Citizenship in Greece: Present challenges for future changes

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Updated version of the article:
(2006),* Citizenship in Greece: Present challenges for future changes*, Multiple Citizenship As A Challenge To European Nation-States, D.Kalekin-Fishman & P.Pitkänen (eds.), SensePublishers, Rotterdam, pp. 145-170

Introduction[1]

Possessing citizenship in the state of one's residence unquestionably constitutes a fundamental factor for social integration, while not being a citizen is likely to cause social exclusion. Thus, the legal norms regarding the acquisition or the loss of citizenship, and therefore dual citizenship or statelessness, take on major importance for social stability. However, national ideology should accommodate such a perspective, and this is not an obvious undertaking. The choice by states to permit or to prevent dual (or multiple) citizenship is essentially political in nature, regulated by legal regulations and conditioned by historical factors. In this context, *ius sanguinis* and *ius soli* offer legislators a series of options. However, citizenship law is also closely linked to the ideological perception that a state has of its most valuable asset- its own citizens. Greece does not constitute an exception to these thoughts. To comprehend citizenship issues in Greece, one has to consider the political and legal context regarding the acquisition and loss of Greek citizenship/nationality in its past and present status and the inter-relation between the Greek nation, the Greek state and the phenomenon of otherness. The homogeneity of Greece is built upon the elements of religion (Greek-Orthodox), language (Greek), national consciousness (Greek) and an ambiguous conceptualization of "Greek descent". Thus, otherness in Greece, regarding Greek citizens, may be described in terms that are religious (Muslims, Catholics, Protestants, Jehova's Witnesses), linguistic (Turkish, Arvanite, Romanes, Vlach, Slavo-Macedonian/Pomak), or ethnic/national (Turks, Macedonians, Jews, Armenians, Pomaks, Romas). This "traditional" otherness was enriched during the 1990s by the massive settlement of immigrants who represented 10% of the population in Greece in 2004.

This paper presents and analyzes the *historical background* which has affected citizenship law in Greece, and *the law in force* on citizenship, with special emphasis given to *citizenship deprivation*. Furthermore, it examines *court and administration practice* and especially *immigration* as a challenge for socio-economic and political citizenship policies. *Education on otherness*, and Greece's *citizenship perspectives*

[1] This article is based in part on the following research papers prepared by colleagues for the Project Dual Citizenship, Governance and Education: A Challenge to the European Nation-State: Lambros Baltsiotis (2003), Zoi Papasiopi-Pasia (2003), Dimitris Christopoulos (2003) and Tasos Kostopoulos (2003). I wish to thank them all for their devoted work, as well for the quality of their contributions. Finally, I would like to thank Ioannis Dimitrakopoulos for his effective support of the work carried out within the framework of the project. Without him, this research would not have been achieved.

within the European context, are the topics on the basis of which the present paper achieves the analysis of the politico-legal and social state membership in Greece.

Historical background

The establishment of the sovereign Greek state followed a fairly "standard" nation-state building process. The specific conditions of this process stem from the legacy of the Greek Enlightenment (18^{th}-19^{th} centuries), the armed struggle of the Greek Revolution (1821-1928), and the institutionalization and international recognition of independence (1829-1831). The very first attempt to draw up a citizenship law relied on a perception of membership of the Greek nation as identical to membership of the Greek state. It is worth noting that according to the pre-revolutionary 'Draft Constitution' (article 7) drafted in the late eighteenth century by the visionary representative of the Greek Enlightenment, Rigas Velestinlis, residents of the Greek state were all to be considered citizens of the country, regardless of religion and language. Thus, the proposed constitution incorporated Greeks, Albanians, Vlachs, Armenians and Turks, (Mavrias & Pantelis 1990: 14). In legal and political terms, during and after the Revolution, the main characteristics of a 'Greek national' were elaborated in accordance with the prevailing national stereotype of 'Greekness'. Greek nationals were identified by their affiliation with the Orthodox Church, by speaking the Greek language, by proof of Greek descent or origin, or by their having had a Greek education. In the first constitutional instruments, Greek citizenship was attributed to all the Christian residents of the liberated territories. However, implementation proved difficult, as the Greek state soon expanded its territory incorporating significant populations of fluid, unformed or obviously non-Greek national identity. The phenomenon of minorities was accommodated to the prevailing perception of citizenship as an exception to the stereotypical rules. Thus, the first cases of divergence from the rule pertained to Catholics, Jews and Muslims or non-Greek speaking people who nevertheless acquired Greek citizenship. In the course of time, linguistic assimilation policies targeted Christians rather than non-Christians in order to minimize the minority presence. On the other hand, national homogeneity was actively pursued through citizenship policies adjusted to national goals.

Citizenship policy during the first decades of the Greek state was mainly oriented towards incorporating the *eterochthones homogeneis* (aliens of "Greek descent" living abroad) who were then settling in Greece. It was only at the beginning of the twentieth century, that Greece started to elaborate a concrete policy on dual citizenship; the policy aimed at preventing it as much as possible. In the aftermath of the Balkan Wars (1912-13), Greece almost doubled its territory and population. Important *allogeneis* (of "non-Greek descent") populations, former Ottoman subjects, were about to become Greek citizens. The solution chosen was to allow them the option of selecting their citizenship by residing for three or more years in Greece, after which they would become Greek citizens *de iure*. On the other hand, significant numbers of Greek-Orthodox populations or Greek speakers were left to reside beyond the borders of Greece. During that period, nationalism fuelled inter-state antagonism over land and populations. In this context, through a process of population exchange between Greece and Bulgaria in 1919 and Greece and Turkey in 1923, Greece minimized the presence of Greek citizens of non-Greek descent and assembled a significant number of aliens of "Greek descent" to whom Greek citizenship was granted *de iure* in the "motherland". Dual citizenship was not tolerated either in the case of territorial annexation or population exchange. During this period, the nation-

building process, whether by peaceful means or by force, was at the apogee, as the ethnicization of land and people became a common goal for all nation-states of the region.

The major historical events involving citizenship issues, such as massive acquisition of Greek, or foreign citizenship after territorial alterations, loss of citizenship, immigration and emigration flows, which took place after the Greek state became independent (1830), have drastically affected the demographic character of the population of Greece in regard to its ethno-linguistic, religious and, sometimes, national affiliation:

a. Territorial alterations (annexation) of the state took place five times in Greek history: concerning the Ionian islands (1864), Thessalia-Arta (1881), the New Territories (Epirus, Macedonia, islands of Eastern Aegean and Crete [1913], Thrace [1923]), and last, the Dodecanese islands (1947).
b. Emigration and immigration flows are related to territorial alterations and political changes of major importance. The most important[2] migratory flow was that of the emigration of Greek citizens to the USA, Australia, and European countries, from the early twentieth century up to the early 1980s. Nowadays the most significant population movement is the on-going immigration from Albania (comprising the Greek minority), Eastern Europe, Middle East, Asia and Africa from the mid-1980s and mostly from the early 1990s, as well as the "home return" of aliens of "Greek descent" from Georgia, Armenia, and Russia.

In the course of the evolution of the citizenship law and its application in the historical context, the term *genos* (*phyle*, descent) became the key element of Greekness and an actual legal category distinguishing between those who are of Greek descent and those who are not. The first group, *homogeneis* (literally, "people of the same lineage") are deemed Greek regardless of their actual citizenship status. The latter group, *allogeneis* (literally, "people of a different lineage") are non-Greek, even if they possess Greek citizenship. This segregation proved to be of crucial importance during the twentieth century.

