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Dia Anagnostou

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1 Introduction

Until the 1990s, nationality laws and policies in Greece exhibited substantial continuity with the past along ethnocentric lines. During the nation-building process that took place from the 19th century onwards, Greek nationality[1] laws and policies have predominantly, albeit not always exclusively, reserved the right to become a citizen to individuals of ethnic Greek descent, regardless of where they were born or of whether they were living within or outside the state borders. Following Greece's independence from the Ottoman Empire in the first half of the 19th century, political and economic resources were increasingly employed to slowly unify the different areas populated by Greeks, a process that led to protracted conflicts over borders and minorities. Since then, the development of Greek institutions and legal norms has systematically privileged the interests of national unity often at the expense of the rights of individuals and minorities. For most part, minorities have been regarded as suspect and potentially disloyal to the Greek nation-state, a perception that has persisted over time in Greek citizenship law and policy.

After World War II, the focus shifted from the consolidation of external borders to the construction of the still fragile democratic institutions, as well as to completion of a homogeneous nation-state domestically. In a society divided by the legacy of the civil war of the 1940s and the polarised international climate of the Cold War, Greek post-war governments sought to disenfranchise minorities. An ethnic conception of the Greek nation continued to shape formally and substantively the allocation of citizenship rights along ius sanguinis lines. It did so even after the restoration of democracy in 1974, which had brought an end to the exclusion of the left from political participation. Minorities, however, continued to be perceived as a danger to national unity and territorial integrity, and to be informally deprived of a variety of rights, to which citizens in general were entitled. Despite the country's democratisation, Greek nationality policy of the 1980s remained highly restrictive, opposing the granting of citizenship on ius soli grounds and imposing long residence requirements (Howard 2009: 27-29).

Besides a persistent pattern along ius sanguinis lines, a second procedural but fundamental trait of nationality policy in Greece has been its highly discretionary character. In this respect, Greece is not unique, as in many other countries national authorities possess a wide degree of discretion on naturalisation (de Hart and Van Oers 2006: 327-9). The naturalisation procedure was exempted from the basic rules and norms governing the relationship between individuals and the state, which limit the uncontrolled prerogatives of the latter over the former. In contrast to constitutional principles, the Greek Nationality Code (GNC, Art. 8, parag. 2) frees administrative authorities from the obligation to justify their decisions of rejecting applications for naturalisation: a *de facto* exemption from any judicial review and control. This is the reason why domestic case law concerning acquisition or loss of citizenship is scant, if

[1] While being aware of the different ideas and connotations that each term conveys, in this paper I use the terms 'nationality' and 'citizenship' interchangeably as synonyms. 'Nationality' has as its point of reference the affinity with a national community, while 'citizenship' refers to the rights and duties that come with being a citizen of a state. 'Nationality' is the equivalent of the Greek term *ithageneia*, while

not altogether absent. The GNC also stipulates that the administrative authorities involved in processing and reviewing applications for acquisition of Greek citizenship are not bound by the same deadlines (as defined in the Code of Administrative Procedure) within which national administration in general is obliged to respond to individuals and to citizens' requests. These exemptions have placed nationality law and policy in a boundless sphere of discretionary (and often arbitrary) state decisions that are not circumscribed by individual rights and freedoms.

Over the last twenty years though, the relevant legal rules and practices have evolved to become relatively more inclusive and diversified, as well as less discretionary. Since the 1990s, a number of reforms of nationality law and policy in Greece have challenged its previously highly restrictive nature. Legal and policy changes regarding nationality acquisition and loss have mainly involved three groups: internal historical minorities, emigrants of ethnic Greek descent (*homogeneis*), and non-Greek immigrants who are third country nationals. These reforms involved a "re-ethnicisation" of nationality policy, manifested in the strengthening of the advantageous treatment reserved for ethnic Greek immigrants in the 1990s. Such treatment, however, presents significant variations among different groups, which must be explained. At the same time, these amendments reflect also a relative "de-ethnicisation" of Greek citizenship. This is manifested in a reform of the late 1990s that abolished the possibility to withdraw nationality from members of internal historical minorities. It is also evinced in a recent legislative change in 2010 that facilitates acquisition of citizenship for first generation of immigrants and extends it to the second generation on ius soli grounds.

Historically bequeathed ideas view Greek citizenship as a right to be exclusively reserved for those who ethnically belong to the cherished national community. These have influenced in a restrictive manner who is entitled to be a citizen. Nevertheless, under certain conditions, pressures or exigencies, such ideas may be flexibly interpreted or played down in order to extend citizenship to non-ethnic Greeks. In the context of the country's transformation into a society of immigration, the latest nationality reform in 2010 has been in the direction of rendering citizenship acquisition less restrictive for immigrants who are third country nationals. At the same time, though, the new law has also established an excessively permissive access to citizenship for particular groups of immigrants of ethnic Greek descent.

This report explores the formation and change of nationality laws and policies in Greece after World War II, placing them in their respective historical and institutional context. In particular, it focuses on the relevant reforms that have taken place over the past twenty years and examines the conditions and factors that have led to three sets of nationality reform: the abolition of provisions that allowed discretionary withdrawal of Greek citizenship (former Article 19 of the GNC) in 1998, the policy of selective naturalisation of ethnic Greeks, both emigrants living abroad and newly arrived co-ethnic immigrants primarily from the former Soviet republics and Albania in the 1990s, and the recent legislative reform that paves the way for citizenship acquisition by immigrants legally residing in the country.

The factors that have contributed to these three sets of reform vary and do not have identical causes and rationales, even though they are partly interlinked. While the first section provides an overview of the historical evolution of citizenship policies, the rest of the report focuses on tracing each of these three sets of legal and

policy formation and reform. This report argues that the main causes behind citizenship reforms in Greece must be sought primarily in the domestic political processes. In particular, they stem from a shift in the attitude of national government, and they are linked to the specific dynamics among different political parties. At the same time, in certain moments, influence and pressure from European institutions proved catalytic in pushing national governments to change in a liberal direction, even against domestic opposition. Lastly, the analysis of the differential treatment between groups of ethnic immigrants reveals the salience of foreign policy and geostrategic factors behind Greece's nationality laws, which have so far received scant attention in the literature on this case.

2 Historical underpinnings and evolution prior to and during the Cold War: an overview

The historical origins underpinning the acquisition of Greek nationality (*ithagenia*) must be traced in the creation of the modern Greek state following its independence from the Ottoman Empire in the 1820s. The first laws were predominantly shaped in response to the territorial and demographic conditions of the newly established Greek state at the time. Early on, and largely as a response to the exigencies of enlarging and incorporating the Greek population, these laws combined criteria of origin, territory, language and religion, mixing the principles of ius soli and ius sanguinis (Christopoulos 2009: 4). This pragmatic approach, however, was soon abandoned. Greek nationality began to be conferred according to ethno-cultural criteria. The principle of ius sanguinis became firmly entrenched with the 1835 law on Greek citizenship and subsequently in the 1856 Civil Law on nationality.[2] Overall, nationality policies during the first decades of the state's existence in the 19th century aimed at incorporating ethnic Greeks living outside of the national territory (*eterochthones homogeneis*). Greek ethnic identity was determined by speaking Greek in conjunction with affiliation with the Orthodox Church, as well as with proof of Greek ancestry (Tsitselikis 2006). Despite the numerous modifications and amendments that it underwent over time, the 1856 Civil Law on nationality exhibited remarkable longevity. It remained in place for nearly a century until 1955, when it was replaced by the first Greek Nationality Code (Christopoulos 2009: 4-5).

After its independence from the Ottoman Empire and until the annexation of the Dodecanese in 1947, the territorial expansion of the Greek state and the large-scale population movements that accompanied it fundamentally influenced Greek nationality legislation, often in inconsistent and contradictory ways. Territorial reconstitutions and demographic upheavals created large numbers of non-Greek persons (*allogeneis*), former Ottoman subjects, who resided in the newly annexed Greek territories and who had to be granted citizenship (ius domicilii). Towards the end of the 19th century, state laws offered the option of Greek nationality to those Ottomans who resided in the territories of Thessaly-Arta, which had been annexed to Greece. Only those who opted for Greek citizenship had the right to stay in the territory. Ottoman subjects were granted a time limit of three years to leave Greece, unless they converted to Greek Christianity or acquired Greek citizenship. Since then, being Christian Orthodox has been a fundamental feature of Greek nationhood. It is

[2] An exception to the principle of ius sanguinis and in favor of ius soli was made in the case of adopted children, children born out of wedlock and individuals of unknown nationality who were born in Greek territory and who were allowed to acquire Greek nationality.

reflected in the constitutional recognition of the Eastern Orthodox Church of Christ (Article 3 of the Constitution) as the prevailing religion in Greece.

Subsequently, in the frame of voluntary (with Bulgaria) and compulsory (with Turkey) population exchanges in the aftermath of World War I, most Greeks living in neighbouring countries were transferred to Greek territory, while a relatively small number remained abroad as minorities. These population movements were regulated by international and bilateral treaties, such as the Neuilly Peace Treaty between the Allied and Associated Powers and Bulgaria, the Convention between Greece and Bulgaria on the voluntary migration of minorities, and the 1923 Lausanne Treaty. These agreements also left their mark on Greek nationality provisions, which stipulated the loss of Greek citizenship for those who left the Greek lands for Bulgaria or Turkey.

All the legal provisions regulating acquisition of nationality that developed in the first 120 years of the Greek state's existence drew a fairly clear distinction between non-ethnic Greeks (*allogenis*) and ethnic Greeks (*homogeneis*, those of Greek ethnic descent or *genos*). Bestowal of Greek nationality was largely reserved for *homogeneis*, serving to deeply cement a ius sanguinis mode of acquisition. At the same time, the naturalisation of *allogeneis* was also made possible under certain conditions and for specific groups of individuals during certain periods. For example, it was made available to individuals who were asylum seekers (e.g. Armenians), those who had been supporters of the Greek revolutions (i.e. the so-called *philhellines*) or those who had offered "superior services to Greece".[3] National legislation also stipulated that Greek citizenship could not be retained if one acquired a foreign citizenship. Yet, the increasing number of Greeks who migrated to the USA, Canada and Australia in the late 19th century and afterwards exercised pressure for suspending the prohibition against dual citizenship. Otherwise, their children, who were born abroad, would lose or renounce their Greek citizenship. As a result, dual citizenship was recognised with a legislative measure in 1914, which enabled Greek emigrants who had acquired a foreign citizenship at birth to retain their Greek nationality by descent.

