deviations is their association with the securitization of immigration. Through an abundance of evidence, this research manages to show that the limitation or violation of the human rights of immigrants and asylum seekers was not an unfortunate by-product of security policies, but rather a conscious political choice based on the broader policy of deterrence based on which human rights violations are considered a push- factor for future flows.

On the other hand, we have seen how human rights abuses led to the manifestation of the so-called “Weapons of the Weak” by irregular immigrants. We characterized weapons of the weak as acts of resistance against human rights abuses or outcomes of the dire living conditions. Weapons of the weak have a two-way expression. The first turn against the individual himself, through acts of self-harm, suicide attempt, or protests, which involve the notion of causing physical pain such as hunger strikes. The second turn against the society, or the state institutions, is manifested through violent riots, falsification of documents, and an increase in “survival crimes.

This section will present this interconnection through the research data to consolidate the perception that the human rights violations of the immigrants in Greece are inextricably linked to the securitization of migration. Furthermore, we will prove that human rights deviations are not a by-product of the securitization of immigration but a routinized securitizing practice. Finally, we will discuss the consequences of securitization in public security, and whether the securitizing promises full-fill their promise of enhances the sense of insecurity.

Human rights violations- a securitizing tool

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The construction of immigration as an imminent threat to national and social security opened the space for the adoption of a series of security practices, the majority of which are not deemed as a priori contrary to human rights norms. Indeed, policies aiming to control irregular flows appeared as a legitimate state response and a manifestation of the state's sovereign right to control its borders and the movement of people in its territory. What is important though is that state response must be compatible with international human rights norms and guided by the respect of human dignity. For instance, the detention of persons for reasons of migratory policy is legitimate under ECHR Art.5.6 and European acquis, amenable though to important safeguards regarding detention conditions and procedural safeguards in detention. In that sense, human rights norms provide for a balance between the rights of the state and the rights of the persons under its control, irrespective of their legal status.

However, in the case of Greece, we observed a clear and continuing imbalance between securitizing measures and respect for human rights. From the very initiation of the phenomenon, the Greek state proceeded with the adoption of a series of questionable measures that effectively limited asylum space, while creating a framework in which the protection of human rights depends solely on the legal status of individuals, regardless of the constitutional requirements and

international human rights norms. The in-equilibrium between securitizing practices and human rights norms was expressed both through government policies but above all through the indifference of the respective Greek governments to comply with their international obligations, European and national law.

As the majority of the interviewees stressed, and as the findings suggest, the majority of practices leading to human rights violations are not the result of legislation, but non-enforcement of the legal framework. Whether it concerns detention conditions, the asylum procedure, and living conditions- which appear as the most problematic aspects in terms of human rights respect- or the protection of irregular migrants and asylum seekers from police brutality and racist violence, the Greek state appeared indifferent over time to proceed with any sort of corrective moves that would restore the equilibrium between security and human rights protection. As the Greek Ombudsman characteristically stated since 1999 *“The pathology of human rights in Greece is primarily a problem of application of the provisions, constitutional and legislative. It is not due to shortcomings in the legislation but to its non-implementation. The consequences of this pathology are experienced by members of groups of the population who do not meet the prevailing national, racial, and religious stereotypes”* (Ombudsman 1999, 55)

What is even more important is that the state’s indifference and inaction do not appear conjunctural but rather as a deliberated policy, based on which the restriction of human rights appeared as part of the overall securitizing measures implemented to counter the perceived migratory threat. This trend is demonstrated both directly and indirectly. The direct support derives from a series of public or private statements of members of the governmental elites or security professionals that legitimized human rights deviations as means of deterrence. For instance, we recall the statement of the MP Markogiannakis who describing the detention conditions of irregular immigrants in the parliament stated that: “Because in the countries where these unhappy people come from, there is incredible propaganda that you are going to the promised land, **we tried to create conditions for a message to pass out, that where you go is not the promised land, is the land of problems, the land where you will probably face worse situation than in your own [...] We created problems for this message to pass.**”