Legislation on Greek citizenship reflects the historical path of the nation-building effort. Religion is linked to *ius sanguinis,* which stems from a self-perception of the nation as a homogeneous Greek-Orthodox entity. This perception became more flexible in the course of time so that while in 1904 Albanians could be seen as *homogeneis*, nowadays Albanians, Vlachs, and Greek-Orthodox Arabs from the Middle East may also be considered as *homogeneis*. On the other hand, people of Greek descent could be excluded from their "blood community" for their political beliefs, as was the case with communists during and after the Civil War (1946-1949) when «22,266 deprivations of citizenship that were imposed between 1948 and 1963, took place with 135 decrees or ministerial decisions», (Alivizatos 1982: 487 and 491). A Circular signed by the Minister of the Interior (of 14.3.1947) maintained that the

[2] These migratory flows comprise the settlement of *eterochthones* (1830s+), the emigration to the USA (1890-1920), the Greek-Bulgarian population exchange (1919-1920), the Greek-Turkish population exchange (1923-1926), the Jewish migration to Palestine (1920+), the Vlach emigration to Romania (1926+), the refugee flow to Greece (1940-1949), the political refugee flow from Greece (1941-1949), the Armenian emigration to the USSR (1945+), the Greek emigration to the West (1945+), the Jewish migration to Israel (1948+), the migration influx of ethnic Greeks from Turkey and Egypt (1950s), the repatriation of political refugees from USSR and other socialist countries (1954, 1958, 1965, 1983+), the migration influx of ethnic Greeks from Turkey (1964), and the refugees from Cyprus (1974).

1927 Decree on the deprivation of citizenship could also be applied against "those persons of Greek descent who have proved, by their anti-national behavior, that they are lacking the appropriate national consciousness" (Papathanasiou 1959:212-3). In an attempt at conciliation, those who had fled Greece during the Civil War were later allowed to repatriate, and thus, in the context of national reconciliation for the Civil War, another category of persons with dual citizenship was created. Greek citizenship was restored to those *of Greek descent* who "during the civil war of 1945-1949, and because of it, took shelter abroad as political refugees"[3] (Nikiforou-Anastassiadou 1999:1371 and Horomidis 1977:605). This is only one example of the crucial ideological importance of descent for citizenship regulations.

The law on citizenship

a. International obligations

Greece attempted in certain cases to solve legal complications surrounding citizenship issues by concluding bilateral agreements, with neighbouring countries. The most important bilateral agreements regarding Greek citizenship pertain to the period before or just after World War II, and they aimed at regulating the status of citizenship after the afore-mentioned territorial changes or migration fluxes.[4]

Often, however, bilateral cooperation resolved some cases, but not all, especially during modern times. Although the Albanian Constitution does not prohibit dual nationality Greece refuses to grant the Greek nationality to members of the Greek minority of Albania (*homogeneis*). The endeavour for bilateral settlement through negotiations, has been intensified in the summer of 2002, with a view to concluding a bilateral agreement between Greece and Albania, was not successful. (Pavlou 2003a: 265, Christopoulos 2006:276).[5] Dual citizenship in that case becomes of major importance. As more than 80% of the minority population have moved from Albania to Greece, both governments have attempted to balance their tactics to secure power over the minority in their favour. Greece attempts to ensure dual citizenship for the minority and Albania tries to avoid the presence of a population with Greek

[3] Ministerial Decision No 106841/1982 of the Ministers of Interior and Public Order. After all, dual citizenship, Greek and Macedonian, still constitutes a major political problem for the Greek government, which constantly denies the right of return and the acquisition of Greek citizenship to political refugees of "Macedonian descent". Once again, national ideology prevailed over fundamental legal principles.

[4] 1. The Convention on the annexation of Ionian Islands to Greece of 1864; 2. The Treaty of Constantinople of 1881, between Greece and the Ottoman Empire on the annexation of Thessalia-Arta by Greece; 3. The Peace Treaty of Athens of 1st November 1913, between Greece and the Ottoman Empire on the annexation of the New Territories by Greece; 4. The Treaty of Neuilly of 1919 between Greece and Bulgaria on reciprocal and volunteer migration of minorities; 5. The Convention of Lausanne of 1923 under which the issue of the obligatory exchange of populations between Greece and Turkey was regulated; 6. The Treaties of Sèvres on: a. The territory of Thrace and b. The protection of minorities living in Greece (both applied by Legislative Decree of 29.9.1923); 8. The Treaty between Greece and Albania on nationality of 1926; 9. The Treaty of Ankara of 1930 signed between Greece and Turkey concerning the mode of application of the Lausanne Treaty on the exchange of Greek and Turkish populations; 10. The Agreement on the recognition the members of 144 Israelite families residing in Greece as Spaniards, signed between Greece and Spain in 1936; and 11. The Peace Treaty of Paris of 1947 signed between allied/co-allied powers and Italy by which –among other issues- the nationality issues concerning the inhabitants of the Dodecanese islands were regulated.

[5] *Kathimerini* newspaper (Athens) of June 10th and 11th, 2003.

citizenship on its territory. Granting dual citizenship to the minority, now residents of Greece, would entail political gains for the Greek government and reduce the odds that members of the minority would return to Albania. This last possibility triggered widespread nationalistic Greek discourse against dual citizenship. The idea was to demonstrate that when the Greek minority would disappear from Albania, "national aspirations" would become null and void. However the Greek government decided in 2006 to lift restrictions against the "homogeneis" from Albania and by then they would have access to Greek citizenship.

So far, multilateral agreements on citizenship issues have not been not binding on Greece. Greece has signed the European Convention on Nationality (see below section 7), but has not ratified it. Furthermore, European Union law created a common dynamic internal space where freedom of movement regarding persons and capital, links the legal and symbolic "value" of Greek citizenship with the member-states. We will not discuss European citizenship issues here for two reasons: First, because the interaction between Greek and other citizenships of European Union member states is actually of minor importance within Greek society and in its legal order, and second, because in the legal content of European citizenship which is still a vague construct, important changes are on-going.

b. Domestic law

The *ius sanguinis* principle is deeply embedded in Greek legislation on nationality and is still predominant in Greek Nationality Law. Consequently, Greek law considers all persons born of a Greek male or female as Greek. The commitment of the Greek legislator to the principle of *ius sanguinis* is emphasized[6] in the relevant provisions of the Greek Nationality Code of 2004 (Law 3284/2004, GNC hereinafter), as well as in the broader law dealing with matters of nationality.

Greek citizens are all those who qualify under the law (art. 4 para 3 of the Greek Constitution). The GNC provides that citizenship may be acquired by birth to a Greek parent, by birth in Greece (only for the stateless), as well as by recognition, adoption, or naturalization, and may be lost by deprivation or resignation. Naturalization is the principal process by which an alien may acquire Greek nationality and thus attain dual citizenship. Potential candidates for dual citizenship in Greece are aliens, whose country of origin tolerates dual citizenship: 1. Repatriating Greek migrants or refugees who have acquired the citizenship of their host country; 2. Members of Greek minorities who emigrated to other countries and are now coming back to the "matherland"; 3. Non-ethnic-Greek immigrants; 4. Spouses and children of mixed marriages (Greek and alien), and 5. "Home returnees" [*palinnostountes*] *homogeneis* from countries of the former USSR. On the other hand, those who are citizens of a country, which does not tolerate dual citizenship, such as Georgia and the Ukraine, are not potential candidates for dual citizenship.

According to article 2§2 of Law 2910/2001 on aliens and naturalization, "Persons, who have multiple nationalities, including Greek nationality, are considered Greek nationals and have the rights and obligations of Greek citizens. Persons who have multiple nationalities, not including the Greek nationality, must choose their nationality, by means of a declaration submitted to the Immigration Service, provided that they dispose of a passport or other travelling documents of the relevant state" (art. 1 para. 2, Law 3386/2005 and Vrellis 2003: 15; Papassiopi-Passia 2002: 4).