Greek legal norms and policies concerning the acquisition of nationality prior to the Cold War were a means of consolidating a Greek national population amidst shifting territorial boundaries, tumultuous population movements and migration waves. Following the onset of the Cold War in the late 1940s, however, the underlying purpose of such norms and policies appeared to shift towards creating a homogeneous and politically loyal national community internally. They also aimed at maintaining the presence of Greek minorities externally. For this purpose, the Greek state encouraged specific groups of expatriates to maintain the citizenship of the country in which they lived and thus their strategically important status as minorities there. Granting these minorities Greek citizenship was seen as counterproductive for this purpose. For instance, state authorities became increasingly disinclined to grant Greek citizenship to certain categories of *homogeneis*, such as those belonging to the Greek minorities in Albania and Turkey, who had returned to Greece. Ethnic Greeks who were minorities in neighbouring countries and who had been rendered stateless or deprived of their citizenship in their country of origin were assigned upon their

[3] For this discussion, I am drawing on Christopoulos (2009: 5-7).

arrival in Greece a peculiar status of semi-citizenship: they were granted a Greek passport but were refused naturalisation.[4]

The main tool used to create a loyal national community internally was the removal of Greek citizenship from individuals whose loyalty was doubted or whose political convictions were considered suspect, such as individuals belonging to internal minorities and communists. National authorities suspended Greek citizenship on the basis of Article 19 of the Greek Nationality Code, which stipulated that individuals who were not ethnically Greek (*allogeneis*) and who left the country without intent of returning could be deprived of their citizenship. This article had its origins in a 1927 presidential decree. It intended to prevent individuals belonging to Greece's internal minorities, such as Slav-speakers who had emigrated abroad, Jews who had emigrated to Palestine and Armenians who went to the USSR, from returning by removing their Greek citizenship (Baltsiotis 2004: 84). Prior to the 1940s this provision was exclusively implemented against minorities. However, in the course of this decade and after the end of the Civil War (1947), it was also used against political opponents from the left.[5] In its original wording in 1927, citizenship was to be withdrawn from those who left the country with no intention of returning. From the 1940s onwards the relevant provisions stipulated loss of nationality also for other categories of persons, such as those engaging in activities undermining public order, security and Greek interests (Baltsiotis 2004: 84). In this more expanded version, this provision was then incorporated in Article 19 of the GNC with Law 3370/1955 (Papasiopi-Pasia 2002: 158).

Of central importance for the application of Article 19 was the distinction between ethnic Greeks (*homogeneis*) and non-ethnic Greeks (*allogeneis*). To be sure, the definition of who is an ethnic Greek and who is not has been far from fixed and well defined. Instead, in the course of history, it has been conceptualised in a flexible and often contingent manner to categorise different groups of persons. It has received at least two diverse interpretations in the domestic legal and administrative system. One attributes the characterisation of *allogeneis* to individuals born of non-ethnic Greek parents, whereas the other applies it to those who lack Greek national consciousness and who have not been assimilated to the Greek nation (Stavros 1996: 119). While a combination of the two aspects has been used to draw the line between Greeks and non-Greeks (Papasiopi-Pasia 2002: 37-38), the criterion of non-ethnic Greek descent has prevailed with that of national consciousness acquisition often playing a subsidiary role (Christopoulos 2004). The criterion of national consciousness has surfaced as paramount mainly to justify removal of citizenship from Christian Orthodox persons, who share the fundamental feature of religion but who presumably lack a sense of affinity with and loyalty to Greek ethnos. In addition, Muslims or Jews by definition are assumed to lack such a national consciousness (Baltsiotis 2004: 88-9; Kostopoulos 2003: 61).

While targeting communists during the Civil War years, the removal of Greek nationality on the basis of this provision was overwhelmingly employed from the 1960s onwards vis-à-vis the Turkish-speaking Muslims in the northeast region of

[4] This was based on a classified decision by the Ministerial Council entitled "Issuing of special passports of *homogeneis* to non-Greek citizens from Turkey and North Ipirus", Act No. 22, 1 March 1976. See Christopoulos (2009:10-11).

[5] During the 1940s, it is estimated that 102,754 people, most of them Slav-speakers but also Armenians and others, left the country, and 75,978 among them were deprived of their Greek citizenship (Kostopoulos 2003: 67).

Western Thrace, a small community whose political salience far surpasses its small size.[6] Originally comprising Muslims of Turkish origin, Gypsies (Roma), and Pomaks whose original mother tongue is Slavic, who prior to World War II largely coexisted as a religious community characteristic of the Ottoman millet system, they subsequently developed a common ethnic Turkish consciousness. With the Peace Treaty of Lausanne (1923)[7], Thrace's Muslim community was exempted, together with the Greek Orthodox community of Istanbul, from the mandatory population exchange between Greece and Turkey in 1922. The Treaty's section on the 'Protection of Minorities' was a bilateral treaty between Greece and Turkey designated as the guaranteeing powers of the minority rights stipulated in the treaty. On the basis of an explicit condition of reciprocity (*amiveotita*), it defined Greece and Turkey as custodians that could monitor and intervene in the affairs of their kindred minority across the border. In this way, it established a basis for subsuming the minority under Greek-Turkish relations, which deteriorated due to the repression of the Greek minority in Istanbul in the 1950s and the Cyprus conflict in the 1960s (Rozakis 1996: 105).

3 Reforms of Greek nationality legislation following the 1974 democratic transition: turning points and legislative amendments

The reforms and restitution of rights that followed the 1974 regime transition to democracy in part extended to Greek nationality laws, which however displayed continuities that were not consonant with the milieu of the new democratic era. Following the fall of the junta, the right to acquire, re-acquire as well as pass on Greek citizenship was extended to certain categories of the population, such as stateless Gypsies/Roma living in Greece,[8] political refugees from the civil war period living abroad, and women. Greek authorities also restored citizenship to over 1,000 ethnic Greeks, who had been deprived of it during the dictatorship years. Possibly as part of its policy to bridge the deep divide between the left and right, a politically deleterious legacy from the civil war years, the social-democratic government of PASOK in the early 1980s provided for the repatriation of all political refugees who had fled Greece during the civil war years.[9] The decision to restore Greek citizenship, however, was explicitly confined to those who were ethnically Greek, and was not extended to the country's internal minorities, such as Muslims. The perception of Muslims (a section of whom was of ethnic Turkish origin) as a national threat which

[6] The overall population of Thrace is 340,000. The size of the Turkish Muslim population in Thrace is a matter of dispute due to their large-scale immigration over the years and the lack of an official census since the 1960s. Alexandris estimated the minority in 1981 to be about 120,000, with 45% Turkish-speaking, 36% Pomaks and 18% Roma (Alexandris 1988: 524).

[7] The Treaty of Lausanne settled the Anatolian and East Thracian parts of the partitioning of the Ottoman Empire, and replaced the Treaty of Sevres (1920) that had been signed by the Istanbul-based Ottoman government. The Treaty of Lausanne was signed by the Allies of World War I and the Ankara-based government of the new Turkish republic under the leadership of Kemal Atatürk.

[8] They acquired Greek citizenship through the implementation of an exceptional ius soli provision contained in Art.1 (2) of the GNC, according to which "Greek citizenship is acquired at birth by any person born on Greek territory, if that person does not acquire foreign citizenship or is of unknown citizenship".

[9] Joint Decision 106841/1983 of the Ministers of Interior and Public Order on "Free repatriation and granting of Greek citizenship to political refugees", which stipulated that "all Greeks by *genos*, who had fled abroad as political refugees during the Civil War 1946-49 and because of it, may freely return to Greece, even if their citizenship has been withdrawn."

could endanger the country's security, was overwhelming in the aftermath of the Turkish invasion of Cyprus in 1974 and the consequent crisis in Greek-Turkish relations.

The post-dictatorship government left intact Article 19 of the GNC, the legal provision that had enabled citizenship withdrawal in the first place. One of the most significant reforms of the post-1974 period was the introduction of gender equality principles to Greek nationality laws in the first half of the 1980s. It went hand in hand with the explicit recognition of these principles in the 1975 Constitution, as well as with their diffusion in various areas of law and policy, such as employment and the family. Under the influence of a vibrant feminist movement in the second half of the 1970s, and in light of the country's entry into the European Economic Community (EEC) in 1981, the relevant reforms culminated in a fundamental overhaul of the Family Code in 1984.[10] In line with the equality reforms, the amended provisions of the GNC allowed Greek women to pass on Greek citizenship to their children (whereas only Greek men were previously entitled to do so, except for the case of children born out of wedlock).[11] Greek women were no longer bound to lose their citizenship when married to foreign spouses, as it was earlier the case, unless they expressly declared their intent to do so in advance. In a parallel fashion, a foreign woman married to a Greek man would now be able to automatically acquire Greek citizenship unless she declared her intent not to do so. With the recognition of civil marriage as equal to religious (Christian Orthodox) marriage as late as 1982[12], those married to foreign spouses who were not Christian Orthodox could also pass on Greek citizenship to their children (whereas this was not possible earlier).

In practice, however, the implementation of the above-mentioned provisions was still confronted with hurdles. Foreign spouses of Greeks continued to be subject to residence requirements, as well as long naturalisation procedures similar to those required by foreigners in general. Furthermore, the retroactive acquisition of Greek citizenship by women married before the promulgation of the new laws and by their children was frequently blocked by various obstacles, such as a short two-year transition period, and in the end benefited only a limited number of potentially interested persons.[13] Since then, some of these hurdles have been lifted, paving the way for a growing number of naturalisations after 2001, but some have also been reinforced. For instance, while the initial limit of the two-year transition period was abolished, allowing interested persons to seek Greek citizenship without any deadline,[14] the new Greek Nationality Code of 2004 added a requirement for a three-year residence period in the country for the naturalisation of foreign spouses.[15]

If the above provisions regulating citizenship acquisition through marriage concerned a relatively small number of people, the end of the Cold War greatly augmented pressures for liberalising citizenship provisions. Such pressures emanated

[10] For an overview and analysis of these reforms and the influence of the feminist movement, see Dia Anagnostou (2009).
[11] Law 1438/1984 on "amendment of the provisions of the Greek Nationality Code and the law on birth certificates."
[12] Law 1250/1982.
[13] For instance, interested individuals were not informed about the two year transitional period (from 1984 to 1986) which was granted for the retroactive acquisition of Greek citizenship, and therefore failed to meet this deadline. See Christopoulos (2009: 12).
[14] See Law 2910 of 2001.
[15] See Law 3284/2004, Art. 5, parag. 2a.

from a growing influx of immigrants of Greek and non-Greek descent, many of them coming from ex-communist countries and the former Soviet Union. In the aftermath of the Maastricht Treaty, a rising number of family members and children of Greek emigrants living in the USA, Canada and Australia also sought Greek citizenship as a means to benefit from the advantages offered by EU citizenship. In line with the ius sanguinis conception, naturalisation processes for ethnic Greeks, whether emigrants or immigrants, became more permissive, while acquisition of citizenship for non-Greeks remained highly restrictive.

In spite of the above-mentioned pressures and notwithstanding the fact that the politics of Greek citizenship became more visible from the 1990s onwards, legal and regulatory requirements for its acquisition in fact became stricter (Christopoulos 2009: 13). For instance the imposition of an application fee, longer residence requirements and residual restrictions regarding the employment of naturalised foreigners in the public sector[16] were some of the ways in which state authorities aimed to curb a potentially large number of naturalisation applications. At the same time, despite the refusal of Greek authorities to ratify international treaties, such as the 1997 European Convention on Nationality, pressures from the European context to correct or abolish some of the discriminatory provisions and practices regarding Greek citizenship grew.

Since the 1990s, and largely in light of the increasing and large numbers of immigrants that came in the country, Greek authorities undertook three important sets of reforms, which are analysed in the next three sections of this report. In the first place, they abolished the controversial Art. 19 of the Greek Nationality Code that had allowed for discriminatory deprivation of citizenship. Secondly, they adopted special legislation (outside the frame of the GNC) to facilitate acquisition of citizenship for ethnic Greek immigrants. Finally, in 2010, they adopted a new law that rendered naturalisation and citizenship acquisition for non-ethnic Greek immigrants less restrictive. This last reform built on the new Greek Nationality Code, which was adopted in 2004 partly with a view to enabling non-Greek immigrants to acquire citizenship in the future. At the same time, the 2010 reform substantially departed from the 2004 GNC by introducing for the first time ius soli acquisition of citizenship for second generation immigrants.

