

The paper was delivered on 13 September 2004 as a working paper for the programme “Dual citizenship, Governance and education: A Challenge to the European Nation-State” (2002-2006), financed by the European Commission. The participant Universities were coming from the following countries: Estonia, Finland, France, Germany, Israel, Portugal, U.K.. Coordinator: University of Joensuu-Tallinna Ülikool

In the text occur several inconsistencies and repetitions due to the guidelines given by the co-coordinator and the way the programme was set up.

Dual citizenship in Greece: Stability and changes.

Itineraries between *raison d’État* and realism.

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in the Office of the Greek Ombudsman

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Greece has always been a country of emigrants. During the last decade the above has been changed rapidly, and Greece became a country in which the non Greek citizens represent nearly 10 per cent of the population. In this paper we will see how the Greek history and politics have determined, and still do, the law-making and the politics of citizenship, and especially the one of the dual citizenship. Finally I will argue that a new policy must be undertaken.

Notes on the history and the terms

Greece is a state founded on the basis of the antithesis between religions: The Orthodox Christians, the *genos*, rebelled against Muslims, as the authority and to a lesser extend the social stratification at the Ottoman Empire had deep religious features, at least at the beginning of the 19th century. But there was another strong ideological element which from the very early revolutionary times was present and still consists one of the fundamental *national myths* of the Greek nation-state: Ancient Greece and its heritage which modern Greeks claim by lineage and by culture. Lineage and racial purity gradually affected the Greek national discourse, becoming dominant in several aspects of social life. The controversial scheme of the Greek *genos* and the glorious antiquity and the originated from this modern *hellenism* were associated quite effectively and today are predominant at the public sphere.

Things were quite different in 1830 when the tiny Greek state was born. Within the borders of this state there are strong indications to argue that as much as the one fourth of the population was not speaking Greek but Albanian. But the Albanians of today's southern Greece have rebelled side by side with the Greeks as Orthodox Christians and as *Hellenes* [Greeks], a "honorary" title they got which has never been disputed by other Greeks, or by the state itself, as it has been the case with other "pure" Greeks like the communists until relatively recently. And that is because Albanians from Greece as all the other Orthodox of the Empire at that time were belonging to the same *genos*: The Greek-Orthodox, the Rum-(Ortodoks) of the Ottomans. The *millet* classification adopted by the Ottoman Administration and the absence of nationalism opponent to the Greek at the southern Balkans of that time permitted Greeks not only to claim protection and authority on every Orthodox of the Southern Balkans and Asia Minor but also to successfully expand their state on the basis of that ideology. With a similar perception both the elites and the peasants of every southern Balkan Orthodox Christian community not belonging to other Churches were thinking they were a kind of Greeks, not as a national definition, but mostly as a religious and cultural common heritage opposable to Islam. In this point we will try to roughly explain the term *genos* and the originated from this word terms of *homogenis* and *allogenis*.¹ *Genos* includes different notions within different contexts. In most cases though is not related mainly with a racial continuity or a lineage but with a heritage of religious life going back to Byzantium, the sharing of a common Ecclesiastical Authority, that of the Ecumenical Patriarchate of Constantinople and the common status under the "Ottoman conqueror". For sure is a lot more than these: Is the essence of the official language of the Patriarchate and the Holy Bible (Hellenistic and medieval Greek). Is the nuptial nets open between orthodox population but practically closed to Muslims, to name just a few. And all of them were happening in a communicating territory not cut off by borders, the space left by the ottoman authorities to the communities and their local elites, called "espace orthodox" by Sia Anagnostopoulou, where Orthodox christians independently from "race, nation" and language were participating at the elites of that "espace".

But when the rest of Balkan national movements made their appearance and the nationalisms started to antagonize each other, Greeks "faced serious surprises" as Elli Skopetea puts it. The Bulgarians were claiming themselves as a separate nation, the Romanians were claiming that the Vlachs living at the southern peninsula were Romanians, the Albanians were claiming that they belong to the same nation independently of religion and finally the

¹ *Homogenis* literally meaning to share a common *genos*, and *allogenis* to belong to a different (alien) *genos*.

Macedonians claimed a distinct nation also. Since nationalism and the nation-state was imported as a scheme from Europe and the societies were not familiar with this new perception, different ways of spreading the national ideology were used. In any case the path followed by the new born or at the process of birth Balkan nations, had to step on the tracks of the pre-national categories. A different language and sometimes “origin” had to be escorted by an independent church; the Patriarchate was Greek, not in a national sense, but in the way that the *genos*, a signification to serve the common ties of the Orthodox population, was not serving after a certain point of time but the Greek nationalism and irredentism.

A major crisis in the new Greek state did not come from the *allogeneis* [pl. of *allogenis*] who were nearly absent within the Greek soil, but from the struggle of power between the “natives”, that means persons who were born and lived within the territories of the new state and the “Greeks” who were born or in some cases had only resided, not in the territories of Greece but elsewhere, mostly in the Ottoman Empire and the Russian and Austro-Hungarian Empires. The first ones were called *autochthon* (pl. *autochthones*) and the second ones *heterochthon* (pl. *heterochthones*), literally those who are originating from “this” land and those who are originating from other lands. Before the *homogeneis* vs. *allogeneis* division prevails, the *homogeneis* as *heterochthones* arose the first issues not for the citizenship *stricto sensu*, but for what rights this citizenship should include.²

The dual citizenship during the 19th century was a really marginal phenomenon, not only because the Greek state was following a strict *jus sanguinis* legislation and all the states in general were against dual citizenship, but also because the only numerous population movement was that of “Greeks” coming from the Ottoman Empire and residing in the tiny kingdom.³ Can we talk for a citizenship policy on the issue of dual citizenship during the 19th century? The answer is rather negative. If the annexation of Thessaly and a part of Epirus to Greece in the year 1881 posed a question for the citizenship of the Muslims of the area, the major issue was the mass emigration started after the mid of 19th century.⁴ Vast numbers of Greeks for the first time were not coming at the “fatherland” but were leaving their “fatherland” to migrate not only to more developed countries but mainly to the Ottoman Empire. The division gradually formed was

² See *supra*.

³ We don't know a lot for their citizenship strategies and the two states (Ottoman and Greek) policies. Those coming before the 1879 Ottoman reform of citizenship legislation had had more possibilities to “silently” possess a dual citizenship.

⁴ See *supra*.

between the “old *homogeneis*” and the “new” ones.⁵ This division proposed by us reflects completely distinctive historical and social data. The old terms *autochthones-heterochthones* were forgotten from the legal texts and the political vocabulary of Greece. The features of every group of the proposed division led to dissimilar policies (included the citizenship policies) against these groups, although the two groups were unified in legal terms under the same term *homogenis*. The “old” group consists mostly of historical minorities or historical communities of Greeks-Greek Orthodox at modern Balkan countries, on the contrary the “new” group is but typical immigrant communities. The first group was interested or sometimes forced to migrate to Greece and obtain the Greek citizenship, the second one had left the country and was not always interested to preserve the Greek citizenship.

The first concrete policy on dual citizenship and generally on citizenship appeared only at the beginning of the 20th century. At 1913, besides the massive emigration that was still going on, Greece doubled its area and population and nearly all the Balkan nation-states were formed. The Turkish nationalism was fighting or negotiating with the Ottoman Imperial spirit and hundreds of thousands of non-Orthodox Christians and non Greek-speaking Orthodox populations were included within the territory of the enlarged state. The populations of the territories of the “New Lands” have been already the field of nationalistic antagonism between Greek, Bulgarian, Romanian, Albanian and even Serb nationalism, the Macedonian one then a new-born child. *Homogeneis* were habiting every Balkan nation-state and not only the Ottoman Empire (and later Turkey), a country keeping significant atypical nationalist features still that time.

A problem faced and still facing the Greek state is how and who to classify as *allogenis*. The Orthodox scheme and the *millet* system “helped” to solve half the issue: Every Moslem speaking Turkish, Macedonian/Bulgarian, Albanian, Aromanian (Vlach), Romani, even Greek, was easily classified as *allogeneis*. The Jews were classified as *allogeneis* also, although with a flexibility on behalf of the Administration policy later on. But Jews were not a major issue besides Thessaloniki in which they constituted a majority. The main issue was caused by the big numbers of Macedonian/Bulgarian speaking population and to a lesser extend by the Vlachs (Aromanians) residing in the *New Lands*. These Orthodox populations, mainly the Slav speakers, were not identified *en bloc* with the Greek nation. The exchanges of populations with Turkey and Bulgaria and the migration to Romania diminished the number of persons who could possibly classified as *allogeneis*. However, the Interwar period has found Greece with a Turkish-Muslim minority in

⁵ Persons migrated to the Ottoman Empire during the 19th century were never treated as “new” *omogeneis*.

Western Thrace, an Albanian-Muslim minority in Western Epirus, the Jews of Macedonia and notably a sizable number of a quasi Bulgarian minority in Macedonia.

The legal interpretation of the notion *allogenis* is still a trouble as it balances between a racial [*phyletiki*] and descending by lineage interpretation and the one of the “national consciousness”. The *allogenis* term was and still is the key word for the definition of the citizenship or the naturalization of persons living abroad.

During WWII and the Civil War that followed, a new term came up: *Antethnikos dron(tes)*: The term, literally meaning someone who acts against the nation included not only minorities but predominately leftist who that time were consisting a substantial percentage of the Greek population. Thousands of communists (even left-wing liberals) and Macedonians or Macedonian speaking persons passed the frontier at the end of Civil War.⁶ The deprivation of the Greek citizenship of the defeated in the Civil War who left Greece was the chosen policy.

The end of dictatorship in the year 1974 is characterized by a first flux of Greek immigrants coming back from the 50s and 60s emigration to W. Germany and Belgium and a few “communists”, now called political refugees, returning back home, a procedure called *epanapatrismos* (repatriation) [see below].

When the Socialist Part (PASOK [*Panhellinio Socialistiko Kinima*]) came to power in the year 1981, gave the right to all the political refugees to come back in Greece on the condition they were “Greeks by *genos*”: The Ministerial Decree in fact was excluding the Macedonians and in general the Slav-speakers, nearly one third of the population left the country after civil war. Additionally more Greek recent immigrants to Western Europe were coming back and the collapse of the Eastern block leads after 1990-1991 to massive fluxes of immigrants from the Eastern Europe countries. Simultaneously hundreds of thousands of “Greeks” of the ex-Soviet Union are invited by the Greek governments to settle in Greece according to the German and Israeli paradigm. The *palinostissi* (literally “coming back home”) invention was created. Corruption, law confusion and political manipulation are still the features of the continuing procedure. The “Greeks” of Soviet Union were mostly groups originating from the Black Sea region or eastern Anatolia. Some of the groups had distinct cultural and social background and were residing at less developed Republics of the ex-S.U. The population has migrated from the Ottoman Empire –at least it’s vast majority- at the end of the 18th century and most of them during the 19th and early 20th centuries. Some of them were citizens of Russia and Soviet Union at the first place, while others were not, although all of them later granted the citizenship of

⁶ It is quite dark the case of the Albanian muslim Tchams. The ethnic-cleansing took place at 1944-1945 led all the community to Albania. No withdrawal resolutions officially exist.