[6] The only case that the *ius soli* is adopted regards the acquisition of the Greek citizenship by a stateless person born at Greek soil (art. 1 par. 2).

As far as the possibility of a conflict between citizenships is concerned, according to article 31 para.1 of the Greek Civil Code, "if the person in question is multinational and one of the nationalities he/she possesses is Greek, then Greek nationality is applied as deciding the factor of nationality". Thus, a Greek judge considers the person in question to be a Greek national and will apply Greek law in the case examined, regardless of whether the multinational person in question is actually related to Greece. For the Greek judge such a person is considered Greek, and Greek law prevails. Consequently, there is no question of applying the effective nationality principle, as in the case when two foreign nationalities are in question.

The Law 2910/2001[7] (as amended by Law 3013/2002) mainly regulates matters of entrance, temporary or permanent residence and employment of aliens (Papassiopi-Passia 2002:131; Grammenos 2001:103). It brought about major changes in the modalities regarding the acquisition of Greek nationality, which have been endorsed by the new GNC (Law 3284/2004). The law provides for a 5-member Special Naturalisation Committee within the Ministry of Interior, Public Administration and Decentralisation, which shall evaluate, by means of an interview, the personality of the applicant who wishes to acquire Greek nationality through naturalisation, as well as her knowledge of the Greek language and civilisation (Art. 7). The Minister of the Interior issues a decision granting Greek citizenship and this decision is published in the Official Gazette of the State. In case of rejection, the decision need not be justified (Art. 8). Naturalisation is completed when the applicant takes the oath as a Greek citizen.

The naturalisation requirements for both *homogeneis* and *allogeneis* are the following (Art. 5):

- He/she must be at least 18 years of age.
- He/she must not have a deportation order pending against him/her.
- He/she must not have been sentenced finally and conclusively to imprisonment for longer than one year or for a series of crimes.
- Athletes of Olympic games who reside in Greece for a period of at least five years and have the right to participate in the Greek Olympic team.

If the applicant is *allogenis*, he/she must also (Art. 5 para 2):

- Have resided legally in Greece for a total of ten years during the last twelve years preceding the submission of the naturalisation application.
- Have resided legally in Greece for three years, have married a Greek citizen and have become a parent.
- For stateless persons or political refugees a period of five years of residence is required.
- Prove sufficient knowledge of the Greek language, history, and culture.
- A fee (1,500 euros) is established in order for the naturalisation application to be considered.

If the applicant is *homogenis*, he/she has the following prerogatives:

- To apply to Greek consular authorities abroad (Art. 10).
- Need not prove permanent residence in Greece (Art. 5)
- Need not pay the naturalization fee (Art. 6)

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[7] Law 1975/1991 regulated the legal status of migrants and refugees for the first time. In terms of this law, the first registration process took place for the issue of a permit of stay. The second immigrants' registration process was regulated by Law 2910/2001. This law facilitated for the first time the acquisition of Greek citizenship by the *homogeneis*, see Baltsiotis, 2004.

- To acquire Greek citizenship by volunteering for the Greek army (Art. 4).

Family reunion questions are complicated for those who hold residence permits. The fact that one spouse possesses a residence permit does not mean that the other spouse will necessarily receive a residence permit (art. 56 and 57, Law 3386/2005) or even a visa to enter Greece. Cases in which spouses are not allowed to live in Greece are perpetuated because of the bureaucratic inflexibility and the legal rigidity that characterize the Greek authorities. Naturalization is extended automatically to all minor and not married children, the spouse of a naturalized must apply for naturalization after three years of residence in Greece. If no child has been born of a mixed marriage, the requirement of a ten-year residence in Greece continues to apply for the alien spouse of the Greek citizen.

Legal and pragmatic uncertainty attends the status of *homogeneis* as well. Law 2790/2000, as amended by Laws 2910/2001 and 3013/2002, and codified by the new GNC, regulates the acquisition of Greek nationality by the so-called "home returnees" (*palinnostountes*) who are deemed to be of Greek descent (and therefore constitute a sub-category of *homogeneis*) and are "repatriating" from former USSR. The Law 2790/2000 (article 1, para. 11) provides for a special status ("card of *homogenis*", *Eidiko Deltio Tautotitas Omogenous*) for those of "Greek descent" coming from countries of the former USSR who risk losing their citizenship of the state of origin, as their legal system does not tolerate dual citizenship (e.g., Georgia and the Ukraine). All *palinnostountes* who wish to acquire Greek citizenship, losing or retaining the citizenship of the country of origin, can apply in order to get it along with their spouses and children through the procedure of "verification of citizenship" (*diapistosi kathorismou ithageneias*), according to which the beneficiary is deemed "Greek by birth". Through this *sui generis* procedure the reacquisition of the Greek citizenship is possible as it is based on legal effects of a fictive continuity of the Greek *genos* stemming from far ancestors[8]. Thus, the law settles the nationality status of many ethnic "Pontian" Greeks who came to Greece from countries of the former USSR after 1990 with the intention of staying permanently. *Vorioepirotes* (members of the Greek minority in Albania, and therefore of "Greek descent") have, in practice, no access to Greek citizenship and they are granted the special identity card of *homogenis*. Only by governmental decision in 2006, as said before, the *Vorioepirotes* would have the right to acquire the Greek citizenship. The special card is equal to a residence and work permit giving access to special benefits for social security, health and education. The *palinnostountes* from the former USSR have a series of special housing and loan prerogatives as well, in addition to the prerogative of extending the legal effects of the status of *homogenis* to members of their families (Pavlou 2003b:203).

To sum up, currently[9] immigrant *homogeneis* are divided into the following main categories:

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[8] On this paradox see Christopoulos 2005. The verification process has been established by Common Ministerial Decision 24755/6.4.1990.

[9] A "Special card for aliens of Greek origin" was granted before 1990 to people of "Greek descent" from Albania, Turkey or Egypt or from other countries with differential access to the acquisition of Greek citizenship. Citizens of Cyprus are considered *homogeneis* as well under a special status. Finally, political refugees of "Greek descent", residents and citizens of countries of Eastern Europe were granted Greek citizenship according to the Ministerial Decision 106841/1983.

1. From Albania - recipients of the "Special Identity Card of *Homogenis*" (*Eidiko Deltio Tautotitas Omogenous*) (Law 1975/1991, art. 17, and Common Ministerial Decision 4000/3/10-e/2002, Ministries of Interior, Foreign Affairs, Public Order, Labour and Defence)

2. From countries of the former USSR - recipients of the "Special Identity Card of *Homogenis*" (*Eidiko Deltio Tautotitas Omogenous*) (Laws 2790/2000, art. 9 and 2910/2001, art. 76)

3. From countries of the former USSR (Law 2910/2001 and art. 25 GNC) through the procedure of verification of citizenship.

4. From countries of the former USSR, resident in Cyprus, beneficiaries of the Special Identity Card of *Homogenis*" (*Eidiko Deltio Tautotitas Omogenous*) (Laws 2790/2000, art. 1 para. 11.2.a and Common Ministerial Decision 4000/1/13-a/2002, Ministries of Interior, Foreign Affairs and Public Order).