3.1. Ending deprivation of Greek citizenship for internal minorities

After the transition to democracy, the withdrawal of citizenship on the basis of Article 19 of the GNC continued unabatedly with regard to the members of Muslim minorities of Western Thrace who left Greece, often to travel for short periods of time, but to whom national authorities attributed an intent of not returning. [17] Indeed, according to unofficial estimates, it peaked after 1974 in the aftermath of the Turkish invasion of Cyprus (Kostopoulos 2003: 65-65).[18] The Council of Europe's readmission of Greece in 1975 and the process of association with the EEC did not draw any attention to the rights of the minority, which were further curtailed in contrast to the restoration of democratic rights to Greek citizens in general. In

[16] For instance, appointment of a naturalised foreigner as civil servant in the Ministry of Foreign Affairs or as a court clerk can take place only three years after acquisition of citizenship.
[17] Out of the 60,000 individuals estimated to have lost their citizenship between 1955-1998, about 50,000 were Muslims from Thrace (Kostopoulos 2003: 59-60).
[18] The analysis of this section draws from Anagnostou (2005).

allowing discretionary and thoroughly arbitrary withdrawal of citizenship from particular individuals, Article 19 violated the principle of equality of all Greeks before the law, on which the new post-1974 democratic constitution was founded. It also went against Article 4 (para. 3) of the constitution, which stated that a Greek citizen may be deprived of his/her nationality only if s/he voluntarily acquires a new nationality or if s/he undertakes services abroad contrary to national interest. In spite of this, the new constitution re-affirmed the ongoing validity of Article 19 of the Greek Nationality Code. At the same time, it also specified that this provision would remain in force "until its repeal by law",[19] a statement that implicitly acknowledged its fundamental illegitimacy. The legislative changes described in the previous section, which restored citizenship to individuals who had been deprived of it before 1974, a central demand of PASOK and the Communist parties, applied only to groups who were ethnically Greek, such as repatriated refugees of the civil war.[20]

While it had a life and purpose that extended further back into the past, the withdrawal of citizenship from minority members from Thrace on the basis of Article 19 of the GNC was part and parcel of a broader set of informal but widespread restrictive measures (*katastaltika metra*) against this minority. Unofficial but elaborate practices and networks of employees and interest groups linked to the state administration at the local level, as well as to banks and enterprises, systematically prevented most Muslims from acquiring property or enjoying even routine entitlements such as receiving bank loans or driving licenses, finding employment, etc. (Giannopoulos and Psaras 1990: 18).

Having been instituted by the military regime in the late 1960s, these restrictive measures were perpetuated by the post-1974 democratic governments. They were driven by the rationale of forcing the minority to leave, presumably permanently, the country. In this way, the Muslim minority population would decline, a desired outcome in the eyes of national officials, who sought in this way to counterbalance the demographic decline of the Greek population in Istanbul. From the 1960s onwards, the Ministry of Foreign Affairs (MFA) and its local branches, euphemistically called Offices of Cultural Affairs (*Grafeio Ekpolitistikon Ypotheseon)* monitored and circumscribed all economic and administrative transactions involving Muslims. They often did so in an arbitrary manner without sufficient justification and without consulting the interested individuals or families, who would frequently find out that they were no longer Greek citizens only upon their entry into Greece. The Ministry of Public Order would submit files of individuals deemed to fall within the remit of Article 19 to the Ministry of the Interior. Following the consenting opinion of the Council of Nationality, a ministerial order removing their citizenship would be issued.

The politicisation of the minority that became increasingly radicalised in the late 1980s, and the eruption of inter-communal tensions in Thrace alarmed Greek political leaders and led to a gradual relaxation of the government's restrictive measures. Having the backing of 'motherland' Turkey, the demand for self-determination as a 'Turkish minority' provoked tremendous opposition from Greek authorities and the public, which viewed it as a flagrant challenge to national unity

[19] Article 111 of the 1974 Greek Constitution.

[20] Decision 106841/29-12-1982 of the Minister of Internal Affairs provided for the restitution of citizenship to ethnic Greek individuals who had left the country as political refugees during the civil war (1946-49), but made it very hard to restore it to individuals who were from Slavic speaking areas (Kostopoulos 2003: 68).

and a prelude to autonomy demands in the region. In January 1990, political leaders of the three largest parties, who urgently met behind closed doors to cope with the crisis, recognised the need to abolish the restrictive measures (Giannopoulos and Psaras 1990: 21). The relaxation of the restrictive measures that was pronounced as the principle of "legal equality - equal citizenship" in 1991, inaugurated a process of liberalisation of the government's policy towards the minority of Thrace. Such liberalisation of the rights of the minority, however, did not extend to Article 19, which remained in force.

The advent of a Europeanised segment in the leadership of PASOK, which came to power in 1996 under the premiership of Kostas Simitis, coincided with growing European activism and elaboration of human rights principles in relation to minority protection and citizenship. Already from the late 1980s onwards Greece's treatment of the Turkish-speaking Muslims of Thrace had become a target of growing criticisms in the Council of Europe (CoE), often at the initiative of Turkish delegates in the Parliamentary Assembly of the CoE (*Eleftherotypia*, April 24, 1991). NGOs, minority leaders and organisations such as the Federation of the Turks of Thrace, established by those who had immigrated to Germany, systematically articulated their grievances in front of European fora, particularly in Strasbourg (Hersant 2000: 37-40). European institutions such as the CoE drafted reports about the situation of the Muslims of Thrace and expressed concern about Article 19.

Together with the gradual process of liberalisation of minority rights from the early 1990s onwards, the growing activism of European-level institutions around human rights and minority protection concurred to inform the debate on how Greece treated her minorities. Already from the early 1990s, their influence began to reach the high echelons of Greek government leadership, particularly that of the MFA, and progressively spread across political elites without open exposure and public debate (Anagnostou 2005: 342-345). In the second half of the 1990s, a number of critical reports appeared along with the proliferation of criticisms regarding how Greece treated her minorities.

Despite their political and declaratory character, the proliferation of European texts on minority rights created a more intricate and binding external frame that reinforced pressures on the Greek government. Article 19 of the GNC became a central target of growing criticism in the CoE, which increasingly brought under its supervision issues pertaining to citizenship rights. The official summary of the European Convention on Nationality adopted by the CoE in November 1997, which was designed to facilitate acquisition or recovery of nationality, explicitly stated that citizenship "…is lost only for good reason and cannot be arbitrarily withdrawn…".[21] A report on the rights of Muslims in Thrace submitted to the president of the Parliamentary Assembly of the CoE (PACE) in 1997 raised the possibility of opening a monitoring process to investigate the arbitrary withdrawal of citizenship from internal Muslim minorities in Greece (Hersant 2000: 64-65). This report, which contained a critical assessment of the situation of Muslims, highlighted the ongoing validity of Article 19 as the epitome of unequal treatment of this population by Greek state policy. In early November 1997, the Monitoring Committee of the CoE discussed the allegations contained in the report and set a meeting for mid-January

[21] See European Convention on Nationality, Summary of the treaty that opened for signature on 6 November 1997 and entered into force on March 1st, 2000. It can be accessed at http://conventions.coe.int/Treaty/en/Summaries/Html/166.htm

1998 to make a final decision on whether it would proceed with a monitoring process (*Eleftherotypia*, 9 November 1997).

Even though the actual political weight of the afore-mentioned report can be disputed (signed only by twelve delegates of the PACE), it made an impact on Greek political leaders who became increasingly sensitive about Greece's tarnished reputation in the field of minority protection. The criticisms in the CoE played a catalytic role in galvanising a new initiative to tackle Article 19, which came from the leadership of the MFA that had just signed the European Convention on Nationality and that had been waiting to seize such an opportunity. It comprised deputy Foreign Minister George Papandreou and the late Giannos Kranidiotis, who held moderate and liberal views on minority issues. In 1997, they were given the green light to proceed by PM Simitis who was in favour of abolishing the controversial provision. Following the appearance of the report, the MFA promptly launched a round of deliberations to discuss the possibility of abolishing Article 19 with the Ministry of the Interior (MI) that was responsible to administratively implement it. During the previous months, inter-ministerial talks held on the issue sought to avoid publicity and revealed a divergence of views, with the MI opposing proposals to eliminate the controversial article (*Eleftherotypia*, 3 and 9 November 1997; *Apogevmatini*, 29 January 1997). Minister of the Interior Alekos Papadopoulos took a reserved approach on the grounds that it would trigger strong reactions among the Greek public. If the abolition of Article 19 was to have retroactive force, and would allow all those who had their Greek citizenship withdrawn to reclaim it, such reactions would be particularly strong in the minority-inhabited regions of Thrace and in Epirus. In the latter, Albanian-speaking Tsams that left the country during World War II could claim back their Greek nationality.

Significantly, the leadership of the Ministry of Foreign Affairs and the Ministry of the Interior avoided making public their divergent of views. These only faintly leaked to the press, possibly suggesting that in spite of such differences there was strong determination to reach an early consensus on the issue (*Ta Nea*, 24 January 1998). By mid-January 1998 an agreement between the two Ministries to abolish Article 19 was reached, however, on the basis of a firm understanding that its annulment would not be applied with retroactive force. The latter would have enabled tens of thousands of individuals and their families who had been deprived of Greek nationality to reclaim it, and it was a demand strongly supported by the minority in Thrace (*Eleftherotypia*, 8 December 1997). Simitis characterised the decision "an important step that should have occurred earlier", fully compatible with the government's policy on human rights while Minister of Interior Papadopoulos declared it to be in accordance with the principles of "legal equality – equal citizenship" (*Ta Nea,* 24 January 1998).

Even though the political tones had been deliberately kept low, the announcement provoked strong reactions primarily from the local society in Thrace: the Greek Christian population, local authorities and the Orthodox Church. In appealing to the "power of Greek consciousness … and the interests of the Greek nation…" (*Nemesis*, October 1997), they opposed it on grounds that it would pave the way for the restitution of Greek nationality to thousands of minority members and alter the demographic balance in the region. Abrogating Article 19 would purportedly be a further concession to Turkey that had breached the reciprocity clause of the Lausanne Treaty by expelling the Greeks of Istanbul in the 1950s. In contrast to the local society and press in Thrace, newspapers with nation-wide circulation responded

positively and with moderation to the announced change. Leftist papers heralded the decision as an extension of democratic rights putting an end to the status of "second class citizenship", to which the minority had been relegated (*Exousia*, 23 January 1998; *Rizospastis*, 17 December 1997). The centre-right daily *Kathimerini* also received it positively, seeing it as a measure that would contribute to the isolation of extreme nationalist circles in the region of Thrace and prevent Ankara and the international organisations from condemning Greece for discriminatory treatment against a group of citizens (*Kathimerini*, 17 January 1998).