Soviet Union. Many of them were registered at the Greek consulates as Greek citizens while others were not. Finally, when they migrated to Greece many of them were recognized as Greek citizens with a very simplified procedure.

The early times. Dual citizenship as a peculiar exception to the rule.

The tiny Greek state created at 1830 with the support of the Great Powers. The population was not overcoming the seven hundred thousands, included besides the “natives” only a very small percentage of the millions of the Greek Orthodox Christians of the Ottoman Empire, even of those under the jurisdiction of the Patriarchate of Istanbul,⁷ maybe less than 70.000 thousands.⁸ The *genos*, a term which (re)appeared at the late 18th century includes all the Christian “nations” (*ethni*), speaking in current terms every Christian Orthodox ethnolinguistic group, is a key word even today. However the Greek “Revolutionary” constitutions are not bothering much with the definition of *genos*, as the notion was taken as granted. According to the first Constitution, adopted in 1822 “Every *autochthon* [*autochthones*] resident of the territory of Greece who believes in Christ (=is Christian) is Greek [citizen]”.⁹ The second “Revolutionary Constitution” of 1823 considers as Greek also “everyone whose the Greek is his/hers father’s voice [=language] and believes in Christ coming from outside Greece and asks to settle in Greece”.¹⁰ In this constitution there is the first track of the distinction between *autochthones*, that means persons who were born in Greece, or at least originate from the “liberated territories”, and *heterochthones*, that means persons who were not born or did not originate from the liberated territories.¹¹ At the very same constitution are found the first regulations about the non-Greeks who want to naturalize as Greek citizens: five years of permanent residence or distinguished services to Greece.¹² The term in use for the non-Greeks is *alloethneis* (sing. *alloethnis*), which can be translated as those who belong to other nations. This very term can be opposed in the

⁷ *Greek Orthodox* is a religious definition. The term as appears during the late Ottoman period is referred to the subjects of the Patriarchates of Constantinople, Antiocheia (in Damascus), Jerusalem and Alexandria. *Grosso modo* the subjects of the above Patriarchates in the late Empire’s era were classified as members of the *rum millet*. The identification of the Patriarchate of Constantinople with the visions of the Greek nationalism from the mid 19th century, not without serious contradictions and conflicts between them, helped to a quasi transition from *millet* to nation: Each emerging Balkan nationalism was asking for ecclesiastical autonomy and every national state was declaring the autocephaly of its Orthodox church.

⁸ see I. Dimakis, *Η πολιτειακή μεταβολή του 1843 και το ζήτημα των αυτόχθονων και ετερόχθονων* [The constitutional change of 1843 and the question of *autochthones* and *heterochthones*], Historiki Vivliothiki, Themelio, Athens, 1991, pp. 113, 122, 231-233.

⁹ “The Constitution of Epidaurus of 1822 and the Declaration of Independence”, section B’, para β.

¹⁰ “The Constitution of Astros of 1823”, section B’, para β. It will not be out of context if the term «language» considered as meaning the language of the education ad/or of the mass.

¹¹ See *infra*.

Greek language with the term *homoethneis* [those who belong to the same nation, sing. *homoethnis*], a term though absent from the constitution. The lack of definition of the Christian denomination of those *alloethneis* who can possibly obtain the Greek citizenship can be easily understood by the mentality of the legislator who could not even think that non Christian subjects would ask for the Greek citizenship that time. At the third “Revolutionary” Constitution of 1827 there is a more detailed definition. Greek citizens are: a. Those of the *autochthones* of the Greek territories who “believe” in Christ [=are Christians]. b. Those who “believe in Christ” and came or will come from the “Ottoman yoke” [=Ottoman Empire’s territories] to battle or to settle in Greece. c. Those who are born outside Greece by a Greek father. d. Those of the *autochthones* and *non autochthones* and their descendants, who have already been naturalized at other countries before the publication of the present Constitution and will come to the Greek territories. e. Those of the *xenoi* [=foreigners] who might come and been naturalized.¹³

At the so-called “Hegemonic Constitution” of 1832 which never implemented, the citizenship regulations are extremely detailed, the nucleus of these having been untouched until today. According to the Constitution Greek citizens are: a. Those of the *autochthones* who “believe in Christ”. b. Those who were born in foreign states by parents *autochthones* or by a father *Hellen* [=Greek] and profess “our fathers religion” [*tin patrion thriskian*]. c. Those who profess the dominant religion [=Greek-orthodoxy], of the same or of different language, supported Greece during the War of Independence. D. Those who profess the dominant religion and came to Greece one year ago, if they quit in advance and officially from being citizens [*hypikooi*] of another state. e. Those originating from other nations [*alloethneis*] who believe in Christ and struggled together with the *autochthones* for [at least] three years and married to a Greek wife or they reside currently in Greece. The last must quit in advance and officially from being citizens [*hypikooi*] of another state. f. Those who will be “accepted” as Greeks according to the regulations of the Constitution.¹⁴ At the 15th article the Constitution sets the guidelines which penetrated for more than a century the Greek State, at least as a dominant idea: the incompatibility of possessing two citizenships: “They cannot possess and they are deprived from their right to be Greeks and citizens: a. Those who are naturalized in another nation [=state] [...].

At the next article are listed the cases of naturalization. Besides those cases (classified as a, b and c) closely related with areas outside Greece which took the arms during the War of Independence, or are quite specific (case e), the last two cases are more interesting: d. Those

¹² *Ibid*, section B’, para 1β’.

¹³ Constitution of Troizhina of 1827, Chapter Γ’, article 6. The whole of the fourth Chapter (Δ’) of the Constitution is been referring to the naturalization of the *xenoi*.

alloethneis [from an alien nation] Christians [...] or being married to a Greek wife and grow up their children according to the doctrine of her [...] are being naturalized as Greeks.¹⁵ f. Those who are *homoethneis* [from the same {Greek} nation] *heterochthones* [from territories outside Greece] and fought with the *autochthones* during the Revolution [...].

It can be easily observed that this very constitution promotes restricted possibilities for naturalization even for the Greeks living in the Ottoman Empire who could possibly wanted to migrate to Greece. Further on, no *alloethneis* [from an alien nation] can be naturalized according to the Constitution. At the article 26 first appears the term *homogeneis*. The term which has been discussed already, is literally meaning “belonging or sharing the same *genos*”.¹⁶ *Genos*, repeating it once more, is a term that initially included aspects as the Greek-orthodox religion, however later on included an imaginary common cultural heritage and even a racial bond.

According to the Decree of 23th of September/4th of October 1830 of the Governor Capodistria, the condition set indirectly for the Muslims who wanted to remain in Greece and keep their property was the conversion to (Orthodox) Christianity. Practically, all the Muslims who remained in Greece had been converted to Christianity, known with the term *neophotistoi* [newly converted and baptized] and obtained the Greek citizenship.¹⁷ It is argued that the term *Othomanoi* [=Ottomans] which is used in Greek official texts to describe the Muslims that remained in Greece and were not baptized¹⁸ shows that they kept their Ottoman citizenship, however this is not the case. The term is used for that period on until late 1920s to indicate primarily the Muslims and sometimes the Christians too of the Ottoman Empire, but in certain context every Muslim of Greek citizenship .

The exclusion from the citizenship of the few hundred Muslims¹⁹ and Jews (*Israelites* in Greek official terminology) who remained in Greece is one possibility. There are some

¹⁴ Hegemonic Constitution of 1832, art. 13.

¹⁵ It is obvious that the legislator by the “mother’s doctrine” means the Greek-orthodox religion.

¹⁶ See also *infra*.

¹⁷ From the contracts of early 19th century we were able to study, there is no doubt for their Greek citizenship. It is quite interesting that a parliamentarian during the debate about the features of the “special” citizenship of the *heterochthones* quotes that even Greeks who sacrificed their fortune for the Revolution “are not accepted as of equal value with a *neophotistos* porter of the city of Tripolis” (I. Dimakis, ..., *op. cit.*, p. 104).

¹⁸ The only compact Muslim community remained, as far as we know, was in the island of Euboea (400 persons at 1840 from which the 300 were staying in the capital Chalcis). The Greek Administration took control of the island later on, at the spring of 1833 (see P. Konortas, *Les musulmans en Grèce entre 1821 et 1912*, Mémoire de D.E.A., EHESS, Paris, 1980, p. 25 where bibliography is cited). From various sources we presume that every remaining Muslim in Peloponnese and Attica was baptized. There is little evidence about persons who did not baptized at the rest of Continental Greece (Roumeli). At the Ionian islands there was a tiny Muslim community in the island of Lefkas (*ibid*, p. 27).

¹⁹ “Our absolute equitableness at religious matters encouraged at that time several hundreds Moslems to remain in Greece », writes G. L. von Maurer (G. L. Maurer, *Ο ελληνικός λαός. Δημόσιο, ιδιωτικό και εκκλησιαστικό δίκαιο από την έναρξη του Αγώνα για την Ανεξαρτησία ως την 31 Ιουλίου 1834* [The Greek people. Public, Private and Canonic

indications on that, although we are sure that their property rights were generally respected. In a contract of 1857 concerning the children and the property of a famous Muslim doctor from Atalanti, Continental Greece, married in Chalkis, the tutelage is arranged by the Ottoman Embassy and the regulations are also taken by the Embassy.²⁰ But could really a state-recognized civil combatant of the War of Independence not been awarded the citizenship?²¹ Or the tutelage of the Muslims from the Sublime Porte was just continuing the similar tradition of protection like the French crown was embracing the Christian Catholic communities in Greece until 1833 when King Otto took the Catholics under his protection. The second possibility, that of the dual citizenship (Ottoman and Greek), will be discussed latter on.²² We are relatively certain that at 1879 the Muslims of Chalkis were not Greek citizens, if the text mentioned at the note is properly comprehended.²³

The establishment of the monarchy in Greece enacted a special law on citizenship: “Greek [citizens] are those who have the right to the citizenship from previous laws, the *philhellenes* who fought at least two years for the Greek Independence and the persons who according to the Protocol of 16th of June 1830 had had the right to migrate and they did it following the conditions set”, “Greek [citizens] may be considered all who have born in the territories of the Greek Kingdom, considering that at the time of their birth had the legal right to claim the citizenship”, “Everybody born outside Greece by a Greek father can legally claim the Greek citizenship”.²⁴

Law from the War of Independence until 31st of July 1834], [1st edition Heidelberg 1835], Tolidis Bros, Athens 1976, p. 523).

²⁰ M. Christoforou, *Η οπουντία Λοκρίδα και η Αταλάντη. Μνήμες και μαρτυρίες* [Opountia Lokris and Atalanti. Memories and testimonies], vol. 1, Etaireia Istorikon kai laografikon Erevnon Atalantis, Athens 1991, pp. 204-205. From different contracts we are informed that the rest of the Muslims who remained in Atalanti were converted (*ibid*, pp. 200-202)

²¹ We know that other Muslim fighters, born mostly in today’s Albania, did obtained the citizenship.