Alien citizens residing in Greece belong to one of the following categories:

1. Undocumented immigrants
2. Documented *allogeneis* immigrants ("white/green card")
3. Documented *homogeneis Vorioepirotes* and *palinnostountes* (holders of "Special identity card of homogenis")
4. Applicants for Greek citizenship (*homogeneis/allogeneis*)
5. Asylum seekers/people enjoying asylum status[10]
6. Stateless persons

The naturalization/verification of the citizenship of *homogeneis* living abroad is regulated differently by the GNC providing that *homogeneis* who reside abroad can apply to Greek consular authorities (article 15). However, a 1993[11] circular reserves the right of refusal in exceptional cases (i.e. lengthy residence abroad without visiting Greece, ignorance of Greek history and culture, an extended period of time without contacting Greek consular authorities) (Grammenos 2001: 321-326). Although *homogeneis* are the *enfants gâtés* of Greek law, the state still retains a "phobia" towards anyone wishing to acquire citizenship, both *homogeneis* and *allogeneis*. Public administration, ministers, judges, senior and junior civil servants, as well as politicians and even ordinary citizens, often express disapproval of the "not absolutely pure Greek-Orthodox" (Baltsiotis 2003). Discrimination on the basis of descent is also evident in the actual naturalization application process. Whereas any alien must prove residence of ten years in Greece and pay 1,500 euros for submitting the naturalization application, *homogeneis* are exempt from any requirement of residence and from this payment.[12] According to the available statistics from 1985 to 2004, 18,430 *homogeneis* and 13,557 *allogeneis* were naturalized (Christopoulos 2006). These data do not reflect the real proportion of applicants for naturalization among the two categories of claimants, since tens of thousands of Pontioi from the former Soviet Union, who would be considered *homogeneis*, have been naturalized through the afore-mentioned procedure of verification.

Criticizing Greece's law and administration practice, the Greek Ombudsman stressed that "…The so called *homogeneis*, aliens whose origin is rooted in the Greek

[10] In 2003, the total number of refugees in Greece was about 7,000. After 2000 only 1% or less of the asylum seekers are granted refugee status.

[11] Ministry of Internal Affairs, No 24, F. 32090/10643, 26.5.1993.

[12] See Law 2910/10, article 59, par.1 and 3013/2002, article 21, para. 3.

ethnos, as testified by Greek authorities, are privileged regarding the acquisition or recognition of citizenship. The foundation of the Greek law of nationality on the principle of blood, as in other countries, constitutes a source of several problems" (Greek Ombudsman, 1999: 31).

Although it seems that the Greek state was rather reluctant to allow dual citizenship during the nineteenth century,[13] today Greece accepts the concept of dual citizenship. The 1955 Greek Nationality Code, amended in May 1984 (and redrafted in 2004) adapted to the constitutional requirement of equality of the sexes, permits dual (or multiple) citizenship. However, this change from the ideological exclusiveness of belonging to a nation-state could become problematic when double loyalty is related to antagonistic nationalisms. In response, Greek law set the "loyalty threshold" by forbidding service in another country's armed forces as in spying or harming the national interest in favour of another state.[14] What seems quite controversial today is the fact that, in addition to the threshold of loyalty, Greek law retains the criterion of *genos* as an instrumental distinction between citizens. Thus, even if dual (or multiple) citizenship is not prohibited, differential treatment on the basis of *genos* is commonly endorsed by Greek law or by administrative practices.

Deprivation of citizenship

If dual citizenship is linked to concerns about social integration, loss of citizenship leads to phenomena of social exclusion. Greek law has a variety of rules pertaining to citizenship deprivation. The GNC, provides for two different forms of citizenship deprivation:
(a) Article 16 of the Greek Nationality Code (GNC) provides for voluntary renunciation of citizenship on demand of those concerned in order to acquire foreign citizenship or to undertake public service in a foreign administration (according to Kostopoulos, 2003, 699 cases of deprivation have been carried out in accordance with this provision [former Art. 14] during the period 1990-2002) . (b) Article 17 of the GNC deals with two distinct cases of citizenship deprivation because of "anti-national activities" (39 cases of deprivation have been carried out abroad in accordance with this provision [former Art. 20] during the period 1990-2002, Kostopoulos 2003). The first case is related to the voluntary undertaking of public service in a foreign country, if this service is regarded as opposed to the Greek national interest. The second one regards citizenship deprivation as punishment for unspecified "anti-national activities" carried out abroad. It stipulates that anyone "living abroad and having acted in a way incompatible with his competence as a Greek citizen, in favour of a foreign state and contrary to the interests of Greece", may forfeit his citizenship by decree of the Interior Minister, with the concurring opinion of the Citizenship Council.

Although the subjective criterion of 'nationhood' has been invoked so that aliens can become naturalized as Greek citizens, it has also been used in order to exclude from citizenship any Greek citizens who were believed not to have a Greek national

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[13] According to the Law on Greek citizenship of 1835, any Greek citizen who is naturalized under foreign citizenship is deprived of Greek citizenship. It is not clear whether foreigners who applied for Greek citizenship could keep their original citizenship. For an overall discussion of the issue, see Vogli, 2003.

[14] The relevant regulations of the 1856 Civil Law provided for loss of citizenship only in the case of individuals who are naturalized as citizens of another country or had "*assumed office in a foreign government without previous approval by the king*", Civil Law 391 of 29.10.1856, article 23).

consciousness or not to be of Greek descent. It is difficult to interpret differently the concept of "*allogeneis*" - Greeks of non-Greek descent, since the national legal order cannot by definition accept a Greek citizen who is not of Greek descent. The use of the concept of *allogeneis* constitutes a contradiction in terms and was the most common method for depriving minorities (ethnic Turks or Macedonians, Vlachs or Jews) of Greek citizenship, since the 1930s and mainly during the second half of the twentieth century (Christopoulos and Tsitselikis 2004, Baltsiotis 2004b, Kostopoulos 2003).

Depriving individuals of their Greek citizenship has been a state policy since the 1920s. Its goal was to eliminate what was or was considered to be non-Greek or "anti-Greek" elements and thus to minimize the presence of 'alien' (i.e. non-ethnic Greek) population groups inside Greek territory. It has also been utilized in effect to exile anyone engaged in "anti-state" activities by equating enemies of the social status quo with real, or alleged enemies of the nation. This proved to be an easy task so far as the arbitrary implementation of the relevant authoritarian legal framework was common practice. In this context, since 1927, when the first pertinent law was adopted, the term "allogenis" played a key role in determining those who might potentially forfeit their citizenship: "Roumanizing" Vlachs, Slav-Macedonians, Jews, Armenians, Muslim Albanian Chams, as well as ethnic Turk or Pomak Muslims of Thrace. The first legal document dealing with citizenship deprivation of "allogeneis" Greek citizens was the Presidential Decree of 13/15.9.1927 (Kostopoulos 2003: 53-56).[15]

Article 19 of the GNC updated the provisions of the 1927 Decree as far as emigrating *allogeneis* were concerned. It states, "a person of non-Greek ethnic origin, who has left Greece with no intention to return, may be declared as having lost Greek citizenship. This also applies to an *allogenis* born and domiciled abroad. His/her minor children living abroad may be declared as having lost their Greek citizenship if both their parents and their surviving parent have lost it as well. Decisions on these matters are reached by the Interior Minister, with the concurring opinion of the Citizenship Council". This provision has only lately (1998) been abolished but its legal and pragmatic results are still present: A few hundred persons have been deprived of their citizenship and are still stateless in Greece, while some 1,000 or more reside in Turkey and an unknown number in other countries. Tens of thousands have been deprived of Greek citizenship and acquired another.[16]

The *homogenis/allogenis* denominations have become categories of national affiliation leading to legal exclusion/inclusion beyond citizenship violating a series of human rights (Sitaropoulos 2004:217). Consequently, national affiliation prevails over citizenship and nationalism is a regulatory component of the Greek legal order.