On 9 June 1998, the Greek Parliament voted to abrogate Article 19[22] with the support of all political parties except the small nationalist-socialist party DIKKI. The determination of the Socialist party and the leadership of the MFA to proceed with this reform was a central factor that accounted for its success. At the same time, the reform was limited in so far as it fell short of restoring citizenship to thousands of people who had arbitrarily and often without their knowledge lost it in the previous decades. Yet it was only on such a basis that a cross-party consensus was possible to achieve. The abolition of Article 19 was the result of a progressive change that had taken place the views and position of political elites of all four major political parties by the second half of the 1990s. Such a shift stemmed from a basic understanding that restriction of minority rights was no longer effective for foreign policy purposes (in serving state interests vis-a-vis Turkey) and was completely unjustifiable on grounds of democracy and the rule of law. However, the normative commitment underpinning this understanding was rather shallow, particularly but not only among the centre-right opposition. Few Members of Parliament (MPs) explicitly appealed to the view that all autochthonous populations, who had been living in Greece after its independence in the 19th century, had an inalienable and equal right to Greek citizenship regardless of whether they are of ethnic Greek descent.

Support for this reform by the Socialist government was a crucial factor. However, it was not uniform, with the Ministry of the Interior initially opposing it. If such a disagreement did not become an obstacle to the abolition of Article 19, it was due to the intensification of pressures emanating from the CoE at the time, which strengthened the reformist position of the Minister of Foreign Affairs. They also provided leverage that enabled him to counter and neutralise the intra-governmental opponents. Both the timing as well as the manifest determination of the MFA to push ahead suggest a direct connection with the need to avert a monitoring procedure by the CoE. This is evidenced in a letter of Foreign Minister George Papandreou (dated 24 January 1998), who informed the President of the Monitoring Committee in the CoE of the positive decision regarding Article 19. He emphasised that the "Greek government has always shown a sensitivity towards human rights and has the political will to continue to work, in cooperation with the competent committees of the CoE, towards the same direction in the future" (Hersant 2000: 66). A report drafted after the visit of CoE delegates on a fact-finding visit in Greece concluded that, following the decision to abolish Article 19, there was no need to open a monitoring procedure against Greece. It stated that "Greece's signing of the Framework Convention for the Protection of National Minorities (FCPNM) on 22 September 1997 and the commitment made by the Greek government [to abolish Article 19] constitute gestures of good will on the part of Greek authorities" (Hersant 2000: 64-65).

[22] Law 2623/1998, Art. 14, *Government Gazette* Issue 258 A.

3.2 Selective naturalisation of co-ethnic immigrants

From the early 1990s onwards, the influx of growing numbers of immigrants began to augment pressures for the government to adopt effective policies to deal with their arrival and integration in the country. For most part, such policies remained focused on controlling entry and facilitating deportation. It was only towards the end of the decade that national authorities began to adopt some elementary programs of short term regularisation, as described in the following section. The possibility of facilitating the acquisition of citizenship as a medium of immigrants' integration remained throughout the decade beyond the realm of public and political discourse regarding immigration, with one notable exception: that of the ethnic Greek 'repatriates' from the former Soviet Union and Albania. From the early 1990s onwards a large number of immigrants of ethnic Greek descent, primarily from Albania and the countries of the former Soviet Union (i.e. Georgia, Kazakhstan, etc.) began to enter Greece.

Legislative provisions adopted by the Greek governments of the 1990s entirely outside the existing frame of citizenship legislation made it possible for a large number of individuals from these groups of *homogeneis* to become naturalised through an exceptional and highly flexible procedure. From early on, this policy distinguished between so-called 'repatriated *homogeneis*' (*palinnostountes*),[23] who immigrated from countries of the former Soviet Union, and ethnic Greeks who came from other countries, mainly Albania (*Vorioeipirotes*): while it offered citizenship to the former, it declined doing so for the latter, a differential approach that survived until recently. For the first time, government policy made it possible for hundreds of thousands of co-ethnics from the former Soviet Union to acquire Greek citizenship. To this end, a ministerial decision was issued in 1990 by a temporary caretaker government with the participation of the three largest political parties.[24] This decision was actually *contra legem* until 1993 when Law 2130/1993 explicitly stipulated this citizenship inclusion for co-ethnics. This procedure is significant because it is characteristic of the extraordinary nature of Greek citizenship policy that often relies on executive decrees bypassing or entirely ignoring established legal norms (Christopoulos 2009: 21).

While both co-ethnics from Albania and the former Soviet Union were permitted to work and live in Greece, Greek authorities made a decision to allow co-ethnics from the Soviet Union to acquire citizenship through an unusually permissive process. Instead of going through the normal naturalisation process, they acquired Greek citizenship through a special summary procedure that did not require submission of specific documents and was not subject to much scrutiny and control. Strictly speaking, this process was not about acquisition of citizenship but rather about what was termed 'verification' of citizenship (*diapistosi ithagenias*). This terminology reflected the ingrained assumption that those who were born of ethnic Greek ancestors and therefore belong to the Greek *genos*, never cease, at least in some latent form, to be members of the Greek national community. Their entitlement to full rights and Greek citizenship merely has to be confirmed. The procedure required from interested co-ethnic 'repatriates' from the former Soviet Union to supply to regional

[23] In fact the characterisation as 'repatriated' is a misnomer since these persons had not been born and had not lived in earlier periods in Greece.
[24] Common Ministerial Decision on the 'Definition of citizenship of *homogeneis* of Pontic origin from the USSR', Decision number 24755, 6 April 1990.

and prefecture authorities (rather than to the Ministry of Internal Affairs) evidence that one of his or her ancestors had been registered in a Greek municipality through a certificate issued by the respective local authorities. This could be done through an application to the consular authorities in their country of origin, and was not conditional upon residence or work in Greece. Those who were able to obtain such a certificate would speedily acquire citizenship for themselves and often also for their entire family without following the ordinary and lengthy naturalisation procedure (Christopoulos 2009: 16).

The abovementioned summary procedure of 'citizenship verification' that allowed for the speedy acquisition of Greek citizenship by co-ethnics from the former Soviet Union was not, however, open to co-ethnics from Albania, who were denied citizenship. Instead, they were supplied with a special identity card for *homogeneis* (EDTO) equivalent to a residence and work permit with health care, social security and education benefits, but they had no right to acquire citizenship. Even though granting citizenship to both groups would fit well with prevailing and historically bequeathed principles of ius sanguinis, Greek policy applied a discriminatory double-standard vis-à-vis co-ethnics from Albania, completely disregarding the willingness of a large number of these to live, work and integrate into Greek society. This inconsistency is telling about a certain degree of ambiguity as to the membership claims of ethnic Greeks. For most of the 1990s, the relevant legislative procedures did not specify explicit criteria whereby ethnic Greek descent could be proved to entitle one to citizenship. Instead, the latter was granted mainly on the basis of a mere declaration by interested persons that they were born from parents of ethnic Greek descent. The differential treatment of co-ethnics from the former Soviet Union and from Albania is also indicative of the instrumentality that may guide official definitions of who is a '*homogeneis*' and who is not (or not quite so) during different periods of time.

It was not until 2000 that Greek law determined certain criteria for establishing Greek origin among co-ethnic 'repatriates' from the former Soviet Union. These required not only documents to prove his/her origin as such, but also proof that he/she possesses Greek national consciousness and speaks the language.[25] According to Law 2790/2000, *homogeneis* from the former Soviet Union could acquire Greek citizenship following a decision by the Regional Secretary in the area where they settled, and on the basis of an opinion issued by the Greek consular authorities in their country of origin (Section A, Art. 1). The status of an applicant from the former Soviet Union as *homogeneis* is 'established' (*diapistonete*) through interview with a three member committee chaired by the Greek Consular General in his/her country of origin (Art. 3).[26] Greek citizenship, however, was withheld from those individuals who came from ex-Soviet countries that do not accept dual citizenship, such as Ukraine. Instead, a Special Identity Card was issued to them through the same process, which was equivalent to a residence and work permit, and was also extended to their children and spouses (including those of non Greek origin). Therefore, those co-ethnics from the former Soviet Union, who would have to give up their foreign

[25] Decision No. 10 of the Ministry of Internal Affairs of 15 May 2001 (79174/16211) on "Modifications of Law 2790/2000 concerning the acquisition of Greek citizenship by *homogeneis* from the former Soviet Union.

[26] If an applicant already lives in Greece, the Regional Secretary issues a decision on the basis of opinion issued by an inter-ministerial committee comprised of representatives from the Ministries of Internal Affairs, Foreign Affairs, Finance and Public Order (Law 2790/2000, Section A, Art. 8).

citizenship in order to acquire the Greek one, were put in the same category with ethnic Greek immigrants from Albania.[27]

According to Greek government estimates, by 2003, 180,000 ethnic Greeks from the former Soviet Union permanently resided in the country, and 125,000 of them had acquired Greek citizenship (Christopoulos 2009: 17). Why did the Greek government adopt such permissive measures for citizenship acquisition and advantageous treatment for ethnic Greek immigrants from the former Soviet Union, even bypassing the provisions of the GNC that was in force at the time? As already mentioned, granting citizenship to *homogeneis* from the former Soviet Union was a policy very much within the historically bequeathed and deeply ingrained ius sanguinis conception regarding who is entitled to be a Greek citizen. As it was explicitly stated when the bill that eventually passed as Law 2790/2000 was discussed at the Permanent Committee of National Defense and External Affairs, national authorities were seen to have an obligation to grant citizenship and to incorporate into the national society everyone who is of ethnic Greek descent, whether s/he lives within or beyond the borders of the Greek state.[28] This law was seen as a belated compliance of national authorities with this obligation. No one among the representatives of the opposition parties participating in this committee expressed any disagreement with this underlying premise, and they only raised relatively secondary objections that had to do with how its provisions were to be implemented. The law was adopted with the votes of all political parties in the Greek Parliament.

If the advantageous bestowal of citizenship to ethnic Greeks from the former Soviet Union is consonant with a deeply rooted ethnocultural understanding of who is Greek, the denial of similar advantages to ethnic Greeks from Albania presents an anomaly. Why did national governments not extend equally propitious measures and citizenship provisions to ethnic Greeks from Albania, who also came and settled as immigrants in the country in large numbers? While legal norms of citizenship and their reform are bound up with nationhood and therefore ideologically charged identity questions (see Brubaker 1992), this instance shows that the politics of citizenship are as much driven by contingent and interest-driven considerations. Besides its resonance with traditional national ideas, the granting of citizenship to ethnic Greeks from the former Soviet Union must also be seen in conjunction with security, foreign policy and strategic interests externally, but also with national-political considerations domestically.

Government policy towards citizenship acquisition by *homogeneis* immigrants from Albania and the former Soviet Union since the 1990s largely took place through executive decisions outside the realm of established legal norms. In the first place, the differential citizenship policies towards ethnic Greek immigrants from the former Soviet Union and from Albania had to do with the perceived strategic and foreign policy interests of the Greek government in the respective regions and countries, from where these immigrants came. As the deputy Foreign Minister present at the committee discussion on the draft law declared, "as a state and as a society we have delayed [granting citizenship to ethnic Greeks from the former Soviet Union], which entails important risks for our national consolidation and the presence of Hellenism in

[27] Law 2790/2000, Section A, Art. 11. For a description of the relevant provisions see Vogli and Mylonas (2009: 375-6).

[28] The report of the Committee was completed on 21 December 1999. It can be accessed at the website of the Greek Parliament (*Vouli ton Ellinon*) in the link http://www.parliament.gr/ergasies/nomosxedia/ProtasiEpitropon/NOM_NOM_PR_2790_UD05.DOC

a strategic region such as the Caucasus, the Black Sea and Central Asia. These are areas of historical importance for Hellenism during the previous centuries, while today they are the natural zone of Europe's expansion… [in an] area that is likely to play a vital role in the new era."[29] While both the countries of Caucasus, the Black Sea and neighbouring Albania were considered areas where Greek foreign policy has vital strategic interests, the goals to be pursued to serve these differed.