²² Further research at the *Ghenika Archeia tou Kratous* (General Archives of the State) must be undertaken. Besides that, it would be interesting to find out the citizenship of the inhabitants of non urban Muslim populations, if any. We know just one case in Continental Greece, the village Tourkohori or Essed at the ex-municipality of Elateia, which was inhabited by Moslems until 1850 when they migrated to the Ottoman Empire (*op. cit.*, vol. II, p. 139).

²³ In a congratulations letter of the Muslim community to the newly elected Mayor of Athens we read : «Every Moslem and Christian, Ottoman citizens (*ypikooi*), residents of Chalkis..... » . A similar letter signed by the rabbi of Chalkis is referring to the “Israelite (Hebrew) [*Israelitiki (Ovraiiki)*] community of Chalkis”. The letters were published at the newspaper *Telegraphos* the 11th of April, 1879 (see A. Gheorghiou, *Πολιτικόν κάτοπτρον των πολιτικών της Ελλάδος* [Political mirror of the Greek politicians], S.I. Iassemidis, Athens 1880, p. 298). The same writer mentions a Moslem from Chalkis who graduated from the Medical School of Athens University in 1879 (*ibid*, p. 284).

²⁴ Law on Greek citizenship, 15th May of 1835, art. 1, para. α’, β’, γ’, δ’).

The next and in fact the first Constitution (1844) just makes the provision that law will arrange who are citizens [*polites*] of Greece (article 3).²⁵ These laws did not enact until 1856.²⁶ At the meanwhile the only cases of dual citizenship which could appear are these of “Greek” Ottoman subjects who being settled in European countries and having possessed the corresponding citizenship were coming to reside in Greece. It is exactly the era that one of the major conflicts in Greek political life of the 19th century arose: The antithesis between *autochthones* and *heterochthones*. The crisis was lying hidden from the beginning of the Revolution. The 1844 crisis was more related with the citizenship of the *heterochthones* and what kind of citizenship should be awarded to them, especially if they could serve the public sector.²⁷ This question of power was not relating with the many thousands Greeks or other Christian refugees originating mostly from areas rebelled during the War of Independence left outside the new Greek state, but with thousands of educated and wealthy Greeks or others who flood the new State and fully entered the public Administration. According to two Protocols signed at 1830, the one signed at 1836 and the Treaty of 1840 thousands of Greeks were permitted to migrate to Greece. We learn from a parliamentary speech of early 1844 that Greece was not respecting the art. 24 of the Greek-Ottoman Treaty of 1840 awarding the Greek citizenship to the Greeks (read Greek-Orthodox) coming from Ottoman Empire, who if they return to “Turkey” are treated by the Ottomans as simply Ottoman citizens.²⁸ We can conclude that the first relatively numerous case of dual, although “clandestine”, citizenship was that of the *heterochthones*, eventually from middle-upper classes who could balance between the residence in Greece and Ottoman Empire.²⁹

We do know, thanks to the Historical Archives of Nafplion, that according to the oath-law of 1846 the Greeks massively (re)took the oath that year.

The “Civil Law” of 1856, which is still in force for the persons who were born before 1955, continues the *jus sanguinis* tradition of the first Constitutions. It awards the right to be Greek only to persons being engendered by a Greek father and declares Greek the wife of a Greek citizen. At the article 23 (a) it is clearly written that a Greek citizen can be deprived by the Greek citizenship if a naturalisation at a foreign state occurs. This absolute prohibition of the dual citizenship for Greek citizens is indirectly bent as it is stated at the articles 26 and 27 which

²⁵ The very same expression is repeated at the Constitution of 1864 (article 3), 1911 (art. 3), 1925 (art. 5), 1927 (art. 3), Draft of the Constitution of 1948 (art. 4), 1952 (art. 3), 1968 (art. 7), 1973 (art. 7), 1975/1986 (art. 4)

²⁶ From 1835 until 1856 a *jus soli* legislation was implemented according to article 2 of the law “On Nationality” (15/27-5-1835). There is no evidence on the policies implemented though and the possible numbers of persons who benefited by the law.

²⁷ For a detailed description of the crisis see I. Dimakis, ..., *op. cit.*, *passim*.

²⁸ *Ibid*, pp. 43-44.

introduces a flexible successive mode of citizenship: “[Greeks] who have been naturalized in a foreign state after King’s permission, retake their Greek citizenship returning to Greece if they declare their willing to at the municipal authorities and settle in Greece.”, “[Greeks] who have been deprived of their Greek citizenship are always able to retake it, if returning to Greece, they declare their willing to at the municipal authorities and inhabit in Greece for six months.”.

The Greek-Ottoman treaty of 1881³⁰ and the relevant annexation of Thessaly and Arta to Greece includes provisions about the citizenship of the population at the annexed regions. All the residents could obtain the Greek citizenship, or declaring their willing to choose the Ottoman citizenship within three years should have to leave Greece. This is the typical legal approach to every annexation followed the years after. Generally talking, the Greek and international legislation of that time was always posing the option, in this case between the Greek and the Ottoman citizenship. This policy was adopted with commitment at every territory annexed to Greece, from Thessaly until 1947’s annexation of Dodecanese islands. Theoretically this legislation should never raise issues of dual citizenship, at least for those who reside in Greece.

The dual citizenship is considered the rule for the remaining Muslims of Thessaly by a contemporary writer. Franchet d’Esperay is referring to the “toleration” of this dual citizenship on behalf of the Greek Government.³¹ This was not the initial willing of the Greek Government and in fact appeared after the defeat of the Greek army in the 1897 Greco-Ottoman War. A Peace Treaty signed at the 22nd of November (4th of December) 1897.³² The Treaty was granting the right to those Muslims who have chosen the Greek citizenship according to the 1881 agreement to regain their Ottoman citizenship without the obligation to migrate to the Ottoman Empire. Even the persons who have chosen after the 1881 Treaty the Ottoman citizenship and because of that were obliged to migrate to the Ottoman Empire could return to Thessaly and reside there freely. We presume that this Treaty caused a number of dual citizens, mostly at the under age children.³³

²⁹ We must add a few hundred residing in other European countries, mostly originating from the Ottoman Empire.

³⁰ Ratified by the Law ΠΛΖ (937) (11th of March, 1882).

³¹ F. d’Esperay, “Les Musulmans en Thessalie”, in *Revue du monde musulmane*, 13, 1911, pp. 87-94, p. 91 as cited by A. Popovic, *L’Islam balkanique. Les musulmans du sud-est européen dans la période post-ottomane*, Otto Harrassowitz-Wiesbaden, Berlin 1986, p. 122.

³² Ratified by the Law ΒΦΙΕ’ of the 6th of December 1897.

³³ See I. Gheorghiadis, *Η ελληνική ιθαγένεια. Γενικά αρχαί, ερμηνεία, νομοθεσία* [The Greek citizenship. Principles, interpretation, legislation], Athens 1941, p. 102 for the peculiarity of the case of under aged children squeezed between three Treaties.

Changing of conditions and changing of legislation.

From 1856 until 1955 the most important historical facts related with citizenship which took place in Greece were the following: In 1864 the annexation of the Ionian islands, in 1881 the annexation of Thessaly and Arta region, the Balkan wars and the cohesion of Epirus, Macedonia and Thrace (1913-1920), the Asia Minor Greco-Turkish War, the exchange of populations between Greece and Turkey, the World War II, the Civil War and the annexation of the Dodecanese islands. These are the major events that somehow are related with the citizenship policies and legislation in Greece. We have to add here the emigration of the Greeks abroad and the immigration of *homogeneis* from the early 20th century.

Meanwhile the needs for further legislation were healed by continuous enacting and law amendments adopted more systematically (like the 1926-1927 law series) or sporadically. Many issues solved with the well known Greek patent of *engyclioi*, that means circulars guidelines for the interpretation of the laws, sometimes more crucial than the laws themselves. As Papassiopi-Passia writes “The amendments adopted under a variety of laws during that time [1856-1955] were that numerous, that in practice it was impossible to find out and apply the citizenship laws in force”.³⁴

[emigration1] Considering the dual citizenship there are concrete historical events that led for the first time the Greek Administration to face the question. Firstly the mass emigration of petty bourgeois and farmers mostly from Peloponnese to the United States of America and at a lesser extent to South America's countries. The exodus started the last decades of the 19th century and reached its peak the first two decades of the 20th century. At that period it is estimated that around 400000 persons have migrated, even though not all of them for good. Secondly the territorial expansion of Greece that practically doubled the size of the country and besides the (ex-)Ottoman-Turkish citizens belonging to a variety of different ethnolinguistic and religious groups brought within the Greek territory even citizens of various countries (mostly of Europe). Thirdly the migration of Greek-Orthodox coming from the Ottoman Empire to Greece before the exchange of populations and the emigration of Greek Orthodox Ottoman citizens to other countries.

The mass emigration of Greeks to the U.S. sets the first problems of citizenship and especially the dual one to the Greek State. Although the next bunch of legislation will not come until 1926-1927 and was mostly related to other historical facts than the overseas emigration

³⁴ Z. Papassiopi-Passia, *Δίκαιο ιθαγένειας* [Citizenship Legislation], 4th edition, Sakkoulas, Athens-Thessaloniki 2000, p. 46.

from Greece,³⁵ regulations concerning the Greek migrants had been already adopted. Concerning the popular at that time emigration of Greeks to several countries of South America and because of that, another regulation of the 1926-1927 period³⁶ could probably had been caused a number of dual citizens.

At 1864 the Ionian islands are conceded to Greece according to the London Treaty of 17th/29th May 1864.³⁷ All the citizens of the Ionian State were naturalized Greeks *eo ipso*, in fact granted the Greek citizenship. From our knowledge a lot of British or citizens of Italian states preferred not to be naturalized as Greeks from 1864 until few decades ago. A problem that Greek authorities face is that of the Maltese (and some dozens of others) of Corfu who were being classified by the British citizenship legislation at the second, third and so on generation as citizens born outside the British territory. The law requires the registry of these persons at the British consulate registers within a year from their birth, otherwise the citizenship can be obtained after a petition and the permission of the Home Office.³⁸ This irregularity, that means the non by birth possession of the citizenship can operate the Greek legislation according to which “a person who is born at the Greek territory is obtaining the Greek citizenship from his/her birth in the case another citizenship is not possessed by birth or the person is of an obscure [άδηλη] citizenship”.³⁹ K. Dafnis inform us that the Maltese born between 1911 and 1920 had obligatory obtained the Greek citizenship. The one year time limit activated at 1920 for the third generation British citizens.⁴⁰

³⁵ For example, it has been expressed the opinion that the provision “The person who is born and resides in Greece and does not possess an alien citizenship, is Greek” (Legislature Decree 13th of September 1926, art. I, as it was amended by the Decree of 12th of August 1927), was adopted to cover the cases of those Greek migrants to the United States who were returning to Greece to reside and were deprived after a few years of their American citizenship according the then American legislation (see I. Gheorghiadis, ..., *op. cit.*, p. 19). For a detailed description of the American legislation and the issues related with Greek immigrants see F. Koziris, «Η πολιτογράφηση στην Αμερική» [Naturalization in America], *Armenopoulos* 1999, pp. 1365-.

³⁶ “Those who are born in Greece by alien [non Greek citizens] parents and according to the legislation of the state of which the citizenship the parents possess, the children do not follow the citizenship their parents were possessing at the time of their birth, are Greeks” (Legislature Decree of 13 of September of 1926, as modified by the Decree of 12th of August of 1927).