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[15] According to article 4: "Greek citizens that are non-ethnic Greeks and have left Greek territory with no intention of returning, lose their Greek citizenship. Those of their children who are under age, lose their Greek citizenship simultaneously with that of their parents. The intention of no return can be substantiated by any relevant evidence, such as the declaration of the emigrant that he is leaving the country permanently, emigration of the entire family, the acquisition of foreign citizenship, etc. The intention of no return as well as any other relevant evidence to the provisions of this article, is examined in each concrete case by the Minister of Foreign Affairs".

[16] In the period 1976-1997, there were 12,500 cases of citizenship deprivation in terms of art. 19, according to *Avriani* newspaper, 24.1.1998 (Athens). In 2005 the Greek government disposed data regarding the application of article 19 on members of the minority of Thrace. After question submitted to the Parliament (10097/20.4.2005) by the Nea Dimokratia deputy Ilhan Ahmet, the government replied that there were 46,638 Muslims from Thrace and the Dodecanese who lost their citizenship until 1998. For relevant case-law of the Greek courts see Tsitselikis 1996:367.

When courts and administration adopt ideological practices

What is crucial for discussing citizenship in relation to "Greekness" is to define the "Greek nation" in legal terms. Although "*genos*" is basically linked to racial criteria, it may also be associated with the expression of Greek national consciousness (i.e. the belief of a person that he/she belongs to the Greek nation). Greece's supreme administrative court (State Council) attempted to define the tricky term *allogenis*, by making use of both subjective and objective criteria: "Greek citizens of non-Greek descent are those whose origin, whether distant or not, is from persons coming from a different nation and who, by their actions and general behaviour have expressed sentiments testifying to the lack of a Greek national consciousness, in a way that [shows that] they cannot be considered as having assimilated into the Greek nation."[17] The Greek nation, according to the State Council, consists therefore of those persons who are related by way of "common historical traditions, desires and ideals". Thus, a person who is considered as belonging to a race (*phyle)* other than the Greek, can be seen as belonging to the Greek nation if he/she has been assimilated, i.e. has acquired a Greek national consciousness (Stavros 1996:121). This interesting combination is inversely reflected in the legal category (ideologically determined) of "*alien of Greek descent"* who is a citizen of another country but, as a person of Greek origin, can acquire Greek citizenship by virtue of special procedures. For instance, Law 517/1948 regarding the extension of Greek law to the annexed Dodecanese islands stipulated that only Italian citizens of Greek origin who lived abroad could acquire Greek citizenship, excluding in this way the Muslim Turks and the Jews of these islands who took refuge abroad during the war. More recently, Law 2790/2000 sets out special favourable terms for the acquisition of Greek citizenship by aliens of Greek descent who come from the former USSR. Finally, regarding the procedure for establishing Greek descent for those citizens of the former USSR citizens who apply for naturalization due to "Greek descent", the competent commission investigates whether the person seeking Greek citizenship is in a position not only to prove his/her Greek origin, but also to supply sufficient evidence of his/her Greek national consciousness. According to a relevant ministerial decision:

> "the commission's judgment should also take into consideration whether the person really feels that he/she belongs to the tradition of Hellenism of the former-Soviet Union, if he/she has relations with Greek customs, the way of life as it has been formed in the place of residence of Greeks in these countries, if he/she speaks the Greek language or the Pontian dialect, etc."[18]

Furthermore, a series of circulars attempt awkwardly to define the content of the Greek descent or national consciousness of the *homogeneis* (Baltsiotis 2004a:320), in the vain hope of envisaging the ideal member of the Greek nation. In the above examples, Greek law has invented inclusive categories for those who accept the respective norms on the basis of an objective racial relationship, a concept, which is *a priori* incompatible with the fundamental principle of non-discrimination, as it has been established in the Constitution and in the international conventions for the protection of human rights (Christopoulos & Tsitselikis 2004).

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[17] Symvoulio Epikrateias, Decision 57/1981.

[18] Order No 10 of the Ministry of Internal Affairs 15/5/2001 (F.79174/16211) "Modifications of Law 2790/2000 concerning the acquisition of Greek citizenship by *homogeneis* from the former Soviet Union".

After all, are there any constraints regarding the exclusiveness of those who can potentially benefit from citizenship? How objective can the criteria based on national consciousness and descent be? How far can this exclusion/inclusion margin go in compliance with the principle of non-discrimination? "Exclusions tend to be justified as natural, whereas in reality they are socially constructed and consolidated by their own institutionalization. In reality, however, citizenship might be susceptible to unlimited expansion of its beneficiaries, in a struggle with the powers restraining such expansion. The history of the continuous expansion of citizenship confirms this 'rule'" (Dimoulis 2001: 189).

Greek law still has no clear view as to how to treat the *homogeneis/allogeneis* categories as it awkwardly attempts to accommodate two contradictory trends: to limit the naturalization of *allogeneis* as much as possible, while, as a welcoming gesture, bestowing citizenship on as many *homogeneis* as possible, since they are "repatriating" after many centuries of "absence" from the motherland. Thus, a peculiar category of citizenship has been established, that of "certified homogeneis", holders of a special "card of homogenis". In real terms, this card is tantamount to semi-citizenship, allowing the holder to enjoy specific privileges (freedom of movement, special access to the labour market and housing infrastructures) that other aliens requesting Greek citizenship do not have. It seems though that this semi-citizenship also creates false expectations, since the indicators for social exclusion are the same as those for other immigrants. It must also be stressed that Greek citizenship is not granted in the same way to all *homogeneis*, who may be treated differently according to "national interests": Favourable policies and affirmative action encourage the "return" from countries of the former USSR[19] and the acquisition of Greek citizenship, while other policies attempt to prevent the acquisition of Greek citizenship by *homogeneis* from Albania, where the continuous presence of a Greek minority is considered vital for the promotion of Greek interests, since a threat is pending, that Albania would withdraw the Albanian citizenship from those who eventually acquire the Greek one; however, by early 2007 the Greek government started granting the Greek citizenship to *homogeneis* from Albania, in small numbers. The procedural difficulties and the problem of proof of origin certainly will ramify the whole issue.

Immigration as a challenge for socio-economic and political citizenship policies

Since 1990, Greece became a country of massive reception of immigration for the first time in its modern history (Christopoulos 2004c). In the past decade, immigration contributed to a dramatic change in the composition of the Greek population. Today, almost 8% of Greece's residents who have no Greek citizenship are potential applicants for Greek citizenship and consequently for being holders of dual citizenship. In the 2001 census, immigrants exceeded 820,000 or 8% of the overall population, 55,6% of whom are Albanians (Pavlou 2004). According to recent estimates, it is validly calculated now that the number of Albanian immigrants has increased by almost two hundred thousand (Baldwin-Edwards 2005:4). 17% of the population of the municipality of Athens and 7% of Thessaloniki are immigrants

[19] At least 180.000 persons of "Greek descent" "repatriated" (*Pallinostountes*) from countries of the former-USSR have been naturalized so far through the process of "verification" (Christopoulos 2004:104). From 1985 to 2004 18,430 *homogeneis* and 13,557 *allogeneis* had acquired the Greek citizenship through naturalisation (Christopoulos 2005, annex).

(Mediterranean Migration Observatory 2005:23). Or, almost 40% of the migrants are concentrated in Athens and 7% in Thessaloniki (Psimmenos and Georgoulas 1999:49).

According to one analysis, "For most of the twentieth century inclusiveness-exclusion, have followed a pathway that deliberately systematized a cultural division of labour and the production of popular images of Greek identity, based upon a build up of mythical territorial and religious sentiments, and upon negations of what constitutes Greek identity. The images of other ethnicities as "less civilized" and as a threat to the survival of "Greekness" […] point toward a socio-economic development that was rooted both in traditionalism and in the spirit of nationalistic strife" (Psimmenos and Georgoulas 1999:40).