The decision to grant Greek citizenship to co-ethnic immigrants as a means to enhance the country's potential to exert strategic influence in the regions where they came from, was centrally premised on their ability to also retain the citizenship of their country of origin. Such an implicit precondition was particularly important when it concerned countries that have common borders with Greece, such as Albania. This would enable co-ethnics from the latter to continue their "national mission" to perpetuate their presence in the neighbouring country, which could serve as a counterbalance to Albanian claims vis-à-vis Greece, already home to large numbers of Albanian (non-ethnic Greek) immigrants. Until 2006, Albania did not recognise dual citizenship. Extending acquisition of Greek citizenship to ethnic Greeks from Albania would therefore lead to loss of their Albanian citizenship, their detachment from the neighbouring country and the consequent shrinking of the Greek minority population there. The vast majority of immigrants from the former Soviet Union come from Georgia (about half of them), Kazakhstan, Russia, Ukraine and Uzbekistan. Nationality legislation in Georgia and Ukraine also does not accept dual citizenship, which implied that those *homogeneis* from these countries who would gain Greek citizenship would be likely to lose their original one. This possibility, however, weighed much less given that, unlike Albania, these countries are not territorially contiguous to Greece (Vogli and Mylonas 2009: 388) and do not have significant historic kin minorities in Greece.

In sum, enduring national ideas about who is entitled to be a Greek citizen were selectively applied to co-ethnic immigrants from different countries in line with foreign policy and strategic considerations. This, however, still leaves unanswered the question why facilitating citizenship acquisition for co-ethnics from the former Soviet Union was also accompanied by extensive social and economic benefits, which were not extended to co-ethnics from Albania. Besides laying out a more explicit procedure for granting Greek citizenship, Law 2790/2000 also provided a series of social, economic and employment benefits specifically targeting *homogeneis* immigrants from the former Soviet Union.[30] These included subsidies to purchase or rent apartments or houses, free distribution of land to construct a house, free issuing of construction permits, and the issuing of mortgages and bank loans on favourable terms (Art. 3). In addition, Section D of the same law provided for their employment in agriculture and the public sector. In employment processes in the latter a special quota was introduced for *homogeneis* immigrants from the former Soviet Union, who acquired Greek citizenship.

The fact that the preferential and exceptionally permissive citizenship acquisition for co-ethnics from the former Soviet Union was accompanied by a wide array of benefits must be seen to stem from two sets of factors. In the first place, the

[29] See report of the Committee of National Defence and External Affairs, 21 December 1999, at http://www.parliament.gr/ergasies/nomosxedia/ProtasiEpitropon/NOM_NOM_PR_2790_UD05.DOC

[30] Law 2790/2000 on "Restitution of repatriated *homogeneis* from the former Soviet Union", published in *Official Government Gazette* A' 24, 16 February 2000.

program of their settlement and economic assistance domestically was clearly, even if implicitly, underpinned by demographic and political concerns linked to the presence of the Turkish Muslim minority in the region of Western Macedonia and Thrace in the northeast part of Greece. It is not an accident that Law 2790/2000 was introduced and adopted within two years following the abrogation of Article 19 of the GNC discussed in the previous section. It is also not an accident that the preparation for this policy took place during the 1990s, when a process of liberalisation of minority rights in Thrace was also underway. While Law 2790/2000 defines four zones of settlement of ethnic Greek immigrants from the former Soviet Union, the most important one is that of Eastern Macedonia and Thrace, where large number of these immigrants have been settled. Eastern Macedonia and Thrace along with some of the islands in the Aegean were defined as the priority zone, in which the settlement of this population received a high level of economic subsidies and other assistance. Their settlement in this region was thought as a means to boost the demographic presence of the Greek population at a time when the liberalisation of minority rights and the abolition of citizenship removal were seen as paving the way for the demographic, economic and political growth of the Turkish Muslim minority.

Secondly, preferential bestowal of citizenship for co-ethnics from the former Soviet Union accompanied by extensive social, economic and employment benefits was also significantly motivated by their potential to become an important electoral clientele. Unlike co-ethnics from Albania, who are dispersed in the large urban centers, "repatriated" co-ethnic immigrants from the former Soviet Union were settled in particular areas with a clearer pattern of geographic concentration. In the second half of the 1990s, Greek authorities engaged in a large-scale census to register all *homogeneis* from the former Soviet Union. As a result of this, the government has a far better picture of their territorial concentration and dispersion in Greece, rendering much easier their recruitment and organisation as an electoral clientele (Vogli and Mylonas 2009: 387).

The Socialist party of PASOK that returned to power from 1993 onwards put in place a selective policy of granting citizenship exclusively to co-ethnics from the former Soviet Union along with a program for their settlement and the various benefits that were channelled to them. In this way, and being entitled to political participation as Greek citizens, the sizeable co-ethnic population from the former Soviet states overwhelmingly voted for PASOK in the 2000 elections. Subsequently, however, the centre right New Democracy (ND) actively campaigned among this population in the run up to the 2004 elections with a program that promised an expanded set of benefits and preferences for them, and with initiatives to integrate them into party structures, effectively managing to win over a large percentage of their votes (Triandafyllidou and Gropas 2009: 94-5).

Since 2006, state authorities have started to grant citizenship to ethnic Greeks from Albania too.[31] A joint decision by the Minister of Interior and the Minister of Foreign Affairs stipulated that holders of a Special Identity Card for Co-Ethnics (EDTO card) could be naturalised upon fulfilling the requirements provided by law without any undue negative discretion on the part of political and administrative authorities (Triandafyllidou and Gropas 2009: 91). At least in part, this shift has to do with the fact that as holders of EDTO cards, a large portion of ethnic Greek migrants

[31] See relevant data provided by the Ministry of Interior, letter dated 13 March 2008, cited in Triandafyllidou and Gropas (2009: 91).

from Albania were by 2006 eligible to apply for citizenship on the basis of the new nationality code adopted in 2004, since they had lived in the country for ten years or more.

Given their ethnic Greek descent, which remains the core of prevailing conceptions of Greek nationhood, the ongoing exclusion of co-ethnics from Albania from citizenship is difficult to sustain ideologically and politically. Eager to demonstrate their commitment to the presumed sacredness of such conceptions in front of the public, Greek politicians often appeal to the need to extend citizenship to them. A broad political consensus exists among political parties and elites about the need to extend naturalisation to co-ethnics from Albania. In the parliamentary discussion that preceded the passage of the 2004 new GNC, referring to co-ethnic immigrants from Albania (*Vorioeipeirotes*), Minister of Interior at the time Pavlopoulos stated that "we feel them as an inseparable part of our historical continuity and they are an unbreakable segment of the Greek population," (Parliamentary Proceedings, 2 November 2004, p. 2165).

The centre-right government of New Democracy was urged to proceed with extending citizenship to them regardless of whether a bilateral agreement was reached or not with the Albanian government on the subject of dual citizenship.[32] The Socialist opposition of PASOK supported citizenship acquisition for them, while the ND government at the time was willing to allow this once the Albanian government would guarantee that it would not deprive them of their Albanian citizenship. Most parliamentary representatives who spoke on the subject expressed confidence that Albania would not deprive co-ethnic immigrants of their Albanian citizenship considering Greece's leverage in the process of Albania's pursuit of association and/or membership in the EU.[33] By 2010, the disagreement between the new socialist government and the centre-right opposition on the matter remained, with the latter refusing to extend citizenship to co-ethnics from Albania before the Albanian government reassured that it would guarantee dual citizenship.

3.3 Extending citizenship to immigrants who are third country nationals

In March 2010, a new citizenship law adopted by the PASOK-dominated parliament abandoned the nearly exclusive reliance on the ius sanguinis principle. This law strengthened in various ways the principle of ius domicilii compared to the previous one. By introducing less stringent and more transparent criteria than pre-existing legislation, it facilitated and streamlined residence-based acquisition of citizenship for immigrants who are third country nationals (ius domicilii) and for their children who are born in Greece (ius soli*)*. Besides this innovation, this law further brought two other major changes: it gave the right to different categories of non-Greek and non EU-citizens to vote in local elections. It also reformed the naturalisation procedure by removing discretionary decision-making and obliging the competent authorities to justify their decisions in response to applications for Greek citizenship.[34] Since the

[32] The Albanian constitution allows for dual citizenship. However, there has been a fear on the part of the Greek government that the Albanian government could nonetheless deprive those who become naturalised in Greece from their Albanian citizenship.
[33] See *Parliamentary Proceedings*, Period IA, Section A, Tuesday 2 November 2004.
[34] Law 3838/2010, *Government Gazette* FEK no. 49, 24 March 2010. See also Report (*aitiologiki ekthesi*) on the draft law "Contemporary provisions for Greek citizenship and the political participation of ethnic Greeks and legal immigrants".

1990s, nationality law and policy have been treated as a terrain of immigration policy, as a means of integrating immigrants but only with regard to co-ethnics, who were selectively naturalised. More than any other relevant reform since the early 1990s, the 2010 amendment sprang from an explicit appraisal of citizenship issues in the light of immigration. It directly associated less restrictive provisions for granting citizenship with the goal of integrating non-ethnic Greek immigrants into national society. Even as parliamentary representatives emphatically stated that citizenship legislation should not be conflated with policy dealing with immigrants, this time more than ever before such legislation also signalled a new phase in immigration policy.

This latest reform has proved to be highly controversial and divisive, in contrast to earlier citizenship law changes that had been characterised to lesser or greater degree by cross-party consensus. In order to understand the factors that led to this reform, it is necessary to consider first the legal reforms both in citizenship and immigration policy but also the social-political changes since the 1990s. In this respect, two important processes of reform were significant as they marked a shift in the approach of the Greek government to immigration and presented an opportunity to reflect on and publicly debate issues of naturalisation and citizenship: the shift to a more integrationist approach after 2000 marked by the 2001 immigration law[35] and the already mentioned adoption of a new GNC in 2004, which codified existing provisions and all their hitherto amendments.[36]

The 2001 immigration law replaced the previously applicable Law 1975/1991. Characteristic of the initially restrictive orientation on the issue, this latter law had been principally concerned with preventing the entry of undocumented immigrants and facilitating the expulsion of those already present in the country.[37] In the second half of the 1990s, and as the ineffectiveness of arrest and deportation programs became evident, policy attempts pragmatically shifted towards regularising the hundreds of thousands of irregular immigrants already living and working in the country. Following a first regularisation programme in 1997, the 2001 law was the first immigration law properly speaking. It was introduced by the Socialist government and linked employment to the right of immigrants to legally reside in the country.[38] While still lacking a long-term integration perspective, this law included a second regularisation programme for those who had not benefited from the first one, and provided for permits of short durations under the condition that immigrants continued to be employed. In spite of its short-term perspective, this law established a policy frame to deal with immigration in the medium and longer term by offering legal channels of entry to Greece for purposes of employment and family reunion.[39] Even more pertinent to this analysis were the citizenship changes brought by the 2001 law, which included a reduction of the minimum period of legal residence from 15 to 10 years, even as it maintained the privileged treatment of ethnic Greeks along with a highly cumbersome procedure of naturalisation. The residence requirement was