³⁷ Ratified by the Law N’ of the 23rd March of 1864.

³⁸ The British citizenship of the Maltese is recorded from early 19th century at the Ionian islands. At 1940 from the around 2500 Maltese of Greece the British citizens were around 1500, the rest obtaining Greek and Italian citizenship. Today a few are possessing a dual (British [overseas] and Greek) or British [overseas] citizenship (see L. Zamit, *Οι Μαλτέζοι στην Κέρκυρα και στον ευρύτερο μεσογειακό χώρο* [The Maltese at Corfu and the Mediterranean], Publications of the Corfian Studies Society, Kerkyra (Corfu) 1995, pp. 95-96). The legal nature of the “Overseas” citizenship and hoe it affected the Maltese of Greece later on is an issue of legal and political significance.

³⁹ Article 1, case δ’ (Legislature Decree 3370/1955). See also the similar legislation of the C.L of 1856 (art. 14 γ) and note 33 for the 1926-1927 legislation.

⁴⁰ *ibid*, p. 107.

Maltese of Greece holding a BOS passport are still mistakenly considered as British citizens by the Greek state, which even today shows a hostile approach against them not only asking for them to follow the naturalization procedure, but the one for *allogeneis*.

[migration 1b] As it was mentioned, the 1856 Law (art. 23a) was making the provision that a Greek citizen who is being naturalized to a foreign country is deprived of the Greek citizenship. But a foreign citizenship granted without the consent of the person, a citizenship obtained according to the foreign state's legislation was not leading to the withdrawal of the Greek citizenship.⁴¹ In any case, these regulations led to an extended number of Greeks who could lose their citizenship possessing their "new" one, a phenomenon lost its marginal character after the mass migration of Greeks from 1890s onward. Tens of thousands of Greeks who have migrated to the U.S. could lose their Greek citizenship after their naturalization at the States. The results caused from this legislation were opposing the foundations of the Greek policy against the Greek emigrants, multiplied after the "raisin crisis". The "bleeding" of Greek citizens was the reason to adopt the 1914 legislation (Law 120/31st of December 1913/2nd of January 1914). The article 23a of the law of 1856 was amended. The new law was making the provision that "A Greek citizen naturalized to a foreign state, in order to be deprived of his/her citizenship, is necessary (before all) to have the permission of the Greek Government". It is currently considered by the Ministry of Internal Affairs that only those Greeks naturalized before the 1914 legislation have been deprived of their Greek citizenship.

[migration 2] Roughly talking, all the Greeks who migrated after 1914 to countries where *jus soli* was dominant, and of course their descendants, could possibly be dual citizens. The permission asked by the law was not common at all. We have to mention here that, at least for the Interwar period, the U.S. laws were making the provisions that immigrants who have been naturalized Americans, after returning to their country of origin and staying there (usually two years), were losing the American citizenship. Stelios Grammenos inform us that Greeks who have been naturalized to the U.S. before 1914 were very few and persons who took the permission of the Minister to withdraw the Greek citizenship after the 1914 reform were of a very small number too.⁴²

⁴¹ A very common quasi dual citizenship was that of the Greeks resided at British colonies where their British citizenship was valid only at the territory of the colony according to art. 16 of the Naturalization Act of 1870, on the contrary of the "natural born British subjects". But even after the 1914 British legislation, the Greeks who were naturalized British (not only overseas) never lost their Greek citizenship (see also *infra* the Maltese case).

⁴² S. Grammenos, ..., *op. cit.*, p. 189.

It must be added that a special law was put in force at 1916 (Law 734, 7th/14th of July 1916) according to which Greek *homogeneis* registered at the registers of the Greek consulates and considered by the Authorities of the state they reside as being under the protection of the Greek state, can obtain the Greek citizenship if they make a petition to the Greek authorities within six months. The validity of this law was extended by the Law 1034/1917 and by the Law 1995/1920 until its abolishment under article 16 of the Obligatory Law 2280/1940. This was the par excellence way of “keeping Greeks” those who have lost their citizenship, or those who have never possessed one, themselves or their ancestors. In that way Greeks coming from Ottoman Empire/Turkey or other Balkan countries could obtain relatively easy the Greek citizenship, and if they did so, in most cases were becoming dual citizens. The condition asked (recognition by the authorities of state of the residence as been under the Greek protection) was quite blur and was giving the Greek Administration the ambiguity to handle the law according the “national interests” of the Greek state.⁴³

Aiming to cover mostly cases of minorities in Greece, the provision of article 6 of the Treaty of Sevres according to which “Greek [citizen] is the one who born in Greece, cannot claim an alien citizenship”, it might had arisen temporary dual citizenship issues as persons claiming an alien citizenship in the most cases would have had possessed before the Greek one and afterwards would had had revoke it.

Minor issues of dual citizenship possibly could have been created with persons who had migrated from Greece and Ottoman Empire to another state before or after the Lozanne Agreement signed on the 30th of January 1923. Practically the only case of dual citizenship which arose was that of persons who were Greek Orthodox Ottoman citizens; that means persons included at the Greco-Turkish compulsory exchange of the populations which had migrated and already obtained another citizenship, before the Lozanne Agreement. These ex-Ottoman or Turkish citizens considered by Greece as Greek citizens according to article 7 para. 2 of the Treaty as it has been interpreted by the Mixed Committee on the Exchange of the populations.⁴⁴

[migration 3] A numerous emigration of Greeks, mostly originating from Peloponnese and the Aegean Islands took place during the Interwar period towards Americas.⁴⁵ Some of them

⁴³ This condition is repeated at the Royal Decree of 6 July 1916 at the 1st article.

⁴⁴ Decision no 22/1924 (see I. Gheorghiadis, ..., *op. cit.*, p. 126). We are informed from the same writer that the persons really recognized as Greek citizens were quite a few as it was really difficult to adduce the proper documents.

⁴⁵ Some of these islands annexed to Greece in 1913.

kept their Greek citizenship and their descendants still hold it. But at the case these Greeks were originating from the Ottoman Empire/Turkey, they could also obtain the Greek citizenship.⁴⁶ The Greek State trying to ensure this possibility was not based only at the Lozanne Agreement (January of 1923) but put in force a special law: Law 3098 of 17th/24th July 1924 titled “On the obtaining of the Greek citizenship by the Greeks by *genos* from Asia Minor and Eastern Thrace refugees abroad”. We underline the term “Greeks by *genos*” which can be that flexible and exclude persons who although Greek Orthodox could not be identified by the Greek Authorities as “Greeks by *genos*”. In any case, this law although referring to persons who were not possessing the citizenship of the host country (art. 1), was creating dual citizens in perspective, the majority of these refugees had resided in Americas, in states which follow *jus soli*.

The Obligatory Law 2280/1940 art. 11 created a very strict status for these thousands of people who were subjected to the article 7 of the Lozanne Agreement: persons who had obtained a foreign citizenship before the Agreement without the permission of the Turkish Government are being considered as never granted the Greek citizenship. This law was really too exclusive and the Administration tried through various ways to overcome it: A flexible policy for the persons who kept close relation with the Greek consulates and communities abroad and brief procedures for the naturalization.

[special provision] According to the Constitution of 1925 (art. 106) which concerns the Athos Peninsula (*Hagion Oros*), “Everyone who lives at Athos and has been accepted as a monk or a novice monk receives the Greek citizenship without any further formulations”. This expression is repeated at every constitution after.⁴⁷ Charalambos Papastathis informed us that the constitutional order was followed until circa 1955, era of the Gold War. As all the countries with an Orthodox-Christian majority were found behind “iron curtain”, the number of novice monks originating from these countries coming to Athos was reduced and the law was not applying on them. Only recently (1999) this constitutional order became active again, as the novice monks are accepted in advance unofficially by the Greek Ministry of Foreign Affairs, the Ecumenical Orthodox Patriarchate of Constantinople/Istanbul and the Autocephalous Orthodox Church of Greece.⁴⁸

⁴⁶ A different case is of the (Orthodox) Greeks originating from Ottoman Empire/Turkey who migrated to Europe, mostly France. Sooner or later they got the citizenship of the host state and never possessed the Greek one. Having no real ties with Greece were fully assimilated to those countries and never tried to obtain the Greek citizenship.

⁴⁷ Constitution of 1927 (art. 109), Draft of the Constitution of 1948 (art. 137), 1952 (art. 103), 1968 (art. 122, para. 1), 1973 (art. 122, para. 1), 1975/1986 (art. 105, para. 1)

⁴⁸ Personal communication with Ch. Papastathis, Professor at the Law Faculty of the Aristotle University of Thessaloniki (May 2003). I would like to thank him for the information provided.

When the dual citizenship becomes common

The already mentioned historical events that took place after the end of Civil War that raised citizenship issues and legislation production until recently are the political refugees issue and the emigration of Greeks mostly towards Western Europe and Australia. There are though some other events of minor importance but related or/and affected by the citizenship policies followed.

At the period 1940-1949, 15.000 refugees are coming from the Balkan countries to Greece.⁴⁹ We suppose that the majority of them could prove or could claim Greek “origin”, that means were categorized as *homogeneis*. Their decision to move to Greece was related with the political changes that took place in those countries. Although not clarified in the text, from a certain source, we are informed that from the end of WWII (until 1965?) arrived in Greece 19000 refugees, 8000 Greeks from Romania, 11000 “d’origine étrangère” (Armenian, Russian, Assyrian) and 6500 “Greeks from Northern Epirus”, that means of Albanian citizenship.⁵⁰ Until 1965 around 14000 Greeks from Eastern Europe, mostly from ex-Soviet Union repatriated.⁵¹ According to C.I.M.E. (Comité Intergouvernemental pour les Migrations Européennes) during the years 1952-1975, “l’émigration, de Grèce ou par la Grèce”, consisted of 55510 refugees, from whom the 46298 were alien citizens from Romania, Egypt, Sudan etc, and 9212 of Greek origin.⁵² During the 50s the riots against the Greeks of Istanbul and the Nasser regime policy against foreigners in Egypt caused an influx of Greeks migrated from these countries. Their number overcomes the 100000 persons. Later on, because of the Turkish invasion to Cyprus, around 24.000 refugees migrated from the island in 1974.⁵³ Finally we repeat the accelerated return of some Greek migrants from W. Europe since mid-late 70s.

⁴⁹ S. Agapitidis, “Déplacements récents de population en Grèce”, *Balkan Studies*, vol. 18/2, Thessaloniki 1977, pp. 273-283, p. 273.

⁵⁰ *Ibid*, p. 279.

⁵¹ *ibid*, p. 280.

⁵² *Ibid*, 280.

⁵³ *ibid*, p. 280. Greek-Cypriots were always migrating to Greece. The legislation, as they are considered *homogeneis*, was giving them the right to naturalise in an easy and fast way. This changed after the Independence of Cyprus or after 1973-1974 and the Greek-Cypriots could be naturalized after residing in fact more than 15 years in Greece. Additionally, special laws and agreements between the two states led to a status that besides voting the Greek-Cypriots got special residence permits granting them all the rights of a Greek citizen. The obligatory military service in Greece and Cyprus discourages the male ones to obtain the Greek citizenship additionally to the Cypriot one. By declaring their permanent address to Greece they can avoid the military service. The females rarely bother to obtain the citizenship as their rights are fully protected.