Immigrants lose their original social formation, which is palpable until their migration, and they integrate into a minority group of the host state. In these contexts, immigrants identify themselves in various ways. Ethnic/religious affinities play a role in developing networks of solidarity as well as of institutions. Law could play a significant role in the identification and redefinition of ethnic groups in cases where it regulates religion or language issues in concrete terms. Through this process, immigrants acquire a new legal identity as a distinct category of non-Greek citizens, aliens, or of not-belonging in the local national population. This category may be provisional as the state has unlimited jurisdiction over granting rights and determining their legal position, and thus defines the minority as inferior to the rest of the population. Furthermore, the lack of political rights minimizes chances for political promotion of their collective claims, a legitimate process in law-making. Immigrants strive for a better social and economic position in a country where they do not possess citizenship, and do not enjoy political rights. Xenophobia furthered by sectors of the local majority may aim to achieve two controversial goals: to assimilate and erase any ethnic difference, or to deny and reject this difference. Islam and other ethnic or religious identities are potential objects of xenophobic racism, as the latter tend to nationalize social relations and positions and naturalize religion. Thus, immigrant cultures become virtually alien to Greek society and national ideology which trends to sustain political and economical inequalities to the detriment of the newcomers (Ventoura 2004).

Citizenship as a practice, which focuses on the attitudes and actions that promote active citizenship, is dealt with rather rudimentarily rather than systematically by the Greek authorities. Although societal and economic participation are crucial for active state membership, immigrants in Greece experience a "wild" situation where integration and inclusion mechanisms have not been institutionally, practically or psychologically ready to receive them.

The new situation is related to economic factors. The first influx of migrants arrived in Greece as recruited workers after the suggestion of the League of Greek Industries (SEV), which noted that some sectors of the economy were suffering labour shortages. In 1974-1975 some 20,000 foreign workers arrived in Greece, mostly from Muslim countries such as Morocco, Egypt and Pakistan and later on from Palestine.

Statistics show that immigrants are gradually becoming better integrated into Greek society after they have suffered from a massive xenophobic shock. They participate actively in the labour market, although their unemployment rate is similar or higher than the Greek average. Immigrants constitute a cheap labour force in construction, in the agricultural sector, in manufacturing, or as employees in small private firms. Nonetheless, nowadays the percentage of immigrant owners of shops

and small enterprises is increasing slightly. 25% of foreign workers are employed in construction, 12.5% in industry, 20% in trade, hotels and catering, and 17.5% in agriculture. Female workers are mainly domestic workers, and male are working in construction and industry (Pavlou 2004:381, Lykovardi and Petroula 2003:16, Mediterranean Migration Observatory 2005).

A majority of immigrants have settled in Greece with their families (64%). According to recent research data (Pavlou 2004, Mediterranean Migration Observatory 2005),[20] more than 40% of the immigrants stay in Greece at least 5 years or declare their desire to stay in Greece for a long period. Only 6% have been in Greece for more than 10 years, but 50% wish to stay longer; 75% can speak Greek, while 25% need an interpreter. 25% of immigrants have graduated from a high school, 20% of elementary education and 10% are technical school or university graduates.

In some cases, they are completely excluded socially and culturally. Immigrants have no right to vote in either municipal or parliamentary elections. Thus, they are completely excluded from any political participation. According to the electoral law, the right to vote is granted only to Greek citizens. Only immigrants from EU member states have the right to vote in elections for the European parliament. A quite limited discussion on granting the right to vote to those immigrants who have resided for a significant period of time in one municipality has had no real impact on decision-making and legislative bodies so far. So, the lack of political power renders non-Greek citizens a non-participatory part of the broader society. In sum, whilst dual citizens enjoy political rights as do any other Greek citizens, non-Greek citizens who are residents of Greece do not have political representation at the local or the parliamentary level. Lack of political representation entails political neglect of immigrants' issues, as shown by the Greek elected bodies (municipalities, government, parliament).

Last but not least, enjoying fundamental human rights plays a key role in *active citizenship*. Human rights guaranteed by the Greek Constitution and international legal instruments (such as the European Convention of Human Rights, ECHR) frame the terms of inclusion and participation of citizens and non-citizens with an organized society in the framework of a state. Thus, duties and rights construct a complex network of legal relations. As noted, non-citizens, although they are equal in the eyes of Greek law and have full access to Greek Courts regarding the application of the law, do not enjoy political rights. Moreover, some social rights are limited by law. During the last fifteen years, it has been possible to observe phenomena of gradual regression of the principles and guarantees when non-Greek citizens have claimed their rights. The decline is of such frequency and volume that aliens' access to their rights has been downgraded because of their foreign citizenship: Aliens have failed to convince Greece and the European states, that the lack of political rights should not entail the curtailing of fundamental, in theory non-alienable, human rights (H. Hatzi, 2004). Demeaning treatment of immigrants by the security forces, bureaucratic conditions for the legalization process,[21] authoritarian restrictions on freedom of movement, refusal to recognize family reunion, custody under inhuman conditions,

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[20] See as well "The employment of foreigners: outlook and issues in OECD countries" in http://users.hol.gr/~diktio/ Analisis.htm/.

[21] In terms of Law 2910/2001 immigrants have to prove that they have been living continuously in the country and that they had independent economic activity, or providing independent services or that they were under a dependent labour relation. For the complex provisions on the le legalization process, see Sitaropoulos (2003) and Lykovardi and Petroula (2003).

illegal deportation and de facto shrinking of the right to seek political asylum are a few examples of the distortion of fundamental human rights that non-Greek citizens have been made to bear. In a sense, immigrants are seen as deficient in human dignity and therefore liable to restrictions on their human rights. They should not remain "foreigner" but they can not become "Greek" (Christopoulos 2004b:362).

Nonetheless, a distinction has to be made among the non-Greek citizens on the basis of how they are viewed by Greek citizens. Aliens of under-developed countries, the Balkans and the Former Soviet Union are held in low esteem, whilst citizens of the EU, the USA, Australia or other developed countries enjoy high esteem. Xenophobic feelings are addressed mostly to immigrants of the first category, even to those considered to be of Greek origin.[22]

Foreign citizens in Greece according to the census data of 1991 and 2001 [23]

Citizenship	1991	2001	% change 1991-2001	1991 - % distribution	2001 - % distribution
Albania	20,556	443,550	2058	12.4	55.7
Ex-URSS	12,918	73,621	470	7.8	9.2
Bulgaria	2,413	37,230	1443	1.5	4.7
Romania	1,923	23,066	1099	1.2	2.9
USA	13,927	22,507	62	8.4	2.8
Cyprus	14,651	19,084	30	8.8	2.4
UK	10,998	15,308	39	6.6	1.9
Germany	8,525	15,303	80	5.1	1.9
Poland	9,624	13,378	39	5.8	1.7
Pakistan	1,911	11,192	446	1.2	1.4
Australia	6,313	9,677	53	3.8	1.2
Turkey	11,088	8,297	- 25	6.7	1.0
Italy	4,156	7,953	91	2.5	1.0
Egypt	4,012	7,846	96	2.4	1.0
India	1,720	7,409	331	1.0	0.9
Iraq	2,131	7,188	237	1.3	0.9
Canada	4,717	6,909	46	2.8	0.9
Philippines	3,605	6,861	90	2.2	0.9
France	3,415	6,513	91	2.1	0.8
Syria	2,104	5,638	168	1.3	0.7
Others	25,324	48,183	90	15.3	6.0
Total	**166,031**	**796,713**	**379.9**	**100.0**	**100.0**