The indirect manifestation of this position comes in two ways. The first is the constant denial of the respective governments of the human rights situation in the country, and their confrontational

stance against international criticism. For instance, ever since 1993, CPT raised awareness of the dire detention conditions of irregular immigrants and asylum seekers in the country, while Greece has repeatedly urged to create sufficient reception centers for asylum seekers. The Greek state though never took the appropriate steps to address those issues. On the contrary, on several occasions, governmental officials presented criticism as an attempt to undermine the international prestige of the country or argued that these violations were a result of the state of emergency due to the mass flows, the criminality of immigrants, and the economic situation of the country. We recall for instance the public statement of the Ministry of Finance, regarding awarding compensation to an irregular immigrant due to the conditions of his detention. The statement said: *“Illegal immigrants are responsible for the rise of criminality. For this reason, and to preserve the legal order, the **degrading conditions of detention** do not constitute a blatant violation of human dignity. We should consider that the Greek state’s police forces applied the laws intending to protect the legal order from the large and uncontrolled wave of illegal immigrants, for the non-integration of which the Greek state did not have the necessary infrastructure. Also, we should remind that they are responsible for the crime that plagued Greek society. It then becomes clear that even if **the illegal acts of the police** authorities invoked by the contested decision did take place, the conditions under which they took place and the purpose of which they tended to serve do not constitute such violation of human rights and human dignity to justify the award of such pecuniary compensation.”* (Nea, 28/2/2006)

Furthermore, the findings portray the complete indifference of the Greek state for the creation of effective asylum procedures and the proper accommodation facilities for asylum seekers, although it was legally provided. The accommodation capacity of the country until 2016, fluctuated depending on the available funding, but never exceeded that of 1100 persons. Furthermore, the state refrained from providing financial substance to asylum seekers, who in conjunction with the limited access to the labor market, remained in a state of complete destitution.

Importantly, as we have seen, the Greek state kept the same attitude on the issue of police and racist violence. Despite the existence of a progressive legal framework regarding racist violence since 1979 and the insufficient but present legal safeguards against police brutality, the evidence suggests the complete indifference of the Greek state to punish those types of behaviors. The majority of the interviewees supported the position that police violence against irregular

immigrants remained unchecked out of political considerations. According to Mr. Kaminis “, *They (the respective governments) wanted the police force unchecked. It was a deliberate decision to have the police power unleashed against immigrants or against whoever targeted by the government in each period*”. Dr. Papastylianos confirmed that both the impunity enjoyed by police forces and the Greek judiciary's inaction to tackle those actions derive “*from the possibility of strong pressure groups negotiating with the state. No government wanted to control the police, precisely because of the political benefits it derived from its actions and the customer relationship that the current government had with the pressure groups within the security forces.*” Finally, according to the UNCAT report (2006), “*The authorities’ refusal to accept the existence of incidents of police violence is usually compounded by deliberately inadequate mechanisms for investigating complaints and looks like **a well-orchestrated cover-up of police officers.***”

The second significant manifestation of the indirect support of the by-passing of human rights norms out of security consideration was the blurring of the distinction between irregular immigrants and asylum seekers, and the subordination of the latter to the provisions implemented to counter irregular immigration. The blurring of the distinction manifested since 1991, with the construction of asylum seekers flows as a national security threat, associated with the long-standing animosity with Turkey. The construction of asylum seekers as a “hybrid weapon” against the state legitimized in a sense the almost deliberate non-application of the legal rules on asylum and the automatic inclusion of asylum seekers in the status of irregular immigrants, with the corresponding consequences. The securitizing logic is reflected in the subordination of asylum procedures to the Ministry of Public Order. As analyzed, the Ministry of Public Order was responsible for the management of irregular immigration, the detention, and deportation of irregular immigrants, and the asylum procedures, which raised the question of subjective bias. Even in the absence of a formal governmental policy of restricting asylum the subordination of asylum procedures to the ministry Public Order, in conjunction with the proven hostility of the security forces towards the immigrants, and the indifference for the creation of an effective asylum procedure acted as a catalyst both for the securitization of asylum seekers, and the diminishing of asylum space, reflected in the almost zero refugee recognition rates in the country until 2013.

Trying to interpret the stance of the Greek government, based on the findings we conclude that it was based on political criteria. The securitization of immigration and the acceptance by the

audience of the existence of an existential threat created a growing sense of insecurity in the society. Arguably, the construction of immigration as a threat, and the instant securitization, led to the rise of the “us” against “them” argument, which sees human rights as a conflictual field, in which any cohesion to irregular immigrants and asylum seekers appeared at the expense of the human rights of nationals. Importantly, as we have seen, the construction of immigration as a threat was solidified through the association of immigrant and asylum seekers flows with the bilateral relations of the country, which through the elite and media discourse blurred the distinction of irregular immigrants and asylum seekers, while simultaneously constructed human rights application as an act of national treason.