The case of Greeks of Egypt, mostly Greek citizens, will be examined later at this chapter, the case of “Greeks of Northern Epirus” also. Most of the Greek refugees from Romania, if not Greek citizens already as was the case for most of them, rapidly obtained the citizenship. Considering the other nationalities, the procedure has taken time, although a lot of the refugees (like the Russians and the Assyrians) emigrated to Europe and the States. Anyhow, we didn’t meet any dual citizenship cases.

Until the 80s we presume that the most common case of citizens with dual citizenship living permanently in Greece was that of married wives as the Greek law from the very beginning was not setting any presumptions for the wife’s possession of Greek citizenship.

The cases in which a Greek woman married with a non Greek citizen is deprived of her citizenship (Civil Law of 1856, art. 25), however coming back to Greece to reside, repossesses the citizenship were rare but not absent at all. Greek citizens, wives of Greek Orthodox from from Istanbul after 1923 and descendants of Greek immigrants (without a Greek citizenship) sometimes were coming to reside to Greece as the whole family was moving to Greece. This is a case even for our days.

[nation-state] -*Two Post War incidents: The case of the Armenians and the Greek Jews. The Circassian community*

The vast majority of Armenians of Greece were refugees from Turkey first settled in Greece after 1922. It is counted that around 100000 Armenians plus 10000 orphans were settled in Greece at the 1920s, but a percentage of them had migrated before the WWII to the well established Armenian communities of France, Canada, Argentina and U.S.A. A second emigration took place after the end of the WWII when the Armenian Diaspora was invited by the Soviet-Armenian authorities to settle to the USSR. It is counted that around 25000 Armenian of Greece migrated mostly to the then Soviet Republic of Armenia.⁵⁴

The Armenians and secondly the Muslim Circassian (Tserkez) anti-Kemalists who fled Greece from Turkey between 1922-1923 were put under a special legislation and possessed the Greek citizenship according to a 1926-1927 Legislature Decree.⁵⁵ The possibility of dual citizenship arose (Turkish, Greek) by the law for these ethnic groups was nothing but a

⁵⁴ [M. Paltziloglou], «Οι Αρμένιοι πρόσφυγες στην Ελλάδα» (The Armenian refugees in Greece), *Prosfyges*, March 1989, pp. 31-33.

⁵⁵ See I. Gheorghiadis..., *op. cit.*, pp. 25-26. The Circassians left Greece to Turkey mainly during the 1941-1950 period.

possibility. In real life most of the Armenians of Greece remained de jure or de facto stateless until some decades ago

The Armenians and the Jews “offered” by the Greek state the possibility of migrating to Soviet Armenia and Palestine/Israel after relevant decisions of the Council of Ministers during the Civil War. According to these decisions the migration was causing the deprivation of their citizenship. We have initiated a research for this period as it seems that migration, at least in the case of Armenians, was not that spontaneous.

The Constitution of 1975/1986 adds to the general expression “Greek citizens are those who possess the qualifications [*prossonta*] the laws requires” (see supra), a limitation concerning the withdrawal of the Greek citizenship: “Withdrawal of the Greek citizenship is permitted solely at the case of a willingly obtained foreign citizenship and of undertaking services to a foreign country against national interests, under legislation’s specific requirements and procedures.” (art. 4, para 3).

A specific case of spouses (wives) who withdrew -at least the vast majority of them- their second (and “non active”) citizenship is of those originating from the ex-Soviet Union and other Eastern European countries. They have obtained the Greek citizenship as wives of Greeks. They came to Greece at 1965-1966, and from 1974 -but *en masse* after the 1983 legislation- with their Greek spouses who were (them or their parents) political refugees at these countries after the end of the Greek Civil War in 1949-1950.⁵⁶ These persons, alongside with spouses of some Greek citizens who were residents of these countries since generations (“ever holding” a Greek citizenship) and came back after the War (or after the collapse of the regimes), at that time were not bothered enough to “transform” their old citizenship (i.e. Czechoslovakian) to the new one (i.e. Czech). The most numerous case is that of spouses coming from the then Uzbekistan Soviet Socialist Republic of the USSR, where the large majority of the leftist political refugees was settled by the Soviet Authorities. Many Greeks were married to Russians of Uzbekistan and to a much lesser extend to other ethnicities of the Republic. The complex regulations needed to

⁵⁶ For a detailed description of the legislation enacted and used for the citizenship withdrawal of the Greek political refugees and the practice the administration followed after 1974 for the reacquisition, see S. Grammenos, ..., *op. cit.*, pp. 201-203, 290-294.

obtain their “new” Russian citizenship, the Uzbek one being almost impossible to get,⁵⁷ led the vast majority of them to quit any effort towards this direction.

The Greek political refugees who *en bloc* were permitted to return to Greece from 1983 on and regain the Greek citizenship which has been withdrawn from the majority of them, at limited cases still possess another citizenship. This is not the case for the big majority of the ex-Soviet Union (Greek) refugees but for some other countries of Eastern Block. It is also related with persons and families coming from a Macedonian/Bulgarian linguistic background that were not initially permitted to return to Greece as they were classified as “not Greeks by *genos*”. Some of them took the permission to return later on, a procedure that still goes on, as the last 5-8 years the administration policies are much more loosening and flexible towards this group, the so-called *Slavomakedones* (lit. Slav-Macedonians). A few thousands of them regranted the Greek citizenship still inhabiting the ex-Eastern Countries after denying their pro-Macedonian past. The most well-known case is that of the now partly “Greek” village *Nikos Beloyiannis* in Hungary, the residents of which regained their citizenship (with some exceptions) at early 1998 without dropping the Hungarian one.⁵⁸

A major issue raised in late 70s and was later connected with the Greek immigrants, some of them initially students,⁵⁹ at several European countries who wanted to be naturalized at those countries but these States’ laws were not permitting the naturalization unless they were giving up their citizenship. This was the case for the then West Germany, a country very strict on the naturalization of the “Gastarbeiters” anyhow. The Greek legislation was not permitting the revocation of the citizenship until the new one (i.e. German) is obtained (art. 14 para. 1 a of the Decree 3370/1955) and the German law was not permitting the naturalization until the revocation of the “old” (i.e. Greek) one. After the 1999 reforms of the German law, although some of the Federal States of Germany were still demanding the previous revocation of citizenship, practically the acquisition of the German citizenship takes place without the previous revocation. The procedure that is followed even today begins with an application of the interested person to the Greek Authorities expressing his/her willing to withdraw the Greek citizenship. The Greek

⁵⁷ According to the agreements followed the collapse of the S.U., the choice for Russians and other “non native nationalities” residing in Central Asia republics was either to obtain a Russian or the successor state citizenship, the second option being by far the more frequent. Each republic enacted more strict (i.e. Uzbekistan) or less strict (i.e. Kazakhstan) laws, however the principle of the single citizenship was adopted by every state.

⁵⁸ Although this village was promoted as a “pure Greek village in Hungary” and the habitants as persons preserving their *hellenism* [Greekness], being *Slavomakedones* they could not re-obtain their citizenship under the law of 1983 and the policy undertaken until 1996-1998.

Administration replies that the application is not accepted. The presentation of this reply to the German Authorities is enough to continue the naturalization procedure. In that way, as the last years Greek Authorities nearly never withdraw the citizenship after the possession of an alien one, there are a lot of Greek citizens, living in Greece and abroad, who possess dual citizenship that way.

[minorities] A major problem has been created with the recently (1998) abandoned article 19 of Greek Nationality Act.⁶⁰ The infamous article was giving the authority to the Greek Minister of Interior to deprive of their Greek citizenship members of national, religious, ethnic or even linguistic minorities residing outside Greece: “*Allogeneis* who are leaving the Greek territory without the willing of coming back, can be declared as fallen of the Greek citizenship”. This fully discriminative and against the Constitution legislation was permitting an amazing spectrum of interpretations: Who is not Greek by origin or by consciousness, by *genos* according to the law, and how the Administration and the courts will determine the willing of a person not to return to Greece. This legislation which succeeded the relevant and more strict legislation of 1927 has been applied to the Muslim-Turkish minority of Western Thrace, the Macedonian minority of Greek Macedonia (and to Macedonian/Bulgarian speaking individuals generally) and quite sporadically to some Armenians, Jews and some dozens of Aromanians (Vlachs). What is interesting for our paper is the withdrawal of the Greek citizenship of the Macedonian/Bulgarian speaking citizens who left Greece during and at the end of the Greek Civil War (1944/1945-1949/1950).⁶¹ In a considerable number of cases the deprivation of their citizenship took place after 1957-1958 under article 19 or Resolution ΛΖ’ of the 7th of December 1947 (see *infra*). Meanwhile, or even before the end of the Civil War, some of these persons got children. These children were born within a valid marriage in Greece or abroad, according to the then Greek legislation, and of which their parents, or at least their father, were Greek citizens. So at the time these children were born were Greek citizens. According to article 19, the under aged children of the *allogenis* settled abroad could be declared as fallen of the Greek citizenship if both their parents or the surviving one was deprived of the citizenship. As Papassiopi-Passia notes, the deprivation of the child’s citizenship requires a separate decision (act) on behalf of the Minister of Internal Affairs, which could possibly be joined together with the relevant decision

⁵⁹ The male students interested also to avoid the military service in Greece.

⁶⁰ Of the Law 3370/1955.

⁶¹ The majority of the left wing guerillas and their families who left Greece at that time, independently of their “origin”, had had their citizenship deprived.

(act) concerning the parent(s).⁶² What really was happening is that the Greek Administration rarely bothered to pronounce decisions (acts) for the children. At first sight it can be legally considered that all these children are possessing their Greek citizenship. But the Greek Administration, and specially the Ministry of Internal Affairs never considers these persons holding currently or at the time of their birth the Greek citizenship. In the cases that those children's citizenship is being "defined" after the legally dubious procedure of *kathorismos/diaspistossi*, the legal basis used is that they grant the citizenship to children of an (ex-) Greek father or mother and not to a Greek citizen who clarifies his citizenship status. In any case, some persons have being recognized Greek citizens as a result of a more flexible policy followed the last 5-6 years. A lot of them are as a matter of fact dual citizens. But as the vast majority of them are citizens of ex-Eastern Block countries they are not bothering that much about their second citizenship.⁶³ In the case of FYR of Macedonia's citizens asking for their citizenship "definition", the Greek Authorities illegally, however unofficially, inflict the revocation of the citizenship of FYR of Macedonia. Although until today citizens of FYR of Macedonia recognized as Greeks is a quite rare case, there are signs that this policy might gradually change. It is a question how the Greek state will face the issue: permitting or not the dual (Macedonian-Greek) citizenship?

[other communities] Another issue that faced the Greek Authorities after the end of WWII was that of persons of Italian (and in some cases of Maltese) origin and citizenship who were settled at least from the middle of the 19th century in Patras, Attica and in a lesser extend Corfu and Thessaloniki. A bit different was the case of Italian citizens with an Italian "origin" who were habitants of the Dodecanese Islands annexed to Greece in 1947.⁶⁴ The substantial number of them forced to move to Italy after the end of the War. Only a few hundred remained in Greece and the majority of them possess now the Greek citizenship also.