One of the most indicative fields of social exclusion is connected to religious freedom on the basis of citizenship, and regards the position of Islam in Greece. Muslims of Greek citizenship, mainly residents of Thrace, and to a lesser extent of the Dodecanese islands, have a special position in regard to personal law, the building of

[22] For an overview in the area of employment, education, racial violence, and legislation see the RAXEN-European Union Monitoring Centre, Final Reports for 2002 and 2003, <www.antigone.gr>

[23] Table by Christopoulos 2003. For more detailed data see Mediterranean Migration Observatory, www.mmo.gr/.

mosques and cemeteries, Islamic marriages, recognition of religious chiefs and ministers (mouftis, and imams) etc. (Minaidis 1990, Tsitselikis 1999). However, Muslim immigrants, residing mainly in metropolitan Athens, are tolerated more or less, and allowed to subsist. The legal status at the present time does not provide any positive measures regarding the rights of immigrant Muslims to exercise religious freedom. Thus, no construction of mosques has been officially allowed; no Islamic cemetery was granted by the communal authorities; no marriage can be conducted by an *imam*. Despite the fact that Law 2833/2000 (article 7) provides for the building of a mosque and an Islamic Cultural Centre in Attica, no government has risked implementing it because implementation would lead to conflict with the powerful Greek Orthodox Church. The church authorities frequently remind the public that a mosque in the centre of Athens, and near the most important airport of Greece to boot, would be inappropriate and is unacceptable. The upshot is that currently more than thirty-five unofficially recognised mosques (*mezcit*) offer their services around Athens and Piraeus in inappropriate premises under the tolerant eye of the state authorities.

A majority of Muslim immigrants have organized themselves in Communities (associations according to Greek civil law). Among the communities with an Islamic affiliation, the largest are the Pakistanis, the Egyptians, the Bangladeshis, the Nigerians, and the Algerians (Marvakis, Parsanoglou and Pavlou 2001:351, 339). Members of the above-mentioned communities more or less express their Islamic identity through associations or individually, but little real social contact with the broader Greek society is experienced in everyday life. In Greece, Islam probably represents the most controversial and challenging field of multicultural contact. Islam was, and to some extent still is considered as a religion and culture, which is potentially hostile to Greece's Greek-Orthodox civilization. One may well ask whether dual citizenship could reconcile this cultural/religious divergence in the course of time.

Despite the xenophobic discourse that influences sectors of public opinion, local authorities and other institutions, the immigrant population is very active in demanding Greek citizenship from the Greek authorities and frequently attempts, whenever possible, to benefit from favourable legal provisions on *homogeneis*. After all, mass immigration into Greece is threatening the traditional collective conception of who is "Greek" and who is not, challenging the core perception of "Greekness" and thus puts the state's policies concerning citizenship and naturalization under a transformation process.

The legal threshold of citizenship is of paramount significance for the social inclusion of immigrants who are permanent residents. This means that the new demographic situation should be taken into account and the conception of national homogeneity reconsidered: While the twentieth century was the setting for a true melting pot with Greek national ideology successfully assimilating others, nowadays the acquisition process of Greek citizenship has to be reconsidered as the pace of our times does not allow an extended gestation period for the formation of a national consciousness. "The notion of national identity is open. Other languages and civilizations do not weaken it but on the contrary they do reinforce it" (Papandreou 2001:276).[24] The strict application of the *ius sanguinis* principle would in the course of time lead to an oxymoron, as aliens would gradually constitute an increasing percentage of the population. On the other hand, the extension of the principle of *ius*

[24] On the melting of old and new phenomena of otherness, see Christopoulos 2002: 154-160.

soli, would facilitate the integration of these aliens, both in legal and social terms. Since the overwhelming majority of immigrants want to integrate (Kymlicka 1996:178) into the mainstream population, restricting citizenship acquisition, which operates as a powerful instrument of integration, would simply promote alienation.

Education on otherness

The experience of contact between Greeks and immigrants after the 1990s did not necessarily entail any concerted governmental policy for the education of both sides, as to similarities and differences in their linguistic, religious, cultural and national characteristics. Ignorance of the phenomenon of cultural contact was replaced by efforts to immerse those who were supposed to become "Greeks": the *homogeneis/palinnostountes*, or any Greek "by descent", or Greek Orthodox who does not speak the language, in Greek culture. Reception classes (*taxeis ypodohis*) were organized for the *palinnostountes* from the countries of the former USSR and for everyone who wishes to learn Greek. In order to ease communication between the Greek authorities and the immigrants, additional measures have been taken: For applicants for green or white cards (stay permit), special forms were made available in the major immigrant languages. The Ministry of Transportation follows a similar practice in regard to exams for a driving licence.

Mainstream public schooling does not really provide knowledge on immigrants, minorities, or any kind of otherness in Greece. The "civic education" course, which is taught in elementary schools (1 hour per week in the fifth and sixth grades) as well as in the high schools (third class of the Gymasium and second of the Lyceum), outlines the political system of the state as well as the essential legal principles and institutions of Greece. Basic rights and duties of citizens are analyzed for the benefit of the large percentage of pupils who are not Greek citizens. Until 2001 the content in the civic education curriculum presented significant discrepancies and discontinuities with the practices, concepts, and attitudes which frame the everyday life of most students. The curriculum in civic education and actual student attitudes and practices appear to be on two independent and unconnected trajectories (Kontogiannopoulou-Polydorides, Kottoula and Dimopoulou 2000:287). Even after a textbook reform, only one extensive chapter of the textbook of the second year of the Lyceum deals with the rights of aliens/immigrants and the relevant Greek law:

> "Legalization of the immigrants constitutes a measure of protection for them, in order not to be the target of racism and xenophobia, and for Greek society itself because there are constraints on marginal groups and consequent criminality. Legalization furthers the inclusion of immigrants in Greek society because it creates duties and rights. For the effective legalization of immigrants, adequate social services should be provided, envisaging their gradual and harmonious integration into the societal life of the country" (Vavouyou, Papageorgiou-Gonatas and Topali 2002:229).

This quotation on the position of immigrants in Greece, as well as a relevant comment in the textbook of the third class of the Gymnasium on cultural relativism, are isolated examples of good educational practice regarding cultural contact in Greece. No other concern has been expressed so far to the immigrant children regarding their legal status of difference, even in cases where they were born in Greece as were the rest of their classmates.

The children of immigrants have the right to attend public primary or secondary schools (art. 72, Law 3386/2005). In 2003 there were 98,241 *allogeneis* and 31,837 *homogeneis* students in Greek schools. In practice, the Greek National

Education system does not provide any intercultural curricula, although Law 2413/1996 on "intercultural education" envisages the social integration of *palinnostountes*, immigrants, and Gypsies (Mavrommatis and Tsitselikis 2004).[25] Furthermore Law 3386/2005 (art. 72 para. 4) provides for the possibility for the Minister of education to open special classes for the teaching of the language and culture of migrants upon request, but so far it is not implemented. Today more than thirty-five so-called 'intercultural' (elementary and secondary) schools are operated in Greece. They are attended by Greek pupils and by first or second generation immigrant pupils. There is no quota for attendance pertaining to children of these categories. In effect, so-called "intercultural education" aims at one-way teaching about the "other", as no special courses, of language or culture are available. Foreign pupils have to know about the Greek language and the dominant Greek culture, which indeed is necessary for the process of their social integration. There is, however, a total absence of instruction in their own language and religion; no information is conveyed to them or to native-born pupils, about their culture. This situation creates a division of cultural values and an axiomatic prevalence of the dominant Greek over the immigrant cultures. Instead of a "cross-cultural" education for all students—native and immigrant alike—and in spite of occasional promises and legislated regulations, education in this period of new immigration has become extremely assimilative for second generation immigrants; for first generation immigrants it simply does not exist. Exclusion from the local culture and language devalues a substantial part of the learning potential of students and as a rule leads to low self esteem in children—a factor adversely affecting their normal inclusion. Wrongly considering that its duty is limited merely to offering immigrant children the possibility to learn the Greek language, and scarcely contemplating the special needs of children whose native language is not Greek for customizing the educational process (method and material), the Greek state has yet to take into serious consideration the well-documented and negative experiences of other European states.[26]

It is quite interesting to underline the fact that for the Muslim minority of Thrace, bilingual education is granted in special minority schools in the wake of the Treaty of Lausanne (1923) and the relevant Greek laws (Mavrommatis & Tsitselikis 2003; Baltsiotis & Tsitselikis 2001). The optional study of the Turkish language in Greek mainstream high schools of the region, for Muslim and Christian pupils, is under consideration and has not yet been implemented. This would be the first sign towards a sustainable intercultural education based on the mutual exchange of cultural experience.