Furthermore, particularly focusing on the period 2008-2015, we see that the reinforcement of the securitization of immigration in the security agenda was a matter of political calculations on behalf of the then ruling party of Nea Demokratia. This notion is reinforced, if we take under consideration that the Nea Demokratia was the ruling party that initiated the discursive elite de-securitizing efforts. The rise of Laos though pushed the party back to the reintroduction of securitization of immigration in the discursive agenda and the implementation of even harsher securitizing measures. Importantly, at no point in the research, we have found any evidence that the government has carried out even a rudimentary cost-benefit analysis of securitization practices, both in terms of efficiency in preventing immigration and in terms of the management and, above all, the protection of human rights.

On the contrary, we found the implementation of policies that obviously led to further human rights violations, but which were imposed based on internal political expediencies. For instance, in 2009, we have seen the re-invocation of securitizing discourse that was accompanied by a series of securitizing measures, amongst them the rise of detention of irregular immigrants from three to a maximum of 18 months. While raising the detention limit at first seems legitimate, and was based on the Returns Directive, this happened in the backdrop of the acknowledged severe deterioration of detention conditions, and without the parallel implementation of the safeguards provided by the Returns Directive, while no attempt was made to create new structures or to significantly upgrade the existing ones. This decision of the Greek government, which was based on exclusively political criteria, led to the collapse of the detention conditions, which exceeded even the limit of inhuman

and degrading treatment, and which the UN Special Rapporteur of Human Rights called a “humanitarian catastrophe”.

The above example illustrates further the relation of securitization and human rights deviations. As indicated by the findings the fluctuation of securitization has a direct impact on human rights but as we have seen only in the upwards movement. Through the findings, we have seen that, during the “de- se-securitizing” era, securitizing measures remained unchanged, while certain human rights deviations persisted. As the securitization of immigration reached a climax, the securitizing practices resulted in even further human rights deviations, through the intensification of already existed practices. What is important to note, is that while we have seen the rise of the solidarity groups, which seemed to react from time to time to government policies against immigrants and the rise of racist groups, as the securitizing climax escalated those groups retreated, confined only on limited humanitarian actions.

There are three explanations for this retreat. One was the financial crisis which hit ruthlessly the Greek society leading to a temporary softening of humanitarian reflexes. The second based on the opinion surveys of that era was the increase of public insecurity which was directly associated with immigration. Third, in conjunction with the second, public insecurity derived not only from the perception of immigrants as a threat but from the rise of the far-right. As observed the political rise of Golden Dawn, accompanied by a sharp rise in racist crimes targeting not only immigrants but those in solidarity as well. As Mr. Psaras stressed, the public inaction against brutality was not only a sign of tolerance to racist violence but also a product of the intimidation of citizens by far-right groups, especially in certain areas of the country in which they acted undisturbed and sometimes with police cover.

Based on the above we now see the clear line between the securitization of immigration and human rights violations in Greece. Human rights violations became an “exceptional” securitizing measure, used in a routinized manner, against a constructed threat, irrespective of the human suffering. The findings confirmed the Agambian theory of the routinized “sovereign state of exception” in the Greek case. The empirical findings point out the existence of the routinized exception manifested not through the existence of the law, but the absence of content and substance. While Greece has a remarkable human rights framework, irregular immigrants and

asylum seekers are technically excluded by it, either through the in-application of the law or through its bending to the breaking point.

Being among the first research that empirically examine the “sovereign state of exception” as per Agamben we have found the existence of “homo sacer” throughout the course of the research, in the face of “sans papier” and asylum seekers. The state's inactions, deriving from micro-political pursuits and premised on the construction of immigrants as threats, stripped those persons even from the basic needs for survival. The existence for years of hundreds of irregular immigrants and asylum seekers trapped in Greece in conditions of complete destitution, deprived of any rights at all, including even the essential for human survival, diminished irregular immigrants’ rights to that of bare survival. The existence of camps like Moria, and the detention conditions described throughout the research further confirm the Agambian conception of the institutionalization of human rights violations.