[35] Law 2910/2001 on "Entry and sojourn of foreigners in Greek territory, naturalisation and other measures."
[36] Law 3284/2004, *Government Gazette* FEK no. A' 217, 10 November 2004.
[37] Law 1975/1991 on "Entry, exit, sojourn, employment, deportation of aliens, procedure for the recognition of alien refugees, and other provisions."
[38] Law 2910/2001 on "Entry and sojourn of foreigners in Greek territory, naturalisation and other measures."
[39] For a detailed description and critical assessment of Law 2910/2001 see Skordas (2002). For a comprehensive and up to date overview of Greek immigration policy, see Triandafyllidou (2009).

altogether abolished for the spouses of Greek citizens, who had children and lived in Greece (Mavrodi 2005: 11; Triandafyllidou and Gropas 2009: 92).[40]

In the next couple of years, the issue of promoting immigrant integration and their political participation, premised on a long-term approach to the presence and legalisation of immigrants in Greece, moved to centre stage in the political and public debate. The centre-right New Democracy government that came to power in 2004 made a few unsuccessful and timid attempts to address the longer-term presence of immigrants with a view to their social integration. The legislative provisions that it introduced aimed at incorporating the EU directives on the right to family reunification and on the status of long term residents. However, they did not depart from the earlier logic of regularisation.[41] They mainly enabled a large number of immigrants who had been living in the country for several years but could not renew their permits to legalise their status in the country (Triandafyllidou 2009: 172). Legislative provisions were also introduced to provide the status of long-term EU residents for second generation immigrants. It could be acquired upon fulfilling eighteen years of age, education and residence conditions, but without having to go through a language and history test (as required by prior legislation).[42]

Significantly, this law concerning second generation immigrants followed on the footsteps of the abovementioned legislative provisions that transposed the EU directives on family reunification and the long-term residence status.[43] While offering the second generation of immigrants long-term EU resident status fell well short of granting them naturalisation, it did move political and social conditions closer towards the latter goal, as long-term residency is the main condition for applying for Greek citizenship. In addition, a growing number of immigrants had fulfilled or would soon be fulfilling the legal requirement of ten years of residence for naturalisation. While granting long-term residence status was prompted by EU law, it was also evidently part of the integrationist shift in Greek immigration policy, which also extended to the political sphere. Even the centre-right New Democracy government at the time vowed to grant political participation rights in the next local elections to those immigrants, who had acquired such a status (Triandafyllidou and Gropas 2009: 98). In sum, in the 2000s immigration policy progressively departed from its earlier restrictive stance and moved towards an approach focused on integrating immigrants into the Greek society, economy and political system. Citizenship was only now seen as one way of achieving this goal.

In parallel with the re-orientation in immigration policy, a second process of reform of existing citizenship law had been under way since the 1990s, which was codified in the new GNC adopted in 2004. According to this new GNC, citizenship could be acquired by birth to a Greek parent, by birth in Greece only for those persons who were stateless, as well as by recognition, adoption or naturalisation. It could be lost through removal by state authorities or through individual resignation. Naturalisation remained the principal process whereby an alien could acquire Greek citizenship. Foreigners (mostly immigrants) legally residing in Greece had to go through the long and demanding naturalisation procedure. Their children, many of whom were born in the country, had to first turn eighteen in order to apply for

[40] See Law 2910/2001, Article 58.
[41] Law 3386/2005 and Law 3536/2007.
[42] Law 3731/2008, Article 41, parag. 7.
[43] EU directive on the right to family reunification (2003/86) and EU directive on the status of long term residents (2003/109).

citizenship, unless they already acquired citizenship as minors through their parents' naturalisation. A five-member Special Naturalisation Committee within the Ministry of Interior, Public Administration and Decentralisation evaluated the applications through interviews on the basis of the personality of the applicant who met the residence requirements, as well as his/her knowledge of Greek language and culture. This provision was criticised by parliamentary representatives from the left for leaving room for too much executive and administrative discretion in judging such nebulous concepts as the character and moral standing of applicants.[44]

The new 2004 GNC displayed fundamental continuities with pre-existing citizenship legislation and policy. It continued to be thoroughly rooted in ius sanguinis principles, which were defended by the centre-right government and excluded any purely residence-based acquisition, except for those who are born in Greece and are not citizens of any other state. Furthermore, it reproduced the distinction between those who are of Greek ethnic lineage (*genos*, *homogeneis*) and those who are of non-Greek descent (*allogeneis*), reserving privileged treatment for the former. The various provisions regulating citizenship acquisition in the new 2004 GNC established considerably more demanding and restrictive prerequisites for non-ethnic Greeks in comparison to ethnic Greeks. For instance, non-ethnic Greeks were required to legally reside in Greece for at least 10 years in the last 12 years, while ethnic Greeks did not even have to prove permanent residence in the country.[45] In addition, the former were required to have a clean criminal record, and to prove knowledge of Greek language, history and culture. Furthermore, the new GNC preserved the exceptional character of citizenship laws and policies, continuing to exempt public authorities from the obligation to justify their acts and decisions in response to applications for naturalisation, as well as from handling the latter within specific deadlines (Law 3284/2004, Article 8).

The process of putting together a new citizenship law, which codified all existing provisions and their amendments, had been initiated by the social-democratic PASOK government in the late 1990s, and it was subsequently completed by the centre-right ND government.[46] Both large parties voted in support of the new Greek Nationality Code adopted in 2004, while the two smaller parties of the left voted against it on grounds that it maintained robust barriers against the naturalisation of third country nationals. The adoption of a new citizenship code was considered imperative in order to incorporate in a systematic way the different laws and provisions that had amended the previous 1955 nationality code, and those that had been adopted as part of a broader corpus of nationality legislation since the 1980s. Besides this, the 2004 GNC was also deemed imperative following the abrogation of the provision that arbitrarily removed Greek citizenship from non-ethnic Greeks (Article 19 of the GNC) discussed in section 1 of this report.

More importantly, the new nationality code was seen by several deputies who spoke in Parliament as necessary in order to address from a longer term perspective the problems of immigration and the need to legalise and secure the status of immigrants who lived and worked for years in the country.[47] However, the legislative majority clearly refrained from doing this. Even the Minister of Interior of the centre-

[44] See *Parliamentary Proceedings*, Period IA, Section A, Tuesday 2 November 2004, p. 2154.
[45] For other differential requirements, see the new GNC (Law 3284/2004).
[46] The PASOK government voted in 1997 to establish a committee that would examine the issue of citizenship and prepare relevant legislative proposals.
[47] Parliamentary Proceedings, 2 November 2004.

right government at the time, Prokopis Pavlopoulos, acknowledged the timorous quality of this new citizenship code, nonetheless, he defended the ten year requirement and the lack of obligation of authorities to justify their decisions in response to naturalisation applications.[48] On the other hand, while commenting approvingly on the draft law for the new nationality code under discussion, the opposition deputy Alekos Papadopoulos, who had been Minister of Interior of the former Socialist government that had initiated this process of codification, exhorted the assembly to move beyond existing citizenship provisions. Papadopoulos stressed that it was imperative to begin a new round of dialogue with the prospect of extending citizenship to non-ethnic Greek immigrants and reducing the period of legal residence required for naturalisation: "The ten year requirement refers to earlier periods when we were still haunted by the vestiges of the past. Our times require a different kind of response."[49] This remark hinted at the new approach to citizenship and immigrant integration, which would be elaborated within the Socialist party in the next couple of years.

Following the Socialists' advent to power in 2009, this approach formed the basis for a new citizenship law that was passed in March 2010. Entitled "Contemporary provisions for Greek Citizenship and the political participation of co-ethnics and legally residing immigrants", it marked a clear break with pre-existing provisions.[50] It largely (albeit not entirely) abolished the distinction between *allogeneis* and *homogeneis*, facilitated the naturalisation of first generation of immigrants, and provided for citizenship acquisition for second generation immigrants, introducing for the first time a ius soli mode of acquisition for non-ethnic Greek immigrants.

In particular, Law 3838/2010 makes it possible for children who are born in Greece and who have at least one non-Greek parent residing legally in the country for five consecutive years, to acquire citizenship at birth (Art. 1). Children of immigrants, who have attended at least six grades of Greek school, can also acquire citizenship through a simple declaration of their parents within three years following the completion of the required six year schooling period (Art. 1A, parag. 2). In addition, immigrants who legally reside in Greece for at least seven consecutive years can apply for naturalisation (Article 5A, parag. 1d). The new law dropped vague criteria, such as "the moral quality and personality" of the person applying for citizenship, which had been used in the previous citizenship code. At the same time, and in line with the trend for more intensive integration tests in a number of European countries (Baubock et al. 2006: 32), the new law also elaborated a variety of criteria considered important as proof for someone's willingness to become a Greek citizen. These comprise basic knowledge of Greek history and civilisation, including familiarity with the country's political institutions (which will be assessed by taking a test), participation in collective organisations and political formations with members who are Greeks, as well as involvement in economic activity, among others (Law 3838/2010, Art. 5A).

The new law also sets clear and significantly shortened deadlines for each step in the process of naturalisation, which in total cannot last longer than two years. Most importantly, and in contrast to law and practice hitherto, the refusal to grant

[48] Parliamentary Proceedings, 2 November 2004, p. 2163.
[49] Parliamentary Proceedings, 2 November 2004, p. 2161.
[50] Law 3838/2010, *Government Gazette,* FEK No. 49, 24 March 2010.

citizenship must be duly justified by the competent administrative authorities in accordance with the general provisions that establish the fundamental obligation of the public administration to respond and justify its acts towards individuals (Art. 10). Finally, the law provides for accelerating and facilitating the process of acquiring citizenship for co-ethnic immigrants who are holders of Special Identity Card of Ethnic Greek (Art. 23).

The introduction of ius soli and generally of the less restrictive provisions for first and second generation immigrants to acquire Greek citizenship, incorporated in a single law together with provisions granting political participation rights was far from accidental. The 2010 law also granted to immigrants the right to vote and to be elected in local elections (Art. 14-18). Such rights were extended both to *homogeneis* and to non-ethnic Greeks who are not citizens of Greece and who fulfil certain age and residence requirements. Besides the fact that both sets of reform were seen as vehicles for facilitating the integration of immigrants, their incorporation into a single bill was also implicitly underpinned by a quest to achieve consensus across party lines. Extending political participation rights to immigrants in local elections was a position equally endorsed by the centre-right opposition party of ND. Already in the 2006 local elections both the Socialist PASOK and the centre-right ND had included immigrants (mainly naturalised co-ethnics) as candidates in local elections and for the first time they paid attention to immigrants' problems. As it is noted, considering that many had already met or were about to meet the ten year requirement (valid at the time) to apply for naturalisation, they were an electoral clientele in the making (Triandafyllidou and Gropas 2009: 99-100).

While, as anticipated, the political participation provisions contained in the second section of the 2010 law did not cause much controversy, the two main political parties became highly divided over its first section (Art. 1-13) that amended citizenship law in a more liberal ius soli direction. Immediately after it was put up for discussion and consultation in the website of the Ministry of Interior, Decentralisation and E-Governance, the citizenship amendments provoked a great deal of debate among political parties and the public at large (*To Vima*, 10 January 2010, pp. A10-A11; *Kathimerini*, 10 January 2010, pp. 8-9). Supporters heralded the new provisions as a daring attempt to introduce ius soli-based citizenship acquisition for second generation third country nationals (TCNs) and to facilitate the naturalisation of first generation TCNs. The parties of the left even claimed that the citizenship provisions did not go far enough. Opponents, on the other hand, disagreed with the more permissive provisions for granting citizenship to TCNs without requiring proof that they wish to establish and maintain long-term actual ties with the country. The parliamentary discussion took place in March 2010 in the midst of an unprecedented fiscal, economic and foreign debt crisis. In contrast to the passage of the 2004 nationality code, which received limited public exposure and was discussed relatively briefly in parliament, this time parliamentary deliberations were attended by a large number of representatives and continued for three days.