A first influx of "new" Greek citizens, the large majority of them living outside Greece, appeared with the law 1250/1982, art. 7, para. 1 according to which "Children who were born within a marriage with a Greek, recognized as valid [marriage] according to law 1250/1982 para.

⁶² Z. Papassiopi-Passia, ...*op. Cit.*, p. 128.

⁶³ With the exception of rare cases that they were permitted to migrate from Eastern Europe to Western (France and Belgium to our knowledge).

⁶⁴ For a detailed presentation of the issue and the negotiations between Greek and Italian state see M. Katsigheras, «Ο ελληνικός Μεταπόλεμος. Πως δεν επέστρεψαν στην Ελλάδα οι προ του πολέμου κατοικούντες Ιταλοί» ["The Greco-Italian After War. How the Italians living in Greece before the War did not come back"], *Kathimerini*, 28-10-1998.

1 art. 7, on the condition that have been matriculated to the males register [*mitroo arrenon*], or to the municipality's registry book until the enter in force of the law 1438/1984, are considered as having obtained the Greek citizenship from their registration". The Greek law was not recognizing as valid the marriages of Greek Orthodox Greeks who did not get married according to the Greek orthodox rite. In that way Greeks (at that time male Greek citizens) who were getting married by a civil marriage or even by a catholic one were not considered married under the Greek law, with all the legal sequences, and certainly the children [of male Greeks] were not obtaining the Greek citizenship. Trying to do a rough classification of the persons who were "choosing" not to get married according to the Greek Orthodox ceremony, we can include second (and further) generation of Greeks in the U.S., and in a lesser extend Australia and Canada and persons who for a variety of reasons had loosen ties with the "father-land" plus their marriage with a non Greek Orthodox wife. But the law was not generous, as the conditions needed could be covered only by a few thousands. The registration needed was a condition that in practice came to cover cases of persons coming back to settle in Greece, or persons who for several reasons had strong ties with Greece. In any case, at that time the privileges of holding a Greek, read European Union's, passport were not widely known. The privilege was only later discovered as for example thousands of Australians of Greek heritage asked to get the Greek citizenship as this was securing their low cost attendance to British Universities.

A limited number of wives and children possess dual citizenship under art. 5 para. 1 of the Decree 3370/1955.⁶⁵ The article is giving the right to stateless but *homogeneis* to obtain the Greek citizenship, thus granting citizenship to their wives. As the stateless *homogeneis* who got the Greek citizenship were mostly persons willing to come and stay permanently to Greece, their wives were interested to obtain the citizenship. The children in most cases got already another citizenship, either by their mother, either by *jus soli*. The majority of these persons were ex-Ottoman or Turkish citizens who migrated "directly" from the Ottoman Empire or Turkey to third countries and lost their citizenship.

Another limited case of acquisition of the Greek citizenship which usually leads to the possession of dual citizenship is that of a child of a non Greek citizen mother born out of wedlock and recognized by his/her Greek father.⁶⁶ This is the case for the children of some Greek immigrants abroad.⁶⁷ According to the 1955 Decree the recognition should had taken place when

⁶⁵ As slightly amended by the 2nd art. of Obligatory Law 481/24th of July 1968.

⁶⁶ According to the Greek Civil Code art. 20, the recognition should be valid according to the Greek law.

⁶⁷ The Civil Law of 1856 makes the provision at article 14 δ' and the Decree 3370/1955 at article 3.

the child was under 21 [currently 18] years old. As these cases were mostly appeared abroad and the recognition was made according to the legislation of a foreign state, rather rarely the father bothers to validate the recognition procedure according to the Greek law. The article 16 para. 1 of the Decree 3370/1955 according to which a female Greek married to a non Greek loses her citizenship annulled at 1984. The article could be applicable only at the case that the female Greek was obtaining by her husband a foreign citizenship, that means a valid marriage and a citizenship legislation on behalf of the husband's state which was granting the citizenship to wives on the grounds of marriage. In the case that the wife was just naturalized the article was not active.⁶⁸ According to the very same art. 16 the female Greek declaring before the marriage her willing no to loose the citizenship was keeping it.⁶⁹ All these cases of dual-citizenship created by these articles although not common were not absent. They were concerning more middle and upper social strata and rather not financial immigrants.

The shocking decade

We have already mentioned the reasons why the 90s was the decade that traditional demographic and migration map of Greece completely changed. The legislation at the last decade show that in citizenship the law is amended *ex-post* and very late to cover the conditions and facts already created at the society. The urgency of the legislation amendment was obvious, however as the laws enacted after some years, a legal vacuum appeared.

The law 2130/1993 have radically (re)changed the policy against Greek-Orthodox Christians who have migrated from the Ottoman Empire (and Turkey) to other states and could not possess the Greek citizenship under the regulations of Lozanne Agreement and Ankara Treaty of 1930 (art. 28). The law came to cover the urgent needs for the Soviet "Greeks" coming to the "father-land", being invited by Greece after the collapse of Soviet Union. Having migrated from the late 18th century to the then Russian Empire they were included in the Treaties' regulations, besides those of the then *Kars oblast*.⁷⁰ They had not migrated only to the then Russian Empire but to the rest of the world, from Europe (mostly France) to the Americas and Iran. These cases need a separate examination as the policy of the Greek state was and still is completely specific. According to the art. 23 para. 1 of the above law "The provisions of articles

⁶⁸ See also the Circular of the Ministry of Internal Affairs no. 247/10th of October 1967.

⁶⁹ See also the art. 22 para. 1 of the same law according to which the wife could obtain back her citizenship within a year after her marriage.

⁷⁰ This group was submitted to specific legislation.

11 and 12 of the law 2280/1940 are being annulled by the time they were entered into force, considered as they were never entered in force. Cases which were regulated according to the annulled provisions, are being reexamined after the petition of the person concerned.”. The Obligatory Law 2280/1940 articles 11 and 12 had as following: “Are not considered that have [ever] obtained the Greek citizenship, either they have left property in Turkey either they have not, the *homogeneis* Turkish citizens who are dependent: a. of the 7th article of the Lozanne Agreement of 30th of Jan. 1923 “On the exchange of the populations” b. of the 28th art. of the Ankara Treaty of 10th of July 1930, who had obtained an alien citizenship without the permission of the Turkish Government, those of the first Agreement before the 30th of Jan. 1923, those of the second one before the 23rd of July of 1930.”, “For the acquisition of the Greek citizenship will be considered as *homogeneis* refugees from Russia (relative the resolution Δ’ of the Constituent Assembly of Athens dated 14/23 of April 1925) those who had entered [Greece] until the end of 1927” (art. 12).

*The possibility of granting the Greek citizenship to persons that abandoned the Ottoman Empire before the signing of the Lozanne Agreement and obviously of the Ankara Treaty and had got another citizenship before the signing of the above mentioned treaties, arose again after the enactment of art. 23 para. 1 of the Law 2130/1993. At a detailed circular of the Ministry of Internal Affairs (nr. 8/69381/4396, 16th of February 1999) was confirmed that the provisions of the treaties were valid.*⁷¹

The regulations taken by the law 2503/1997 (art. 14, para 12 as it was added at KEI⁷² art. 6 para 2 passage β) which allowed a much easier naturalization of non Greek and non *homogeneis* spouses banning the time limitations for alien citizens married with Greek citizens, augmented the dual citizenship persons living in Greece. The so-called mixed marriages are a common phenomenon in Greece from early 90s as nearly 1 million alien citizens reside now in Greece.⁷³ The Greek Ministry of Internal Affairs “new policy” of not delaying for years the approval of applications for naturalization resulted more than five thousand spouses obtaining the Greek citizenship the last 4 to 5 years.⁷⁴ At that number must be added all these spouses (mostly wives) who were trying for years to be naturalized under the previous laws. During the 80s and

⁷¹ For the text of the circular see Z. Papassiopi-Passia, ..., *op. cit.*, pp. 227-228.

⁷² *Kodikas hellinikis ithagenias* (Codification of the Legislation on Greek citizenship) which is based on the Law 3370/1955.

⁷³ Nearly 800,000 alien citizens were listed in the 2001 census.

early 90s the unofficial “time limit” set for spouses with children was ranging from no less than 8 to 15 years, at least for persons coming from Western Europe, the U.S. and some Commonwealth Countries (Canada and Australia), to a life time expectation for persons coming from countries like Egypt and the ex-Eastern Block countries. The cases involved were mostly wives of Greek immigrants coming back with their families from U.S., Canada, Australia, Germany, Belgium, South Africa and some other countries of Africa (like Zaire, Cameroon, Zimbabwe). We meet also spouses of Greek *homogeneis* not recognized Greek citizens at the time of their residence in Greece, coming from nearly all the parts of the world. Quite often, the *homogeneis* Greek citizenship was recognized through the *kathorismos* [definition of citizenship] procedure, in most cases in a really flexible legal approach.

Besides those cases, the mixed marriages between Greeks and immigrants residing in Greece is not an exception. The later coming mostly from countries outside European Union (i.e.. Egypt, Albania), therefore needing most the citizenship, had the major problems. On the other hand we have witnessed attempts of non E.U. European spouses married after 1984 to gain the Greek citizenship also, as their alien citizenship and their classification at the *allogeneis* is excluding them from certain activities, like practicing of certain jobs and be employed by the public sector.

The last 15 years the typical portrait of the spouse of a Greek citizen (a male immigrant who comes home with the non Greek wife) has radically changed. It is not only the flux of immigrants after 1990-1991 that led to «mixed marriages» quite different socioeconomic strata of the greek society (from poor farmers to middle-upper class urban strata), but the augmenting tention of marriages with citizens of the European Union or other «developed» countries. As the scheme has completely changed it is not the case of wives settled in Rhodes island for example or wives coming with their Greek husbands, ex-students at European and American Universities. Nowadays both genders are married to non Greeks citizens almost «equally».

The Ministry of Internal Affairs at its answer to our question on the dual citizenship figures writes: «We don't keep detailed figures concerning the naturalized Greeks as a result of mixed marriages. From our experience it comes that the overwhelming majority of the naturalized are spouses of Greek citizens».⁷⁵

⁷⁴ Now days the two to three years time needed from the initial application until naturalization, is considering as very fast proceedings.

⁷⁵ Ministry of Internal Affairs, Department of Administrative support, Document nr. 82215/6699, April 2003.

As the children from “mixed marriages” are growing, the persons that at least potentially possess more than one citizenship are augmenting rapidly. The marriage currently (from 1984) is not effecting the citizenship of the spouses. According to the Greek law, a child born with a Greek parent within a marriage is possessing the Greek citizenship. Eventually if the other spouse’s citizenship legislation is awarding the citizenship of this state to the child too, the dual citizenship is possessed either by birth or later on. As a rather high percentage of those marriages are with citizens of states like Albania, Russia etc, children who are or will be interested to obtain their non Greek citizenship will not be but a minority. On the other hand children to whom is awarded or can obtain “noble” citizenship of European or other countries are constantly follow the procedure to hold the citizenship as it is considered a plus to their future.