Recalling Hanna Arendt “rights depend on the membership of a political community and thus upon recognition” and the ultimate right is the “right to have rights” (Arendt 1951:292-293). The securitization of irregular immigrants and asylum seekers in Greece, the abandonment by the Greek state, and their detachment by the political community of the host country and the country of origin diminished those persons to the status of bare existence, that of biological life or as Dr. Liakos stressed *“by crossing the borders irregular immigrants crossed the line between life and bios. Every “sans papier” in Greece is in a constant state of exception, deprived of any right and any protection”* (Vima 12/10/2003).

So far, we have identified the adverse relation between securitization of immigration and human rights protection. Securitization is founded on the construction of a perceived existential threat, and the measures implemented are supposed to target that perceived threat and restore the sense of security. In this context, human rights deviations may appear as a necessary evil for the protection of perceived abstract higher values such as public security and state sovereignty.

In the case of Greece, we have seen that the implementation of the ever-stricter securitizing measures did little to halt the migratory flows, portraying that the incentives that push people on the move are much stronger than the disincentives posed by the limitation of human rights. But what about social security?

In this last section of the research, we will turn our attention to two consequences of securitization and human rights deviations. The rise of the far-right and the implementation of the weapons of the weak.

Rise of the far-right

Karyotis (2011; 2012) and Skleparis (2015) rightfully observed that among the most important unintended consequences of the securitization of immigration is the rise of the far-right. The case of Greece appeared, as a unique case given that is the only country in the EU that a neo-Nazi formation managed to acquire political power, capitulate on the increasing public insecurity caused by the combination of the economic crisis and the securitization of immigration.

The findings of the research also confirm Karyotis (2011) on the impact of securitization on the context. As the data showed, Greek society went through a dramatic change in perceptions about immigration. The once open and xenophobic Greek society was transformed into an extremely, we would dare to say, xenophobic and sometimes racist society with extreme expressions that go as far as the removal of lives with racist motives.

In this research, we have found another two parameters that assisted or resulted by the rise of far which were not sufficiently taken into account. The first is the association of the rise of neo-Nazism with the human rights violations endured by irregular immigrants, or their lack of protection. The prevailing argument is that the decisive parameter that led to the rise of the Golden Dawn was the economic collapse. Indeed the financial crisis of 2009 as we have seen through voting tendencies pushed the voters to the edges, premium the rise of far-left and far- rights. However, our findings suggest that the rise of the far-right was a by-product of the abandonment of irregular immigrants and asylum seekers by the state.

As seen in Chapter 4 sections B and C, asylum seekers, in particular, remained in a state of absolute poverty gathering in the centers of the cities and especially in the center of Athens and the ports of Patras and Igoumenitsa. The absolute poverty led to an increase in survival crimes, which accelerated public insecurity against immigrants, while the degradation of urban space through the existence of thousands of homeless persons living in a precarious situation, raise justified concerns on public and health security.

The absence of the state that had the legal responsibility to provide the bare minimum of survival to those persons, and the indifference to partially regularize the status of “sans papier” trapped in the country, was perceived as a security gap, which was filled by the Golden Dawn hit squads. Confirming Huysmans (1999), this perceived security gap provoked the fascist mobilization of Golden Dawn, which appeared as a security provider. What we see is a domino effect. The state's indifference to provide the bare minimum for asylum-seeking populations has led to an increase in survival crimes and the visibility of poor living conditions, causing a general sense of insecurity. The sense of insecurity further enhanced by the dreadful economic situation of the country, and the rise of extreme anti-immigrant rhetoric by governmental elites. This scheme, gave the former marginalized party of Golden Dawn the space to develop, appearing on the one hand as anti-systemic (economic leg) and on the other as guarantors of security (immigration leg).

The notion that the absence of protection of irregular immigrants became the driving force that brought Golden Dawn into Greece's political landscape is reinforced by two additional parameters. The first is that far-right formations are generally premised their political course in the securitization of immigration, based on the already established perception of risk which had been cultivated by the Greek state. Among Greece's argument in denying the existence of racist violence in the country was the inexistence of far-right parties to the standards of other EU states. As the argument collapsed through the rise of Laos, the Nea Demokratia government, instead of turning to the root causes of xenophobia and intolerance, proceed to the enhancement of securitization in an informal struggle to obtain the racist and xenophobic vote, followed by Pasok, which succeeded Nea Demokratia, and which despite its socialist ideology, maintained the securitizing discourse and practices. What was created was a spiral of insecurity and securitization which was reinforced by the objective inability of the securitizing speech act to fulfill its promise (Floyd 2011), opening the door to more extreme anti-immigrant positions that gave Golden Dawn the vital space to deplore its inhuman manifest.