As already mentioned, the Socialist governing party saw the new citizenship law and political participation provisions as a vehicle for integrating legally resident immigrants and promoting social cohesion. The centre-right opposition of ND, on the other hand, defended the ius sanguinis principle that had prevailed until then. It charged that the new law's provisions for granting citizenship are among the most flexible and easy ones in Europe, and are likely to attract large numbers of illegal immigrants. Already when the draft law (which had some notable differences from

the final law that was voted) was made public, ND announced that it would vote against it and that it would abolish it when it would come to power. The opposition leader Mr. Samaras insisted that the existing requirements of the 2004 GNC should be maintained instead. He characterised the draft law as hasty and unreasonable in granting citizenship to persons who had five years of residence (in the original draft; they became seven in the final law), when they are also in a position to acquire the status of long-term residents.[51]

In addition, there were two main points of disagreement between the centre-right opposition and the socialist government. Firstly, the centre-right opposition argued that second generation immigrants should be given the option to acquire Greek nationality upon turning eighteen, when they could make a clear and responsible choice on the matter. Secondly, the issue of Greek education (seen as a vehicle for nurturing national consciousness) was highlighted by the centre-right opposition as a prerequisite which should be examined carefully and demandingly for each person seeking naturalisation. In the view of opposition leader Samaras, ND was prepared to accept that children of parents who are TCNs legally residing in Greece, be required to go through nine years of Greek education in order to be able to apply for citizenship upon turning 18 years.

At the same time though, the centre-right opposition of ND took distance from the right wing party of LAOS (*Laikos Orthodoxos Synagermos*, Popular Orthodox Rally). Fervently defending the national integrity of the country, LAOS sharply criticised the draft law, demanded a referendum on it, and questioned the constitutionality of its provisions regarding voting rights.[52] The centre-right opposition also supported the reform of the naturalisation procedures, which now required the administrative and executive authorities to justify their decisions in response to citizenship applications within given deadlines. This was a turnabout from its earlier position in 2004 when it had advocated continuity with the discretionary decision-making in the naturalisation process.[53] While less noticed and more procedural, this shift is of fundamental importance if citizenship law and policy is to be defined by rule of law and respect the rights of individuals. Yet, the conservative approach and unrelenting opposition of the centre-right party of ND was undoubtedly influenced by pressures and competition from LAOS, representing its former right wing fringe, which a few years ago had splintered to form a separate party with strong anti-immigrant views.

In comparing the original draft law that was made public at the end of 2009 and the final law that was adopted in March 2010, it is clear that the Socialist government did not on the whole renege on its commitment to granting ius soli citizenship. At the same time though, it modified some of its residence requirements for first generation immigrants to qualify for naturalisation in a more restrictive direction, and partly also the prerequisites for granting citizenship to the second generation. For instance, while the residence requirement was five years in the original draft, it was increased to seven consecutive years in the final law for

[51] See letter of the leader of ND Antonis Samaras to the Minister of Interior. It can be accessed at http://www.nd.gr/index.php?option=com_content&task=view&id=57751&Itemid=92
[52] *Parliamentary Proceedings*, 9 March 2010, pp. 4720-4730.
[53] *Parliamentary Proceedings*, 9 March 2010, pp.4734-4735.

immigrants who are third country nationals.[54] Such a residence requirement does not apply for *homogeneis*, including for holders of special identity cards like co-ethnics from Albania. It also does not apply equally for EU citizens, for whom the residence requirement is three years (Article 2). Furthermore, the final law additionally requires immigrants who are third country nationals to already have the status of long-term residents, rendering it even more demanding to qualify for naturalisation (Article 2).

Since the 1990s, it has become evident that important reforms in citizenship law and policy have only taken place on the basis of cross-party consensus with the support of the two largest political parties, PASOK and ND, which enjoy 75-80% of the voters' support. Both the abolition of Art. 19 of the Greek Nationality Code in 1998 and the new 2004 GNC are clear examples of this. The lack of such a consensus, which characterises the recently passed citizenship law, along with the centre-right's declaration that it will abolish it when it comes to power do not bode well for its implementation in practice. Considering the rather demanding substantive prerequisites to prove their willingness to integrate, which must be assessed by a Naturalisation Committee, it remains to be seen to which extent these will become a new set of barriers to limit citizenship acquisition by immigrants.

4. Conclusion

Since the 1990s, Greek nationality law and policy have undergone significant reforms. These have departed from an exclusive reliance on ius sanguinis principles, and have rendered somewhat less restrictive citizenship acquisition by non-ethnic Greeks. Some reforms reflect a 're-ethnicisation' premised on the view that all those who are of ethnic Greek descent are entitled to citizenship. This is evidenced by the exceptionally permissive naturalisation process reserved for co-ethnics from the former Soviet Union. At the same time, reformist initiatives of 'de-ethnicisation' have also emerged. The abolition of a discriminatory provision in the late 1990s, which had allowed authorities to withdraw citizenship from members of internal minorities, was one such reform. Recently and perhaps more importantly, such a trend is also manifested in the adoption of a law that renders less restrictive (in comparison to the previous 2004 nationality code) naturalisation for first generation of immigrants and provides for ius soli acquisition of citizenship for the second generation. In this regard, Greece as a South European country seeks to converge with the evolution of nationality legislation in most other countries in Europe in the second phase of immigration (de Hart and van Oers 2006: 317). To be sure, the provisions extending citizenship to first and second generation of immigrants, while certainly more liberal in comparison to pre-existing ones, appear to be premised on the restrictive assumption of citizenship "as the crowning of a [nearly] completed integration process" (Bauböck et al. 2006: 24).

Greece nationality law and policy has no doubt been founded on a deeply rooted tradition of ius sanguinis that has rendered citizenship acquisition by those who are not of ethnic Greek lineage among the most restrictive in Europe. Yet, to concede that legal rules of citizenship reflect fundamental and indelible cultural understandings about who belongs or should belong to the nation (Brubaker 1992:

[54] The original draft law also required that the children of immigrants must have attended the first three grades of school in order to qualify for citizenship, while the final law that was passed increased it to six years, which, however, must not necessarily include the first three grades.

184) is not to rule out interest-driven change prompted by instrumental and contingent factors, which can at times gain substantial weight. This report has identified a number of factors and conditions that have contributed to the nationality reforms both in the direction of 're-ethnicisation' and in that of 'de-ethnicisation'. There is no doubt that the sources of such change are pre-eminently domestic. At the same time though, influences from European institutions and norms should not be hastily dismissed. As it is shown in the first set of reforms analysed in this report regarding the abolition of the provision that allowed arbitrary withdrawal of citizenship from *allogeneis* (targeting internal minorities), European norms and institutions can exert a catalytic pressure that at particular points in time can facilitate, even if it does not directly cause, domestically-driven liberal reform.

The domestic sources of nationality reform must in the first place be sought in the political forces and dynamics that prevail at a particular point in time. Secondly, a government's pursuit of reform to facilitate or render less restrictive citizenship acquisition for a certain population (whether co-ethnics of non-ethnic Greek immigrants) is closely linked to the expectation of gaining a new and loyal electoral clientele. This has already been discussed earlier in this report in relation to the co-ethnics from the former Soviet Union, and further research should be done in order to elaborate on the actual dynamics between political parties and particular groups of immigrants. Finally, variable access of otherwise similarly situated co-ethnic immigrants to Greek citizenship stems from prevailing perceptions of foreign policy and strategic interests in the region and abroad. This factor emerges as significant in an area like southeast Europe, where issues and rights pertaining to historical minorities continue to have a strong bearing on inter-state relations and regional security issues.

The dominance of centre-left political parties, which tend to be in favour of citizenship rights for immigrants, has been seen as an important factor explaining liberal-minded nationality reform (Joppke 2000). However, their presence in and of itself is not decisive but must instead be considered in the context of the broader dynamics among political parties and other forces in the left-right spectrum in shaping the politics of citizenship during a certain period of time (Howard 2006: 450). In Howard's analysis, the political orientation of the right is equally important or even more important, particularly with regard to its ability to mobilise a latently hostile public opinion around the issue of immigration and to obstruct citizenship reform (Howard 2006: 40).

The new 2010 law was the outcome of an incremental process of reform, which had been taken place in a fragmented fashion since the 1990s. It was a turning point, as it has moved the citizenship debate beyond the differentiated and discriminatory treatment between *homogeneis* and *allogeneis* to the issue of immigrants' longer-term integration in the country. Greece clearly lagged behind the evolution of immigration and citizenship law in Europe. The political will on the part of the PASOK government to adopt the new 2010 law stemmed from the determination to converge with European trends in immigration law and the norms that facilitate citizenship acquisition for immigrants as a vehicle of their integration in the host society.

While the Social-democratic party had been in power for most of the 1990s and the first half of the 2000s, there was no initiative towards expanding citizenship rights for immigrants until 2009. By then conditions had matured to launch an

initiative to extend Greek citizenship to TCN on ius soli grounds. Learning from domestic experience with immigration created propitious conditions for extending more rights to third county nationals (Mavrodi 2005: 22), which culminated in the latest reform to facilitate acquisition of citizenship. By 2009, it was also clear that long-term migrants would soon be fulfilling the condition of ten years of legal residence stipulated in the new 2004 GNC as a prerequisite for being entitled to Greek citizenship. A series of regularisation programmes since the mid-1990s had made it possible to demonstrate long-term residence in the country.

The advent of the Social-democratic party to power in the last October 2009 elections paved the way for the introduction of nationality legislation to grant citizenship to TCNs on ius soli grounds. Already while in opposition, PASOK advanced more liberal positions regarding immigration and vowed to liberalise citizenship law as a vehicle for integrating immigrants. It did so by openly addressing the need to grant the right to vote in local elections to those TCN legally residing in Greece for five years and, under certain conditions, to allow them and their children to acquire Greek citizenship. Advancing such positions has gone hand in hand with attempts to incorporate immigrants and their representatives in party structures and intra-party election processes, as well as to give voice to their concerns and demands through web-based forums (Triandafyllidou and Gropas 2009: 96). Besides forging links with representatives and associations of immigrants, PASOK has also been more open to influences from progressive NGOs promoting human rights, such as the Hellenic League of Human Rights (HLHR) among others, and generally more open to human rights ideas. In March 2009 the HLHR, one of the oldest NGOs in the country, presented the government with a legislative proposal aimed at overhauling the GNC. Most provisions of this proposal were subsequently incorporated into the draft law.