A law that until today produces a limited number of dual citizens is the 1524/1918, which according to the art. 33 pass. ε’ of the Legislature Decree 3370/1955 is still valid. The law recognizes as Greek citizens the persons registered at the registry books of the Greek consulates of Turkey and Egypt. We suppose that for reasons of “national interest” the Greek administration expanded unofficially the legislation to Syria, Lebanon and Israel. We don’t know much about the dual citizenship issues rose at the past, not in Turkey, but in Egypt (and Sudan). Additional legislation and agreements between the two States lead to the conclusion of a very limited if not absent possibility of dual citizens. Papassiopi-Passia argues that after the set in force of the Law 2280/1940, art. 3 which has given the opportunity of an easy naturalization at the *homogeneis* living abroad, practically the law has been out of use.⁷⁶ But a large number did not take advantage of the law and as a lot of them were under the IX Declaration status, that means they have migrated from the Ottoman Empire before 1912, were left without a citizenship after the art. 11 and 12 of the O. L. 2280/1940. The Obligatory Law 481/1968 (added as article 32 b at the L.D. 3370/1955) enacted in order to face the exodus of the Greeks of Turkey and Egypt (after the Nasser coup) orders that persons and their descendents being registered at the registry books of the consulates of Turkey and the then United Arab Republic (Egypt) until the end of 1947 as Greek citizens, recognized as such by the Local Authorities, and not covered by the Law 1524/1918, are being recognized as Greek citizens (them and their descendents) by the time of their registration independently of the registration at the males’ or municipality’s register books [of Greece]. Although cases of dual citizenship of Greeks in Turkey must be excluded, it is not but marginal with the Greeks who remained in Egypt, Lebanon, Syria (and Sudan). These

⁷⁶ Z. Papassiopi-Passia, ..., *op. Cit.*, p. 113. The provision made concerns the Greeks with an obscured citizenship, practically stateless, living abroad, who could naturalized after a single petition .

communities, falling into decay from the 50s, and most of their members possessing a foreign citizenship also from that time on, were coming to settle to Greece and they still do. Persons with very loose or not any ties at all with the Greek communities there, at late 80s “rediscovered” their “Greek roots”, and as being registered at the consulates of Egypt, Syria and Lebanon were recognized as Greek citizens too. The vast majority of these persons are dual-citizens, and although the practice of the Administration is not to recognize immediately their Greek citizenship, the policies followed are quite flexible now, using the laws just mentioned. A much more limited case is of those Greeks mostly from Egypt, but not unknown to Turkey, that after their marriages with citizens of other countries, their children possess the Greek and another citizenship (in most cases British, Italian, French and South African).

The male Greeks of Istanbul, Turkish citizens, were usually forfeited the citizenship or it was withdrawn by the Turkish State at the case they were leaving Turkey without any intention to perform their military service. The Greek Administration policy was to keep these persons stateless. The last 10-15 years the Greek state awards the citizenship to these persons. We know at least two cases that males not served their military service and applied for the repossession of their Turkish citizenship took a positive answer from the Turkish authorities. The Turkish policy has changed the last 5-7 years.

The ex-Soviet citizens who have obtained the Greek citizenship at the early 90s faced the problem of “changing” the old Soviet passport to the new Russian, Georgian, Kazak or other. This change or even the renewal of the expired one costs a lot of money (asked officially and unofficially) and the procedure is very complicated at the consulates thus practically no one is using but the Greek passport and generally as every property back in the ex-Soviet Republics is sold out, the other citizenship is absolutely inactive. Their double citizenship is mostly kept by all those who are late comers and faced difficulties for the “recognition” of their Greek citizenship. Until recently the groups that were facing difficulties were “Greeks” who were not registered at any consulate register, the “Greeks” that had not migrated from the Ottoman Empire, the Greeks of Mariupol area at the Black Sea. Others got the citizenship after years of delay, or still have not obtained the Greek citizenship as the differentiation between the Soviet and the Greek legislation and the ignorance of the first by the Greek administration led to a long term procedure until the possession of the citizenship. A relatively common case is that of children born out of wedlock, not a very rare case at the S.U.. According to the Soviet legislation a simple declaration of the father at the recording office, and in any case the surname of the father carried by the child were acts and legal proves that this child is recognized by the father. But as the Greek law and

the administration ask for the recognition of the child the strict procedures of the Greek law, persons whose their father (or in extreme cases mother) were of Greek origin and have passed away were-and still are- initially unable to get the Greek citizenship.

Until recently a very limited number of persons possessing the Albanian citizenship and willing to obtain the Greek one under the procedure of *kathorismos* (lit. definition) forfeited willingly their Albanian citizenship.⁷⁷ Although the Greek ministry denies that this was a concrete policy and the persons involved do not really confirm that they were pressed by the Greek authorities in Albania or in Greece to do so, we are not quite sure how this widely spread practice was really imposed. The persons of Albanian citizenship who can claim a Greek one, cannot really be counted but they are at least several thousands. During the Inter war period mixed marriages between Greeks and Orthodox Albanians were not a peculiarity. Besides that, Vlachs of a very wide social spectrum, from transhumant shepherds to bourgeois were marrying within their nuptial networks independently of the country they have been settled or migrated. Finally in a very wide area including areas at both sides of the frontiers Orthodox population was intermarrying without any linguistic prejudice. All that happened until 1944-1945 when the frontiers were closed and all the marriage nets collapsed. After 1991 step by step thousands of Albanian citizens “discovered” the possibility to claim the Greek citizenship by presenting a male ancestor or even a female one. The second case is the more interesting one. According to the then Greek legislation the Greek citizenship was obtained by the children of Greek females and “not legal fathers”, that means children born without a marriage of their parents or within a marriage which was not valid according to the Greek law. As practically some marriages in Albania after 1945 were civil,⁷⁸ or at least they are recorded so, the majority of the persons descending from female Greeks could claim for the citizenship. All these persons are following the *kathorismos* procedure. As the new Albanian Law on citizenship (nr. 8389/5.08.1998) at its third article permits the multiple citizenship, it is now very common the creation of persons with dual citizenship, although the Albanian one is generally not active.

The issue with the civil marriage is not the case only for Albania, but for every East European country. The phenomenon was wide spread among the Greek political refugees moved to ex-East Europe after the end of civil war.

This was also the case for a large number of persons descending from female Greeks all over the world. At 1992 the Juridical Council of State with the 749/1992 opinion accepts that a

⁷⁷ The same trial of enforcement was followed by some co-ethnic Greeks who asked for naturalization.

⁷⁸ And from 1967 on all of them.

person born by a non valid marriage held abroad by a Greek mother at the time that art. 1 γ' of the L.D. 3370/1955 was in force, and the Greek citizenship has been awarded to the child as “child born by a Greek female out of wedlock” is still possessing the citizenship although under the art. 7 of the Law 1250/1982 these children are considered legal children of alien citizens.

[According to the Greek law, from 1856 (art 14 β) and on these children are possessing the Greek citizenship. The dual citizenship appears at the case these children were recognized and legitimized by their father and these acts were bringing along the awarding of the father's citizenship⁷⁹ or at the case the mother possess another citizenship awarded to the child also (see also infra)]

The previous opinion lost its importance as the Law 2910/2001 art. 69 para. 6 and 7 permitted to all the children born by a Greek parent (before 1984) to obtain the Greek citizenship with a single application. At the case the citizenship is claimed from a grandmother or a female Greek ascendant the opinion is being used currently. It is evident that at the most cases these children have obtained the fathers' or mother's alien citizenship also. The Law (art. 69 para. 4) makes the very same provision for female Greeks whose citizenship was forfeited because they had married with aliens.

Unfortunately the Ministry did not provide us with figures of the persons who according to the previous legislation (art. 69) applied for citizenship. It is obvious that the overwhelming majority of them resides abroad. As a citizenship of a European Unions country is useful even for American, Canadian and Australian citizens, we can suppose that some younger persons at these countries, but not only, applied to obtain the citizenship.

The provision of the citizenship law (art. 10 of the Law 3370/1955 as modified by the art. 5 of the Law 1438/1984) that the minors of a father naturalized Greek (and from 1984 of a mother also) are obtaining the Greek citizenship was until recently covering rare cases. But with the augmentation of the mixed marriages and more alien couples residing in Greece, we suppose that quite a number of these children are becoming dual citizens.

Laws and history vs reality

⁷⁹ The provision of the Law 3370/1955 article 18 according to which the child recognized by his/her non Greek citizen father before the age of 21 [currently 18] forfeits the Greek citizenship if by the recognition obtains the father's citizenship, could hardly be checked by the Greek authorities, as it was mostly concerning Greeks abroad.

The Greek citizenship legislation has followed the historical route of the Greek nation state. This *jus sanguinis* besides religion, is based on education rather than language, is based on culture and attitude than “blood”. Definitely is supposed to the changes of the historical time. At 1904 *homogenis* could be a Greek or an Albanian,⁸⁰ today are the Arab Christians of Hatay. And always those who are Greeks “by blood” could be excluded from this “blood” community by their attitude. The *par excellence* example is the communists and every one who acts against the authority of the time.

The absolute adaptation of the *jus sanguinis*⁸¹, has only slightly inclined at 1926 (i.e. Legislature Decree 13th of September 1926), although the Obligatory Law 2280/4(6)-6-1940 strongly weakened, in fact annulled, the 1926 legislation. At 1926-1927 the legislator tried to apply a very progressive reformation on several issues related also with the citizenship, but it seems that the reactions were that strong to annul them. We mention the Legislature Decree of the 30th of April 1926 according to which children born out of wedlock were fully equal to the law with the ones born within marriage,⁸² and the Legislature Decree of the 13th of November 1927 according to which children born within marriage of Greek citizens which was held abroad without the Orthodox rite, are considered as rightful children.⁸³

At 1926 appears the first legislation (Legislature Decree 13/15th of September 1926 as it was amended by the Decree of 12/13th of August 1927) that follows open policies on naturalization. Probably under the circumstances created from the annexation of the so called “New Lands” and the refugees’ issue, a more open policy was preferred. We don’t really know how it worked and if it was beneficial for specific groups. According to this legislation a person born and residing in Greece when one of his/her parent at least was born in Greece or stayed more than five years before his/her birth could be granted the citizenship. A dual citizenship could be obtained this way.⁸⁴

The law under the 1940 reform (Law 2280) was asking for the possibility of naturalization at least three years of residence in Greece for the *allogeneis* only, annulling the

⁸⁰ According to Royal Decree of 10th of August 1904 “Foreigners of whom their father or mother are *homogeneis*, i.e. of Greek or Albanian by origin [*kataghoghi*].....”.

⁸¹ The only case of adaptation of *jus soli* under the 1856 law was –the usual case in every country’s Nationality Act– that of the child born in Greece by unknown parents (art. 14, para. 3).

⁸² The legislation was repealed retrospectively by the Legislature Decree of 16/17th of July 1926.

⁸³ The legislation has never been ratified.