The second is the exposure of irregular immigrants to racist violence without any consequence. Since 2011 and until Fysas murder, the state remained indifferent to the dramatic rise of racist attacks that claimed the life of at least one person. The state's inaction and the numbness of the society enhanced the narrative of Golden Dawn that its actions were universally accepted while giving to the party a sense of dominance.

This led to the second parameter resulting from the rise of the Golden Dawn, which is the endangerment of public security. Golden Dawn built its power at the expense of the human rights of immigrants which were the primary victim of its actions. The state's indifference to the racist attacks of Golden Dawn gave the party a sense of power that soon turned against Greeks. Following its rise as a political power, Golden Dawn seems to intensify its attacks against Greeks, targeting solidarity groups, leftist organizations, members of the LGBT community, while intimidating those in solidarity with immigrants and public servants through raids on hospitals and nurseries, to evict immigrants. The dominance of the Golden Dawn violence ended with the murder of the rapper Pavlos Fysis which elevated as a figure of the anti-fascist movement in Greece.

The enforcement of the anti-racist legislation for the first time in 2013, and the criminal proceedings against Golden Dawn, appeared as a catalyst for the minimizing of racist violence. Golden Dawn may retain its political power until 2019, but the punishment of racism through the legal procedures found to awakened society against racist violence. Simultaneously, it prevented the repetition of such actions. Recalling that Greece for years denied the existence of racist violence and that the anti-racist law remained effectively inactive, the case of Golden Dawn portrays in the clearest way the power of law. The impunity against racist crimes strengthen the neo-Nazi morpheme and legitimized the racist violence against immigrants, deepening public insecurity. The simple act of enforcing the law gave the stigma of intolerance against the racist violence that led to the mitigation of the phenomenon that became apparent almost immediately.

As we have seen, the state's indifference to protect immigrants from racist violence has created another source of social danger. The notion that the Golden Dawn action had no political cost because it focused only on immigrants was soon overthrown after the organization turned against Greeks. The Greek political system reacted not due to humanitarian reflexes, but only after realizing that the end goal of the party was the creation of a social "civil war", which could spark at any moment if the next victim bears the political weight to spark a violent counter-reaction.

The rise of neo-Nazism though is not the only source of insecurity caused by the securitization of immigration and the lack of human rights protection of immigrants. The lack of protection as we have seen sparked another reaction, this time coming from immigrants through the implementation of the weapons of the weak.

Weapons of the Weak

As analyzed in Chapter 1, Ellerman (2009) defines weapons of the weak as acts of resistance directly deriving from the sense of complete powerlessness experienced by immigrants. The absence of state protection results in the exclusion of immigrants from the reciprocal obligations that exist between citizens and the state (Miller 2012), thus disincentives immigrants to comply with the norms of the society, resorting to acts that vary from passive compliance to violent outbreaks. Ellerman enumerates hunger strikes, resistance, and deception as the three key manifestations of the weapons of the weak, which, according to Scott pose a direct threat to sovereign powers (Scott in Ellerman 2009).

The evidence of the research points out that indeed in the case of Greece, immigrants have resorted to the implementation of the weapons of the weak either as means of protest, as a way to bypass the system, or as means of survival, by indulging in what criminologist name “survival crimes”.

Through the research, we have seen that the state’s actions and inactions had two important implications that are directly related to the implementation of the weapons of the weak. The first concerns the deteriorating living conditions in detention and reception facilities, and the second is the absolute destitution endured by asylum seekers and “sans papier” after release.

Starting from the former, we have seen that detention conditions of irregular immigrants and asylum seekers in Greece are a matter of concern since 1993 (CPT 1993). Despite the severe international criticism and the several referrals of Greece to the ECtHR regarding the detention conditions, evidence showed that the government deliberately kept the detention conditions substandard as means of deterrence. The severity of the poor detention conditions, as we have seen, concerns not only the infrastructure but also the provision of even the basics for human survival such as food, water, and basic hygiene conditions, without counting the almost complete lack of procedural safeguards while in detention.