The right-wing party of LAOS sought to mobilise public opinion against the recent reform initiative that introduced ius soli for second generation immigrants by calling for a referendum. However, its ability and success in doing so was apparently limited. While it certainly forced the centre-right opposition to adopt a more restrictive stance than it would have done in the absence of LAOS, it was not able to rally massive mobilisation and public protests. One possible reason for its failing to do so was its inability to solicit support from the Orthodox Church. Such mobilisation, for instance, had been achieved in the early 2000s when the social-democratic government at the time decided to remove the religious identification from ID cards. In that case, the alliance of the political right wing forces with the Orthodox Church had been instrumental in producing massive mobilisation in the form of an informal referendum that was organised on Sundays in church. In the case of extending ius soli for second generation immigrants, the Orthodox Church under the moderate leadership of a new archbishop Ieronymos, in contrast to the highly conservative and nationalist one of his predecessor Christodoulos, was unwilling to get involved in the issue.

The presence of and opposition from a right-wing party was not able to obstruct liberal reform in nationality law, yet, it contributed to restricting its original scope. Along with the political orientation and the constellation of powers of the center-right, it was decisive in forcing the Socialist government to roll back some of the liberal features of the new law, rendering it significantly more restrictive in comparison to the bill that was originally proposed and made public. In particular, the center-right opposition of ND, under the leadership of Antonis Samaras, who was recently elected to the party's leadership and who is well-known for his conservative

approach to national issues, adopted highly restrictive position also under pressure from the right-wing populist LAOS. At the same time, the centre-right ND has been the champion of facilitating nationality acquisition for ethnic Greeks, a position equally supported by the Social-Democrats. For the centre-right though, this is counterbalanced by the perception that the Greek government must prioritise the continued presence of Greek minorities abroad, especially in territorially neighbouring countries like Albania. Their presence has been seen as essential for the country's vital foreign policy and strategic interests, and as a means of exercising pressure vis-a-vis the state where they reside.

The future of the 2010 law that introduced ius soli acquisition of Greek citizenship, however, has recently been cast into doubt. An unexpected and vehement challenge to it has come from the Council of the State (CoS).[55] In its recently released decision, the CoS deems ius soli acquisition by TCNs, as well as their right to vote in local elections to be contrary to the Greek Constitution. In particular, the court is critical of the naturalisation of non-ethnic Greek immigrants merely on the basis of a number of criteria (such as years of residence and Greek schooling), which are provided for by Law 3838/2010. Naturalisation on the basis of these but without proof about the existence of enduring bonds with the Greek nation and an already formed Greek consciousness, is deemed to be incompatible with the Greek constitution. In reference to a number of constitutional provisions stating that the Greek nation is the foundation of political community and the promotion of Greek national consciousness an essential goal of the state, the court's decision advances an ardent defence of ius sanguinis acquisition of citizenship.[56] The case has been referred to the Grand Chamber of the CoS for a final judgment that is expected to be delivered in October 2011. Four cultural and patriotic associations from Crete and the Peloponese (south of Greece) have also recently petitioned the CoS claiming that the decisions for naturalisation of TCNs that have already been issued on the basis of L. 3838/2010 are unconstitutional.[57]

[55] Greece's highest court in administrative matters.
[56] Council of the State, Section D, Decision No. 350/2011.
[57] As it is reported in Greece's major daily *Ta Nea*, 198 naturalisations have already taken place on the basis of Law 3838/2010. See "Prosfygi kata tou nomou gia tin apodosi ithageneias se allodapous", Ta Nea, 6 May 2011. It can be accessed at http://www.tanea.gr/default.asp?pid=41&nid=1231106892

Bibliographical references

Alexandris, Alexis (1988): "To meionotiko zitima 1954-1987" [The minority issue], *Oi Ellinotourkikes Scheseis 1923-1987* [Greek-Turkish Relations 1923-1987] Athens: Gnosi & ELIAMEP.

Anagnostou, Dia (2009): "From European integration and gender equality in Greece: from the feminist movement of the 1970s to the judicial battles of the 2000s", paper presented at the European Consortium of Political Research, Potsdam, 8-11 September.

Anagnostou, Dia (2005): "Deepening Democracy or Defending the Nation? The Europeanisation of Minority Rights and Greek Citizenship", *West European Politics*, Vol. 28, No. 2, pp. 335-357.

Anagnostou, Dia (2001): "Breaking the cycle of nationalism: the EU, regional policy and the minority of Western Thrace, Greece", *South European Society and Politics*, Vol. 6, No.1 (Summer 2001), pp. 99-124.

Baltsiotis, Lambros (2004): "H ithageneia ston Psychro Polemo" [Nationality during the Cold War], *Ta Dikaiomata stin Ellada 1953-2003* [Rights in Greece 1953-2003], Michalis Tsapogas and Dimitris Christopoulos (eds.), Athens: Kastanioti, pp. 81-98.

Bauböck, Rainer et al. (eds.), *Acquisition and Loss of Nationality – Policies and Trends in 15 European States*, 2 vols., IMISCOE Research, Amsterdam: Amsterdam University Press, 2006.

Brubaker, Rogers (1992): *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press.

Christopoulos, Dimitris (2009): "Country Report: Greece", Report prepared for the EUDO Citizenship Observatory, Florence: EUI, 2009. It can be accessed at http://eudo-citizenship.eu/./docs/CountryReports/EUDO-2009-Greece-linked.pdf

Christopoulos, Dimitris (2004): "Peripeteies tis Ellinikis Ithageneias: Poios den Echei ta 'Prosonta' na Einai Ellinas" [Upheavals of Greek citizenship – who has (does not have) the qualities to be Greek], *Theseis*, Vol. 87, pp. 61-90.

De Hart, Betty and Ricky Van Oers, "European Trends in Nationality Law", *Acquisition and Loss of Nationality – Policies and Trends in 15 European States*, Vol. 1, Rainer Baubock et al. (eds.), IMISCOE Research, Amsterdam: Amsterdam University Press, 2006, pp. 317-357.

Freeman, Gary P. "Modes of Immigration Politics in Liberal Democratic States", *International Migration Review*, Vol. 29, No. 4 (Winter 1995), pp. 881-902.

Giannopoulos, Aristeidis and Dimitris Psaras (1990): "To Elliniko 1955" [The 'Greek 1955'"], *Scholiastis*, 85/3, pp. 18-21.

Hersant, Jeanne (2000). "L'evolution de la question de la minorite musulmane de Thrace Occidentale dans le cadre de l'integration Europeenne de la Grece", unpublished paper, Institut d'Etudes Politiques de Rennes.

Howard, Marc Morje, *The Politics of Citizenship in Europe*. Cambridge: Cambridge University Press, 2009.

Howard, Marc Morje, "Comparative Citizenship: An Agenda for Cross-National Research", *Perspectives on Politics*, Vol. 4, No. 3 (September 2006) pp. 443-455.

Joppke, Christian (2005): *Selecting by Origin: Ethnic Migration in the Liberal State*, Cambridge, MA: Harvard University Press.

Joppke, Christian (2000), *Immigration and the Nation-State: The United States, Germany, and Great Britain*, Oxford: Oxford University Press.

Joppke, Christian (1998): "Why Liberal States Accept Unwanted Immigration", *World Politics*, Vol.50, No. 2, pp. 266-293.

Kostopoulos, Tasos (2003). "Αφαιρέσεις Ιθαγένειας – Η Σκοτεινή Πλευρά της Νεοελληνικής Ιστορίας (1926-2003)" [Removal of citizenship – the dark side of modern Greek history], *Sinchrona Themata*, Vol.83, pp. 53-75.

Mavrodi, Georgia, "'Europeanising' national immigration policy: the case of Greece", Working Papers No. 8, Center on Migration, Citizenship and Development, University of Bielefeld, 2005. It can be accessed at http://www.uni-bielefeld.de/tdrc/ag_comcad/downloads/workingpaper_8.pdf

Papasiopi-Pasia, Zoi (2002). *Δίκαιο Ιθαγένειας* [Naturalisation Law]. Athens: Sakoulas, 5th edition.

Rozakis, Christos (1996): "The international protection of minorities in Greece", in Kevin Featherston & Kostas Ifantis (eds.), *Greece in a Changing Europe,* New York: Manchester University Press, pp. 95-116.

Skordas, Achilles, "The New Immigration Law in Greece: Modernization on the Wrong Track", *European Journal of Migration and Law*, Vol. 4 (2002), pp. 23-48.

Soysal, Yasemin Nuhoglu (1994). *Limits of Citizenship – Migrants and Postnational Membership in Europe*. Chicago: The University of Chicago Press.

Stavros, Stephanos (1996): "Citizenship and the protection of minorities," in Kevin Featherston & Kostas Ifantis (eds.), *Greece in a Changing Europe.* New York: Manchester University Press, pp. 117-128.

Triandafyllidou, Anna (2009): "Greek Immigration Policy at the Turn of the 21st Century: Lack of Political Will or Purposeful Mismanagement?" *European Journal of Migration and Law*, Vol. 11, pp. 159-177.

Triandafyllidou, Anna and Ruby Gropas (2009): *Migration, Identity and Citizenship: Approaches for Addressing Cultural Diversity in Greece*, Report prepared for the EMILIE Project, Athens: ELIAMEP, 2009. It can be accessed at http://emilie.eliamep.gr/wp-content/uploads/2009/07/wp6_emilie_greece_20-july-2009.pdf

Tsitselikis, Konstantinos (2006): "Citizenship in Greece: Present challenges for future changes", in *Multiple Citizenship as a Challenge to European Nation-States*, D. Kalekin-Fishman and P. Pitkanen (eds.), Rotterdam: Sense Publishers, pp. 145-170.

Vogli Elpida, and Harris Mylonas, "Ellines Eisi… Stratigikes Diaxeirisis Epanapatrismenon Omogenon ti Sygchroni Ellada, 1990-2007" [Greeks are… Management strategies for repatriated ethnic Greeks in contemporary Greece, 1990-2007], *Metanastes kai Meionotites*, Miltos Pavlou and Athina Skoulariki (eds.), Athens: Vivliorama, 2009, pp. 353-396.

Newspaper articles:

"Pos tha dosoun ta kommata ti machi ton metanaston" [How are political parties going to engage in the battle of immigrants], *To Vima*, 10 January 2010, pp. A10-A11

"Entoni antiparathesi gia tin ithageneia" [Sharp controversy regarding citizenship] *Kathimerini*, 10 January 2010, pp. 8-9

"Strasvourgo: Hysteria of pro-Turkish deputies" [Strasbourg: Hysteria of Turkophile Deputies] *Eleftherotypia*, 24 April 1991, p. 5.

"Me ithageneia" [With Nationality], *Eleftherotypia*, 9 November 1997.

"Gia katargisi tou Arthrou 19 tha piesei to Symvoulio tis Evropis", [The CoE Will Put Pressure for Abrogating Article 19], *Eleftherotypia*, 3 November 1997.

"Sterisi ithageneias telos" [End to the Deprivation of Nationality], *Ta Nea*, 24 January 1998.

"Sinora anoichta se 250,000 fanatikous" [Borders Open to 250,000 Fanatics], *Apogevmatini*, 29 January 1997.

"Mousoulmaniki epithesi apo ti Thraki" [Muslim Attack from Thrace], *Eleftherotypia*, 8 December 1997.

"Stochos o afoplismos ethnikiston" [The Target is to 'Disarm' Nationalists], *Kathimerini*, 17 January 1998.

"Diplomatiko oplo h katargisi tou Arthrou 19" [Diplomatic Weapon the Abrogation of article 19], *Exousia*, 23 January 1998.

"Na katargithei to Arthro 19 gia tin Ithageneia" [Article 19 on Citizenship Must be Abolished], *Rizospastis*, 17 December 1997.

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