⁸⁴ This very legislation was abandoned towards a more conservative direction at the next legislation reform on citizenship which took place at 1940. According to the 1940 legislation the only option is the naturalization procedure. Surprisingly enough at this regulation, the possibility of obtaining the Greek citizenship is given to everyone born at the territories annexed by Greece at 1913, possibly Muslims, Jews and Slav speakers [previously] following the Bulgarian church.

two years minimum residence for the *omogeneis* which was asked by the 1856 legislation,⁸⁵ although *omogeneis* and *allogeneis* at least from 1911 (law ΓΩΜΒ, 26/27th of July 1911) could be naturalized without any time limitation if a (personal) Royal Decree was pronounced.⁸⁶ The 1835 legislation was asking for three years residence, really for the *allogeneis*, although the term is not used (art. 5), as the persons born by a Greek father outside Greece had had the right to possess the Greek citizenship *ipso facto* (art. 3). Besides that, practically, special regulations were naturalizing every *omogenis*, at least if he/she was settled in Greece.⁸⁷ These naturalizations were concerning persons whose their quality as *homogenis* was considered undoubtful. The results of the non by the law but willingly naturalization of the wives of a naturalized Greek and the under age children which took place under the 1926-1927 legislation is important not because of the possible dual citizens created but for the change of policy on citizenship it carries.⁸⁸

The 1955 legislation keeps untouched the time limits set by the 1940 legislation for the naturalization. But when access to the Greek citizenship begun to be more difficult, the time limits increased. The 1968 legislation (O. L. 481/1968 art. 3) asks for the *alloethnis* eight years of continuing residence in Greece at the last 10 years, or three years after the declaration of someone's willing to be naturalized. The law excludes from these time limits persons who were born and reside to Greece. The text is repeated at the Law 1438/1984, art. 3. And when the Greek citizenship considered to belong at the club of the "noble" ones the state did not know how to handle the variety of naturalization applications. In Greece the tactics followed was of postponing the decision to the application for decades. In 1993 the law was reformed asking for the *allogenis* ten years of residence at the twelve last years (Law 2130/1993, art. 4 para. 2, see also Law 2910/2001 art. 58 para. 2).

Although the article 4 of the Law 2130 of 1993 is making the provision that for their naturalization the *homogeneis* who are residing abroad can apply at the Greek consular authorities, we don't know a lot about the implementation of this law, but definitely has not caused thousands of Greeks and simultaneously dual citizens. The Greek consulates were and still are discouraging the persons applying. Indeed, persons who can not get the Greek citizenship by a flexible way of interpretation of the laws with the *kathorismos* procedure, have limited

⁸⁵ Art. 15 of the C.L. of 1856. Three years of minimum residence were asked for the *allogeneis*.

⁸⁶ I doubt the mass use of this provision of naturalization as argued by I. Gheorghiadis (see Gheorghiadis, pp. 36-37). This regulation first appeared at 1881 was banned at 1890, entered in force again at 1893 and banned again at 1895 until the 1911 legislation.

⁸⁷ See the 1906 legislation for the Greeks coming from *Eastern Rumelia*, Bulgaria, Romania and the then Ottoman Epirus (and today's Southern Albania), the 1895 and 1911 legislation for Greeks coming from Epirus and Macedonia and the Law 350 of 1914. For the 1920 and on regulations, when refugees or other *homogeneis* had started to settle to Greece massively, see I. Gheorghiadis, ..., *op. cit.*, pp. 38, 188-189.

⁸⁸ The provision changed with the law 2280/1940

chances to be naturalized as Greeks, being accepted as *homogeneis*. We know that an *engyclios* (circular) of 1993⁸⁹ defines the “qualifications” that the interested persons have to meet, following a negative formulation (i.e. long time without visiting Greece, ignorance of the history and the culture of Greece, long time without any contact with the Greek consular authorities).

[practical implementation of the law] How someone is classified as *homogenis* and how someone could have the chance to be naturalized Greek? It is a common secret that the procedure is so dubious and open to manipulations that could surprise even the person who knows the darkest side of the Greek Administration.⁹⁰ The law excludes the citizenship decisions from time limit and justification. The *kathorismos* (definition) procedure can be a very unreliable procedure not based to strict legislation: Someone possesses or not the Greek citizenship according to the law. Sometimes the decision comes after one or two decades. The decision does not state reasons, although is considered necessary by the law according to some legal experts.⁹¹ The document given to the applicant is just a typical reference to some articles of the relative legislation. The decentralization of the decisions on *kathorismos* cases further worsened the standardization of procedure as the personnel is quite ignorant of the complex legislation. We have to mention here that even at the central Direction [Διεύθυνση] of citizenship at the Ministry of Internal Affairs the personnel, deliberately or not, is not serving but confuses the citizens. My last citizenship case as a lawyer was quite characteristic. A Sudanese of Greek origin was informed officially from the Ministry that he could apply to be naturalized as *homogenis* but he cannot claim that he already possesses the citizenship. Looking at the case, it was obvious that my client under the laws was a Greek citizenship by descent and should follow the definition of citizenship procedure. When I went to the Ministry showing all the documents, an extremely clear case, the state official even denied to accept an application as a case for the definition procedure, insisting it is a naturalization case. Instead of leaving the building I visited another officer known from my experience as from the few I could really rely on her opinion. After my documents were shown she told me: “It is one of the more clear cases of Greek citizenship from Egypt and Sudan I’ve seen the last years”. I mentioned this example to show that corruption is the easy answer but not the right one for a lot of cases.

Even for the *homogeneis*, the state has a kind of phobia towards everyone trying or willing to obtain the citizenship. But is not the state phobic in an abstract way. All the pyramid,

⁸⁹ Ministry of Internal Affairs nr. 24, Φ. 32090/10643, 26th of May 1993. See the whole text at S. Grammenos, ..., *op. Cit.*, pp. 321-326.

⁹⁰ For crucial remarks see the Annual Reports of the Greek Ombudsman 1998-2002.

from the Ministers and the higher courts to the young officers and from university teachers and the politicians to the ordinary citizens have incorporated this disregard and phobia against the non “absolutely Greek Orthodox”, as this notion has been historically formed. But how can a son of a Greek who fought 5 years at the Greek army in Middle East is not welcomed by the state and the young Greek public servant as it was the case from Sudan? His dark skin as his mother was a local is not fully answering the question. As in every nation state, a bunch of ideas form the picture of the ones not belonging to “us”. Thus an *homogenis* who was not meeting most of the criteria condensing various ideas, was categorized as “other”, an *allogenis*.

In 1998 a secret circular [*engyclios*] of the Ministry of Public Order enacted in 1986 was published in the Greek press.⁹² At this circular are found the guidelines for the “qualifications” needed for the naturalization and for the classification of a person as *homogenis*. It is more than clear from that circular that the slightest divergence from the Greek Orthodox norm excludes the person from the naturalization or the definition as a Greek. An extreme example is the point 7 of the definitions included according to which if the spouse of a Greek citizen is not Orthodox Christian and the children follow spouse’s religion, the application of naturalization has to be rejected.⁹³ It is very common lawyers to propose to their Muslim clients who want to naturalize to be baptized Orthodox before their naturalization application.

Another case which I had the opportunity to handle can show us how flexible the notion of *homogenis* is, and to what extent can be subject to manipulation. Eventually after secret agreements between Greece and Turkey and secret guidelines of the Ministry the Greek-Orthodox Arab population of the Hatay region (Antakya) were characterized *homogeneis*. Although this population is under the authority of the Arab-led patriarchate of Antakya in Damascus, is now permitted by the Turkish authorities to attend the Greek Minority schools of Istanbul.⁹⁴ Years before, the discriminatory policy of the Turkish Administration against them led the community to mass migration. A few thousands of them are settled in Greece. The majority of the male persons had their citizenship deprived according to the Turkish laws. In any case, all these persons were-and still are- officially characterized *homogeneis* and are provided with the relevant documents and residence permits. Besides that, a fast naturalization procedure was followed with a maximum five years time from the application. When my client came to Greece and was asked for his religion, instead of Greek Orthodox he declared that he is a Jehovah witness. Really an active member of the Society, he failed to be naturalized for 17 years. Besides

⁹¹ See Z. Papassiopi-Passia,..., *op. Cit.*, p. 168.

⁹² Y. Marnellos, Ο δεκάλογος του ομογενοῦς (The decalogue of the *homogenis*), *Eleftherotypia*, 20-12-1998.

⁹³ *Ibid.*

that, the Ministry of Public Order stopped to characterize him Greek by ethnicity [*ethnikotita*]. He was then listed as of an “obscured ethnicity” [*ακαθορίστου εθνικότητας*]. He managed to get the citizenship after an official declaration, though the authorities knew he was committing perjury, that he is a Christian in general.

Towards a new frame:

One can easily argue that clarification in competence and transparency at administration are needed. Law reforms are necessary in order to avoid the continuing “mal-practice” and the middle men existence. These general conclusions are related specially with the dual citizenship policy. They will facilitate the procedure and reestablish the prestige of the state. The flexible policy that is followed currently in some groups of cases can be easily change for a variety of reasons. Laws and not *engyclioi*(*circulars*) can only face the issues. But can really the Greek State and the Administration think a different way? Ideology in Greece still views the “belonging” to a nation with the eyes of the 19th century nationalism.

APPENDIX

1. The naturalization of non Greek citizens according to an oral presentation to the author by a high officer at the Ministry of Internal Affairs (May 2003). The request for written official data for the programme was rejected.
2. The figures include naturalisations only, under the usual provisions of the law. Any other kind of citizenship acquisition is not included (i.e. definition of citizenship, special provisions for spouses and children out of valid wedlock, any special provisions for Greeks from ex-S.U.. Minor children are not included also.

The remarks have been added by us. We remind that these numbers are not including the possessions of Greek citizenship according to the *kathorismos/diapistossi* procedure (see the text)

⁹⁴ Today they consist around 40% of the schools' population.

and also are not including the Greeks from the Soviet Union following the special procedures and legislation concerning them.

Year	<i>homogeneis</i>	<i>allogeneis</i>	Total	Remarks
1980	172	168	340	Probably the numbers for the whole decade (1970s) are similar.
1981	959	186	1145	
1982	4996	336	5332	First year of the PASOK administration. The <i>homogeneis</i> figure is related mostly with “Greeks of Northern Epirus”. Other groups like “Greeks from Istanbul” etc are also included this and the years to come.
1983	2776	470	3246	
1984	1444	367	1811	
1985	1483	126	1609	Parliamentary elections. PASOK is winning the elections.
1986	807	397	1204	
1987	1937	279	2216	“Greeks from Northern Epirus” and others again.
1988	1313	258	1571	” ”
1989	845	372	1217	Two years of political instability and repeating elections.
1990	691	399	1090	New Democracy is winning the elections
1991	688	198	886	The first massive influx of immigrants.
1992	857	347	1204	
1993	1273	531	1804	PASOK is winning the elections.
1994	99	225	324	
1995	2744	973	3717	“Greeks” from different countries. A more open policy towards non Greeks to consecrate. The elections ahead must not excluded for the reasons leaded to this new

policy.

1996	995	409	1404
1997	1250	1064	2314
1998	655	1824	2479
1999	599	1366	1965
2000	464	543	1007
2001	690	1084	1774
2002	445	1696	2141

The debate between parties on naturalization has been started.