Detention conditions became the cause of continuous reactions of detainees ranged from acts of self-injury, through hunger strikes and sewing lips and suicides, to violent demonstrations that ended in police intervention. It is worth noting that the protests over the detention conditions provoked a chain reaction in society. While detainees complained about poor detention conditions, these reactions were perceived by the public as a security vacuum, leading to strong local reactions to the possible establishment of detention centers in local areas.

Similar local reactions were observed on the Greek islands caused by the deploring living conditions in the refugee camps. The already strained infrastructural capabilities of the islands of the Eastern Aegean further strained following the implementation of the EU- Turkey Agreement. The absence of an effective policy, the lack of policing, but also the compulsory geographical restriction created extreme conditions of health and social insecurity, as a result of the over-concentration of immigrants in a limited geographical area and in poor living conditions. This human security vacuum, created a virtually domino effect of reactions from immigrants, local authorities, and communities, while also reinforced the increase in crime within the camps and in a sense created a source of threat for the public, health, and social security.

The second terrain of manifestation of the Weapons of the Weak is associated with the conditions of extreme poverty endured after release. As we have seen the state refrained from providing even the bare minimum, including what is legally provided by national legislation. We recall that the ECtHR in the case *MSS v. Belgium and Greece* found that all Dublin returnees in Greece were homeless, and that asylum seekers have no right to provide for their own needs (paras. 245-246). The Court also recognized that the obligation to provide for accommodation and decent material conditions has entered into positive law since the transposition of CEAS and authorities were bound to comply with their own legislation (para.250). Furthermore, the Court found that access to the labor market can not be considered a realistic alternative due to administrative obstacles (para.261). Finally, the Court acknowledged that conditions of destitution of asylum seekers exist on a large scale. (para.255) The Court finally found that the living conditions of asylum seekers in Greece amount to inhuman and degrading treatment.

The deplorable living conditions led to the rise of survival crime and acts of deception. As shown through the police records, immigrants were highly involved in petty theft, mendacity, and forgery of documents, while there are elevated percentages in female, male, and regrettably minor prostitution. They also often resort to illegal squatting of buildings, in which they stay in precarious conditions, which pose potential health and human security hazards to themselves and the locals.

The implementation of the weapons of the weak is a direct result of the state's inaction to provide for appropriate living conditions for strained irregular immigrants and asylum seekers. We recall that similar reactions especially regarding living and detention conditions sparked in France and Italy.

In contrast, as we have seen, the decisive involvement of the UNHCR in the mainland after the implementation of the EU- Turkey Agreement, in the management of living conditions of asylum seekers, mitigated local reactions through indirect economic benefits, while providing these individuals with decent living conditions including access to basic benefits such as healthcare and education.

As several interviewees said, the management in the mainland mitigated the initial local reactions, while in several cases it led to the expulsion of racist attitudes. As Mr. Kalemis characteristically conveyed to us through his experience, the initial local reactions to the access of child refugees to education were bent through the positive friction of students and parents. Even more indicative example is that of the Elaionas camp in Athens that is a model for the proper management and implementation of respect for human rights (Huffpost 12/9/2015). According to Mr. Kaminis, who was the Mayor of Athens during the construction of the camp, the camp was created based on two axes. First to provide refugees with a decent place of residence with full respect for human rights and international conventions, and second to prevent the erratic concentration of migrants, and the creation of precarious camps in the city center, which would degrade both the lives of immigrants and the quality of life of the city. Importantly, since its construction and through its proper management, the camp was accepted by the local communities without particular problems or reactions.

These inverse examples demonstrate that the proper management of flows, based on a human rights approach can prevent reactions by the immigrants and the locals. Greece for years drifted by micro-political expediencies, which viewed the securitization of immigration as a valuable political asset. However, the construction of immigration as a threat and the invocation of the perceived danger as means to acquire political benefits appeared counterproductive, while putting social security at risk.

As the research showed, the securitization of immigration and the use of human rights deviations as a securitizing measure was not only detrimental to the immigrants themselves but also society. In these thirty years of inactivity, Greece could take advantage of European resources, create a reliable system for managing migratory flows by balancing between the sovereign right to protect its borders and to control the movement of people within its territory, and respect for human rights.