Greece's citizenship perspectives: The European context

The attitude of Greece toward citizenship issues has so far been and will undoubtedly be affected significantly by the country's international obligations and mostly in light of her partnership with EU. The European citizenship granted a series of rights to aliens in Greece and Greek citizens in a EU member state. Nonetheless, these prerogatives are limited and do not affect important domains connected to

[25] "Home returnees" and foreign students in Greek Elementary and High Schools – School Year 2002/2003: Total number of *palinnostountes* pupils: 31,873, of foreign immigrants: 98,241; total population of pupils: 1,460,464 (Gotovos & Markou, 2003).

[26] Conclusions of the Conference *State, Society, and Immigrants*, organized by the Hellenic League for Human Rights in Nafplion 14-15 December 2003, see <www.kemo.gr>.

participatory citizenship, except of questions resulting from the enjoyment of freedom regarding movement of individuals and capital. Changes enunciated by the European Union will perhaps entail new political ideas and legal constructions which will overturn citizenship as a social status and legal bonds as we currently know them. Changes are taking place at the time of the writing of this text, and we cannot evaluate them as yet. Another level where legal and political interactions are at stake in Europe, but in a "softer" fashion, if compared to the European Union, regards the policy and law-making of the Council of Europe.

Like most European States, Greece did not sign the Convention on the Reduction of Situations of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (1963) as amended by two Protocols. Now, the importance of this treaty has been reduced after the overwhelming events of the early 1990s. What is relatively new, and could affect the relevant legal status of citizenship, is that Greece has signed (6.11.1997), but not yet ratified, the European Convention on Nationality of 1997 (see Chapter 1). Thus, so far, Greek law is not subject to international legal standardization as far as nationality law *per se* is concerned. (European Union law is not set under this consideration). However, to date, the Convention has had only minimum impact on Greek legislation: Law 2910/2001 on aliens adopted the basic principles of the Convention (article 6§4.g) in order to facilitate the granting of Greek nationality by means of naturalization to stateless persons and political refugees who have resided in Greece for at least five years, not requiring in this case the minimum ten-year residence normally requisite for all other aliens who wish to attain Greek nationality by means of naturalization. Furthermore, the new GNC accommodated the principle of gender equality and the possibility to acquire dual citizenship (art. 17).

Conclusions

As citizenship constitutes a field in which the state has exclusive competence, the latter remains the sovereign regulator of legal bonds attributed to *its* citizens. Nevertheless, a few constraints curtail the absolute discretion of the state: First, recognition by other states and international norms stemming from bilateral or multilateral treaties; second, increasing inter-state relations. The intense mobility of capital and persons has lead to a need to revise the original perception of citizenship as linked to nationhood. Especially for Europe this has been realized on two levels: 1) A trend to homogenize incompatible characteristics of the legal orders of the separate states (within member states of the European Union and the Council of Europe); 2) A shift in the traditional perception of the "citizen - member of the nation-state". Although historically minorities have somehow managed to survive this dominant perception, massive immigration patterns are revolutionizing the triangular relation of state-nation-residents in regard to citizenship.

In this context, Greek citizenship has become a crucial tool for securing access to privileges and prosperity for alien immigrants or for preserving "national wealth and identity" (Ventoura 1994: 77) for resident nationals. And this has to be seen as far more pertinent to social integration than is a legalistic concern about "legal ties with the host state". However, while immigrants seek to integrate, states are still reluctant to create the proper institutions to facilitate this process (Kymlicka 1996:178). The shift of legal modalities on citizenship from membership of a nation-state to membership of a dynamic society is not going to be easy in Greece. No doubt, there is a trend in Europe to bring the rights of foreigners and nationals closer together, and

generally to affirm the individual rights guaranteed by values that are claimed to be universal. This trend is fostered by the development of "Euro-systems" which constrain prerogatives of the member states or impose obligations upon them (Autem 2000:37). Dual citizenship in the case of Greece, by birth or by naturalization, would enhance inclusion and reduce phenomena of legal and social exclusion insofar as citizenship/nationality can be considered as part of the individuals' identity.

Nonetheless, much remains to be done in Greece, as nationalism still plays a key role in law-making and drastically affects the perception that the state has of itself. The geopolitical peculiarities of the Balkans, due to retarded or even ongoing procedures of ethno-national constitution, render imperative the necessity to trace a new citizenship policy, which will aim at making available Greek citizenship to the new immigrant communities in the country, under attainable practical conditions (Christopoulos 2004a:106). The autonomous dynamics of human rights in the European and international institutional infrastructure, which tend to homogenize national policies regarding inclusion/exclusion, have affected the relevant policies in Greece and will do so more and more in the future.

In the new policies and laws, discrimination on the basis of descent should be abolished and policy makers must re-think the conception of "ethnic origin". Social exclusion, racism, and discrimination have to be confronted, taking into account the new demographic challenges. Thus, a new content of Greek citizenship has to be formed and legally applied. As the Director of the Citizenship Department of the Interior Ministry said in 1941,

> "A state receiving large numbers of immigrants and applying the *ius sanguinis* principle, would risk being flooded, in the course of time, with permanently resident foreign citizens. The danger that this State would run is obvious […]. In order to prevent such a danger, the State must find solutions that will achieve integration of foreigners at any cost, by applying the principle of *ius soli* extensively" (Georgiadis 1941:6-7).

In this sense dual, or multiple citizenship, has to be seen as a basic integrative mechanism that can prevent social exclusion and eventual ethnic tensions on the basis of national, ethnic, linguistic or religious affiliation.

The policies providing rights and even citizenship to immigrants who wish to be included as Greek citizens of equal value and with an equal share in the social network and the political and constitutional entity of the Greek state, are complementary rather than alternative. The immigration experience may and must be put to good use for a critical/reformative contemplation of the national self. Offering civil rights to immigrants requires a reinvention of Greek citizenship. Thus, a new view on citizenship would regard both the ideological nucleus of nationality—which suffers from outdated fixations of national-religious purity—and true access to social and civil benefits for excluded and minority social groups of Greek citizens. Introducing elements of *ius soli* to temper the absolute domination of the *ius sanguinis* is of major importance.[27]

Moreover, along with legal regulations, steps must be taken for the establishment of an education for citizenship which would ease the implementation of an active and effective citizenship. But first of all, mentality and social behaviour among Greek policy makers and citizens must change, so as to include otherness and

[27] See the conclusions of the Conference State, Society, and Immigrants, organised by the Hellenic League for Human Rights in Nafplion 14-15 December 2003: <www.kemo.gr>.

respect it within a “community of citizens” with no ethno-ideological constraints and dichotomies based on categories such as “descent”, religion or national affiliation.

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