Instead, the country's policies appeared to present an absolute imbalance which, however, instead of bringing the desired results, posed more serious risks to social security.

Conclusion

This thesis answers the questions of whether immigration has been securitized in Greece and the impact of securitization on human rights protection. The research findings solidified the securitization of immigration in Greece while providing for a direct link between the securitization of immigration and human rights protection. As the research shows, human rights violations are not a by-product of securitization in Greece but securitizing measures founded in the misleading perception that human rights violations can act as a counterweight to migratory flows and on internal political considerations. Furthermore, the research demonstrates that securitization is not a linear procedure but fluctuated depended on contextual parameters. Furthermore, the research shows that securitization in Greece is path-dependent.

By employing a multi-level methodology, departing from the strict division between the Copenhagen and the Paris school of thought this research manages to show that durable securitizations are sustained through the alternation between securitizing speech acts and routinized practices. Speech acts, in the case of Greece initiated the securitization process, while the instant institutionalization and the routinization of securitizing practices sustained the issue of immigration in the security agenda. Routinized practices prevented the de-securitization despite the elite discourse, thus the process remained on track, while the re-emergence of speech acts, pushed securitization to higher levels.

The analysis of the case of Greece illustrated that considering the two schools of thought as complementary, and by applying a multilevel methodology, research can yield significant results in terms of comprehension of the process and fluctuation of securitization, answer the question of whether securitization in certain cases is a path-dependent process, and shed light to the mechanisms that sustain an issue in the security agenda. As we can see, securitization of immigration in Greece was sustained through the institutionalization and routinization of securitizing practices, irrespective of the elite discourse, which, following the initiation of the process acted as a stimulus, leading securitization to higher levels, but nevertheless sustained and normalized securitization as the chosen policy. Furthermore, the case illustrated that securitization

in Greece, even though it experienced fluctuations, is path-dependent, fulfilling the prerequisites to be perceived as such.

Furthermore, the research showed that in Greece's case, the dominant actor in the securitizing process is the political elites. The findings showed that the political elites are responsible for every aspect of the securitizing process and the policies implemented while retaining almost full control over security professionals.

The research added significantly in revealing the media's critical role as facilitators of the securitizing process, and as securitizing actors to reinforce an issue in the security agenda, a position shared with the audience. Through the consistent quantitative analysis of newspapers, we manage to show the relation between elite securitization and media discourse and the impact of public perceptions on the former. As we have seen there is a circular relation between elite discourse- media discourse- and public perception, with media acting as the medium that transfers the top-down securitizing speech acts, and the bottom-up securitizing measures.

Importantly this research manages to decisively show a way of assessing the role of the audience in the securitizing process by identifying the primary audiences in the securitizing process and then analyzing their role by providing both quantitative and qualitative data to this direction. We have seen how public opinion surveys can reveal the general public's moral support to the securitization process and how the combination between public opinion surveys and electoral tendencies can reveal formal approval. Finally, qualitative data showed the impact of public perception on political decisions. We have seen how public attitudes pushed the governmental elites to elevate immigration in the security agenda and intervene decisively by interrupting the de-securitizing efforts. Thus this research reintroduces the audience as a key component in the securitizing process and provides a way of analysis on the role of the general public.

Among the key contributions of the research is that it managed to identify the primary contextual parameters that influence the securitization of immigration in Greece. Taking under consideration Waever's warning that contextual factors should be implemented cautiously as they might create a never-ending chain of causal events (Balzacq et al. 2014), in this research, we focused on two contextual parameters. The bilateral relations of the country, and the internal political and economic situation. The findings dictated the focus on those two parameters. As the research progressed, an abundance of evidence pointed to the direction that the securitization of

immigration in Greece resulted from the country's hostile relations with Turkey and Albania and internal political and economic considerations.

The economic and political instability of the early 1990s, and the long-standing animosity with Turkey and Albania, led the then Greek government to persuade securitization over politicization as the preferred policy to manage immigrants' flows. At first glance, the choice appeared as a byproduct of surprise due to the volume of flows and the fact that up until that point, Greece was considered an emigration country. However, we have seen that the same contextual parameters influence the securitization of immigration in Greece throughout the period under consideration, irrespective of the volume of flows. The findings led to the conclusion that immigration is handled in Greece with partisan political criteria, amenable to the occasional economic and political situation, and any case closely related to the country's bilateral relations.

We have stressed from the very beginning that each case of securitization should be examined individually. Thus, we do not expect that the same contextual parameters influence the securitization of immigration in other states. Contextual parameters remained case-specific. We argue, and what this research manages to show, that the securitization process is strongly influenced by contextual parameters, which should not be overlooked. The examination of the contextual parameters is a valuable tool to examine the reasons for the initiation of the securitizing process, the reasons that affect its course while potentially can inform the process of de-securitization by revealing the root causes of why an issue has elevated in the security agenda, to remove the irrationalities, and to re-introduce the issue in terms of management instead of suppression in the political agenda.

As stressed multiple times in the course of this research, we support the position that each securitization case should be examined individually. Even if the referent objects and the perceived threat of a securitizing move remain the same, the different contextual parameters of each case, and the potential different initiation of the securitization process, or differences in public perception or securitizing measures may yield different results than the case of Greece.

Thus this research's greatest contribution to the securitization theory is the provision of a methodological analysis plan that will help the securitization scholarship to avoid the deadlock of attachment to one of the two schools of thought. A multilevel analysis employing a variety of methodological tools, based on the methodology employed in this research will shed light on the

individual process of securitization, the actors of the process, the role of the audience and media, and the association of securitization and human rights. Importantly, the research methodology employed in this research can be employed in other EU countries providing powerful insights on the existence of securitization of immigration across the EU and the status of human rights of immigrants.

The understanding of the securitizing process and the depth of securitization along with the assessment of the human rights implications can inform the national and EU policies and potentially provide for an alternative way of viewing immigration, instead of purely security terms.

Further Research.

While this research provides a way to look at securitization cases, the discussion around securitization theory, the different feature of the theory, and their involvement in the securitization process are by no means decisive.

While Greece's case provides for insights for cases where the public and elite discourse converged, based on the individual characteristics of the country's political system, further investigation of the opposite direction will add more to the understanding of the securitizing process. Re-introducing the audience in the analysis of securitization, and examining cases of public de-securitizing efforts will shed additional light on the way audience attitude interact with elite perception.

Furthermore, as we have seen, while the case-specific results point out that the primary actor in the securitizing process in Greece is the political elites, we can not dismiss the possibility that the trend reverses taking into consideration additional actors, such as Frontex. Research regarding a potential power struggle between Frontex, EU bodies, and national authorities, or cases that security professionals have a decisive role in the securitizing process, and the interaction with other actors will shed additional light on the process of securitization.

Finally, Greece presents a case in which the securitization of immigration remained unchecked, and in which human rights become securitizing measures, portrayed in the imbalance between security and human rights considerations, and the consequences this choice had in the human rights of immigrants and on public security. But, what about cases where the security approach to immigration balanced with the respect of human rights, or cases where immigration never entered

in the security agenda. A comparison among different cases might act as a powerful tool that informs policies and attitudes towards immigration, pushing for the better management of the phenomenon, without the imposition of additional suffering.

Final note

Returning back to the case study, and to conclude this lengthy research, we have seen that in the Greek case immigration was a subject of instant and durable securitization. The micro-political management of the phenomenon, and the absence of long-sighted management of migratory flows free from phobias and micro-political expediencies, trapped the country in a vicious circle of insecurity. Irrespective of the political evolutions on the European level, Greece kept the same position towards migratory flows. That of restriction and suppression. The identification of asylum seekers and irregular immigrants with the bilateral relations of the country prevented the political elites from assessing the nature of the phenomenon.

For thirty years, the country appeared unable and unwilling to decisively deconstruct immigration as a national security threat and to create the policies and procedures that would protect both the state and the immigrants themselves. Following the refugee crisis, the management in the mainland showed the first sights of the positive impact of the human rights approach to the management of immigration. Greece, though, as a country of controversy, host the direct opposite example, with Moria camp being the epi-center of human suffering.

The victims of the Greek policy, though, were not limited to irregular immigrants. The Greek society drifted from the xenophobic feelings created by securitization, reaching the point to place its hopes on racist neo-Nazis to achieving more security.

In this research, we by no means support that security is not among the vital roles of the state. On the contrary. States should retain the right to protect their borders and the public and social security of their inhabitants. However, security cannot by no means be achieved at the cost of unprecedented human suffering.

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